

Fertile Fields: Trafficking in Persons in Central Asia



IOM International Organization for Migration

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A report prepared by

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INTRODUCTION

The title of this report comes from a conversation during a journey through Uzbekistan from Tashkent to Samarkand in the high summer. Fertile, but uncultivated land stretched for kilometres on either side of the road, and few gardens alongside the houses we passed had vegetable plots or fruit trees. This struck me as odd, given both the range and quality of fruit and vegetables in local markets and what I had seen on other journeys through rural hinterlands, including in Ethiopia, where the high temperatures and limited water supply are surely comparable to those in Central Asia. At the approach to and/or exit from each of the towns we passed through stood groups of rather desperate-looking men and some women – these were what are known in the region as informal “labour markets”. The phrase “fertile fields” somehow connected the under-used land, unemployed adults with no sustainable livelihood and the potential for trafficking and exploitation. As the report has taken shape, the phrase has also come to represent the multiple ways in which the history and current context of the region shape a context in which trafficking in persons can flourish.

This study would not have been possible without the hard work and contributions of a large number of individuals. The data collection and visits to the region involved considerable input from the five country researchers and the staff of the IOM offices in the region and in Geneva. Particular thanks are due to Livia Vedrasco in the IOM Technical Cooperation Centre for Europe and Central Asia in Vienna who undertook the unenviable tasks of coordination and management of the project. The staff in CWASU also made contributions, Linda Regan and Lorna Kennedy coded and consolidated interviews, Jo Lovett followed up missing references and edited drafts, and Stephanie Rucker-Andrews sought out much of the data used in Chapter 1. Corinna Seith took responsibility for recording notes and interviews during the research visit to Central Asia.

EXECUTIVE SUMMARY

The five Central Asian Republics (CARs) – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan – are strategically located between Russia, China, South Asia and the Caucasus. All have had difficult transitions and face uncertain futures following independence in 1991. Despite immense fossil fuel reserves in some and mineral wealth in others, the region has witnessed a major decline in living standards in the last decade, partly because the CARs were ill-equipped to function as autonomous economic units and partly due to poorly managed transition. Legacies of command economies and authoritarian rule remain, alongside imperfect markets and limited privatization and democratization.

The loss of the economic and social support system that the Soviet Union provided has been keenly felt, especially by women. The informal/shadow economy has mushroomed, as has widespread corruption. Recent World Bank classifications place all the CARs in the lower rungs of economic development, with Kazakhstan having the highest growth and positive future prospects. Differences between the republics and even tensions in some areas, such as the Ferghana Valley, are emerging.

This project was a methodological experiment, with the author designing the methodology, analysing the data and writing the report. Five national researchers collected data and IOM acted as the intermediary. The primary research questions involved tracing the patterns and scale of trafficking in the region, documenting counter-trafficking activities, exploring the boundaries between labour migration and trafficking. The main data comprises: desk-based research on the region and the five countries; 92 in-depth interviews; four focus groups; and two field visits.

Whilst the UN protocol provides definitions of trafficking and smuggling, the debates continue as to whether it is possible to draw such boundaries, and the precise meaning of the UN definitions themselves. Research and practice increasingly document both overlaps and transitions from smuggling to trafficking, suggesting that trafficking needs to be understood as a process. Less than 20 per cent of those interviewed could provide a definition of either smuggling or trafficking that coincided with the UN protocols, and less than a fifth could cite it verbatim. Closer scrutiny revealed that the boundaries are difficult to draw, and even the core concepts are easily assimilated – with, for example, a number arguing that “trafficking in persons” was impossible, since human beings were not commodities. Insisting on clear boundaries between irregular migration, smuggling and trafficking requires people to invoke additional elements in order to “draw the lines” – such as requiring force in

cases of trafficking. A consequence is that definitions used in practice are far narrower than those in the protocol.

Trafficking in Central Asia

Intra-regional migratory flows reflect legacies of the Soviet past, seasonal factors and the differential economic performance and prospects across the five republics – with movement of impoverished Tajiks, Kyrgyzs and Uzbeks into wealthier Kazakhstan. The absence of transparent and efficient visa and recruitment services means that the majority of these movements are irregular. Previous studies found that most trafficking was for sexual exploitation, but trafficking for labour exploitation is now widespread as well. There are also complex links to drug trafficking, especially in the Ferghana Valley. Some destinations are common across sexual and labour exploitation (UAE, Israel, South Korea), whereas others are primarily sexual exploitation (Turkey, Greece, Western Europe) or labour exploitation (Kazakhstan, Russia).

Deceptive recruitment is the most common, with a high proportion through commercialized, albeit illegal/irregular, agents, especially travel and employment agencies. Border and taxation regimes and the availability of forms of transport, for example charter flights from Kyrgyzstan to Pakistan, have a significant impact on trafficking flows. Designating risk groups, when such high proportions of populations engage in irregular migration and opportunities in most of CARs is problematic, since all irregular migrants are vulnerable to trafficking.

Stretching the Boundaries

The UN Protocol requires that trafficking cases contain three elements: recruitment, transfer, transportation, harbouring or receipt of a person; improper means - force, coercion, fraud, deception, abuse of power/position of vulnerability or the giving/receiving of payment to control another person; and an intention to exploit. How these are interpreted and whether there is a requirement for an unbroken chain of actions, where each party is explicitly connected to the others, are explored using case examples from the CARs. Focusing on trafficking for labour exploitation extends the question about how the UN Protocol definition is to be interpreted. Should it be a narrow reading, requiring clear markers (such as the presence of force), or a wider one to capture a diversity of contexts in which human beings are treated as commodities in conditions similar to slavery? These readings have implications for estimating scale of trafficking in persons in the region. If the narrow definition is used – requiring clear forcible recruitment and an unbroken chain of connected individuals in the entire process – there are tens of thousands of cases in the region, with at least four times as many for labour as sexual exploitation. The inclusive definition which views trafficking as a process, where connections need not be direct and personal, but can involve

taking advantage of positions of vulnerability will produce hundreds of thousands of cases, possibly even into a million or more, and the proportion of labour exploitation cases increases.

Counter-trafficking Responses

Counter-trafficking responses are in their infancy in the CARs, with limited movement at government level beyond the basics of legal reform and a Plan of Action. Very few prosecutions are taking place, and even fewer result in convictions with commensurate sentencing: the local context is one in which trafficking in persons can operate with relative impunity. Hotlines are used widely, especially by those seeking to migrate for work. Limited protection exists in the region, although there are several shelters in Kyrgyzstan, Kazakhstan and Uzbekistan. Some positive examples of assistance and reintegration work were found. Theatre is a strong feature in awareness raising work in Kyrgyzstan and Tajikistan. Local working round tables in Uzbekistan were an example of emerging good practice.

Legacies of the past, limited political will and current circumstances combine within and across the republics create a conducive context for trafficking in persons. Without coherent and connected regional efforts, the problem is likely to intensify.

A series of recommendations on counter-trafficking research, legislation and responses is included in the last chapter of this report. The recommendations focus on building the capacity of (and spurring alliances among) local communities, civil society and national authorities to combat trafficking in persons, as well as on improved identification of victims, training needs and legislative reforms. Specific recommendations were developed for IOM.

CHAPTER 1

Difficult Transitions and Uncertain Futures

The five Central Asian Republics (CARs) – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan – are strategically located between Russia, China, South Asia and the Caucasus (see Figure 1). They are sometimes referred to more loosely as Central Asia, although this refers to a larger region including China and Mongolia, perhaps even Azerbaijan, depending on the definition.¹ Together with Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova, the Russian Federation and the Ukraine, the republics make up the Commonwealth of Independent States (CIS).

The region has been a major trade route between East and West for centuries, containing the legendary Silk Road, and has also witnessed periods of powerful, albeit localized empires, alongside times of isolation and stagnation. It was undoubtedly a geopolitical pivot in the nineteenth century, with the struggle for influence between the Russian and British Empires referred to as “The Great Game” (in Russia the “Tournament of Shadows”). A number of commentators argue that a “New Great Game” (Kleveman, 2003) is developing, albeit with a revised set of players. The key positioning of the republics with respect to the “War against Terror” is but one element in complex political-economic configurations, within which the vast fossil fuel and mineral wealth in the region is another central aspect. The five countries are not united in their approaches to either the ongoing strategic re-alignment process, or the transition from authoritarian governance and a command economy.

The Republics gained independence in 1991, following the collapse of the Soviet Union, and whilst they share attributes of societies in transition, particularly a decline in social services and a heavier reliance among the population on informal labour (ILO, 2002; Torm, 2003; USAID, 2000; Yoon et al, 2003), there are also differences, not to mention emerging hierarchies, between the five nations. Some of the most critical variations relate to land mass, population, GDP and natural resources. All of these elements comprise the context/background in which trafficking in persons, and responses to it, are located. Various sources – primarily UN institutions, the World Bank, the

¹ The Asian Development Bank considers Central Asia to include the five countries here, plus Azerbaijan. The Eurasia Foundation, the OSCE and USAID call the five Central Asian Republic countries simply Central Asia.

Central Asian Bank and the CIA – have been drawn on to build this chapter,² which presents contextual and comparative data with respect to geography and population, economic indicators, education, health and development, governance, migration, and other relevant social change. The chapter concludes linking this material to what we know about conditions conducive to trafficking in persons.

The Soviet Legacy

For much of the twentieth century the republics were part of the Soviet Union with borders constructed to ensure interdependence. In this sense the five republics are largely social constructs, the product of Stalin's attempts to limit opposition and connect vast and disparate lands. It was a deliberate strategy to create ethnic mixes in the republics, made more complex by wholesale deportations of entire groups within and into the region from other parts of the Soviet empire, especially during the two World Wars. The huge steppes, with their nomadic and pastoralist peoples, linked by notions of clan and ways of life, were not easy to integrate into a planned command economy. The creation of the Soviet Union was often a brutal process imposing rapid change, collectivization and industrialization on predominantly rural subsistence-based peoples. In this region, the creation of a monoculture of cotton production, especially in Uzbekistan, has had long-term ecological consequences (Atabaki and O'Kane, 1998).

Being part of the Soviet Union, however, had undoubted benefits with respect to education and public health, and in the introduction of formal equality between women and men. Some recent reflections, however, argue that an unintended consequence of the imposition of gender equality was not only that women carried a double burden, but that patriarchal traditions and values were reinforced, albeit practices such as polygamy, forced marriage and bride price, were disguised and hidden (Samiuddin and Khanam, 2002), only to re-emerge more explicitly in the last decade. The dependence on Moscow and incomplete modernization meant that at the end of the twentieth century the CARs were ill-equipped to become independent states. Their ability to function as autonomous economic units is limited by the legacies of the Soviet command economy, where the entire region was a primary producer of raw materials, with underdeveloped and specialized industries. The continued reliance on the export of basic goods means they are now vulnerable to price fluctuations on commodity markets. At the same time, Kazakhstan and Turkmenistan at least,

² The initial data gathering and analysis of the international sources was undertaken by Stephanie Rucker-Andrews, while each national researcher provided a short overview of their country and the author visited the region twice in 2004.

face a “paradox of plenty” (Klevedon, 2003), given their extensive reserves of oil and gas, access to which is coveted across the globe.

Transition has, therefore, resulted not just in the loss of political and cultural certainties, however resented, but also of the economic and social support system that the Soviet Union had provided for its citizens (Everett-Heath, 2003), and all the CARs have had to struggle with the conundrum of building a national identity with complex population mixes (Akiner, 1997b; Mehendale and Atabaki, 2004). These uncertainties combine with uneasy relationships between the republics, which have on occasion resulted in explicit conflicts over territory and resources, especially in the Ferghana Valley.

The Ferghana Valley stretches for 300 kilometres and functioned as a single economic unit until 1991, when notional borders between Kyrgyzstan, Tajikistan and Uzbekistan became enforceable boundaries. These are contested in at least 50 places, with a series of enclaves that separate families into different nations, and the requirement of visas makes everyday life increasingly difficult for local residents. Most residents are poor, but the valley is a fertile area, and each of the three states has an interest in transport routes, rivers, reservoirs and what remains of industry. The collapse of collective state-owned farms and local industry has also created significant unemployment. These difficulties would be enough in themselves but, when combined with the valley becoming a trafficking route for the Afghan heroin trade, as those through Pakistan and Iran became more policed, they amount to considerable instability (Kleveman, 2003). The International Crisis Group (2002b) note that the “Pandora’s box” of disputes, claims and counter-claims with respect to borders will continue to be a source of local tension. It is no surprise, therefore, that this area is also implicated in trafficking in persons (See Chapter 4).

Geography and Population

The Central Asian Republics vary greatly in size, topography and population. Uzbekistan, although not the largest in land mass, has the highest population of 25 million people (Table 1.1), which means it also has the highest population density (World Bank, 2004a). Kazakhstan, the largest geographically, has the lowest population density despite having the second-highest population of 15 million people. The landmass of both Tajikistan and Kyrgyzstan is primarily mountainous terrain.

Fertility rates and the age structure of a nation’s population reflect current levels of development, and may determine future economic capabilities and possibilities for growth. The average fertility rate for transition economies in

2000 was 1.6 children per woman (ILO, 2004b: 6). Kazakhstan has the highest proportion in the working age group and the lowest fertility rate. In contrast, Tajikistan has the greatest proportion of minors and highest fertility rates (Table 1.1). Disaggregated data on gender indicates that in the 0-14 age group there are more men, while in both the 15-64 and 65+ groups, women outnumber men. Life expectancy has increased for women, as has widowhood and single parenthood (ECPAT International, 2003).

TABLE 1.1
POPULATION AND AGE STRUCTURE

Country	Population in millions (2002)	Density: people per sq. mile (2002)	% Women (2000)**	Age Structure (%)***			Total Fertility Rate (2000-*** 2005)
				0-14	15-64	65+	
Kazakhstan	15	6	51	24	68	8	1.9
Kyrgyzstan	5	26	51	32	62	6	2.6
Tajikistan	6	45	50	39	56	5	3.1
Turkmenistan	5	10	50	36	60	4	2.7
Uzbekistan	25	61	50	34	61	5	2.4

Most percentages rounded up.

* Population = all residents, whether legal or citizens, except refugees. Population density = population divided by land area. World Bank (2004) World Development Indicators 2004, Washington DC: World Bank, Table 1.1, pp.14-16.

** World Bank, "Summary Gender Profiles", GenderStats: Database of Gender Statistics, 2004.

*** US Central Intelligence Agency (2004) World Factbook, 2004.

All five countries are home to diverse populations, spanning a range of ethnicities and nationalities (see Table 1.2), although the ethnic group that the country's name is based on form a majority in each case (for example, Turkmen in Turkmenistan). Kazakhstan has the most mixed population, whilst Turkmenistan's population is the most homogeneous (CIA, 2004). The specific ethnic structures reflect both historic settlement patterns and systems of forced migration/resettlement in the twentieth century.

TABLE 1.2
ETHNIC COMPOSITION OF COUNTRY POPULATIONS

Country	Ethnicity (Percent of Population)*						
	Kazakh	Kyrgyz	Tajik	Turkmen	Uzbek	Russian	Other
Kazakhstan**	53				2	30	14
Kyrgyzstan**		65			14	12	9
Tajikistan			65		25	3	7
Turkmenistan***				85	5	4	6
Uzbekistan****	3		5		80	5	6

* Source: US Central Intelligence Agency (2004) *World Factbook 2004*.

** Data taken from 1999 census.

*** Data from 2003.

****Data from 1996 estimates.

Economic Indicators

Available indicators of economic activity focus on the legitimate economy and, therefore, underestimate economic activity, depending upon the scale of the illicit/shadow sector in the countries in question. These data can change rapidly, and require a certain state infrastructure to provide annual updates. Both factors mean that data in this section should be seen as indicative, rather than accurate.

The most recent World Bank annual income classification (see Table 1.3) indicates that the CARs are in the lower rung of economic development, all classified as either lower-middle (Kazakhstan, Turkmenistan) or low-income countries (Kyrgyzstan, Tajikistan and Uzbekistan). Kyrgyzstan and Tajikistan are further constrained by severe levels of indebtedness (World Bank, 2004b). On all measures Kazakhstan is the “wealthiest”, with both higher income levels and over 10 per cent GDP growth per capita in 2001-2002, second only to Turkmenistan³ (World Bank, 2004a). Tajikistan is the “poorest”, although it benefits from positive GDP growth per capita of 8.5 per cent. Kyrgyzstan has the second lowest income levels that are likely to decline further if it

³ A considerable amount of GDP in Turkmenistan involves public investment in capital projects.

continues to be the only country in the region with negative GDP growth (World Bank, 2004a).

TABLE 1.3
UN ECONOMIC INDICATORS

Country	GNI: billions USD (2002)*	GNI per capita: USD (2002)	PPP GNI per capita: USD (2002)*	Estimated Income (PPP US\$, 2002) ²⁵		GDP growth per capita (2001-2002)	Income Classification**	Indebtedness**
				Men	Women			
Kazakhstan	22.6	1,520	5,630	7,156	4,247	10.1%	Lower Middle	Moderate
Kyrgyzstan	1.4	290	1,560	1,944	1,269	-1.5%	Low	Severe
Tajikistan	1.1	180	930	1,225	759	8.5%	Low	Severe
Turkmenistan	--	--	4,780	5,212	3,274	13.1%	Lower Middle	Moderate
Uzbekistan	7.8	310	1,640	1,983	1,305	2.9%	Low	Moderate

* Data from 2002. Gross National Income (GNI) = GDP + net receipts of primary income from abroad; GNI Per Capita = GNI divided by population; PPP GNI = Purchasing Power Parity, GNI converted into "international dollars" to make GNI comparable between countries; Gross Domestic Product (GDP) = sum of value added by all resident producers. World Bank (2004) World Development Indicators 2004.

** Income levels based on 2003 GNI per capita, where Low = US\$ 765 or less, Lower Middle = US\$ 766-3,035, Upper Middle = US\$ 3,036-9,385 and High = US\$ 9,386+. Indebtedness also based on World Bank definitions. World Bank (July 2004): *Income Classification Website*.

The caveats regarding the data are even stronger with respect to employment, since the absence of welfare systems means there is no formal register for unemployment. The accuracy of official estimates has been widely questioned, including by USAID, whose own estimates are often considerably higher. According to official information compiled by ILO (2004a), Kyrgyzstan has the highest unemployment rate of 12.5 per cent followed by Kazakhstan (9.3%). The virtually nil rates for Uzbekistan chime uneasily with the data in the rest of this report and those for Tajikistan and Turkmenistan (2.6% and 2.5%) do not reflect the opinions of local population and foreign citizens who live there. It seems unlikely that both should have unemployment rates which are half of that currently in United Kingdom (4.8%), and less than a third of the average for transition economies (6.4% women and 6.1% men).

Transition economies are notable for the relatively high participation of women in the labour market, with an average 91 women working per 100 men (ILO, 2004b). However, in all five republics, women make up just under half of the total labour force in the formal sector (World Bank, 2004c). Where sex-segregated statistics are available, unemployment is higher among women, most notably in Kazakhstan (ILO LABORSTA, various years). This is especially noteworthy in a context where in the Soviet era women were expected to be in paid employment, and in several of the republics still have a legal right to be. Women also earn comparatively less than men (Table 1.3).

The presumption that the relatively high modernization in the republics would enable smooth transition has not been fulfilled, with limited economic reform, and declining production and employment (Akiner, 1997a; Sievers, 2002). Torm quotes a 1998 UNDP Report of the Regional Bureau for Europe and the CIS, stating, “no region in the world has suffered such reversals in development during the decade of the 1990s as have the countries of the former Soviet Union” (Torm, 2003: 1).

That the informal economy has grown in this context is no surprise, and some make reference to a “kiosk economy” providing for daily life, run primarily by women. The “shuttle migration“, which has become a feature of the region, comprises a large number of women using short-term tourist visas to purchase goods for resale at home: the favoured destinations are Russia, the Gulf States, Turkey and China. Trade with the Gulf has burgeoned since the fall of the Soviet Union, as “CIS countries have considerably larger informal sectors than the CEE or Baltic countries” (Yoon et al, 2003: 4).

Estimates suggest the shadow economy accounts for more than a third of GDP in at least three of the CARs (Yoon et al, 2003). Whilst the informal sector has provided a lifeline for millions of people, it also offers considerable scope for exploitation and abuse, not to mention corruption. None of the CARs has found a way to deal positively and effectively with this issue, and there has been limited movement towards the strong and transparent business climate that the West and transnational companies set considerable store by (Kleveden, 2003).

Education, Health and Social Welfare

One aspect of transition has been the decline of the social and welfare infrastructures, a feature that negatively affects especially women, as they shoulder the additional burdens of care. When the CARs inherited the state sector, they were “unable to pay salaries, maintain infrastructures or purchase basic supplies” (USAID, 2000: 11).

Whilst the legacy of universal and compulsory education remains, and all the CARs have high literacy rates (UNESCO, 2004a), there are indications that school enrolment is falling, children are spending less time in education and qualifications are losing their currency: at least 10-15 per cent of girls and boys are not enrolled in primary school (World Bank, 2004c). The lack of state budget funds to pay teachers means that the profession is no longer attractive and existing teachers need their income supplemented (or even entirely made up) by contributions from parents. There has also been retrenchment in higher and further education.

TABLE 1.4
HEALTH AND HUMAN DEVELOPMENT

Country	Life expectancy at birth (years, 2002)		Maternal Mortality Rate (2000)**	Human Development Index (from 2002 data)		Gender-Related Development Index (from 2002 data)
	Men	Women		Rank of 177	Classification	
Kazakhstan	60.7	71.8	210	78	Medium	63
Kyrgyzstan	64.6	72.2	110	110	Medium	--
Tajikistan	66	71.3	100	116	Medium	93
Turkmenistan	63.7	70.3	31	86	Medium	67
Uzbekistan	66.7	72.4	24	107	Medium	85

* UNDP (2004) "Gender-Related Development Index", *Human Development Report 2004*.

** Number of deaths per 100,000 live births. World Bank (2004) *GenderStats: Database of Gender Statistics*.

The Human Development Index (HDI) measures a combination of three achievements – long and healthy life, knowledge and decent standard of living.⁴ This measure places all the republics in the medium classification (see Table 1.4). The Gender-Related Development Index measures the same indicators, factoring in gender equality. Interestingly, all of the CAR countries are ranked higher in the GDI than the HDI, probably reflecting legacies of women's equal access to education and health care in the Soviet system reflected in composite datasets. The prevailing opinion in published research and reflections is that women's position and health has worsened with each year of transition (Samiuddin and Khanam, 2002).

⁴ By calculating life expectancy, adult literacy, primary, secondary and tertiary enrolment ratios and GDP per capita weighted by Purchasing Power Parity.

Governance

The Central Asian Republics claim to be democratic based on parliamentary systems, and all have adopted constitutions after gaining independence. However, all, but Kyrgyzstan, have been termed authoritarian, with heads of state, who were members of the communist party elite and/or KGB. Several have endeavoured to ensure that they will retain power for life. The degree of democratization and political participation varies across the republics: Kazakhstan has over 25 registered political parties, while formal opposition to the one-party state in Turkmenistan is illegal (CIA, 2004). The percentage of women in the parliaments ranges from a high of 26 per cent in Turkmenistan to 7 per cent in Kyrgyzstan and Uzbekistan. Political, like economic, reforms have been slow and halting, with terrorism and Islamic fundamentalism merely used as the most recent justifications for “strong government by strong men”. Many commentators note continuities from the Soviet system, especially lack of transparency and accountability:

... informal and formal institutions coexisted in a mutually dependent way. The ‘second’ or ‘shadow economy’ was not an independent, parallel system but completely intertwined and symbiotic with the official economy, although it lacked a legal and social framework. Many post-socialist institutions are still characterized by the duality of official and unofficial functions. The importance of informal relationships within formal institutions can be seen in the continuing preference for informal arrangements, which still characterizes economic activity in many post-socialist countries (World Bank, 2002: 6).

USAID comment that a “mutual mistrust between the populace and the government” is the prevailing mood in the political arena (USAID, 2000: 10).

Considerable concern has been expressed internationally (see, for example, Foreign and Commonwealth Office, 2004) about the lack of democracy and transparency, and human rights abuses in the region, especially in Turkmenistan and Uzbekistan. Restrictions on movement into and out of the former, control of civil society and NGOs in both,⁵ have direct relevance to trafficking and responses to it. Cavanaugh (2000) argues that the CAR regimes can be deemed more totalitarian than the Soviet Union in that they constitute states without politics, characterized by limited civil society and civil rights and endemic corruption. Perceptions of the region are indeed that it is corrupt: Transparency International has published a Perceptions Index for four years.

⁵ In Turkmenistan in particular any person convicted of operating a non-registered NGO faces a year of hard labour (FCO, 2004).

The Index is a “poll of polls” drawing together studies of the opinions of business people and analysts. The highest score is 10, thus countries scoring 9 are seen to have minimal corruption (they are predominantly rich and western and include Denmark, Finland, New Zealand and Switzerland). The lowest score is 1.5, which Bangladesh and Haiti share.

TABLE 1.5
PERCEPTION INDEX OF CORRUPTION FOR CARS

	2004		2003		2002		2001	
	Position	Score	Position	Score	Position	Score	Position	Score
Uzbekistan	114	2.3	100	2.4	68	2.8	71	2.7
Kazakhstan	122	2.2	100	2.4	88	2.3	71	2.7
Kyrgyzstan	122	2.2	118	2.1	no data		no data	
Tajikistan	133	2.0	124	1.8	no data		no data	
Turkmenistan	133	2.0	no data		no data		no data	

The scores for all five CARs are presented in Table 1.5, and locate them in the lowest rung globally. Whilst data are clearly not strong for some of the CARs, with the exception of Kyrgyzstan, perceptions of levels of corruption are increasing.

With respect to international politics the CARs have a strong record for not just signing, but also ratifying UN conventions. Table 1.6 below lists the most relevant to human trafficking and the current situation for each country.

TABLE 1.6
CENTRAL ASIAN REPUBLICS' STATUS
WITH RESPECT TO RELEVANT UN CONVENTIONS

	Kazakhstan	Kyrgyzstan	Tajikistan	Turkmenistan	Uzbekistan
Convention on the Elimination of all forms of Racial Discrimination (1965)	R	R	R	R	R
Covenant on Civil and Political Rights (1966)	S	R	R	R	R
Covenant on Economic, Social and Cultural Rights (1966)	S	R	R	R	R
Convention on the Elimination of all forms of Discrimination Against Women (1979)	R	R	R	R	R
Convention on the Rights of the Child (1989)	R	R	R	R	R
Convention against Transnational Organized Crime (2000)	S*	R	R	R**	R

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)	A	S	R	R	S
Protocol against the Smuggling of Migrants by Land, Air and Sea (2000)	--	R	R	R	S
ILO Worst Forms of Child Labour Convention (1999)	R	R	--	--	--

** 'S' delineates countries that have signed, 'A' - that have accessed, while 'R' indicates those that have also ratified.

** On March 28, 2005, the State Information Agency announced that Turkmenistan joined several UN conventions, including the CATOC and the protocols supplementing it, as well as the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. It is expected that the appropriate documents will be deposited with the UN Secretariat.

The International Crisis Group (ICG) reflects current thinking in arguing that a competent and democratized security sector is vital to public trust in government and good governance (2002a: i). The role of the police in the Soviet system was to protect the state rather than citizens, and many would argue that this remains the case today, even suggesting that they are more corrupt, less responsive and increasingly involved in organized crime (ICG, 2002a). In Central Asia the police are more powerful than the military, and often they are not under central control; local officers have considerable autonomy and many use it to supplement their income. At best, police across the region are under-funded and poorly trained, even having to break the law in order to do their jobs by, for example, having to extort petrol to use a vehicle. This kind of everyday corruption is viewed as regrettable but inevitable by many; a way of making up for yawning funding and resource gaps. At the same time, it is connected to the less common, but all too frequently documented, cases of extensive human rights abuses, some of which qualify as torture, with respect to detainees. Police officers in the region are cynical about supposed reforms (ICG, 2002a: 12), and in a UNDP survey in 2001, 90 per cent of respondents in Kyrgyzstan said police were the most corrupt sector of society (ICG, 2002a), reflecting the frequency with which on-the-spot fines are levied.⁶ The ICG maintain that too much international assistance to date has been technical,⁷ with far too little effort invested in structural/cultural change.

⁶ Some positions in the police are “bought” and the most expensive is a position in the traffic police.

⁷ Some argue that the technical assistance has been of the wrong kind - providing cars for which there is no petrol, instead of tape recorders, telephones or radios for instance.

Migration

The context for trafficking in persons in the region comprises the patterns of migration, which include large-scale movements of seasonal labour during the Soviet times, not to mention the widespread practices of forced migrations and forced labour (Kleverman, 2003). The distance from Russia, and the isolation of the region, made Kazakhstan in particular a popular choice for dissidents, and the Virgin Lands policy in the 1950s necessitated the relocation of huge numbers. The last decade has witnessed the mass migration of some groups seeking to return to places their ancestors originated from, all of which have stronger economic prospects than the CARs. The main movements have been returns to Russia, Ukraine, Germany and Israel as well as between the five nations themselves. Based on a five-year estimate (2000-2005) by the United Nations Population Division, all the CARs have a higher migration outflow than inflow, with the loss most keenly felt in Kazakhstan.

Employment opportunities and migration are often linked, with migration acting as a safety net for households most negatively affected by the process of transition. As later chapters will show, the flows are primarily within the region and to Russia, from poorer to richer states:

...every year hundreds of thousands migrant workers from Kyrgyzstan and Tajikistan make their way to richer Kazakhstan and Russia to find jobs...In Khoji-Bogh, a mountain village in northern Tajikistan, eight out of ten villagers make the trip every spring, knowing that the US\$1,000 they can earn during the season is more than they could ever hope to make at home (Torm, 2003: 26).

Other Relevant Social Changes

Exploring gender issues reveals a complex amalgam of residues of formal Soviet gender equality and traditional family values, with some arguing that the imposition of the former partly accounts for the resurgence of the latter (Samiuddin and Khanam, 2002). Moreover, women carry the burden of transitions, both because they are more likely to lose their employment and because the collapse of systems of social protection means an increased burden of family and care work (Pierella, 2002). The retrenchment of the public sector also affects women most strongly, as they are disproportionately employed as teachers, doctors and health workers. The shallowness of Soviet equality can be seen now in the low levels of political representation for women, and their high levels of unemployment.

As payment becomes increasingly required for health care and education, the needs of men and boys are more and more prioritized. It is unclear if the resurgence of early/child marriage in rural areas (Mee, 2001) reflects these changes and is a way to ensure a future for girls or whether this a separate process linked to the revival of traditional beliefs and values. Whilst there has been a resurgence of Islam, it is taking place in a context where the state has been secular for almost a century. That the latter is occurring can be seen in reports of the resurgence of checking marriage sheets to ensure the virginity of the bride in Tajikistan and Uzbekistan, alongside practices of bride price and bride stealing. Polygamy is also allowed in Uzbekistan as long as the wives are not living in same household. That women's lives are increasingly difficult is borne out by high female suicide rates, which some suggest are connected to high levels of violence against women, including domestic violence (ECPAT International, 2002); significant numbers of women attempt suicide through self-immolation (Samuiddin and Khanam, 2002). Codes of honour are also being revived in some regions thus justifying honour crimes, and there is discussion of "honour suicides" in Tajikistan following rape during the conflict.

Several commentaries on the region (see, for example, ICG, 2003) raise concerns about an acute crisis for youth – the financial problems in education, the devaluing of qualifications and pressure on families means that there an increasing sense that it is better for young people – and it is easy to see how this can extend to children – to be economically active. In some areas of Tajikistan school attendance is down to 50 per cent, with girls being withdrawn first. At the same time there are few secure jobs, and often no legitimate employment at all. The lack of opportunities, fatalism about the future, alongside what has been termed a "cult of wealth" (Samuiddin and Khanam, 2002), is reflected in both young people's willingness to take dangerous illegal options, and the fact that the vast majority of them, when asked, say they want to leave (Samuiddin and Khanam, 2002). These pressures have become explicit in Turkmenistan, where the required years in full-time education have been reduced and access to further education limited.

Emerging Differences

This short section presents additional material about the individual states to supplement the regional analysis and illustrate the variations between the CARs.

Kazakhstan

Kazakhstan is the ninth largest country by landmass in the world. Its status as the wealthiest Central Asian republic is connected to both huge fossil fuel

reserves and economic growth since 1999. That said, the overall population continues to fall and investment in welfare/social spending has not risen significantly. Unemployment, especially for women, continues to increase, although there are huge variations in the estimates (Asian Development Bank 10.4%, USAID 30%) and the shadow economy is estimated to be 22-35 per cent of GDP.

The break-up of the former Soviet Union led to a collapse in the demand for Kazakhstan's traditional heavy industry products. Since the mid-1990s the government has instigated economic reform and privatization, with an emphasis on diversification away from the oil sector. These actions together with good harvests and a degree of foreign investment have contributed to economic growth. Privatization has heralded a move towards individual farms, though there is still much rural poverty, especially in the south and south-west where farm sizes are smaller (World Bank, Country Report 2003).

The Constitution of Kazakhstan concentrates power in the presidency, allowing the President to control the legislature and judiciary, as well as regional and local governments and spending. The Government's human rights record has been defined as "poor", particularly due to the restriction of citizens' rights to change their government and the weakness of democratic institutions (Bureau of Democracy, Human Rights, and Labour (USA), 2004, Kazakhstan Country Report on Human Rights Practices 2003). A complex registration process for NGOs exists and some note a slowdown of the democratization process. Corruption is considered widespread, including in the judiciary. With respect to traditional practices, the abduction of wives still occurs in the south, although in some instances it may involve the agreement of the family. Whilst prostitution is not criminalized, sexual exploitation of adults and minors is.

Kyrgyzstan

As 93 per cent of the land mass are mountains, most of the population live in two fertile valleys which can be entirely disconnected during the winter: In these conditions movement from one to the other must be made either by air or via Uzbekistan. The country is rich in hydropower and minerals. At least half, and possibly four-fifths of the population live below poverty line, with the poorest being women with large families: the average salary in 2001 was US\$324 a year – women earned, on average, US\$ 13 a month.⁸

⁸ US Department of State, *Country Reports on Human Rights Practices –2001*, Released by the Bureau of Democracy, Human Rights, and Labour, March 4, 2002. See <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8276.htm>.

The Kyrgyz are proud of their nomadic tradition, but the majority of the population are poor, reliant on agriculture. A small tourist industry is emerging, taking advantage of the spectacular trekking potential.

This difficult topography limits economic development and has made the creation of a strong polity more difficult. There was considerable optimism following independence and Kyrgyzstan was the republic that most strongly embraced reform. The population has become increasingly sceptical as unemployment has risen, living standards fallen, and corruption and the shadow economy increased. That said it has about the strongest, and most thriving, NGO sector within the region.

Tajikistan

Tajikistan is bordered by Afghanistan to the south and Uzbekistan and Kyrgyzstan to the north. It held the unenviable position of being the poorest republic in the former Soviet Union, and was reliant on financial transfers from Moscow. Civil war after independence ensured that it retains its position in the region, since the already fragile economy was further damaged. Average wages are now less than a fifth of their 1989 level,⁹ and more than four in five of the predominantly rural population live in poverty.¹⁰ The country has the lowest GDP in the CIS,¹¹ and is one of the 20 poorest countries in the world: the average monthly salary is less than US\$ 7.¹² The peace accords have yet to be fully implemented, meaning that unresolved issues simmer below surface.

The limited cultivatable land is used for commercial cotton cultivation which still takes place in some form of collectivisation: any individual land holdings are so small that even subsistence production is not possible. The official unemployment level is 10 per cent, but other estimates are closer to 40 per cent. Huge disparities in income have emerged, alongside a return to warlordism (IOM, 2001): some estimates now indicate that 30-50 per cent of the economy is linked to providing a transit route for Afghan heroin (International Crisis Group, 2001) and corruption is endemic. On all sorts of

⁹ Save the Children USA, *Tajikistan Country Profile*. See

http://www.savethechildren.org/countries/middle_east_eurasia/tajikistan/index.asp

¹⁰ World Bank, *Republic of Tajikistan - Poverty assessment*, Report No. 20285-TJ, Human Development Sector Unit, Europe and Central Asia Region, June 29, 2000. See

http://www.wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2000/08/14/000094946_00080105305244/Rendered/PDF/multi_page.pdf.

¹¹ IOM News Release, *IOM Study Reveals Trends in Trafficking in Women from Tajikistan*, 17 August 2001. See <http://www.iom.int/tajikistan/news170801.htm>.

¹² IRIN News Release, *Tajikistan: Poverty Growing Despite Increased Assistance, Says ICG*, 28 April 2003. See

http://www.irinnews.org/report.asp?ReportID=33741&SelectRegion=Central_Asia&SelectCountry=TAJIKISTAN.

health measures, including child and maternal mortality, standards are falling, reflecting declining access to health care. There is also widespread use of child labour.

Turkmenistan

Whilst Turkmenistan shares some characteristics with its neighbours, in many respects it is unique, with the president the head of all aspects of government for life. Many commentators refer to his rule as a “cult of the personality”, where the state formation follows the whims and fancies of its leader. Aspects of Soviet central planning and the security apparatus have been retained – for example, basic commodities like water, energy and bread are still highly subsidized. Political control has intensified since a recent assassination attempt on the president (ICG, 2004b). One aspect here is the denial of legal status to most NGOs: in 2003-4 no NGO working on women or youth was recognized. The potential draconian sanctions for breaking the law meant that groups were forced to operate as other entities,¹³ and some donors suspended operations in the country in order not to compromise their partners. A new law on NGOs was passed in December 2004, but journalists report concern that it is merely symbolic, designed to blunt international censure.¹⁴

In 2003, the OSCE Rapporteur presented a report on human rights abuses in Turkmenistan, and later that year both the European Parliament and the UN General Assembly noted deterioration in the situation.

The country is potentially very rich, with huge oil and gas reserves, but its isolation and unpredictable governance have proved disincentives to continued external investment (Kleveman, 2003). Although economic diversification is a priority, it has currently not progressed beyond the creation of a textile production industry. There is a decline in GDP, which coupled with the disruption of energy exports, poor harvests and weak economic management attests to poor economic performance and prospects. This is disguised in official figures recording 17-18 per cent annual growth, fuelled almost entirely through capital investment by the state, which is running at almost half (40%) of GDP.¹⁵

Women still have a constitutional right to employment, but over a third of the population is unemployed, and recent cuts in education and health have disproportionately affected women. Over the last ten years, there has been a decrease in secondary school enrolment, and the duration of compulsory

¹³ Currently even IOM operate under the auspices of the UN.

¹⁴ See <http://www.globalpolicy.org/ngos/state/2004/1130turkmenistan.htm>.

¹⁵ World Bank Group, *Turkmenistan Country Brief 2001*. See <http://lnweb18.worldbank.org/eca/eca.nsf/Countries/Turkmenistan/6374D52FD1C3B7A385256C25006A82FA?OpenDocument>.

education has been reduced from 11 to nine years. It is expected that it will be further reduced to primary school education. Turkmenistan has become a major drug trafficking route between Afghanistan, on the one hand, and Russia and Europe on the other, and drug use, particularly among the young has increased four-fold over the past decade.

Uzbekistan

Uzbekistan is a dry landlocked country, and whilst only a tenth of the land mass is intensely cultivated, the country is still the world's third largest producer of cotton. As with several other CARs, aspects of a command economy remain, with subsidies and control over production and prices meaning that the state still dominates the economy. Liberalization in the economy and polity has been modest and tightly controlled. The country is rich in natural resources and a major producer of gold, but there has been serious economic stagnation, with GDP per capita falling since 1998. Uzbekistan survives by exporting raw materials and transition has lowered the standard of living for the majority, and has increased inequality.

International criticism has pointed to widespread human rights abuses by police and security forces, with even the European Bank of Reconstruction and Development setting human rights benchmarks, that Human Rights Watch¹⁶ note there has been little movement in relation to. There is a marked failure to create an infrastructure that would facilitate a private sector. Examples here include the control and surveillance of bank accounts (one estimate is that only one in ten business people have bank accounts) and extremely high levels of taxation on declared income. The growth of the informal/shadow economy is in part the outgrowth of attempts to avoid what are regarded as unreasonable taxes

Contrasts, Contradictions and Connections

Throughout the region modernization sits alongside the re-emergence of traditional values and practices¹⁷ and a reinvention of the past. The aspirations and hopes that many people had in the early 1990s have been replaced by apathy and cynicism. Unanticipated changes, such as the collapse of the state sector, the decline of the professions and vast disparities of wealth, place further pressures on individuals and families. Few people have access to land or other forms of property that might enable them to at least subsist through

¹⁶ See <http://hrw.org/english/docs/2005/01/13/uzbeki9895.htm>.

¹⁷ It is likely that these beliefs and practices persisted into Soviet times, but in a hidden and understated way. As forms of nationalism emerge, aspects of tradition are often marshalled to build identity. Revealingly, many relate to re-invoking traditional gender relations.

their own labour. Both repressive regimes and unreformed economies fuel widespread corruption and growth of the informal sector. Unrealistic tax rates and import duties act as further incentives to evade formal processes and procedures. All of these factors contribute to a context in which trafficking in persons can operate with relative impunity.

CHAPTER 2

A Methodological Experiment

This project continues an ongoing dialogue between the author and IOM on how to improve the knowledge base on trafficking in persons (see Kelly, 2000; Kelly, 2001). Both parties have an interest in developing methodologies that will enable the collection and analysis of more accurate and nuanced data. However, as Kristina Kangaspunta (2003) points out most traditional research methods cannot be applied to human trafficking, and the extent to which innovation might transcend these challenges is limited not just by the illegality and dangers associated with many aspects of trafficking in persons, but also its globalized nature.

This study has been a methodological experiment. The author had considerable input at the beginning and end of the project, but a much more limited role in data collection. Phase 1 of the study required the creation of a methodological framework and tools for data collection, to be implemented by five national researchers. Phase 2 involved data collection, which was supervised by the IOM Technical Cooperation Centre for Europe and Central Asia in Vienna (hereinafter IOM TCC) and IOM's office in Dushanbe, Tajikistan. Phase 3 has comprised working with and analysing the country data and other materials and writing the report. This short chapter will outline the tools, data collected and analysis that form the basis of the report and offer some lessons and reflections for any similar future project.

Aims and Objectives

The aims for the research were set by IOM within an overall requirement to develop a research methodology that would facilitate and ensure the collection of comparable data across countries in the region in order to address the following more specific objectives:

- Chart regional patterns of the trafficking process from the source country to *inter alia* the sex industry and other targeted sites in the destination countries, as well as an estimate of the incidence of trafficking in persons between the countries in the region and within their national borders.
- Produce a preliminary estimate of the number of persons trafficked in the region.
- Outline the links between labour migration and trafficking in persons in the region, with particular emphasis on how to distinguish between cases of irregular labour migrants whose rights are abused by separate and

unlinked entities and victims of trafficking; incidence and links between both trends.

- Identify the patterns of trafficking in children in Central Asia, including the specifics of the trafficking process.
- Enable national researchers to identify more accurately groups at risk of being trafficked.
- Obtain data on the number of victims identified and assisted in Central Asia by IOM or other organizations active in the region, including where and how they were identified, recruitment strategies and modes of exploitation.
- Obtain data on the number and categories of traffickers and related agents that have been or are under prosecution; defining contributing factors in each country, including what is known about their links to organized crimes within and outside the region.
- Determine the root causes of and contributing factors to trafficking in persons in Central Asia.
- Determine gaps in data and making recommendations for filling the gaps.
- Develop recommendations for future counter-trafficking activities.

The author was responsible for the research aspects of the project, with the IOM TCC and IOM Dushanbe having responsibility for the overall coordination and management.

Complex Arrangements and Contexts

As with many policy-linked research studies there was limited time to develop a data collection framework, since it needed to be translated for a training day held in January 2004¹⁸ in Almaty. A template listing the kinds of data to be collected was produced and the training day involved working through this in detail. Following the meeting a revised version was created which provided more detailed guidance: this included a common core of questions to be used in all interviews, alongside more specific sets of questions depending on the role/position of interviewees. A simple template was also produced to ensure that basic data from every interview was recorded and guidelines provided about how to summarize the contents. Each country researcher had to present an overview of their country with respect to the current economic and political situation, issues of equality and culture. These were then written up as six-page “country contexts”.

¹⁸ This was scheduled to last for two days; in the event, delayed and missed flights meant that the work had to be fitted into a single ten-hour session.

Additional data was collected through considerable desk-based work and a three-week field visit that was undertaken by the author in August to Kazakhstan, Turkmenistan and Uzbekistan, during which four roundtable discussions, four NGO visits and 15 interviews were conducted, alongside more informal discussions with three of the national researchers and IOM trafficking focal points and project officers from all five nations.¹⁹ Following agreement with local offices, anonymized data on trafficking victims assisted by IOM in Kazakhstan, Kyrgyzstan and Uzbekistan were provided by IOM in Geneva. It was however possible to make only limited use of these data, since more detailed information was missing for more than a third of cases, which, in turn, restricted the possibility to draw any conclusions, especially since the base number was less than a hundred.²⁰

Progress in the national data collection was to be tracked through submission of a monthly report, which was to include both an update and an account of any problems encountered. A range of technical and personnel issues (see below) limited the extent to which consistent data collection could be upheld. In June an audit form was produced to track exactly what data had and had not been collected to date. Table 2.1 provides an overview of the data collected by the country researchers laid out in an adaptation of this auditing tool. It reveals that despite having a clear template and instructions, there were disparities in the data collected— from the number of interviews to whom they were conducted with. Whilst some variation is to be expected here, reflecting, for example, the relative strength of NGOs and/or ease of contact with ministries, there were other inconsistencies that only came to light when data analysis was undertaken. The most serious of these was researchers not being able to ask some of the core questions in all of their interviews, which made comparative analysis more difficult to undertake.

Some of the obstacles the in-country researchers encountered reflected practical difficulties with respect to email and/or using aging computers. Others were specific to the region itself, reflecting some of the issues already outlined in Chapter 1. Three requested anonymity not only for their interviewees, but also for themselves: they feared that being known to have collected data critical of government (in)action could have negative impacts, not only on their lives, but on those of their families.²¹ In the case of Turkmenistan, gathering any firm data and conducting interviews, with the exception of basic information from five individuals who had been part of NGOs, proved impossible. The author experienced this unease directly whilst

¹⁹ The visit coincided with an IOM regional training workshop in Ashgabat.

²⁰ With the view to standardize its data collection methodology, IOM developed a counter-trafficking module database, which is currently in its pilot phase in Central Asia. The new system is expected to become fully operational later this year.

²¹ To respect these requests none of the in-country researchers have been named.

in Turkmenistan, where many of those attending the roundtable declined to be interviewed face to face, and those who did agree spoke in whispers. No amount of interviewing skill or sophisticated methodology can overcome a pervasive sense of fear for expressing a point of view.

TABLE 2.1
DATA COLLECTED IN-COUNTRY BY THE FIVE NATIONAL RESEARCHERS

Data to be collected	Kazakhstan	Kyrgyzstan	Tajikistan	Turkmenistan	Uzbekistan
Official statistics:*					
Legal and illegal migration	Minimal	Y	Minimal	N	Y
Visa applications	N	N	N	N	N
Remittance flows	N	N	Y	N	N
Prosecutions	Y	Y	Y	N	Y
Other relevant Data	N	N	N	N	N
Interviews					
Govt ministries	8	8	3		10
Police officers	1				
Prosecutors	1	1			2
Embassy/Consul.	1	3			
Border guards	1	1			1
Academics	3	3			1
Journalists	1	3	3		
IGOs	1	2	6		3
NGOs	4	3	4	5	5
Commercial sector	2				
Other		2			
Total	23	26	16	5	22
Data from IGOs/NGOs on assisted trafficked persons	IOM Geneva Helpline data	IOM Geneva	Limited	N	IOM Geneva IOM locally
Focus groups:					
Young people	N	N	N	N	Y
Other groups	N	N	N	N	Y
Other data:					

Data to be collected	Kazakhstan	Kyrgyzstan	Tajikistan	Turkmenistan	Uzbekistan
Local sex industry Newspaper adverts:	N	N	N	N	N
Employment agencies	N	Y	One paper	N	N
Travel agencies	N	Y		N	N
Internet	N	N	N	N	N
Flights into and out of country	N	N	N	N	N
Unpublished data from ongoing research in region**	Y	Y	N	N	Y

*Data in Chapter 1 draw on official data, but were compiled through desk-based research in London.

** This includes unpublished research on the local sex industry.

The limited acquisition of official data, or information in the section “other data” reflects several regional limitations. In some countries certain data is no longer systematically collected and collated, or even if is, it is not publicly available. In some cases the national researchers regarded what was available as lacking validity.

Focus groups were only undertaken in Uzbekistan, in four areas and in a multi-agency format. Table 2.2 summarizes the information on who attended these groups. The documentation on them was limited to summaries of group responses with respect to the extent of the problem, what respondents believed was being done, what needed to be done and the assistance that might be needed to achieve this.

TABLE 2.2
PARTICIPANTS IN UZBEK FOCUS GROUPS

	N	%
Ministries	17	28
Government – other (includes local)	15	25
Mahallas	4	7
Prosecutors	5	8
Legal (other)	4	7
Media	4	7
NGOs	11	18
Total	60	100

The primary data on which this report draws on, therefore, is:

- Desk-based research on the region and the five countries
- 92 in-depth interviews
- Four focus groups
- Field visits.

Data Analysis

All interviews have been coded and this data entered into a statistical analysis package. Responses were also “consolidated” – a process whereby all responses to particular questions are collected into a single file, enabling clearer identification of commonalities and differences. The interviews were analysed in country groups initially, and drawn on in that way and more broadly. Two points emerged that will not be addressed elsewhere during the analysis: (1) the unwillingness of destination country embassies to take part; and (2) the reluctance of many interviewees to express their own opinions, which in some instances stemmed from a sense of possible surveillance but for others a clear desire not to give the “wrong” answer. Data from the focus groups has also been analysed where possible and appropriate – the presentation as an overview and consensus position, however, precluded the kind of exploration of variations in response which most data analysis seeks to explore and explain.

A series of 60 case examples were also constructed, primarily from interviews and material provided by the country researchers, but also field notes from the

visit and already published material.²² The intention here was to cover the spectrum of forms of trafficking, have examples from all five countries and to include instances where individuals resisted recruitment, escaped under their own steam, alongside the more usual cited examples where detection is via the authorities. It is worth noting that the examples offered in interviews were not just accounts drawing on peoples' professional roles, but also stories concerning their relatives, friends and neighbours – this issue touched many interviewees lives in a very direct way. Not all of these examples are used in the text, but exploring the variations within them forms the basis for Chapter 5 where the notion of a continuum of exploitative/exploited migration is presented.

Lost in Translation

There is no doubt that some of the subtlety of peoples words have literally been “lost in translation,” especially since, in some instances, three sets of translation have occurred before the interview material arrived back as data to be analysed: from English to Russian in the methodological framework; into local languages for the conduct of interviews; back into English (or Russian) to be analysed.²³ The longer one spent in the region – and reading about it – the clearer it became that there are legacies of history that form the local context in which trafficking in persons and responses to it are forged. As some of these will also have been “lost” to the author, hopefully those living and working in the region can fill in the gaps.

²² Where the source is already published material this is referenced in the text.

²³ Where summaries were in Russian, there was a fourth layer of translation.

CHAPTER 3

In Search of a Common Language

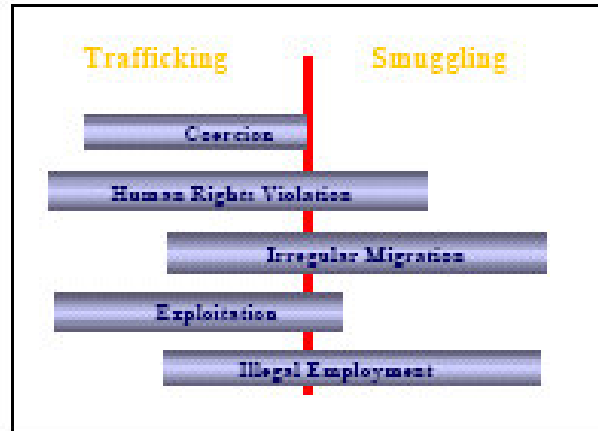
Many commentators have noted that, whilst on one level the UN protocols²⁴ have provided us with clear and internationally agreed definitions of trafficking and smuggling, the debates continue as to whether it is possible to draw such boundaries, and the precise meaning of the UN definitions themselves. The UN definition of trafficking makes clear that it requires three elements – recruitment/receipt, movement and exploitation – but this has not resolved the contentious definition issue, especially since the exploitation terms²⁵ are not clearly defined either here or in other conventions (Anderson and O’Connell Davidson, 2003). In addition, serious questions remain to be addressed in research, such as how victims understand and define trafficking, since this affects the extent to which they seek help and, perhaps most importantly, what they say to both police and service providers when asked questions intended to discern if they have been trafficked or “merely” smuggled. Equally important is how service providers define trafficking and the extent to which narrowed definitions act as a filter into support, especially when resources are scarce (Kelly, 2002).

Whilst the protocols make clear and, to an extent, absolute distinctions between smuggling and trafficking, a number of studies (see Kelly, 2002) are highlighting that this is difficult to maintain in real world contexts. There are both overlaps and transitions from smuggling to trafficking, with the movement almost always in the direction of increased exploitation. These are most likely where the journey is lengthier and more expensive, since it increases the opportunities for exploitation and the size of debt on arrival. The reliance of many who are smuggled on third parties for employment in the destination country increases the potential layers of control that can be used to create conditions of bondage (Shelley, 2001). Diagram 3.1 represents some of the overlaps, and is drawn from a recent study of Afghanistan (IOM, 2004). It could certainly be developed and extended, but offers a way to begin documenting the ways these practices shade into and out of one another.

²⁴ The Protocol to Prevent, Suppress and Punish Trafficking in Persons and the Protocol Against the Smuggling of Migrants by Land, Sea and Air; both are attached to the Convention Against Transnational Organised Crime.

²⁵ ‘Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.’

Diagram 3.1:
Overlaps between trafficking and smuggling



Source: IOM (2004).

A further original contribution of this study is the naming and documentation of “trafficking-like practices” – some of which are recognized forms of gender violence – including traditions of child/early/forced marriage, kidnapping and bride price, as well as using women as a resource to settle disputes. Where local custom and law treat women so explicitly as property, their commodification through trafficking is facilitated. Other elements highlighted include holding young migrants to ransom, and exploiting their labour and/or sexuality whilst they are held²⁶ (IOM, 2004), practices that have also been noted in Central Asia.²⁷ There are also unresolved questions about how third parties that benefit from trafficking should be regarded, and whether under trafficking laws there should be liability only if the same individuals or proven networks operate through all three layers of activity.

Confusions and Ambiguities

The Bangladesh Thematic Group on Trafficking is undoubtedly correct in asserting that research and thinking in this field is full of “inconsistencies, confusions and ambiguities” (2004: 7). We lack consistent conceptual clarity even in the English language literature, and this becomes even less clear when concepts are translated into local languages. All interviewees were asked how they understood trafficking and the extent to which it can be distinguished from smuggling. Less than 20 per cent across the whole sample provided a

²⁶ Similar practices appear to be operating in the Central Asian Republics, especially in border areas and linked to trafficking of drugs.

²⁷ All were raised in the training session in Almaty, January 2004.

definition of either term that coincided with the UN protocols, and most of those who did were clearly reading or repeating the exact wording. A fascinating regional feature emerged whereby state officials found it impossible to conceptualize “trafficking in persons”, arguing that trafficking could and should only be applied to commodities, such as drugs and arms.

Smuggling of people is nonsense. Smuggling of goods, not people... The phrase trafficking in human beings irritates (Kyrgyzstan, Interview 202).

Smuggling is illegal transportation of a person in accordance with his/her will. As for trafficking, transportation and exploitation against his/her will is crucial. Nobody will want to become a commodity (Kyrgyzstan, Interview 217).

Whereas others took precisely the opposite position:

The drugs, arms, consumer goods are the subject of smuggling. People are subject of trafficking (Kazakhstan, Interview 115).

Trafficking is an illegal trade of human beings. Smuggling is an illegal trade of something else (Turkmenistan, Interview 405).

It is possible that some of these contradictions stem from translation issues – in Uzbekistan at least it appears that “smuggling” was translated as “contraband”, illustrating how concepts and meanings that are intended to be implicit may not translate. This does not, however, explain all the variation here. There was a reluctance amongst a significant proportion of those interviewed to contemplate that human beings might be treated and used as commodities. Documenting and understanding these linguistic ambiguities and resistances is essential, since they underpin widespread misunderstandings which can have huge consequences for not only the estimation of the scale of trafficking, but also whether victims are identified and supported.

To further illustrate, a common distinction made by interviewees was to associate smuggling with consent and trafficking with the opposite, requiring – unlike the UN protocol – that force be involved.²⁸

²⁸ At an IOM regional training event in Ashgabat in August 2004 a presenter stated that, “use of force is never present in smuggling, so this may be a good way to screen trafficking cases”. If taken literally, this will support the kinds of narrow definitions that have been documented across NGOs and law enforcement (Kelly, 2002).

Smuggling means illegal transportation of people from one country to another (with the consent of client, with preservation of their freedom and documents). Trafficking means transportation of people from one geographical place to another, but without juridical rights and freedom of victims (Kazakhstan, Interview 104).

Smuggling is when people go voluntarily. Trafficking is when people go without consent (Kyrgyzstan, Interview 214).

The determination of a case of trafficking by whether force was involved led a number of interviewees to question the extent of trafficking and the claims of individuals to have been trafficked.

How can they be forced if there are several checkpoints in the airport; nobody can force you to cross the checkpoints non-voluntarily. They claim they were victims because their expectations did not come true (Kyrgyzstan, Interview 226).

This comment not only betrays a limited understanding of the power of threat and coercion, but also no awareness of the commonness of deceit in trafficking, and the fact that both of these aspects are covered by international law. Revealingly, all but one of the individuals cited above worked in government ministries with responsibilities for aspects of smuggling and trafficking. Even counter-trafficking specialists from various organizations who were interviewed offered definitions that confused rather than clarified, since the UN protocols do not require force for a case to qualify as trafficking, but smuggling does involve transport across international borders.

The contracts that people make with traffickers and smugglers involve being offered a route to somewhere and, most commonly, something. The offers of employment on arrival may be no less vague for smuggling than for trafficking. If a person agrees to be smuggled, believes that they will have work at the other end but this turns out to have been a deception and they are subsequently exploited by third parties, should this count as smuggling, or trafficking, or both? This question, and others that question whether it is possible – or even desirable – to seek a hermetically sealed definition, recurs throughout this report. International drafters of law often leave definitions open precisely to avoid excluding cases which have yet to be documented but which should come within the remit. The question to be posed at this juncture is whether insisting in the abstract that there are clear boundaries between irregular migration, smuggling and trafficking, creates a context in which practitioners end up invoking more restrictive definitions to fill the gaps.

There are many further examples of this in the literature but, for example, the Bangladesh Thematic Group argue that one distinction between trafficking and slavery is that trafficked people eventually leave the “harm environment” (2004: 57). This is problematic on at least two levels, since some trafficking victims – and we do not now how many – only leave the “harm environment” when they die, and contemporary forms of slavery are distinguished partly by the fact that ownership is temporary. As subsequent chapters will make clear, exploiters are aware of this. A question also has to be raised as to whether, as the Bangladesh Thematic Group suggest, that being able to “leave” amounts to “agency regained” (2004: 57). Part of the problem here is the tendency to equate being a victim with having no agency – human beings have a capacity for action even in captivity, although their space for action is constrained. Moreover, this space may not necessarily be expanded on regaining physical freedom, since one’s capacity for action, sense of self and safety may have been profoundly damaged in the meantime.

This discussion has highlighted that binary distinctions are seldom useful, since they serve to disguise the complexity of social life. The problem for many of the interviewees in defining trafficking was that they sought a form of words that implicitly referred to a “deserving victim”, who was clearly and incontrovertibly forced and controlled by others. If this is how trafficking is being defined in practice, it is unlikely that many cases will be detected or prosecuted.

This study also joins those voices, which argue that the documentation of, and response to, trafficking need to expand beyond sexual exploitation. Chapter 4 explores the contours of trafficking in persons in the region and Chapter 5 addresses the difficulties of drawing clear and consistent boundaries between trafficking, smuggling and irregular migration and raises the question of whether the concept of a continuum might more accurately reflect the human rights abuses involved.

CHAPTER 4

The Extent and Organization of Trafficking in Central Asia

Whilst Central Asia may not be a recognized trafficking “hot spot” currently, there are huge irregular flows of people within the region and out of it. Legacies of the Soviet past (Olcott, 2003) and seasonal factors – especially the cotton and tobacco harvests - continue to play a part in the migration flows. These are increasingly augmented by the differential economic performance and prospects across the five republics (see Chapter 1). The downturn of the Russian economy in the late 1990s heralded hundreds of thousands of impoverished Tajiks, Kyrgyzs and Uzbeks seeking employment outside their national borders every year. The limited access to transparent and efficient visa and recruitment services means that the majority of these movements are irregular, and a proportion involve trafficking. Both the scale of movements and the limited capacity in the region to assist and manage migration²⁹ heightens potentials for exploitation.

The initial studies of trafficking in the region (IOM Kyrgyzstan, 2000; IOM Tajikistan, 2001) suggested that the major form was for sexual exploitation: the Kyrgyzstan study for example (IOM Kyrgyzstan, 2000) reported that this constituted 90 per cent of trafficking in persons. Three years later, in 2004, IOM Kyrgyzstan screened 163 of the victims they supported – only 38 (23%) had been trafficked into sexual exploitation, almost three times as many had been exploited through agricultural labour. Table 4.1 below, drawn from the research interviews shows that the majority share a perception that trafficking for both sexual and labour exploitation are the most significant in the region.

TABLE 4.1
MAIN FORMS OF TRAFFICKING IDENTIFIED BY INTERVIEWEES

Forms	Totals		Kazakhstan		Kyrgyzstan		Tajikistan		Uzbekistan	
	N	%	N	%	N	%	N	%	N	%
Sexual and labour	51	59	12	52	10	39	12	75	17	77
Sexual, labour and domestic	16	18	05	21	10	39			01	04
Labour only	03	03	01	04	01	04	01	06		
Sexual only	01	01			01	04				

²⁹ One example here is that in several of the CARs citizens have the right to leave for employment, but the local offices where they supposedly can apply for visas simply do not exist, or are never open.

Forms	Totals		Kazakhstan		Kyrgyzstan		Tajikistan		Uzbekistan	
Labour and domestic	01	01	01	04						
No response	15	17	04	17	04	15	03	19	04	18
Total	87		23		26		16		22	

Researching trafficking in Central Asia confronts one with the magnitude of labour exploitation in the contemporary world, and the difficult question, which forms part of the brief for this project, of how to draw the line between trafficking, smuggling and exploitation by unconnected parties (see Chapter 5). There can, however, be no doubt that examples of what local researchers term “slave markets”, where men and women are literally being sold, having been previously promised a way to earn their livelihoods, constitutes trafficking. The country researcher in Uzbekistan reported that in one such market in Zolotaia, prices are calculated through a combination of occupation and nationality. There is something of a bitter irony that the region in which the prior governance was founded on a philosophy that proclaimed the dignity of human labour should currently epitomize the denial of the most basic labour rights to large numbers of people.

This chapter will document what we currently know about the emerging routes and organization of trafficking within and outside the region: trafficking for sexual exploitation and for labour exploitation will be discussed separately. Specific sections will explore the situation in Turkmenistan, United Arab Emirates as a destination country for trafficking victims and material on trafficking in children. It concludes with a reflection on the gaps in the knowledge base and the challenges that existing data present.

Regional Issues

There are a number of specific regional factors which form aspects of the fertile fields in which trafficking takes place. The scale of impoverishment, especially since the collapse of the Russian economy in 1997, has created a vast reservoir of people who have no source of income or sustainable livelihood. Over half a million Tajiks leave the country to seek seasonal and informal employment opportunities abroad. Whilst ongoing IOM research and documentation confirm that most migrants lack the necessary knowledge to make well-informed migration and employment choices, the scale of impoverishment suggests that even if accurate information were to deter some,

other slightly more desperate individuals would rapidly take their place.³⁰ The combination of the sheer scale of numbers, dearth of options and inadequate information, combine to create a large group vulnerable to recruitment and exploitation by traffickers.

These conditions are amplified by the fact that the region, and particular areas within it, has become preferred trafficking routes for Afghan heroin. The conflict in Tajikistan and the mountainous topography were attractions to traffickers, who are always quick to take advantage of any strategic location where the probability of detection is minimized. The contested Ferghana Valley, bordering three states, has become a key conduit. As routes for different forms of trafficking often coincide, the usual explanation proffered has been that organized crime networks engage in trafficking of goods and people. It is also possible that as all trafficking requires, creates and reinforces official corruption, smaller operators in trafficking in persons choose to make use of established routes and corrupt infrastructures. Contexts like the CARs where state employees earn very little, or even are not paid at all, form the grounds on which corruption may become the norm rather than the exception: several interviewees remarked that the Kazakh-Uzbek border, for example, was criminally controlled.

Another relevant regional characteristic is the widespread practice of “shuttle trading” – a practice whereby small scale entrepreneurs, most commonly women, travel to neighbouring countries to purchase cheap consumer goods which they resell in local markets.³¹ The traders are virtually always operating illegally, since the only way they make a living, let alone a profit, is to evade customs and importation taxes, and most travel on forged or tourist visas. Several of the country researchers claimed that in imposing import duties of 80 per cent their governments had reinforced desire to evade tax. Other commentators note that the implementation of these levies at borders added to localized tensions (see, for example, Khamidov, 2003). The limited possibilities for legal movements also means that their travel and transit arrangements are frequently unlawful, although, where possible, many travel under a tourist visa. Overlaps with trafficking are outlined in subsequent sections.

³⁰ Crime prevention interventions have been criticised for merely displacing the crime from one area to another. Counter-trafficking measures targeted at individuals or specific villages may also simply create “displacement”.

³¹ Enterprising Kyrgyz and Tajik women also sell goods in Russia.

Trafficking for Sexual Exploitation

The impossibility of accurately assessing the scale of trafficking for sexual exploitation has been well documented, leading researchers to turn to a range of indicators from which one can draw educated inferences. These include, for example, detections in country, returns/repatriations of nationals who claim to have been trafficked from other countries and those assisted by support agencies. Data are stronger where they extend over a number of years. As Chapter 2 noted, however, these data proved extremely elusive, in part because both destination and origin countries seek to minimize or disguise the scale of problems, and because counter-trafficking initiatives are relatively new developments in this region. Below the numeric data and estimates it has been possible to collate are recorded.

Kazakhstan

- An estimated 2,000 Kazakh women in the South Korean sex industry.³²
- Ministry of Internal Affairs data for repatriations in 1999 records – Greece (25), UAE (21), Turkey (16), and Israel (3). In 2001, law enforcement registered 40 times this number.

Kyrgyzstan

- IOM estimate that 4,000 women and girls a year are trafficked for sexual exploitation, 10% of whom are minors.

Tajikistan

- The Ministry of National Security estimates that 900 women, who may have been involved in sex trade, left before 2000.
- The Ministry of Interior estimated that, based on the number of prosecutions, in 2000, 350 women were forced/trafficked within the country (IOM, 2001).
- 270 women from Sogd region are currently in UAE prisons (BBC, 2003).
- In 2002-2003, IOM registered 405 cases of trafficking in persons (mainly for labour exploitation). In September – December 2004, 41 trafficking cases were registered. IOM provided assistance to 200 women in 2000, and 646 women in 2002.
- In 2004, the Ministry of the Interior estimated 300,000 or more (Interview 305).

Uzbekistan

- Foundation for Women, a Thai NGO, reported increased presence of Uzbek women and their subsequent detection as trafficked: in 1999 2,695 women arrived, increasing by almost half in 2000 to 5017, 228 were detained in 2002 by immigration police, most of whom were from

³² Protection Project, *Country Report: Kazakhstan 2002*. See <http://www.protectionproject.org/main1.htm>

Samarkand or Tashkent. They identified 86 Uzbek women in the Bangkok Detention Centre in 2002.

- A large proportion (one of the interviewees cites 80%) of imprisoned women in UAE for prostitution offences are from Uzbekistan.
- Uzbek women have replaced Moldovans as the most common nationality of trafficked women detected in Israel (US Department of State, 2004).

The above are neither hard nor strong data, since one cannot assume that detection or repatriation are accurate proxies for trafficking. At the same time, however, one can conclude from the above that:

- There are increased and organized flows from the CARs into established sex industries where trafficking is known to take place;
- Since the impoverished are not in a position to pay for or arrange their own movement out of the region, at the very least most will have been in a situation in which they will be subjected to some form of bonded labour. Where they have been recruited and some form of deception was involved this would fulfil the elements of the UN definition of trafficking.

The increasing numbers on a variety of measures suggest that trafficking for sexual exploitation has increased, and the detection rates in locations such as Israel, Thailand and UAE support this contention. Local experts concurred that there was evidence of increasing internal trafficking and intra-regional flows. One interviewee in Uzbekistan noted that there had been a number of stories pointing to trafficking of men from the northern zones who were probably sexually exploited in Russia and Kazakhstan, but because the issue was “sensitive” it was minimized – professionals, including law enforcers, took the position that, if men are recruited, they know what they are going to, so if they are then in trouble, it is their own fault.

Recruitment

Patterns of recruitment reflect those documented in existing research, but with a number of regional variations. The much-documented approaches by acquaintances are evident, as is the use of women as recruiters, as the following case examples illustrate.

A young woman was destitute following her divorce, and unable to return to her family home, as her father’s new wife did not like her. She went to Khujand (North Tajikistan) and got a job as a waitress in a restaurant. A customer offered her better work in Dubai. She was taken to Osh in Kyrgyzstan and locked in a flat with other girls from Tajikistan and Kyrgyzstan. After a week they were all transported to

UAE using false passports. In Dubai she was arrested by the police and was placed in detention as an illegal migrant. She was deported, and is destitute again and now has no documents (Tajik country researcher).

A woman was approached by a female neighbour who was explicit about offering work in prostitution. She moved in with her along with another young woman and was introduced to the female pimp. Both were 15 and in the flat there were a third and a 16-year-old. One was sent to UAE, while the others operated as a team in flats around Kyrgyzstan. After a month all were taken by the pimp/trafficker to UAE, each was given 3,000 Euro to make it look as if they were shuttle traders. They worked out of a hotel where each floor was allocated to women of specific ethnic backgrounds. They were told they could pay off their fee in a week and then only had to pay for room and board. But they were charged three times the commercial rate for everything and never managed to save any money. This female trafficker controlled 25-30 girls. The young women estimated they earned 6,000 Euro after paying off debt but they were given 370 Euro, which their trafficker took back when they arrived in Bishkek. All she had to show for this part of her life was a designer handbag (IOM Kyrgyzstan, 2000).

Interviewees in Tajikistan and Uzbekistan argued that organized crime groups chose female recruiters and pimps because they were less harshly punished if prosecuted and they qualify for an amnesty if they have children.

In the main, women leave on tourist visas, with the promise of jobs as nannies, domestic workers, positions in the hotel, catering and entertainment sectors. A minority, as in other contexts, know that they will engage in prostitution.

The following emerged from interviews and other data as key recruitment contexts:

- travel and employment agencies
- shuttle traders
- the “second wave” (formerly trafficked women)
- adoption from orphanages
- kidnappings and/or forced marriage, polygamy – primarily where minors are involved.

The limitations on legal migration have created markets for assistance, which have been filled by a variety of unregulated and illegal operators. In each of the CARs there are organized networks of travel agencies, which play a key role in enabling the shuttle trade. In Kazakhstan, for example there are 70 unlicensed and a multitude of illegal and underground agencies (Yermakanov,

2003), and the media carries increasingly explicit advertising of sex businesses and offers to work overseas. A piece of work conducted by the Kyrgyz country researcher analysed advertising in six issues of the newspaper *Vechernii Bishkek*. Seventeen different phone contacts offered support to obtain visas (for Czech Republic; China; Germany; Lithuania; Poland; Russia; South Korea; UAE; USA; UK and Uzbekistan) with most claiming to take 7-10 days for 1,000 Kyrgyz soms (18 Euro). A total of 400 adverts for employment were documented, 15 of which offered well-paid jobs to beautiful girls. When some of the telephone numbers were tested a number did not work,³³ and where contact was made an in-person meeting was required before any details of the work on offer would be provided. Four marriage agencies were also identified, one specializing in links to South Korea. The fact that so few agencies are able to register and operate in a legal and transparent way provides traffickers with reasonable justifications for not having an address, or written material, such as contracts. Also many citizens have no other experience of seeking work.

The connections with shuttle trading have not been well documented, other than to note the overlap of destinations – China, Greece, South Korea, Turkey, UAE (see also Table 4.2) – and that some female traders are also recruiters/pimps/traffickers. It is unclear, however, whether the shuttle trading acts as a front for trafficking or that some women combine the two when the opportunity presents itself. The case examples below illustrate how the overlap works, but fails to illuminate why.

A 17-year-old from Bishkek with a sick mother and younger brother accepted an offer to work in a new café in Almaty in 2002 where she would earn 130 Euros a month. She and four other young women travelled together where she was left with a market trader. Her trafficker promised to return and explain, but the woman she was left with was a pimp, who removed her documents and controlled her movements and denied contact with parents. She and several other girls were told they had to work through the summer or be sold on to someone else. She could keep half of the money earned but was worked to exhaustion.

Two small town market traders met a well-off woman on the train to Dushanbe. She invited them to her house and to join her on the next trip to Russia when she would teach them how to be more successful. In Moscow they were to stay in a room with other Tajik women. They spent the day at the market, talking, drinking but when they returned to where they were staying they realized they were expected to engage in prostitution. They cried, refused and were beaten. All their money and

³³ Four began with the two numbers that are associated with government ministries.

documents were taken and they were thrown out of the building. They returned to the market and met other Tajiks who told them not to report to the police. The woman who had brought them to Russia refused to meet them, and it took them two months to get work and earn enough to get home. Both now are in very poor health (IOM Tajikistan, 2001).

The increase in local sex industries has been a feature of transition for women (Samuiddin and Khanam, 2002). IOM Kazakhstan commissioned research³⁴ to explore whether women already involved in the sex industry were targeted for recruitment: a hundred questionnaires were returned and 17 interviews conducted. Whilst less than 10 per cent had been abroad (mainly to UAE), half had been approached with offers to work in another country by strangers and customers. The fact that so many resisted these offers is worth noting. More examples of trafficking emerged through the interview data: three-quarters (n=13) reported having experienced some form of exploitation and a quarter knew someone who had been trafficked.³⁵

Given the dearth of prosecutions (see Chapter 6) in the CARs, the profile of traffickers is rather difficult to establish. According to Tajik NGOs, the same ten names recur as recruiters and traffickers to UAE, which are known to national security authorities. Some indicators of coordination and organization are that women assisted by IOM in both Tajikistan and Uzbekistan report that were systematically moved between locations in various countries and earned the same amount in each place. A previous study (IOM Tajikistan, 2001) identified eight networks, most of which had strong links with law enforcement and used taxi drivers to recruit women. After being kept constantly in debt and controlled, if necessary with violence, some were sent to Dubai, others to neighbouring republics. This suggests a different pattern to that outlined for Kazakhstan, with an interlinking of the national sex industry and trafficking.

The involvement of women as recruiters and pimps deserves more attention. In a context where the price for sexual services has fallen considerably as living standards declined and drugs entered the scene (IRIN, 2003), becoming a pimp or recruiter can increase earnings considerably. The so-called “second wave” refers to women who were trafficked and who have been offered, or somehow taken, the option of recruitment rather than continued sexual exploitation. According to IOM’s Project Office in Tashkent, some stay in UAE to organise at that end, even marrying local police officers, whilst others return to recruit at home. Becoming a recruiter may also be an option offered

³⁴ It has not been published, but it was made available for this research.

³⁵ The researcher comments that some were too frightened to answer these questions.

to women who are deported before they have paid off their original debt. One Tajik interviewee stated that becoming a trafficker might be the only option for previously trafficked women.

Those who escape are not better off – once they find out at home it's the end. The society rejects, stigmatizes people like that. After that it's impossible for them to live dignified lives as wives, mothers. Most women seem to operate on a relatively small scale, although there are exceptions with one case involving controlling 70 women in apartments and employing six other female recruiters: this woman represented herself locally as a philanthropist who trained women to be dancers (IOM Tajikistan, 2001: 22).

A critically important element that demands more detailed attention is the role of diasporas in the organization of trafficking. One possible explanation of the increased flows from the former Soviet Union to Israel is the émigré Russian community, a minority of whom were and continue to be involved in trafficking. Connections of nationality/ethnicity and family/clan have been key elements in the most enduring and effective organized crime networks throughout the twentieth century and may have a particular salience in the CARs, given the diverse mixtures in the countries.

Routes and Destinations

Table 4.2 records the responses of interviewees to a question about the most common destinations from their country, with every country mentioned by more than one individual recorded.³⁶ The data for sexual and labour exploitation are not separated, with destinations primarily associated with sexual exploitation are indicated by an asterix (*).

As already noted a number of primary destinations – UAE, Turkey and Greece overlap with shuttle trading, but others have no such connections – Israel, Germany and “Western Europe”. Also worth noting is the range of destination countries, which comprise intra-regional flows and flows into Asia, including China, as well as more predictable destinations. Others may seem surprising, such as Albania, Bosnia (see www.protectionproject.org) and Moldova. Tracing these movements more consistently might offer insight into the

³⁶ Single mentions were: from Kazakhstan – Albania, Bulgaria, Ireland, Jordan Romania, Sweden, Switzerland, UK; from Kyrgyzstan India, Lebanon, Philippines; from Tajikistan – Armenia, Azerbaijan, Bahrain, Belarus, Hungary, Iraq, Kuwait, Moldova, Qatar, Turkmenistan, Ukraine.

international organization of trafficking, since these patterns do suggest levels of connection between locations where organized crime is known to operate.

TABLE 4.2
MOST COMMON DESTINATION COUNTRIES ACCORDING TO INTERVIEWEES

Country	Total		Kazakhstan		Kyrgystan		Tajikistan		Uzbekistan	
	N	%	N	%	N	%	N	%	N	%
Russia	58	72	09	47	21	81	07	54	21	95
South Korea/Korea	50	62	12	63	17	65	02	15	19	86
*UAE	48	60	04	21	22	85	11	85	11	50
Kazakhstan	39	49			20	77	04	31	15	68
*Turkey	35	44	08	42	18	69	07	54	02	09
*Israel	16	20	14	74	01	04	01	08		
China	13	16	01	05	09	35			03	14
*Italy	09	11	03	16	03	12			03	14
*Greece	09	11	08	42	01	04				
*Western Europe	09	11	02	11	01	04			06	27
*Germany	07	09	02	11	03	12	01	08	01	04
Malaysia	06	08			02	08			04	18
*Syria	06	08	02	11	04	15				
Kyrgyzstan	05	06					05	39		
*Canada	04	05	01	05	01	04			02	09
Iran	04	05	01	05	01	04	02	15		
*Netherlands	03	04	03	16						
*Cyprus	03	04	01	05	02	08				
*Czech Republic	03	04	02	11	01	04				
*Saudi Arabia	03	04			01	04	02	15		
*Scandinavia	03	04			01	04			02	09
*USA	03	04			01	04			02	09
Afghanistan	02	03					02	15		
*Poland	02	03			01	04	01	08		
*Spain	02	03	02	11						
*Thailand	02	03	01	05	01	04				
Uzbekistan	02	03					02	15		
Total responses	377		87		135		64		91	
Total respondents	80		19		26		13		22	

Most trafficked (and smuggled) women travelling to the Gulf states require forged documents, since they are not allowed to enter without a male relative if they are aged under 31. It is often this flawed documentation that accounts

for their arrest/detection when they seek to return home. A recent television documentary by Dinana Suymaliteva estimates that there are 1,000 Kyrgyz women in UAE at any one time, and between five and ten are returned on each plane into the country, to be replaced by passengers on the flight out. The journalist maintained that out of 100 passengers between 15-20 were trafficked women, and that they had filmed mini-vans arriving beside planes in Osh, a small group of young women getting out and boarding with no document check. The introduction by Turkey of new regulations, whereby young women required an escort to enter the country, echoes that of the situation in the Gulf States.

Intra-regional region flows have also been documented, often connected to preferred exit routes, such as the international airport in Almaty, or transit settings, which provide other benefits. For example, Kyrgyzstan became a transit country (especially for Uzbeks and Tajiks travelling to UAE) because of the ease with which Kyrgyz passports could be forged.³⁷ Other flows, such as that to Korea, reflect the movement of labour and that the sexual exploitation trafficking is primarily to supply sexual services for the male migrant labour.

The necessity of adapting routes from Tajikistan at the height of the conflict, when the flights from/to UAE was cancelled, reveals the flexibility traffickers exhibit. The routing through Osh in Kyrgyzstan and Samarkand in Uzbekistan served to cement and extend their significance, and both cities appear to be focal points for trafficking in the region.

One particularly complex and brutal route is a lengthy chain from Tashkent to Israel via Moscow and Egypt, which emerged to circumvent the increased surveillance of direct entry into Israel. From Moscow women travel to Egypt on tourist visas, and there they are handed over to Bedouins who are responsible for a ten-day journey by camel across the desert. A number of Uzbek women who have been assisted by IOM tell stories of rape during the transit process – one reported that 12 men raped her until she was unconscious. Some young women have managed to escape in Egypt, return to Moscow, only to be met at airport by the same people and re-trafficked. For networks to be this efficient they must either meet all returning flights, or more likely have contacts in airlines who alert them when the return half of tickets, or certain names, are used.

I was offered work in Israel cleaning houses by one of my acquaintances. She said that I could earn big money, and I would not

³⁷ According to the Ministry of Internal Affairs, in 1997-2000, 30 police officers were dismissed for forgery, although NGOs have accused the Ministry of collusion (Kyzy, 2003).

have to travel alone, I agreed to go. We got to Israel via Moscow, where tour tickets to Egypt were bought for us. We stayed in Egypt for two days, and then we were taken in cars to the desert, and it was only then that we realized we were crossing the desert illegally. But it was too late to return, as we no longer had any documents. We were then left with Bedouins for more than two months and they raped us. One defended me from the others, and I began living with him, so he could protect me. A few weeks later I realized I was pregnant, but I could not get rid of the child. We were eventually brought to Israel and told it would be easier for us to get home from there. We stayed at some Israeli's place, but not for a long because the police came at night and took us to the police station and then to the international detention centre (IOM Project Office in Tashkent).³⁸

The Realities of Sexual Exploitation

The reality of trafficking for sexual exploitation in Central Asia shares many of the features we have become all too familiar with at the end of the twentieth century: deceit as to the kind of work that will be undertaken at the destination; deceit as to how much it is possible to earn and remit; and having to pay off a huge debt through working initially for nothing. On arrival, women may be taken to an establishment owned by their traffickers; alternatively the trafficker may sell them to a pimp ("mamasan"). The debt owed ranges from 10,000 to 18,000 Euros, and the most anyone can earn in a day is 400 Euros. If they are working for pimps who charge for accommodation, impose petty fines and even interest on the debt, then chance of earning any money to remit home recedes into the far distance. One estimate (IOM Kyrgyzstan, 2000) suggests that each woman in UAE will earn 19-30,000 Euro for their exploiters over three months if they service 15-20 clients a day. A small brothel can, therefore, have a yearly turnover of 1.5 million Euro if they "work women to death". The brothel systems have somewhat different ways of making sure women do not have direct access to the fees – in Israel payment is made at a cashier desk, with the women receiving tips. In UAE, one version involves women being taken to the homes of clients who have paid the sex business directly. IOM's Project Office in Tashkent reports that most women they are in contact with, have 7-15 Euros at most, and a number of interviewees referred to the reputation of Uzbek traffickers for brutality.

A survey of 100 women in prostitution (IOM Tajikistan, 2001) found that only 7 per cent of those who had travelled abroad did so independently, while more

³⁸ They enabled this woman to return to Uzbekistan.

than half went as part of a group organized by a trafficker and/or travel agency. A third had been deceived by middlemen and two thirds by employers. Just under two thirds (62%) reported they had been exploited on more than one occasion (Op cit: 49), half had been subjected to violence, and three quarters had experienced extortion by customs/border guards. One gets some sense of the desperation of these women's lives in that, despite this catalogue of abuses, half intended to try to work aboard again, preferably in UAE (op cit: 50). This is undoubtedly a triumph of hope over experience, fuelled here as in other places by the low prices in internal sex markets (it is now about 50 cents on the streets of Tajikistan) alongside the few examples of women who have managed to lift themselves and their families out of poverty through prostitution.

Many of the women assisted by IOM in the CARs are older, single mothers, with other family dependents. They dream of finding a way to keep more of the money that is made through their exploitation, which makes them vulnerable to re-trafficking. Reducing these risks requires providing options that would enable women to earn enough to support themselves and their families.

Trafficking for Labour Exploitation

The scale of movement in the region for seasonal agricultural work and other employment has already been referred to. Some commentators argue that these patterns have intensified since 1998, others emphasize increased documentation (IRIN, 2004b): both processes are probably at work. One reason why the scale of labour exploitation is greater than that for sexual exploitation is that the majority takes place within the region, and the costs for transport and crossing borders are relatively affordable. Profits to third parties come in part from the much larger flows, but the temptation to engage in trafficking is a constant factor. Research in Uzbekistan, for example, uncovered stories of guards and police at some borders organizing and selling migrants according to their skills and physical condition – such sales are made, whether by traffickers or corrupt officials, either to a “middleman” or directly to employers.

Scale and Destinations

In the region, movements take place primarily from the poorer republics to the richer Kazakhstan, with migrants seeking to transcend the harsh economic and social situation in their own countries. This emerging hierarchy is now reflected in language – a number of interviewees noted that the words

“Kyrgyz” and “Tajik” have become synonymous with humiliation, and increasingly used as insults. The influx of irregular migrant workers in Russia has also been connected with expressions of strong nationalist and anti-immigrant sentiment (IOM, 2003a) rather oddly termed “migrant-phobia” by some scholars.

External flows are primarily to Russia and South Korea, although nationals from the CARs have been found in a wide range of other countries. Some of the most recent estimates of labour migration, the majority of which is irregular, are as follows.

- IOM Tajikistan estimated there were at least half million labour migrants, up to 350,000 in Russia and up to 20,000 seasonally in Kazakhstan.
- IOM Resource Centre for Labour Migrants in Dushanbe estimated that 630,000, a quarter of the Tajik active labour force, migrated seasonally and that 50 per cent of the population were dependent on remittances (IRIN, 2004b).
- An estimated 124,000 Tajik migrant workers arrived in Russia in first six months of 2003, with 20,000 from a single town (BBC, 2003).
- At a recent roundtable it was suggested that that there may be as many as half a million Kyrgyz migrants (Kangaspunta, 2004), and that 15 per cent are in slave-like conditions (Kyrgyz Info, 2004).
- Irregular migrants from Kazakhstan have been found in Portugal, Spain, Belgium and Norway. All travelled on tourist visas.
- In Uzbekistan, the Ministry of Labour estimated that there were 1.2 million labour migrants, out of which 600,000 were subjected to labour exploitation and 100,000 were trafficked (compared to an estimate of 500-1,000 of those sexually exploited).
- The Kyrgyz Embassy estimated that there were 300,000 migrants in the Russian Federation, while NGOs put the figure much higher at half or close to a million. During the harvest, 80-120,000 migrants go to Kazakhstan, with 30,000 registered children.
- IOM Tajikistan’s estimate places the number of labour migrants in 2003 at 350-500,000.
- IOM’s best estimate of over half a million irregular migrants arriving in Russia alone between 2000-2003, of whom only 10 per cent have external passports. This number is thought by some to underestimate the scale by a factor of two or three (Mamadshoyev, 2003),

The range of possible estimates has been illustrated by recent research (as yet unpublished) in Uzbekistan in which the estimates of Kazakh government officials were three times higher than those of their Uzbek counterparts. The

estimates by migrants, employers and people who lived near borders were ten times higher. The difficulty of establishing what proportion of this irregular migration involves trafficking is addressed in the next chapter. Here illustrations of how trafficking for labour exploitation operates are presented.

There can be no doubt that the scale of irregular movement is considerable, and in a context where legal routes are foreclosed, it is unsurprising that so many break laws themselves, and/or seek or accept assistance from third parties. Most of the organizations advertising employment opportunities are not legally recognized, and therefore not subject to any regulation. Such contexts are extremely welcome to smugglers and traffickers, who can profit from the disorganization and lack of transparency. The sorts of work which irregular and trafficked migrants undertake are similar ranging from harvesting cotton and tobacco to construction work, especially in Russia and factory work in a range of settings. Traffickers and exploiters³⁹ choose and create locations that allow them to limit the possibility of escape: rural settings miles from the nearest settlements; construction sites surrounded by high walls and with armed guards; relatively isolated factories. “Accommodation” is always on site, and it is not unknown for clothes and especially shoes to be removed at night.

Patterns of Trafficking and Exploitation

Thousands of Kyrgyz move each year to undertake plantation work in the Kazakh tobacco harvest (IWPR, 2003), a pattern that dates from 1998. Entire families may be involved, since theoretically they can earn five times what is possible to earn at home. Many travel by road and bribe border guards, who they pay 3-6 Euro to leave, but are expected to pay more on their return. Many attempt to make verbal contracts, for example, that they will earn 30 Euro per month, with a third deducted for food and other expenses. It is only at the end of the contract, when the employer withholds payment, alleges poor work or sells individuals on to another farmer that the extent of exploitation becomes clear. Being irregular they have no legal status and therefore no rights when this transpires. The extent to which conditions can be compared to slavery are illustrated by the fact that if people leave/escape they risk being hunted down and beaten. Undocumented migrant workers are the least protected and undertake the “dirty, dangerous and difficult” (the 3 D’s) work in inhumane conditions. There appear to be tacit agreements between law enforcement and employers about levels of acceptable exploitation, which are undoubtedly stretched through the exchange of money and goods.

³⁹ This term is used rather than “employer” to refer to those who knowingly “buy” other human beings, with the intention of exploiting their labour and violating their human rights.

Labour migration is not confined to men. Fifty Uzbek women were found living and working in an unfinished knitwear factory in Russia (RFE/RL, 2003). They had received no wages for six months and their passports had been removed. The local police fined the factory owners and the women.

The country researcher in Tajikistan has been researching the routes and transportation of labour migrants from the Sogdien area. Groups, usually of men, collectively contract for transport by road and introductions to employers in Russia. Interviews with long-distance bus drivers revealed complex arrangements – which may involve short stays in neighbouring countries – whereby visas for an entire group can be arranged. The drivers also confirm multiple encounters with customs and frontier guards, all of whom require further payments to enable the onward journey: refusal can result in the destruction of the bus and/or arrest on suspicion of drug trafficking.⁴⁰ Such contracts may go to plan, in other cases the group may be sold or alternatively left on a street at the destination with no introduction and no documents. Those who find work face intolerable conditions and may receive no pay for six months. Violence directed at migrants by Russian skinhead groups is also on the increase (Mamadshoyev, 2003). An emerging concern in Uzbekistan and Tajikistan is that fewer and fewer migrants are returning from “seasonal” migration – there are, for example, reports of villages in the Bukhara area where residents are primarily children and the elderly. It is unclear whether this shift is the outcome of increased trafficking – both the extent of limitation of movement and the lack of earnings. There are some examples in interviews of male migrants who cannot return until they have earned enough to change the family circumstances, or repay family and friends who lent money to enable them to migrate in the first place.

An emergent pattern was for individuals or groups to be hired by middlemen, who arrange their transport and border crossing and promise work at the destination. In trafficking cases this individual will “sell” people directly to farmers and other employers, who recoup the costs through bonded labour. The conditions of work are extreme. In the case of harvesting cotton and tobacco, men and women are expected to work from dawn to dusk in 40 degrees, bringing in the harvest by hand. They live in makeshift huts, and the food they are provided with has been described as “slops”. Those who return home report that what little they have earned was removed by corrupt officials at the borders. One strategy to minimize extortion is for groups from the same place to contract for transport to and from the destination. Few undocumented workers are registered, meaning that evasion of labour laws is widespread –

⁴⁰ Other methods, through which corrupt officials extort money, include charging for “migration” cards when leaving and levying fines on the return journey.

the hours of work and poor safety standards take a toll on health, as does a high level of accidents. Migrants have minimal access to health care.

Racketeering thrives where state controls and oversight is lacking and where the shadow economy expands. A form of protection racket operates in all markets, levying shadow taxation on shuttle traders. The gangs operate in their own “zones” and are referred to as “roofs” (a variation applies to the construction industry). They are undoubtedly connected to trafficking in persons, but the precise mechanisms involved are unclear.

Government tax laws are what drive shuttle traders into the arms of criminal organizations, which help them evade payment. Taxes and import duties are so high, the documents and the procedures regulating migration so complicated and expensive, that it is cheaper for shuttles to pay off roofs and bribe border and customs officials than follow the letter of the law (Country report, Tajikistan).

One interviewee working in border management commented that although there are state programmes to address corruption, there are no means or motivation to stop it, “as illustrated by the popular saying: only the lazy and silly do not steal”.

Research in Uzbekistan

Several studies of migration, including an unpublished survey undertaken during the same time as this study, have been conducted recently in Uzbekistan.⁴¹ This section presents findings relevant to trafficking for labour exploitation. Uzbekistan has become an exporter of labour, with the vast majority (over 90%) of migrants interviewed (n=267) being irregular. The most common destination for Uzbek migrants is Kazakhstan and those migrating to Russia tend to have higher educational qualifications. In the emerging and imperfect market economies of Central Asia, an extremely high proportion of migrants are exploited, with extensive forced and bonded labour. Highest proportions of migrants are from the Karakalpakstan and Ferghana areas, followed by Samarkand, Khorezm and Tashkent. Whilst almost two thirds of the sample (59%) had travelled to Kazakhstan in the year before the survey, very few had done so before 1999, supporting the view that the scale of movement – and exploitation – is connected to wider economic trends in the region.

⁴¹ Almost all of this material is only available in Russian; some selected excerpts were translated for this study.

More than half (55%) used intermediaries to help them find work, and just under half (45%) travelled in groups that included relatives, friends and neighbours. The vast majority gave their reason for migrating as “to feed their family”, and three reported that their families now ate fairly well. Much lower proportions described gains that allowed them to purchase housing or cars (5%).

The most likely destination in Kazakhstan was the Mahtaaral district, and a significant proportion reported difficulties finding work. Various forms of illegal labour markets/methods of recruitment were documented, especially “brigadiers”⁴² who control access to work. Belonging to a “brigade” is a requirement to access informal labour markets where brigadiers operate, entry involves surrendering one’s passport and allowing the brigadier to negotiate contracts and receive all payments. This system is itself exploitative, and undoubtedly facilitates trafficking. Lucky employees are paid a daily rate, while others receive small amounts, and possibly nothing at all. The worst conditions were reported in Almaty, where the Altyn Orda labour market is located. The research team visited the market posing as employers looking for workers to renovate a flat, and were able to hire five people for two weeks for 45,000 tenge (260 Euros) plus food. Whilst paying the fee the researchers enquired about how much each individual would earn and whether they were registered. The brigadier dismissed the questions, assuring the researchers that he had the workers’ passports and if there were any problems he would just arrange for the immigration police to arrest them. The informal labour markets in Mangghystau were considered better, with fewer brigadiers and the one in the village Jana Uzen controlled by the local police who collected a flat fee every morning of 100 tenge (50 cents) from each job seeker.

A night labour market was observed in Kungrad, the final stop before trains cross the border into Kazakhstan. The fees charged to Kazakh employers are rather moderate: men – from 4,000 tenge (23 Euros) for an unskilled worker, up to 7,000 (40 Euros) for wood carvers; women, regardless of qualifications or age cost 2,500 (14 Euros). Brigadiers also reported that some parents sold teenage children for about 1,500-2,000 tenge (10 Euros) and that young people were very much in demand, because they worked like adults, whilst being easier to control and less likely to be targeted by corrupt police.

Local people in Shymkent reported that their local police were involved in trafficking – an accusation that appears to be supported by this element of the study. The researchers noted a well-protected area of private property surrounded by a five-metre brick wall topped by barbed wire. A number of gaunt men who spoke Uzbek could be observed inside. The researchers

⁴² Undoubtedly equivalent to what in the UK are called “gang masters”.

investigated further, discovering neighbours who had spent considerable time with two men who escaped, and who referred to the site as an Uzbek “concentration camp”. In December 2003, two young men had climbed the wall and escaped, after which the guards were alerted, beat them and left them for dead in the street. Local women, one of whom is Uzbek herself, took both the men in and nursed them back to health. The escapees were unlucky petty traders who had refused to bribe a Kazakh customs officer. They were detained, subjected to internal and external strip searches, their money, documents and property confiscated, they were then beaten and handed over to the police. Then they were sold by the police officers to the construction site, where they had been for two months; they were fed twice a day with bread and some clear broth and had received no wages. The researchers, having ascertained that the young men had returned to Uzbekistan⁴³ went to the police to lodge a formal complaint about the construction site. The complaint was rejected on the grounds that the events happened on private property and the researchers were not related to the victims. The group were also strongly advised to drop the matter for their own safety.

This study also identified informal labour markets as a source of internal trafficking. Many of the interviewees identified “mardikor markets”, especially in Tashkent, as places where people easily fell into trafficking. At these markets or “bazaars” temporary manual labourers or domestic workers “sell their hands” for very little money, and are vulnerable to recruiters. A prosecutor confirmed that these markets included a sex trade in women and children.

The unpublished survey is also documenting extensive negative health impacts for the migrants themselves. Even if many claim that their families now have sufficient to eat, they are often required to undertake demanding work whilst having very limited sustenance. Inadequate shelter and health care also take their toll. There are also psychological impacts that have yet to be adequately documented, including the extent of shame, especially for men for whom it is difficult to admit to victimization. Understanding whether this plays a part in the decreasing return of migrants is important, as neither Tajikistan or Kyrgyzstan can afford to lose large numbers of their economically active populations. The negative social costs, including high rates of HIV/AIDS, of such skewed demography where the adult male populations migrate for work have been documented, especially in Africa.

⁴³ Local people had collected money to pay for the fare home.

A Note on Turkmenistan

The limited access to data on Turkmenistan was documented in Chapter 2 and, whilst it is evident that state control on entry and exit preclude large-scale irregular migration, it cannot be presumed that this means there is no problem of trafficking. Here the more limited material on this republic, and what it might indicate, is presented.

The most extensive movements into and out of Turkmenistan take place across the border with Iran, reflecting historic links and visits to holy sites and the simplified visa regime.⁴⁴ This represents 70 per cent of all official border crossings, and two thirds of movement are carried out by road. Most Turkmen shuttle traders use this route, and Iranian men are known to engage in a form of sex tourism, visiting Turkmenistan for its more relaxed approach with respect to entertainment, alcohol and prostitution. One interviewee reported that there were frequent reports to government officials about Turkmen women being detained in Iranian prisons because they had been found in illegal brothels. The government position has been to ignore these reports, although 70 were part of a prisoner exchange: they were arrested again when they arrived back in Turkmenistan. The suggestion was made that these women were used initially to carry drugs into Iran, and then exploited in brothels. If a relatively extensive trafficking route exists in Turkmenistan, it is across the land border into Iran. An expanding shuttle trade to Turkey has emerged as visa requirements have been relaxed. As in other CARs there are likely to be overlaps here with trafficking.

NGO data indicates that women in the sex industry in Ashgabat and other large towns have spent time in other countries, specifically: Russia, UAE, Iran, Turkey, China, Thailand, Kazakhstan and Uzbekistan. However few details were provided about how women manage to organise these trips, and what kind of third parties are involved. There do, however, appear to be complex links with drug trafficking, including the introduction of the women to drugs.

Very few case examples could be developed for Turkmenistan, one (IRIN, 2003) involved a woman who allowed herself to be smuggled to Dubai via Iran, thinking she would undertake domestic work with an Arab family. She ended up in a Dubai brothel run by a Russian syndicate. Other Turkmen in UAE enabled her escape, but she now has no means to earn a livelihood at home.⁴⁵

⁴⁴ It is possible to obtain one at the border.

⁴⁵ Recently, IOM identified Turkmen victims of trafficking in Turkey.

A Note on UAE

UAE recurs across all the data as a major destination for both sexual and labour exploitation (US State Department, 2004). The sexual exploitation aspect has been underplayed, but the pull of Dubai is clearly not only for Western tourists.

Dubai is one spot in the Arab world where anyone, Muslims included, can walk on the wild side, so this [sex] industry is extremely popular with not only Western men but guys from Iran, Saudi, Kuwait, Oman, you name it (diplomat cited in IRIN News, 2003).

Given the extent to which UAE, and Dubai specifically is identified as a destination country, some estimate of the scale involved would be helpful. Until very recently, however, there has been an unwillingness to acknowledge the problem, and few NGOs or IGOs have been allowed to establish a base in the country. A previous study (IOM Kyrgyzstan, 2000: 93) estimated that there were 1,000 small hotels housing the sex industry in Dubai, each of which is four stories with eight rooms on each floor. If accurate, this would require a minimum of 32,000 individuals – minimum because it presumes only one woman per room, per day. If that is anyway close to an estimate the scale of purchase of sex must be significant. The client base is not limited to Arabs – be they citizens or visitors – but includes a large market of male migrant workers and a smaller one of western tourists (Op cit).

Trafficking is not limited to sexual exploitation, as the entire economy relies on foreign nationals, who comprise the vast majority of residents (85%) and almost all of the private sector workforce (98%). Trafficking for labour exploitation has been documented in a number of sectors, including construction, domestic service and the widely publicized use of boys as camel jockeys. The *Khaleej Times* recently exposed the situation of 1,400 construction workers “who are living in dire straits in Rapco’s labour camp in Mafraq without job, money and worse on expired visas” (Sander, 2004). The progress in response to trafficking in persons, noted in the 2004 TIP report, which moved UAE from Tier 3 to Tier 2, took place primarily with respect to domestic service and camel jockeys. The US State Department (2004) expressed continuing concern about responses to sexual exploitation – the area where citizens from the CARs are most commonly identified.

Enforcement efforts focused largely on the arrest of 4,924 foreign women, some of them possibly trafficking victims, for prostitution. The Dubai police reported 166 cases of trafficking-related cases involving foreigners, and five cases involving UAE citizens; some of these cases may be related to prostitution. The Dubai authorities also

report closing 104 travel agencies for visa trading, including the possible sale of visas to traffickers. There were five cases of ‘forced prostitution’ (trafficking) prosecuted in the UAE in 2003. Police in Abu Dhabi and Dubai Emirates do not clearly distinguish trafficking cases from prostitution and illegal immigration (US Department of State, 2004).

It is this last point, which forms the basis of concerns about the lack of protection for victims of trafficking. Confirming the issues raised in Chapter 3, a Dubai police officer was recently quoted both acknowledging that trafficking takes place and questioning how extensive it was through use of a narrow definition.

Some women claim to be forced, but if they’ve been here for two or three years, it’s very hard to believe. Conversations with them reveal a great deal about their attitudes (“Gulf News”, 2005).

Obviously a definition requiring force and a judgemental attitude will ensure that fewer trafficking cases are identified, which, in turn, results in women, who may well have been trafficked, being treated as perpetrators rather than victims and held for lengthy periods in prisons.

Children and Trafficking

This section seeks to widen the way in which children’s rights and trafficking are understood. Whilst international concern has rightly focused attention of the trafficking of children, the large-scale irregular migration that characterizes much of Central Asia may affect a far greater number, some of whom may become what is now termed “social orphans”, in that they are separated from their parents.

IPWR (2004) have compiled the evidence on child prostitution in Central Asia, concluding that it exists primarily in off-street locations, and that – as in many other places – a premium is placed on virginity. The most detailed evidence comes from Kyrgyzstan, with a fifth (20%) of prostitutes in Bishkek being minors and some suggestion that children are being sold by desperate parents. Child prostitution is less visible in Osh, with some arguing this is because there is less corruption, although girls tell stories of judges and police officers being their clients. Familiar stories of entry into the sex industry in the context of escape from abuse and neglect were also recorded. These girls are undoubtedly vulnerable to trafficking, as this doctor observes:

Why abduct them, lock them up or trick them? It is easier to pick up some beggars at the market, clean them up and pay them a small amount (Op cit).

Another pattern documented in Kyrgyzstan, which is not trafficking, but could very easily be used by traffickers, involves girls accompanying older men on long-distance train journeys. They survive by selling sex at the destination until they find someone to return with. An interviewee from a Kyrgyzstan women's shelter stated: "As for minor girls trafficked for sexual exploitation, every second girl in the shelter is a minor" (Interview 231).

The Kazakh police estimate an even higher proportion – a third – of street prostitutes are underage. They report that pimps operate in ways that have been documented globally – targeting girls from orphanages/children's homes and poor/broken homes (Kelly and Regan, 2001).

ECPAT International notes that the average age of those in the sex industry has fallen in Tajikistan (interviewees suggested this was also the case in Uzbekistan), since the number of children has risen. Some of the forms of recruitment documented – especially kidnapping – would suggest internal trafficking is taking place. Another recruitment strategy that recurs in interviews and within the case examples involves adoption of girls from orphanages.

Lola was an orphan, who had TB as a child, and was separated from her sister when she was sent for treatment and then to an orphanage. In 2000 she was adopted and went to live with her new mother. After three months Lola, who was 12 at this point, was taken to Dubai. In Sharjah, she and her adoptive mother were met by an Arab man and brought to his house. The next day Lola was taken to a nightclub by her adoptive mother and offered for sale as a virgin. When Lola protested the woman told her she must repay everything she had done for her, saying "now you are my slave and it will be easier for you to die than to escape". A few times Lola tried to kill herself; later she and the woman were deported. After a short time she was taken to Turkey where she was again forced into prostitution. She eventually escaped to the local church upon her return to Tajikistan, and is now in a long-term TB clinic (Tajik country researcher).

Orphaned or abandoned children may even be sold by employees of institutions, who have been entrusted with their care. One Kyrgyz interviewee stated "there are numerous cases when infants abandoned in maternity houses are being sold by employees of maternity houses" (Interview 206).

Here again the absence of effective state infrastructure and oversight systems means that adoption processes cannot prioritize or ensure child safety. Another vulnerable group are girls who have been raped and belong to communities that devalue females within strong notions of honour. Many see their only survival option as presenting themselves at one of the brothels in the cities. The resurgence of traditional practices such as giving a child to an older male relative in times of penury, polygamy and dowry create contexts where the worth of girls is related to financial calculations, as this quote from a mother chillingly illustrates: “Better to give my daughter to a rich Sheikh for US\$ 5,000 than lead a beggarly existence” (IPWR, 2004).

Other indications of trafficking of children from interviews are listed below, unfortunately little additional information was provided.

- Cases of boys intended for religious schools (“madrasses”) in Pakistan who are sold into sexual exploitation in Iran.
- Widespread but undocumented sale/trafficking of Tajik girls for marriage to Uzbeks within and across borders, often as third or fourth wives. Often they do not have no papers and no legal status, as they are underage.
- The re-emergence of child labour.

With respect to the latter, Save the Children in Osh report that children aged between 8-14 are taken from schools to collect cotton in fields. They work up to 12 hours a day and receive less than a Euro a day if they pick the required number of kilos. Whilst the consent of parents is technically sought, in reality there is no choice. Children worked longer than usual in 2004, because the harvest extended to December, meaning that they missed even more schooling. Even if parents consented freely, these practices contravene all international agreements about child labour.

In terms of vulnerability, the groups targeted appear to be those in orphanages, street children, runaways and minors already in prostitution and children in informal labour markets.

There is a bazaar near the Kadamjai region on the Uzbek-Kyrgyz border, it is in Kyrgyzstan, but is full of Uzbek women and children looking for work – most days 3,000-5,000 are ready to undertake any type of work. Usually they are offered a day or half a day for very little money - 20-40 Kyrgyz soms (30-60 cents) a day. They are all very vulnerable; anything can happen to them. Parents and children return home from working sites in the evening, which is also dangerous. One girl was raped recently on her way home (NGO “Kadam” in Kyrgyzstan).

As opportunities contract, in several of the CARs there will be a growing number of socially excluded and disaffected youth who have never worked and have no employment prospects.

Expanding our Horizons

An ongoing study of children's experiences in Ferghana Valley, a border region between Kyrgyzstan, Tajikistan and Uzbekistan (Save the Children, 2005) reveals the more extensive ways in which trafficking of adults and irregular migration have direct impacts on children's lives. The authors argue that trafficking can be viewed as gendered processes, with human rights abuses more common and accepted in relation to girls and young women, especially in contexts where negative attitudes to prostitution place fault/responsibility on the seller of sex.

Whilst there are persistent stories of child abductions and documented cases of parents selling their children, the researchers suggest that forms of irregular migration that involve whole families, and the revived use of child labour affect large swathes of the child populations in Central Asia. Children can also be drawn into the exploitative circle simply due to their proximity, as the example of informal labour markets - where they may be offered and accept work, only to find themselves being trafficked – illustrated above.

Childhoods in Central Asia are currently lived in a context where irregular migration and exploitation are both common place: countless children are affected whether they go with their parent/s, are left behind or used as a threat/control by traffickers.

Countries on the Move

This chapter has outlined what we currently know about trafficking in persons in the Central Asian Republics. Whilst, as everywhere, the knowledge base is inadequate, the following broad conclusions can be drawn.

- There is significant and increasing trafficking for sexual and labour exploitation.
- The most common routes and destinations are – within the region, Russia, UAE, South Korea – although a wider range of destinations has been documented for sexual exploitation.
- Large intra-regional flows for labour exploitation are taking place from poorer to richer countries – to Kazakhstan from Kyrgyzstan, Tajikistan and Uzbekistan. If patterns from other regions are repeated, as sex

markets expand intra-regional trafficking is also likely to expand (Kelly, 2002).

- Deceptive recruitment is the most common, with a high proportion through commercialized, albeit illegal/irregular, agents – especially travel and employment agencies.
- Border and taxation regimes and the availability of forms of transport, for example charter flights from Kyrgyzstan to Pakistan, have a significant impact on trafficking flows.
- The lower scale of trafficking in Turkmenistan is primarily the outcome of state restriction of movement, which itself constitutes a denial of the right to freedom of movement.

Attempting to pinpoint high-risk groups in contexts, where a quarter or more of the working population is engaged in irregular migration and the opportunities for young people look bleak, could be regarded as a fruitless task. On the other hand, the irregular migrants constitute a group vulnerable to trafficking and even where they are not technically trafficked, many are subjected to a range of human rights violations (see Chapter 5). Specifically the men, women and children who populate the informal labour markets, especially at the margins/border areas are likely to be seen as “soft targets” by traffickers and exploiters.

The inadequacy of the current knowledge base is only partly an echo of the difficulties of establishing an accurate estimate of trafficking in persons. It also relates to the reluctance in all the CARs to acknowledge, address and monitor irregular migration and legacies of controlling what information is produced and made public from Soviet times. Without greater transparency and political will, not to mention an agreement about and shared understanding of what constitutes trafficking, it will continue to prove difficult to move beyond the indicators reported on in this chapter.

With the possible exception of Turkmenistan, the CARs can be described as “countries on the move”, and these large movements and their direct and indirect consequences represent serious challenges for economic prospects, social cohesion and regional stability. As long as the prospects for sustainable livelihoods are so bleak for the majority of the population, a huge pool of human beings will be willing to move illegally in the hope that they can earn a living. The CARs exemplify the fact that effective counter-trafficking responses must connect with wider development and reform agendas.

CHAPTER 5

Drawing Lines in the Sand?

This chapter explores two linked and complex questions that the research was designed to address: how to estimate the scale of trafficking in persons in the region; and the links between labour migration and trafficking in persons in the region, with particular emphasis on how to distinguish between cases of irregular labour migrants whose rights are abused by “separate and unlinked entities” and victims of trafficking. One cannot answer the former without first exploring the latter question, and as the title for this chapter suggests this is not a simple matter. Chapter 4 illuminated a range of overlaps between extensive labour migration and trafficking. It is a matter of judgement and interpretation where one draws the boundary between one and the other – and being on one or the other side of that boundary has implications not only for individuals, but for how extensive trafficking is deemed to be into and out of the CARs.

Assessing the extent of trafficking requires exploring how far the kinds of cases that are documented in research and present for assistance come within the remit of the definition within the UN Protocol, and how far the “separate and unlinked entities” come into play. The much-cited UN definition, which underpins the work of IOM, states that trafficking requires:

...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Further clarificatory notes specify that the consent to the intended exploitation is irrelevant where any of the above means has been deployed or when the exploited person is a child (i.e. under 18 years of age) and that a position of vulnerability refers to “any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved”. Both “exploitation of the prostitution of others” and “other forms of sexual exploitation” were left deliberately vague in order to accommodate variations in national law and sex industries. This lack of precision has, however, been pointed up as problematic (see, for example, O’Connell Davidson and

Anderson, 2004).⁴⁶ Notwithstanding these ongoing debates, the Protocol requires that trafficking cases contain three elements:

- recruitment, transfer, transportation, harbouring or receipt of a person;
- improper means – force, coercion, fraud, deception, abuse of power/position of vulnerability or the giving/receiving of payment to control another person;
- an intention to exploit.

Initial hopes that international agreement on the Protocol would resolve definitional debates proved overly optimistic, with the long running disagreements about what constitutes uncoerced prostitution being replayed within the trafficking literature (Kelly, 2002). The polarization around two philosophical positions – one asserting that most women are “migrant sex workers” acting under their own volition and the other that all prostitution constitutes sexual exploitation – has precluded more complex discussions about boundaries and borders (Bindel and Kelly, 2004). One consequence is that there is lack of exploration of precisely what situations do and do not constitute trafficking within the terms of the UN Protocol. The focus on sexual exploitation, moreover, means that, where examples have been discussed the focus has been on the questions of what constitutes force/coercion and deception and whether victimization precludes women’s agency (Kelly, 2003). The Central Asian data points to other issues, including exploitation by “separate and unlinked entities”, which, in turn, raises the question of whether implicit in the definition is an expectation of an unbroken chain of actions, where each party is connected to the others.

These are not academic debates, but, as already noted in Chapter 2, they determine not only access to services and support for individuals but also estimates of the scale of the problem at the collective level. As the next section will demonstrate, applying the definition to actual case examples is not always straightforward and in many instances requires judgement and interpretation. The limited number of prosecutions internationally and the variations of domestic laws also mean that there are few higher court judgements, which provide juridical guidance on where and how lines should be drawn so as to apply the letter and intention of the protocol.

⁴⁶ One suggested clarification appears in the US State Department (2003) Model Law on Combating Trafficking. Here “exploitation” includes “engaging in any form of commercial sexual exploitation, including but not limited to pimping, pandering, procuring, profiting from prostitution, maintaining a brothel, child pornography” and “exploiting the prostitution of another” refers to “obtaining of a financial or other benefit from the prostitution of another person”.

Boundaries and Borders

In this section a series of case examples of sexual and labour exploitation compiled for this study are assessed with reference to the UN Protocol definition. Two things are worth noting at the outset: firstly, all have been offered as examples of trafficking in already-published material or the original data for this study; secondly, that they are “imperfect” data in that, elements that might help one make the assessment accurately, are missing. This latter point is relevant in a further sense – imperfect information is often the reality for those who have to make these designations in real cases. Thus, both the definition and the account may require interpretation.

Trafficking for Sexual Exploitation

A female student in Kyrgyzstan has an alcoholic mother and no father. A young man offered her work modelling in Germany. She travelled alone and was met by a man and taken to his home. It becomes clear that the ‘modelling’ involves appearing in pornography, and she is told she will have to work for free for three months to pay off her debt. After filming every day for months, and paying off the debt, she was told her fees were reduced to half, as she was ‘not as good as before’ (IOM Kyrgyzstan, 2000).

This young woman is clearly recruited and received at the destination; deception is involved and a strong argument could be made that there was an intention to exploit. Given the distance she travelled and the debt she incurred, the position of vulnerability clause probably also applies. Few would dispute that being coerced to appear in pornography constitutes sexual exploitation. If, however, a requirement of “force” or “forcible” were introduced (in effect narrowing the protocol definition), there is nothing in the above account that would enable a designation of trafficking.

The next two case examples introduce the issue of consent to the exploitation, albeit in somewhat different circumstances.

A young woman was studying in Tashkent and living in a hostel. A woman she did not know said that she was recruiting girls for summer jobs in the Israeli sex industry. When the young woman arrived she worked for several months and received no payment. When she raised this, her pimp (“balobay”) said she had been earning a percentage all along, but that he had been saving it for her. After eight months, she was picked up by the police for overstaying her visa. Her pimp promised to bring the money she was owed (9,000 Euros) to the jail.

He never came and she wants to return to claim her money, but has been told by the Israeli authorities that if they pick her up again they will prosecute her (IOM Project Office in Tashkent).

Here again we have recruitment, transportation and receipt, but no deception with respect to what she will be expected to do. Whether this case qualifies as trafficking depends critically on whether one infers that there was (a) deceit about earnings and (b) the intention to pay. There are no unconnected parties involved, so what is at issue here is whether the case qualifies in relation to the means and the intention to exploit. If we were told, for example, that it was the pimp who had reported her to the police, as many do when they judge the control over and profit from someone are diminishing, this would lead to a designation of trafficking. Just relying on what is written above though means it remains unclear whether this case qualifies or not.

A 28-year-old woman who grew up in an orphanage in Samarkand found herself homeless with two young sons after her divorce. An acquaintance told her that she could get work in the sex industry in UAE, and that it was ‘easy money’. When she arrived her passport was taken away and she was told she owed 7,500 Euros. She had to service 25 men a day, most of whom were migrant labourers and eventually paid back the debt, but still received no payment. On her first escape attempt she was beaten. She managed to get home after seven months and speaks out about it to prevent others... she has been working as a house painter and has not been paid for a month (EurasiaNet, 2003).

Here again we have recruitment, transportation and receipt but no deception as to involvement in the sex industry. However, additional information that is not noted in the second case – the removal of papers, being beaten when attempting to escape and the conditions of her exploitation – all contribute to a picture that confirms this as a trafficking case.

Reflecting on why the second case prompts questions one can see that it lacks “cues” or “markers” that allow one to infer/conclude the intentions of the exploiters/traffickers – in the third case these are the removal of papers and use of violence to control and punish. Neither, however, is required by the protocol definition or would constitute incontrovertible evidence in a court of law. What such cues or markers offer is a “short cut” - a way of avoiding a complex analytic process in order to decide if cases constitute trafficking. The danger here, however, that the markers replace the definition, and thus unintentionally narrow the reach of the protocol.

Trafficking for Labour Exploitation

These questions become even more complex with respect to cases of labour exploitation.

A man was promised a job in Kazakhstan in construction along with 25 others. They all travelled by bus and at the border their documents were removed. The recruiters/traffickers verbally taunted them, saying they had just been sold like sheep. They were all separated and forced to work in the houses of local policemen free of charge. Two men became very sick and died, and only some of them managed to get home after three months of forced labour (Country report, Tajikistan).

This case is rather straightforward – there is deceptive recruitment, transportation and the receipt of payment for control over another human being alongside the exploitation of labour. The fact that the “employer” is a corrupt police officer acts as another marker of trafficking. The assessment is more complex in the other cases.

A group of men were working at a port in Russia, they did not receive wages, lived in appalling conditions and were fed a cup of soup and piece of bread a day. They tolerated these conditions because they believed that money was being remitted to their families. However, one day someone from the village of one of the men joined the group and challenged him about why he had failed to support his starving family. Enraged the man challenged the employer, who simply responded saying ‘you are a slave.’ This man managed to escape through a friend on a small ship, and he made a complaint, as a result of which the dock operator and several officials were fired. He, however, still had no money and was not deported. He tried to walk home, but was arrested and is now in prison (Uzbek country researcher).

There can be no doubt as to the human rights violation, exploitation and injustice in this case. The deception with respect to remittances is found in many trafficking cases, but there is no evidence of recruitment or receipt. If these workers offered themselves for work, paid to be smuggled by unconnected parties, or even made their own way to Russia, there would be no trafficking involved. If, however, the superior had “bought” them or had an arrangement with smugglers/recruiters, then a different designation would be appropriate. There is a suggestion that this may be the case through his use of the concept of slavery, but nothing more than this. Perhaps most troubling is the spectre of two men in exactly the same situation of labour exploitation, but only one who was sold/bought would count as a trafficking case, and would have theoretical access to rights and the status of victim.

The country researcher in Uzbekistan recounted the examples below as commonplace ones in her experience, noting that if these constituted trafficking, then it was very widespread amongst labour migrants.

One respondent in a survey in Uzbekistan reported that police at border areas selected men with least family, and then sold them to Kazakh farmers/middlemen. Others talk of making their own journeys as they know employers, but at the borders they are taken by farmers and they see money changing hands. One female farmer when asked about this said ‘You are a slave, I bought you, shut up.’ The young man asked how he could gain his freedom and was told he would have to pick 15 square miles of cotton. After he did this, he was given his passport back (Uzbek country researcher).

If the purchase of a human being with the intent to exploit their labour counts as trafficking, then these cases come within that framing, as they undoubtedly come within the purview of contemporary forms of slavery. What remains unclear here is whether the first element of recruitment/receipt/transportation is met in this instance, where exploiters are taking advantage of the labour migration flows. If people make their own way to or across borders and are then treated as commodities by criminals operating in those locations, who sell them to others, is this trafficking? The question about unrelated third parties also arises in this example.

A Kyrgyz woman recruited 30 Kyrgyz and Uzbek men to work on construction site in Russia. She told them their monthly income would be 500 Euros, that they would live and sleep at the construction site and have no expenses for housing and food. All the men paid 350 Euro for transport and her facilitation fee. When they arrived in Russia, she collected their passports to register them with migration police and disappeared. They could not find her again, had no passports and no money. They tried to find employment independently, and were hired by some Chechens to build a house. When the men asked for payment they were badly abused and warned not to ask again. The group escaped, some returned home others stayed in Russia. Some have burns – as a result of hot tar being poured on them. The recruiter still lives in the village and no one has brought a case against her (NGO “Kadam”).

These men were recruited and deceived, but the exploitation of their labour was carried out by “separate entities”. Had their recruiter passed them on or sold them they would count as trafficked, but because her deception was more total, they fall through gaps in the definition. On the other hand, one could define the labour exploitation as linked to the recruitment and deception, not to

mention that the men were in a “position of vulnerability”. If, on the other hand, this is not a case of trafficking, one is faced with an account that differs only in respect of a gap in the chain of recruitment, transportation and exploitation being excluded from understandings of trafficking. A similar case, provided by the country researcher from Tajikistan, raises similar questions.

In 2003, 15 men and four women were sent to Volgograd through a legal employment centre. All signed contracts, paid for the tickets, but on their arrival no one met them in the railway station. Various offers of employment were being made to new arrivals about good jobs at a local factory. The group eventually accepted one of these offers and went with a man to Astrakhan, where they were met by a second Korean man, who gave the first man money and took the all the Tajiks to his farm, where he took control of all their documents. The migrants worked for three months, received no payment and endured the most basic of living condition. If anyone asked for their wages or proper food, they were savagely beaten. When the harvest was over, the man returned the groups documents and drove them away with no money or food. Four of the 19 managed to return home, the others are still stuck without funds and their families cannot afford to pay for their return either.

Here again there is a gap in the chain, and it is even less clear whether the original recruitment involved deception. There are far fewer markers of trafficking to read here – unless one can begin again in Volgograd. If trafficking does not require the crossing of international borders, perhaps the recruitment, deception and exploitation cycle takes place in Russia itself.

Other accounts, which a number of interviewees in both Kyrgyzstan and Tajikistan included in their understanding of trafficking, was hostage-taking in areas where drug trafficking is most prevalent. Whether this amounts to an alternative way of making money, or is used as a way to ensure that monies owed are paid is not clear. What was consistent though was that elderly people, women and children would be held for ransom in Afghanistan. If the money was not paid, or whilst awaiting payment, they would be used for forced labour and sexual exploitation. The means here is an instance of kidnap, and an intention to exploit is evident, but perhaps not in exactly the way envisaged in the protocol. The question then is - are those cases where labour or sexual exploitation is involved trafficking cases and ones where it merely hostage-taking not?

Variations on a Theme

The two case examples in this section are not analysed in depth as the prior ones were, but are presented to illustrate forms of abuse and exploitation which are undoubtedly not “trafficking” as such, but have connections to it and are possible because of the extent of abuse and exploitation in the social context.

The husband of a Tajik woman left to work in Russia eight years earlier. Someone who knew him saw him by chance in a remote city and told the woman and she decided to find him and bring him home. Truck drivers from her village agreed to help her travel to Russia and she left her children with the mother-in-law. In route, the truck drivers sexually exploited her themselves and sold her to strangers. She failed to find her husband, and had no money to get home. She met a woman from the village she came from who gave her money for a return ticket (NGO “Kadam” in Kyrgyzstan).

A female teacher, whose life was made impossible when her husband was killed by a stray bullet, began market trading supported by a female and male friend. She visited a richer woman and together they planned a trip to UAE. She thought they were meeting a businessman but she was forced to have sex and told she owed US\$ 1,000. The woman she travelled with had videoed her having sex. She did return to her market work after paying off the debt, but the other woman came demanding money threatening with videos. She killed her exploiter and is now in jail (IOM Tajikistan, 2001).

Drawing Lines in the Sand?

It is not the intention of the author to suggest that there are easy resolutions of the definitional conundrums and dilemmas illustrated by the case examples: in fact compiling more examples from this and other regions would extend the range of contexts in which the question of where the boundary should be and why is not immediately obvious. There are cases, which are so clear everyone would view the people as victims of trafficking. Equally, there are cases like the two noted above, where people have their rights violated, but which are not trafficking. It is the many cases in between which are not easy to designate, and where simply referring to “separate and unlinked entities” fails to create the clarity needed. There is a range of complex questions that require further exploration, since for some of the case examples presented here there are at least two arguably defensible readings of the protocol definition. The fundamental question here is whether the UN intended the definition to be read in a narrow way requiring clear markers (such as the presence of force), or

whether it was intended as an inclusive definition capable of capturing a diversity of contexts in which desperate and vulnerable human beings are taken advantage of and treated as commodities in conditions similar to slavery. The former does indeed require drawing lines in the sand, the latter operating within the intention of law.

Challenging Questions

In this concluding section, a number of implications of the previous discussion on how trafficking is understood, and defined, are highlighted. In the light of this discussion and the material presented in the preceding chapter, a series of notional estimates about the scale of trafficking in the CARs are presented. The following issues emerge that deserve further discussion and investigation.

- Who is a trafficker? Do the police/border guards/customs officers who sell individuals qualify – since this is technically neither recruitment nor kidnapping? If they are to be included, does the definition need adjusting to accommodate them?
- What does the emergence of the language of slavery into everyday vocabulary in the region indicate? What does it tell us about current relations between nations and ethnicities, and what implications do they have for the construction of national identities?
- How can an understanding of trafficking as a process be developed, where it is recognized that it may only be at the very end point – where, for example, there is a refusal to pay wages, or the sale of a person to someone else for example – that the intent to exploit becomes clear. In this sense, and a number of others, conceptualising trafficking as a continuum is likely to be more inclusive than a focus at the front end on the recruitment phase.
- Is it necessary for parties to trafficking to be “connected” in some way? If so, does this not create a legal loophole, whereby increasing cases of the recruitment and transportation being undertaken, people abandoned in locations where “separate” individuals can prey on them for exploitation?
- This raises the question of whether national law should be constructed around the UN protocol definition in such a way that the three elements have to be proved and the parties connected to one another. If that is the requirement, it seems likely that few cases will make it through such a high evidential burden.

Possibly the most challenging question within this, or any basic research on trafficking, is to estimate the scale of the problem in specific locations. The limitations of the data in Chapter 4 have already been noted, and in this

chapter; the fact that there are contested boundaries as to what constitutes trafficking has been outlined. In such contexts, providing an accurate estimate is simply not possible. What is possible, however, is to sketch out the possible variations in the extent, depending on which estimates and definitions one begins from.

Taking the narrowest definition – which requires forcible recruitment and an unbroken chain of connected individuals in the entire process – there are tens of thousands of cases in the region, with at least four times as many for labour and sexual exploitation. At the other end of the spectrum/continuum – one may use a more inclusive definition which views trafficking as a process that may not be evident until far later, when the extent of deception and exploitation is revealed, and where the connections need not be direct and personal. This can involve taking advantage of positions of vulnerability, in which case we are talking about hundreds of thousands of cases, possibly even into a million or more, and the proportion of labour exploitation cases also increases. Obviously there are a range of intermediate positions where numbers are adjusted according to the exclusions/inclusions within how trafficking is understood and defined.

Either/Or or Both/And

Extending the continuum⁴⁷ notion to encompass the links to and overlaps with irregular migration, and considering that both sexual and labour exploitation are not confined to trafficking contexts: these areas of criminal activity shade into and out of one another on a number of dimensions (see also ILO, 2003b; IOM, 2004; Anderson and O’Connell Davidson, 2003). Such a perspective suggests that legal reform and law enforcement responses might be more effective if there was an approach that ensured that all the elements of trafficking are dealt with, where appropriate, as specific criminal offences. For example: sale of human beings; removal of legal papers; and withholding of earnings. This would ensure that cases did not have to qualify as trafficking in order for the abuses and human rights violations to be recognized and that there was a synergy between labour law, sexual and physical assault laws and trafficking legislation. Such synergies are likely to facilitate justice since in cases where the evidence may not support a trafficking charge, it might be adequate for other less complex offences (see, for example, Kelly and Regan, 2000).

⁴⁷ The author used this term initially in relation to violence against women (Kelly, 1987), and the concept is widely known and used within that field.

There is also a strong argument for other synergies – such as joining up counter-trafficking work with that of defending the rights of migrant workers. Whilst the UN High Commissioner on Human Rights, Louise Arbour, is surely right to complain that trafficked people should be treated as victims of crime rather than undocumented workers, the UN General Assembly resolutions on migrants seek to assert that they too should be protected from violations of labour law and a range of abuses of human rights such as arbitrary arrest and detention. The question here is not an either/or, but rather a both/and.

CHAPTER 6

Drops in the Ocean

In this chapter, responses to trafficking, and specifically the emergence of counter-trafficking initiatives, in the region, are explored. Counter-trafficking activities have, to date, primarily focused on sexual exploitation, and apart from the work of hotlines and an innovative project in Tajikistan, the CARs are no exception to this rule. The data in this chapter follows this pattern unless stated otherwise. Sections address several of the specific research questions, including the extent of prosecutions, the identification and provision of assistance to victims. Whilst limitations in data preclude various levels of analysis, a picture can be drawn of emerging responses organized around the “three Ps” of Prosecution, Protection and Prevention. The discussion begins with an overview that includes the evaluation of responses in the CARs by the US Department of State Trafficking in Persons reports.⁴⁸

Emerging Responses

Table 1.6 presented information on the extent to which the CARs are signatories to, and have ratified, relevant international legal instruments. The increased focus on the Central Asian republics in the US Department of State Trafficking in Persons (TIP) report demonstrates that the scale of the problem has been registered internationally. It is also worth noting that this too primarily addresses trafficking for sexual exploitation - the most recent report notes:

During the last year, the U.S. Government estimated that 600,000 – 800,000 people were trafficked across transnational borders worldwide. Analyses of data reveal that 80 percent of the victims trafficked across international borders are female and 70 percent of those females are trafficked for sexual exploitation (US Department of State, 2004: 24).

Were greater attention paid to trafficking for labour exploitation, the raw numbers in the region would be considerably greater (see Chapters 4 and 5)

⁴⁸ Considerable skepticism has been expressed internationally about how assessments are made (see, for example, the written response to the 2003 report by Human Rights Watch). Whilst there are undoubtedly issues of concern with respect to transparency, consistency and evaluative conclusions, the TIP report is the only available source which uses a common framework to track counter-trafficking responses over time. It is, therefore, worth documenting how the CARs have been positioned over the last four years.

and the evaluation of the adequacy of responses might have to be adjusted. The foundation of TIP reports is an assessment of state responses within a three-tier scale (see Box 1), based on a set of minimum standards, set out in the US Trafficking Victims Protection Reauthorization Act of 2003.⁴⁹

BOX 1

THE TIER PLACEMENT SYSTEM USED IN THE TIP REPORT

Tier 1: In full compliance with the standards.
Tier 2: Not in full compliance, but significant efforts taken to meet the standards.
Tier 2 Watch List: The Watch List applies to those countries where at least one of these conditions apply:
<ul style="list-style-type: none"> - the absolute number of victims is large and/or increasing - no evidence of increased efforts from the previous year - compliance is based on commitments to act in the future.
Tier 3: Not in compliance with the standards and not making significant efforts to meet them.

There is some suggestion that allocation to Tier 3, which, since 2004, means that the US may exercise its prerogative to impose sanctions for non-compliance, has prompted states to take action, especially passing legislation and developing Plans of Action. The designations of the CARs in the four TIP reports to date are presented in Table 6.1.

TABLE 6.1

PLACEMENT OF CENTRAL ASIAN REPUBLICS IN US TIP REPORT

	2001	2002	2003	2004
Kazakhstan	3	2	3	2*
Kyrgyzstan	2	3	2	2
Tajikistan	n/a	3	2	2*
Turkmenistan	n/a	n/a	n/a	n/a
Uzbekistan	n/a	n/a	3	2

* On the Tier 2 Watch List.

n/a – Data not considered reliable and/or minimum number of victims has not as yet been reached.

⁴⁹ The data included in the TIP report reveals that these include: a statute that outlaws and punishes severe forms of trafficking in persons; penalties similar to those of equivalent crimes that would act as a deterrent; serious and sustain prevention efforts. Addressing corruption, monitoring and transparency also feature.

Interestingly, only Kyrgyzstan and Kazakhstan appear in the first report in 2001. By 2004, all CARs, except for Turkmenistan, are included and placed into Tier 2, with Kazakhstan and Tajikistan on the “Watch List”. Some of the reasoning behind the designations is made available in the reports.

- Kazakhstan moved from Tier 3 to Tier 2 in 2002 “in recognition of initial law reform and training”, only to drop to Tier 3 in 2003. It moved up to Tier 2 in 2004, as legislation was passed and a Plan of Action adopted.
- Kyrgyzstan began at Tier 2 and was downgraded to Tier 3 in 2002, as a consequence of limited activity. The shift to Tier 2 in 2003 was attributed to increased cooperation with IOM and NGO partners, which is thought to have continued in 2004.
- Tajikistan entered at Tier 3 in 2002, moved to Tier 2 in 2003 due to “some steps” that were taken. It was placed on the Watch List in 2004, as there was little evidence of further effort.
- Uzbekistan also entered at Tier 3 in 2003, moving to Tier 2 in the following year for its “candour” in admitting the problem and taking initial steps.

As this chapter will further illuminate, none of the CARs has a strong record with respect to counter-trafficking, as little more than the most basic actions were taken in some countries. At the formal governmental level, the following recent actions have been taken.

- Kazakhstan. In September 2003 a new law was enacted⁵⁰ and a three-year Plan of Action, focused on prevention, protection and prosecution, was adopted. It contains 13 measures to be implemented in 2004-2005. National coordination has been instituted through an Inter-Ministerial Commission, and instructions on assistance to trafficking victims were sent to Kazakh consular missions abroad.
- Kyrgyzstan adopted a three-year Plan of Action in 2002; established a Department for Combating Trafficking in Persons in the Ministry of Interior and a National Council on Combating Smuggling of Migrants and Trafficking in Persons. A new passport system was implemented in August 2004, in an attempt to address the scale of forgery and the use of Kyrgyzstan as a transit country.

⁵⁰ The legal reforms changed or added wording to ensure that the following articles apply to trafficking for sexual exploitation and cover transit: Article 125 “Abduction”, Article 126 “Unlawful deprivation of freedom”, Article 128 “Recruitment for exploitative purposes”, Article 133 “Trafficking in minors”, Article 270/1 “Procurement/prohibition of brothels”.

- In 2002, Tajikistan was the first country in the region to join the Convention against Transnational Organized Crime and its supplementing protocols. In June 2004, Tajikistan passed a new law “On Combating Trafficking in Persons”.
- Turkmenistan has limited legislation, institutional frameworks or mechanisms for creating a counter-trafficking response, though it recently ratified the Convention against Transnational Organized Crime and its supplementing protocols..
- Uzbekistan has established a Department for the Prevention and Combating of Crimes related to the recruitment of people in the Ministry of Interior. Ideas for law reform were announced at a conference in June 2004, including victims’ protections, although these would only suspend criminal liability if there were cooperation with law enforcement authorities.

Prosecution

As a recent IOM study (2003d) documents, the legal frameworks in the CARs, whilst providing a range of offences were not adequate with respect to contemporary trafficking. Three countries have enacted entirely new laws in the last two years – Kazakhstan, Kyrgyzstan and Tajikistan – although reforms have applied mainly to trafficking for sexual exploitation.

Table 6.2 presents data generated through interviews and by the country researchers on the number of prosecutions. At least three and, as many as seven different estimates for each country appeared across the interviews. The highest numbers from an informed source (for example, the Ministry of Justice, IOM) have been selected, meaning that the table may overestimate cases. Also data for 2004 was only available for the first eight months of the year (i.e. up to August).

TABLE 6.2
PROSECUTIONS OF TRAFFICKING CRIMES, 2002-2004

	2002	2003	2004
KAZAKHSTAN			
Prosecutions started	2	3	6
Number of individuals involved/charged?	2	6	8
Men	1	1	1
Women	1	5	7
Cases reaching Court	2	2	

Findings of guilt Sentences	1 4 years	2 4 & 3 years 2 years probation	
KYRGYZSTAN Prosecutions started		16	16
Cases reaching Court Findings of guilt		6	
TAJIKISTAN Prosecutions started Number of individuals involved/charged?			14 25
Cases reaching Court Findings of guilt	2		1
UZBEKISTAN			23

Given the scale of trafficking in the region, the low figures of prosecutions, not to mention that few appear to result in convictions, confirm that currently there is a very small likelihood of detection and sanction for traffickers. This undermines any deterrent effect of existing, and more importantly new legislation, ensuring that the oft-cited cliché of trafficking being a low risk, high reward activity applies in this region. Furthermore, a high proportion of the prosecutions appear to involve female defendants, which raises the question of whether only the lower layers of criminal networks are being targeted. Data from Uzbekistan shows that whilst five female pimps were convicted in 2003, they were rapidly released under the yearly amnesty. Such actions also raise issues about political will. On the other hand, a court in Dushanbe sentenced a woman to 14 years for trafficking in women (17 December 2003).⁵¹

The importance of both resources and political will to the prosecution of cases are further illustrated by the example of Tajikistan. At an IOM conference in Bishkek in December 2003, the Prosecutor General acknowledged that there had been no prosecutions, apart from two in 2000 for trafficking in minors,

⁵¹ It is not possible to say whether either of these cases appears in Table 6.2, since they were described by interviewees who stated they did not know about all cases and just gave examples that they were familiar with.

which involved nurses selling babies, and one case in 2001. This was in the context of the Ministry of Labour admitting that 1,000 Tajiks had been arrested in UAE and 20,000 in Russia for irregular migration offences. Whilst an expert group met with Ukrainian legal experts to explore why Article 130 on trafficking in persons was ineffective, it was the opening in April 2004 of a Counter-Trafficking Department in the Ministry of Internal Affairs that seems to have made a major difference. Within a few months, 14 cases had been opened under Article 130.1.

Considerable frustration about the lack of prosecutions was expressed by a number of interviewees in Kazakhstan. An example was provided of a case regarding a prosecution opened in April 2002, which was highlighted in the media. It had been subject to so many delays and postponements that, by the summer of 2004, the victims were hoping it could just be closed. By contrast, IOM Kyrgyzstan provided the example of a case involving a corrupt official in the passport office, where the prosecution was completed within 10 days.

The majority of law enforcement officials and Ministry representatives interviewed for this study tended to excuse the limited number of cases through both a resort to legalism and references to limited resources. It is, however, clear that some cases proceeded in all jurisdictions and that prosecutions are possible. Case examples also highlighted that some victims who wished to make formal complaints were deflected at best, or prevented at worst, from doing so, often on spurious grounds.

A young woman accepted an offer to work in China as a waitress, but on arrival she was forced into prostitution. She managed to escape and return home and went to report what happened to the police in Osh. They pointed to a clause in her contract saying she must 'conform to local customs' and, according to the police, this involved prostitution, therefore she had no case (Kyrgyz NGO).

A highly educated relative of an interviewee lost his job and was approached by a well-dressed middleman, who introduced himself as an agent of a legitimate company recruiting and employing people in Kazakhstan. He was offered a contract to work as an agronomist, with supporting documents from the state banks of Kazakhstan and Kyrgyzstan. The man accepted the offer, but his family did not hear from him for many months. In mid-2003, the family asked the Kyrgyz police to find their relative. At the end of the year he returned sick and without his passport. The family learnt that he had been exploited: he and his co-workers were expected to work up to 24 hours a day, were provided with minimal food and no payment. His family noticed that he changed in many ways and that he no longer trusted anyone. He

wanted to take a legal case against his traffickers, but police stated that since the recruiting agency on the contract was not legally registered, there was nothing they could do (Interview 219).

Several case examples, as the one below illustrates, drew attention to an issue that has received relatively little attention in the trafficking literature – what in criminology is termed procedural justice. This concept refers to ensuring that the processes in criminal prosecutions are fair, and treat those involved with respect and dignity. Human rights advocates focused initially on ensuring that the rights of the accused were protected, but jurisprudence has extended these discussions and debates to victims/witnesses. Addressing the ways in which rights to privacy and dignity can be violated through aspects of the legal process have been most strongly articulated in relation to sexual offences, and key issues such as the right to anonymity need to be extended to trafficking: five interviewees referred to the further damage done to the lives of victims by the media publishing their photographs, names and even, in some instances, addresses. The judgemental comments and attitudes were not, however, confined to newspapers, and finding their way into this courtroom.

Four young Uzbek women, two of whom were minors, were trafficked to Almaty in summer 2003 and forced into selling sex. They were forced to work in the streets and saunas, with the pimps retaining all the earnings and locking them in an apartment. When identified, the young women cooperated with the police and the pimps were arrested in late August. IOM Tashkent was eventually requested to provide support to the young women, who, in late November, still only had thin summer clothes. From this point on, IOM sheltered and supported them, and when the case came to court in mid-December, paid for a lawyer to represent the young women's interests at the hearing. Observers at the trial were shocked by the extent of disrespect shown by the judge and the defence lawyers were disrespectful to the victims/witnesses. Observers from USAID and the Uzbek Consulate were also invited and witnessed the poor treatment of victims. Whilst the judge found the traffickers guilty, doubts were expressed as to whether this would have happened if the victims had no legal representation and international observers had not been present were absent (IOM Project Office in Tashkent).

There has been minimal exploration of the ways in which stereotypes and prejudices can be played out and reinforced in prosecutions of trafficking for sexual exploitation. It appears that, just as in rape trials (Kelly et al, 2005) they are used to undermine the credibility of victim whilst simultaneously providing a justification for acquitting defendants. More detailed exploration

of the parallels here would be welcome, since, as this interviewee points out, minimal procedural justice exists currently for trafficking victims.

... sometimes one has the impression that court officials and prosecutors ‘show off’ the victims in order for the criminals to get revenge. Our courts are for sale, although they employ many women. As for the police and prosecutors’ offices – mostly, they are obtuse men from rural areas. Often, due to the lack of commentaries on the laws and the weak work of the Constitutional Court and Judicial Council, they have to interpret the laws themselves and replace the Criminal Code with common law... the mass media and the journalists are a serious problem. Not only do they promote traditional gender stereotypes, but their activity poses a danger for the victims – almost always they publish their real names and give details that allow their easy identifications. What is more, they publish the victims’ photos and include comments on their moral character (Interview 320).

At least one shelter provider made the point most forcibly that it was women’s distrust of the judicial process, and their lack of faith in that either they would be treated respectfully or their abusers would be convicted. This accounted for their refusal to make complaints against traffickers: a further parallel with recent research on rape (Kelly et al, 2005). In this context, establishing the principles and practices of procedural justice may prove more important than pointless debates about the need for formal witness protection programmes, since few victims of trafficking are able to access these in rich western countries, let alone in low-resource ones, where justice system officials are often not paid their salaries.

Seeds of Change

Within this largely pessimistic picture, there are some examples of cases and judgements that one can take heart from. These may represent seeds of change in the region.

- The judge in a case in Tajikistan transferred ownership of a flat from a trafficker to a victim.
- A prosecutor in Samarkand expressed a willingness to open cases brought to her department and developed by NGOs.
- Efforts to cooperate across the borders of Kazakhstan and Uzbekistan in cases where traffickers have been indicted in both countries.

Whilst these instances move beyond symbolic gestures, they remain the actions of insightful and committed individuals. There is an extremely long way to go before governments in any of the CARs can demonstrate that they

are committed to, let alone effective in prosecuting traffickers and exploiters. This conclusion could be drawn even more sharply in relation to trafficking for labour exploitation.

Protection

Procedural justice is but one aspect of protection for victims. In this section more recognized forms of protective services are discussed, especially those of shelter, return and reintegration and advocacy. All of these activities are relatively recent and the available data was limited. Shelters exist in Kazakhstan (4), Kyrgyzstan (2) and Uzbekistan (4). Some are geared towards trafficking victims, while others cover a range of forms of violence against women and all have some dedicated bed spaces. Table 6.3 provides more information on Kazakh shelters, in which a total of 26 bed spaces are available for victims of trafficking. Unfortunately, the residency data is rather vague, suggesting that there were only 23 residents throughout 2003-2004.

TABLE 6.3
SHELTER PROVISION IN KAZAKHSTAN

Region/city	Almaty	Shymkent	Taldy-korgan	Ust-Kamenogorsk
Bed spaces	10	8	25	25
Dedicated shelter for victims of trafficking If NO any reserved spaces for traffic victims	Y	Y	N 4	N 4
How many victims of trafficking resident 2003/4	8	12	0	3

A shelter is a “safe house”, the meaning of which is far more than a roof and four walls. Shelters are intended as sanctuaries - spaces in which someone feels protected, able to speak what has been “unspeakable” and through support, advocacy and counselling begin to reclaim a sense of self. Unfortunately too many shelters are little more than the building – providing physical but not psychological and emotional safety. Indeed, one IGO representative made the following comment about shelter provision in the region.

Crisis centres have 2-3 beds, but no funds for food and living expenses for victims of trafficking, who can only stay for up to two weeks (Interview 209).

At least one shelter in the region, however, can be described as a sanctuary in every sense of the word – on arrival one enters a courtyard bounded by high white walls with a small peaceful garden at the centre. The residents clearly feel that they belong, have both rights and responsibilities, partly accounted for by the fact that their needs are met and there is no time limit on their stay. The fact that the project was founded on a philosophy/practice of treating everyone with equal care and respect also undoubtedly played a part in creating an atmosphere in which it was possible to share, but most importantly move on from, suffering.

Shelter is only one form of assistance. Most IOM offices also provide support, advocacy and reintegration through their projects. IOM Kyrgyzstan provided reintegration assistance to 163 victims during 2003, of whom 60 per cent were female. However, several NGOs who work with victims expressed concern about the level of damage they were dealing with, often expressed through negative coping strategies such as suicide attempts, alcohol and drug abuse. None of them felt that they had the depth of skills necessary to work effectively with this level of trauma.

The absence of either shelter or reintegration work in Tajikistan was attributed by some interviewees to traditional patriarchal attitudes that stigmatize and blame any woman involved in prostitution. One insightful interviewee extended this observation to a broader analysis whereby the sale of Tajik women outside the country was regarded as a source of considerable shame for Tajik men, meaning it was preferable to ignore the issue. There is, however, an innovative Centre for Labour Migrants, established by IOM in Dushanbe, which was visited by 600 individuals, most of whom were men, in the first half of 2004.

The most detailed information on assistance came from Uzbekistan, and especially from one of IOM’s NGO partners “Istiqbolli Avlod – Future Generation”. The Table 6.4 documents the number of women returned during 2003/4 to Uzbekistan, two thirds of whom were met and assisted by this NGO.

TABLE 6.4
ASSISTANCE PROVIDED BY THE NGO “ISTIQBOLLI AVLOD”

Country	Repatriated victims	Met and assisted
Israel	223	144
UAE	24	7
Thailand	12	7

Country	Repatriated victims	Met and assisted
Malaysia	9	6
Turkey	6	
Indonesia	2	2
Greece	2	
Russia	2	
Singapore	1	
Armenia	8	8
Kazakhstan	4	4
Total	293	178

The predominance of returns from Israel, UAE and Thailand partly reflects trafficking flows, but also the work of the NGO in identifying Uzbek women through strong links with the NGO “Isha l’Isha” (“Woman to Woman”) in Israel and the “Foundation for Women” in Thailand. These bi-lateral partnerships have enabled “Istiqbolli Avlod” to identify trafficked women held in prisons on prostitution and immigration offences. Work then takes place – often through IOM - at governmental levels to negotiate their release and return. Returns from UAE and Israel can involve lengthy and complex negotiations – with the Uzbek Ministry of the Interior taking on occasion up to six months to act. The challenges are even greater with respect to UAE, as there are no partners to work with at the IGO or NGO levels.

The group have developed considerable expertise and have a reputation for high quality support and advocacy. They offer considerable legal support, encouraging and enabling women to assert their right to be treated as victims on their return to Uzbekistan rather than accept a short sentence of punishment for illegal entry and/or using fraudulent documents. The analysis of 100 of their cases in more detail revealed that almost three quarters (72%) were from the Tashkent and Samarkand regions; two-thirds were aged between 20 and 25, with three minors; and half of the sample had children, although very few were in an ongoing marriage/relationship. Many faced complex issues about the support of their children, who had been left in the care of relatives or neighbours who depend on them sending remittances. Both traffickers and child carers use children as a way to control women, with the threat that the children will end up in an orphanage especially powerful. The extent of unmet support needs is evident in this response.

Taking into account our mentality and customs, which impose a strict judgement of those, who engage in commercial sex, many girls are on the edge of psychological breakdown upon their return. This can lead

to hard consequences, for both their personality and the people who surround them (family, friends and acquaintances), as well as for the whole society. We know a case of suicide, when a woman from the Samarkand region ended her life by self-burning, because her relatives did not want to understand, forgive and accept her. Her family had expected her to solve their financial problems, and were unwilling to understand the hardships she had to experience in order to meet their hopes and expectations (IOM's Project Office in Tashkent).

What Protection?

The limited availability of support in the region means that there are large numbers of victims of trafficking for sexual and labour exploitation, who are unable to access any form of protection. Just one example are the ferries, which arrive regularly at Odessa, amongst the passengers are many women, including from CARs, who are deported from Turkey on prostitution charges. Some of them told journalists that they had been sold 20 times, and spending time in Turkish prisons, which have a reputation for brutality (The Day, 2004). There is no automatic access to support for these women, most of whom have to find their way home as best they can.

A number of case examples confirm that neither in the destination nor origin country, are trafficked women automatically treated as victims, and that many – we do not know exactly how many – continue to pay a high price for their choice of survival strategy.

A young woman whose father left when she was small and who has a disabled brother graduated from college but could not find a job. She was slim and beautiful and her mother's friend offered her a job in Dubai cleaning a villa and added that she might meet a millionaire. When she arrived her passport was taken, supposedly for registration, but she was sold for US\$ 7,000. She ran away and found the local police station, where she was charged with immigration offences and sentenced to three years. She has been in jail for 11 years because she cannot afford a lawyer (IOM Tajikistan, 2001).

In summer 2004, a husband called the Ust-Kamenogorsk hotline about his wife who, he said, had been forced into prostitution in Dubai. She was subject to intense surveillance and was only able to telephone during the night using a friend's cell phone. Her passport was removed and her tourist visa had expired. She was desperate to escape and return home. IOM began negotiations with the Kazakh Consulate General in Dubai in order to try to find and rescue this woman. She was released by the traffickers in July, but was arrested and placed in

prison for breaching immigration and prostitution laws. She was allowed to return home after three weeks in custody (Interview 417).

A 17 year-old girl was returned by IOM from UAE, where she had been sexually exploited. She had a forged passport that said that she was 25. She was held for some time in a detention centre in UAE and was arrested again by the airport police when she arrived home in Kyrgyzstan (Interview 203).

Governments that arrest, prosecute and penalize victims of trafficking cannot claim to be complying with the protection and victim care aspects of the UN Protocol or the minimum standards underpinning the TIP reports.

Prevention

The two activities in the CARs that are part of the prevention efforts are the relatively large number of hotlines and awareness raising activities. As the data below will illustrate, hotlines are primarily used by people who are considering/planning to migrate and thus offer an important potential for preventing recruitment into trafficking. Kazakhstan has the most provision, with 19 hotlines, operated by IOM's NGO partners. Between December 2001 and September 2003, the hotlines received 25,000 calls (see Table 6.5 for more details).

TABLE 6.5
KAZAKHSTAN HOTLINE USE IN 2003

Region	Total calls 2003	Women	Men
Aktau	267	70	30
Aktobe	121	60	40
Almaty	204	50	50
Almaty lcw	454	50	50
lom Almaty	200	50	50
Astana	408	60	40
Atirau	230	55	45
Karaganda	433	63	37
Kokshetau	443	51	49
Kostanay	279	52	48
Kizilorda	113	49	51
Pavlodar	58	60	40

Region	Total calls 2003	Women	Men
Petropavlovsk	778	66	34
Shymkent	1351	47	53
Taldykorgan	675	56	44
Taraz	173	50	50
Uralsk	113	60	40
Ust-Kamenogorsk	989	60	40

*All percentages were estimated.

The information on hotline calls is unfortunately rather limited, with many of the basic categories being “estimated” in the data provided. They do, however, offer some insight into the scale of use and the kinds of calls made. Table 6.6 presents data on the Tajikistan hotlines and Table 6.7 on Uzbekistan.

TABLE 6.6
TAJIKISTAN HOTLINE USE IN 2003

	Dushanbe N=360	Khujand N=240	Kurghon Teppa N=600	Khorog N=144
Women	%	%	%	%
Men	30	40	50	20
Category of callers				
Potential migrant				
Migrant				
Migrants family				

The majority of calls are from potential migrants and made from inside the country. Additional Kyrgyz data suggests that close to half have already had a migration experience. Only 2% of calls in Tajikistan refer explicitly to trafficking and there were nine calls requesting a search for a specific person, of which five had successful outcomes. The Uzbek data tells us a little more about the content of enquiries, confirming that the vast majority request information about working in another country, and very few of these relate to the sex industry. There appear to be variations in use by men and women across countries and regions, although these differences may be an artefact of most percentages estimated in Kazakhstan and Tajikistan.

Work on hotlines requires a complex skill base, especially since a small proportion of calls are actually from victims and can be distressing. For example, a young woman had called the IOM's Project Office in Tashkent from Moscow several times, but the last time had been four months before, when she said she had nothing, and nowhere to live. Losing touch with someone in such a vulnerable position is difficult, and those answering the hotline will inevitably speculate on misfortunes, which may have befallen the person, until contact is renewed.

TABLE 6.7
HOTLINE DATA FOR UZBEKISTAN IN 2003

Subject of call	Total N =4973		Women N = 2183		Men N=2790	
	N	%	N	%	N	%
Employment abroad	4316	87	1762	81	2554	91
Health, social and family problems	104	2	81	3.7	23	
Specific cases of trafficking	94	2	83	3.7	11	
Migration, repatriation	81	1.6	62	2.8	19	
Journalists/NGO and state partners	48	1	35	1.6	13	
Business trips abroad	32	<1	11		21	
Marriage/divorce with non-nationals	15	<1	14		1	
Commercial sex issues	2	<1	2		-	
Other calls	261	5	127	5.8	134	4.8

What emerges strongly is that hotlines appear to be widely used, although it is somewhat surprising that there are so many more in Kazakhstan compared to the nations which have greater trafficking flows in the region. The failure to systematically collect and collate data on calls is frustrating. Visiting a hotline in Uzbekistan, however, made clear that, if more data is to be collected, donors or intermediaries like IOM must provide not just a common template but also the actual sheets of paper on which to record information, and take the responsibility for both regular collection and collation and building in internal validity checks.

Strong Messages

The awareness raising activities that are most strongly recommended by interviewees involved the use of theatre in Kyrgyzstan and Tajikistan: in the former, 18,500 in rural areas watched the play. Whilst some uncertainty was expressed about the impact of actions such as distributing leaflets, awareness raising work in Kyrgyzstan had resulted in the closure of seven illegal employment agencies and a series of radio adverts were being broadcast in bazaars. Considerable work has been undertaken in Tajikistan, including taking games and role-plays on recruitment into schools to demonstrate how easy it is to be cheated. IOM has also developed a form of “mass action” involving music and theatre, which are conceptualized as simultaneously re-invigorating culture and raising awareness. These events tend to attract about 500 attendees, and young people volunteer to distribute material. They are also targeting markets and bazaars. “Istiqbolli Avlod” instigated a tell-your-friend campaign and also know they have considerable work to do in addressing the negative attitudes towards trafficking victims on the part of many *mahalla* (community) leaders, law enforcement officers and citizens.

Everyone involved in prevention argued that, in order to be effective, initiatives must be explicit, have strong and hard-hitting messages, and find ways to make people understand that this might happen to them, or people they knew. One crucial element here was to allow time to explore what trafficking actually was. This often prompted a flow of accounts and stories, which could then be used as additional awareness raising material. One staff member summarized what they had learnt:

One can observe a higher level of awareness of the trafficking issue among the public. The data obtained from the phone calls to the regional hotlines shows that more people contact them not just when they look for jobs abroad, but they pursue accurate information about the real possibilities and conditions of working abroad. People have become alert to human trafficking and ask whether it is reasonable and legitimate to accept the job offers they receive from their friends or acquaintances. They also ask about the working conditions in the countries they are offered to work in, the situation foreign employees may find themselves in etc This is the most important result of our prevention activities (Interview 409).

One example of effective targeted interventions emerged in the region, and it is worth asking if the current regime of project-based funding might preclude such prompt responses. This illustration (Tschanz, 2001) involved the identification by IOM of an organized scam by travel agents in Almaty, using the asylum system in Belgium from travel agencies. A very specific and

intense information campaign organized by IOM was able to significantly decrease the number of applications.

Interestingly, relatively little direct action has been documented in the course of counter-trafficking activities. One NGO argued that, as the police know which travel agencies recruit and organize trafficking through flights from Osh every Saturday, the most effective activity for them would be to mount a demonstration at the airport in order to draw attention to the fact that no action was being taken. They had yet to do this, however.

Getting Serious?

Many interviewees, including a number of government employees, expressed grave doubts that there was any serious intention to address trafficking in their country. All the journalists were profoundly cynical in this regard. One even expressed the view that a large part of the resources invested in building counter-trafficking capacity had gone into the hands of traffickers, since they were so deeply embedded in corrupt government and law enforcement.

There are common sayings: the Ministry of Interior is controlling prostitution and sex trafficking and National Security Services have drug trafficking (Interview 206).

... there is little hope that it will work. These laws are approved in order to fulfil the country's obligations under international conventions and thus continue receiving loans. In reality, no one has serious intentions to combat trafficking (Interview 314).

Whilst government officials were not so explicit, two of the four interviewees who held the policy briefs for trafficking asserted that they lacked the personnel and financial resources to implement new laws or Plans of Action. In one country, the representative of the Ministry of Labour and Social Protection was very explicit about not only the lack of cooperation between ministries and departments within ministries, but that often it was a matter of "acute antagonism". A journalist concurs noting that:

... unfortunately, instead of cooperation, mutual accusations and enmity are rife. The Ministry of Defence accuses the Ministry of Interior of allowing women to cross borders and thus bringing shame on the country. Border guards accuse the Ministry of the Interior and vice versa. Agencies try to blame each other... blowing other agencies' failures out of proportion in order to conceal their own (Interview 311).

One positive example comes from Uzbekistan, where five local roundtables/forums were building links and activities locally. Whilst it is difficult to assess their effectiveness after only a few months, at a meeting, attended by the author in Samarkand, a committed and cooperative atmosphere was evident, in contrast to the competitiveness and hostility noted above.

Despite these many activities, however, one has to unfortunately conclude that, given the scale of the problem, counter-trafficking efforts in Central Asia currently amount to little more than drops in the ocean.

CHAPTER 7

Conducive Contexts

This study has argued that in the CARs historical and contemporary factors constitute the ground on which trafficking in persons can emerge and flourish: taken together, they comprise a conducive context. Understanding and addressing these more structural aspects of the problem must be part of any integrated counter-trafficking initiative. It is not just that there is a trafficking chain linking unscrupulous individuals and networks, but that a set of interconnecting social, political and economic conditions form the fertile fields within which exploitative operators can profit from the misfortunes of others. In this short chapter, elements most relevant to trafficking are revisited: the legacies and limitations of transition; the decline in women's status; limited infrastructures to manage migration; and the underdevelopment of civil society. The final section presents an alternative way of thinking about risk and vulnerability

Legacies and Limitations of Transition

The five precursors of the current Central Asian republics were expected to manage the transition from Soviet domination and control relatively smoothly (Akiner, 1997a). In fact, the reverse has been the case, with limited transfer of power, imperfect markets and the resurgence of patriarchal and tribal traditions and practices. The limited reforms in governance, inefficient and ineffective combinations of elements of command economies, privatization and markets in the region have already been noted in Chapter 1. The “top down” processes, when combined with inadequate resources and lack of faith in the intention of reforms, mean that, even when legal changes are introduced in good faith, implementation remains problematic.

Power is top-down, with locally elected councils fated to merely carry out orders from above. Processes are not transparent, and decision-making is not participatory. National laws fail to get implemented while local regulations are obstructionist (USAID, 2000: 81).

The limited connections between national and local governments and citizens, with officials too often appointed rather than elected, contribute to a polity in

which fatalism predominates. People have little sense of being able to effect change and endeavour to manage as best they can within their present reality.⁵²

A number of key decisions and absences are also part of the complex mosaic. None of the CARs has introduced the kind of labour laws that would comply with ILO treaties and UN policy on migrant labour. Similarly, the legal framework, which provides a foundation for business, and especially small business, remains inadequate. Unfortunately, this context and the low wages of public officials mean that the few who have oversight functions are disaffected and cynical at best, and use their position as an opportunity for income generation at worst. Another major problem has been that the tax systems are imprudent, which, rather than generating income for the state, acted as a further spur to the informal sector. Small and larger traders alike seek to evade payment of what are widely believed to be unjust impositions.

Fiscal mismanagement is exacerbated by the inadequate payment of taxes by citizens who perceive the tax systems as unfair, rife with corruption and lacking due process. This perception contributes to the growth of the informal sector and a high degree of tax evasion by businesses within the formal sector (USAID, 2000: 75).

The informal sector, Yoon et al (2003) argue, has undergone huge growth because it represents the best, and possibly only, survival strategy in the context of difficult transitions.

The subsistence nature of much informal activity and the associated poverty risks indicate that much of this informal activity is motivated by survival strategies rather than by attempts to exploit wealth enrichment opportunities that lie beyond the scrutiny of the state (Op cit: 60).

The continued expansion of informal labour markets/economies in the CARs is also connected to the failure of new financial systems to support and enable small businesses (Kamoza, 2005). At the same time, deeply unpopular punitive strategies to prevent/control the shuttle trade were introduced. This resort to authoritarian and bureaucratic methods suggests that many are still working within Soviet style beliefs and practices, rather than a more pragmatic and problem-solving approach. For example, were the traders to be viewed as grassroots capitalists, a solution which brought them into some form of recognized and regulated legal status, might be preferred (Holtom, undated).

⁵² As I write this sentence, the news of the “lemon” revolution in Kyrgyzstan is being broadcast. Whether this will herald more democratic and participative governance structures remains to be seen.

This is just one example of the illegal and irregular status of many workers within their own countries. The risks associated with smuggling and trafficking merely extend their already marginal status.

[informal/irregular workers] are not recognized or protected under the legal and regulatory frameworks... and therefore receive little or no legal or social protection and are unable to enforce contracts or have security of property rights. They are rarely able to organize for effective representation and have little or no voice to make their work recognized and protected. They are excluded from or have limited access to public infrastructure and benefits. They have to rely as best they can on informal, often exploitative institutional arrangements, whether for information, markets, credit, training or social security (ILO, 2002a: 3).

Corruption

Throughout the interview data and other material on the region, the theme of corruption recurred as a major feature across the societies and as a barrier to addressing trafficking. Most interviewees pointed to its operation within elites, which suggests that this was more significant, at least at a symbolic level, than the widespread petty corruption that suffuses daily life. It could also be that having to pay, for example, to enrol one's child into the local school or seek a favoured work position, has become so normalized that they are no longer viewed as corrupt practices. As the discussion of the informal economy makes clear, however, there are connections and implications across all aspects of the state and its functions, as USAID note with respect to Kyrgyzstan.

Two of Kyrgyzstan's greatest handicaps are a weak, corrupt government and lack of a strong economic base and markets. Corruption dramatically undermines the ability of the weak government to implement economic reforms that can stimulate business and export growth (USAID, 2000: 25).

Corruption has its deepest impacts on the poor, since they lack the resources to participate in many aspects of life and it takes revenue away from the state that could be invested in public goods, such as education, health and social welfare. The more corruption and the informal sector spread, the more deeply embedded the conditions, which create and support trafficking will become (see, for example, Richards, 2004, with respect to labour trafficking).

Whilst we know that corruption plays a major role in trafficking, we need deeper analyses of the precise ways in which it (and the accompanying cronyism and nepotism) work. In Central Asia, even those who act in good

faith, have to engage in petty corrupt practices to achieve anything. For example, police officers cannot deploy police cars unless they obtain petrol. So long as daily life is impossible without “greasing the wheels”, and elites are not called to account, campaigns against corruption are doomed to fail, since people will understandably dismiss them as the uninformed ideas of western “do-gooders”. One academic, for example, argued that the construction and implementation of counter-trafficking activities allows the elites to escape sanction, whilst targeting those who have few options.

The legislation is designed in the way that minor and small crimes are severely punished, while large-scale serious crimes are not. Once small fries get imprisoned, their lives and value systems change completely and they are not able to live crime-free lives after leaving prisons (Interview 236).

Illicit trade is both the result and source of corruption, fed by many factors: low/no wages for state officials; lack of training/expertise of state bureaucracies; decades of patronage; lack of confidence in the state; weak state institutions; and semi-autonomous law enforcement. Only a strategy that builds widespread public support, operates in transparent ways and, simultaneously, addresses everyday frustrations and elite profiteering can hope to have any impact. It is to be hoped that implementation of the UN Global Programme on Organised Crime, and the Convention Against Corruption, agreed in Merida in December 2003, will provide demonstration projects that offer concrete steps towards more effective interventions.⁵³

Declining Status of Women

On a range of indicators, including political participation, women’s status has declined during the transitions in Central Asia. Concurrently, the conditions of women’s lives have worsened, primarily due to the loss of welfare and support systems – including childcare and benefits for single mothers – and the differential rates of female unemployment.

Overall, women in households that are struggling or deeply impoverished have less time than ever to participate in the associational or civic life that political freedoms have now made possible. They have lost ground in national legislative bodies, make up a smaller share of party members than men, and have less chance than male colleagues of being elected. Lack of female participation in these

⁵³ The United Nations Office on Drugs and Crime (UNODC) is currently undertaking an assessment survey of Central Asia.

important state-building projects may foreshadow women's further exclusion from participation in governance (World Bank, 2002: 22).

At the same time as women's ability to earn wages has declined, marriage rates are falling and the number of female-headed households and children living with one parent have increased (World Bank, 2002:18). Multiple determinants have pushed more and more women into the informal sector, which both the World Bank and USAID believe contributes to a decrease in their status and bargaining power within the household.

...transition has opened up new opportunities, but also exposed women to new risks, pushing some vulnerable women into destitution. The relative feminization of poverty, gender-based job discrimination, loss of state support for child care, deteriorating maternal health care, poor political representation, gender-based violence, and the dramatic increase in trafficking of women have also emerged as serious issues that impact gender relations and warrant immediate attention (World Bank, 2002).

The under-employment of women, their expanded responsibilities for dependents and engagement in the informal sector all increase the likelihood that they will encounter traffickers. Several interviewees also pointed to the growth of sex industries in their countries as playing a part.

Prostitution within the country increased significantly after the break-up of the Soviet Union. The number of women who would be ready to prostitute themselves if they don't have other sources of income is much higher today than at any time before. To recruit the army of prostitutes today is very easy (Interview 203).

The local sex industry is expanding and feeds internal, near-border and external trafficking. Flows of very young women from Uzbekistan and Tajikistan are incoming to this industry, especially in the South of the country (Interview 206).

Formal gender equality in the public sphere was a significant achievement of socialist countries. That transition has recreated inequality and poverty to an extent not known for much of the twentieth century is a bitter irony (Pierella, 2002). Women have been significant losers across the CIS, including in processes of privatization and entrepreneurial opportunities (Op cit). As disturbing have been the re-emergence of notions of honour and practices of bride price ("kalyam"), polygamy and "wife stealing". A number of these may act as veils for trafficking, and, in any event, constitute what a study of Afghanistan (IOM, 2003c) refers to as "trafficking-like practices". The

resurgence of notions of honour has worrying implications for any trafficked woman wishing to reintegrate into her family/community/village. Local practices such as patrilocalism mean that there are no strong links between women and their families of origin following marriage. All of these matters not only contribute to contexts of vulnerability for some women, but also need to inform interventions designed to facilitate reintegration or prevention.

The clear danger here is a return to cultural beliefs and practices, which regard women and girls not as individuals with rights, but rather as the property of their families/male “protectors”. Such ideas, alongside traditional practices in several of the republics, which encourage the giving of children to older male relatives in times of hardship, form part of the fertile field in which trafficking can thrive, as this Kyrgyz interviewee graphically illustrates.

There are aspects involving child labour exploitation, which support trafficking. It's a common practice to send children to better-off relatives. Children are used in domestic labour and bazaars. Bride-stealing is another aspect supporting trafficking. Between the bride-stealing and the slavery there is only one step...Today people are so poor, that they are ready to do anything for survival. They have no money and, therefore, some sell their children. Women are disadvantaged, especially in the Southern villages. For example, one young woman was going to get married in a week. She disappeared for a few days, having been kidnapped by neighbouring boys and sexually abused. She told everything to her parents who brought her to the Aksakal Council (a council of local male elders). The Council decided that the girl should not initiate legal proceedings, in order not to jeopardize the boys' future. They threatened that if she did they would curse her. The girl did not get married, the boys were not prosecuted and no one in the community was concerned about the girl's future and situation. Gender inequality contributes to trafficking. Women are slaves of men, especially husbands. Rich relatives abuse the labour of poorer relatives. Tribalism encourages trafficking (Interview 225).

Feminists in Central Asia have also raised concerns about how, in the context of state building, the use of ethno-nationalist discourse often results in women's rights being held hostage to their positioning as guardians of identity and authenticity. Whilst certain Muslim traditions, such as the veil, never took root in the CARs, an ideology of domesticity is emerging, with implicit standards of acceptable femininity that will even further isolate victims of sexual violence/exploitation (Samuiddin & Khanam, 2002). Understanding a conducive context means analysing the ways in which male privileges operate locally. Whilst many international donors and commentators note the declining

status and position of women in the CARs, little priority is accorded to, for example, gender equality legislation or implementation mechanisms.

Where Are the Critical Voices?

The vital role of civil society, not just as a key element in democracy, but also in addressing complex issues, which are hidden or denied, is increasingly recognized, and its absence or limitation - as is the case in much of Central Asia – is a matter of concern to donors and international organizations. Whilst USAID recognize the emergence of civil society, especially in Kazakhstan and Kyrgyzstan, it cannot be said to be healthy, or well developed.

Civic or community organizations, which form the base of a dynamic civil society, are discouraged. State-run health and educational services continue to deteriorate, largely because of minimal budgetary support (USAID, 2000: 29).

The limited vitality in the NGO sector in all the CARs, and the control exercised by the government in some of the republics, acts as a major break in the development not only of counter-trafficking responses, but also of a visible and vocal coalition that can hold government to account for fulfilling its international responsibilities.

Globally, the involvement of women and women’s NGOs has been a wellspring for work on all forms of gender violence and for exploring equality more broadly. Moreover, women’s work in neighbourhoods and informal networks is a major component in the creation and maintenance of communities. It is also women’s organizations that have been the most determined and effective in addressing the stigmatization of victims, which makes responding to any form of sexualized violence complex, as these comments demonstrate.

The society stigmatizes women, parents of sold children and trafficking victims in general, based on the rationale that people from decent families don’t get themselves into such situations (Interview 306).

The society is not ready to protect victims (Interview 309).

Investment in the women’s sector needs to be expanded and deepened, especially with respect to groups that have a track record of daring to speak out about injustice, corruption and male privilege. If donors only support “safe” organizations, and prefer service providers, then they will fail to invigorate the challenging aspect of civil society, which is essential to building

opposition to corrupt practices and creating visions of future possibilities. The same argument applies to organizations which seek to challenge racism and ethnocentrism.

Managing Migration

The difficult transitions within the republics, coupled with the impacts of conflict in Tajikistan, are conditions in which the desire to migrate is not only heightened, but may be regarded by some as their only route to betterment. The limited transformations of the states have yet to create open and fair systems capable of managing these processes in an organized way. Continued disorganization can only serve the interests of corrupt politicians and officials, smugglers and traffickers. Closer scrutiny of trafficking for labour exploitation reveals the need to supplement documentation of routes and flows in conjunction with the elucidation of the sometimes complex links between origin and destination countries. Legal and illegal migratory flows are often similar, with overlaps of trafficking for sexual exploitation in locations where there are large populations of male migrant workers. Whilst in some instances the connections amount to little more than proximity, in others diasporas and ethnicity are under-explored aspects.

The unplanned and large-scale movements currently taking place across the CARs are potentially destabilising. Within the region tensions are evident in local areas where previous freedom of movement is being controlled through demands for visas even to attend a market that has traditionally served residents on both sides of borders. In the case of the destination countries, a recent report noted anti-migrant sentiment and occasional violence in Russia (IOM 2003a). Increased nationalism and resentments are emerging, but in contexts where labour shortages mean that migrant labour is needed. In the absence of preparation and planning, irregular flows strengthen, thus expanding the opportunities for unscrupulous operators. Traffickers and employers are willing to exploit labour in order to profit from violations of human rights.

“Everybody Has a Story”: Rethinking Risks

The title for this concluding section comes from an interview with an IOM staff member. She commented on the fact that, during workshops, when the definition of trafficking (including for labour exploitation) is explained, “everyone has a story” of someone they know who has been trafficked. In such a context, the discussion of vulnerable or risk groups is problematic. The potential impact of basic information campaigns in situations, where high

proportions of the population have scarce sources of livelihood and the systems of governance and law enforcement engender marginal trust and confidence, seems fairly low. Yet data in several chapters point to the fact that many do not accept offers to work abroad and others seek to double-check the terms of the offer. Other stories speak of a naivety combined with desperation: a radio programme in Uzbekistan broadcast the testimony of a woman who had sold her home to pay a recruiter US\$ 3,000 in order to work in tea factory in Georgia – she had lost everything in the process, including her passport. As this insightful employee of the Ministry of Labour and Social Protection reveals, just making people aware of risks is not enough.

People heading abroad for employment know there might be a risk of being trafficked, but they believe that this would never happen to them. These people do not know anything about ways of protection/prevention from/of trafficking or about where they can receive assistance. However, the most terrible thing is that when victims of trafficking seek assistance from structures, which should help them, they do not receive it...There are also agencies, which recruit people, take money in advance, and then deceive them. People come to our centre frightened and resentful; but they are eager and ready to go and take any risks because of the despair.

It is the scale of impoverishment and the fact that there are always some success stories, which lead individuals to believe that they can escape exploitation and be the one to secure, perhaps even transform, their future and that of their family. In such a context, one has to ensure the widest access to information, advice and support, as both a prevention strategy and a route to protection.

Whether individual futures are transformed or not, the scale of migration in Central Asia is transforming social relations. The established gender order is under pressure as many men disappear, or retreat defeated and more and more women have to shoulder the responsibility for family survival. They are not victims in any sense of that word which equates it with passivity, since they are acting and making choices. They are, however, doing so in situations that are not of their own choosing, with limited space for action: this is a far cry from the freedom and autonomy that feminists view as the foundation of gender equality. The republics highlight how wider social forces operating in transition decrease women's worth and standing, which, in turn, makes them vulnerable to trafficking. The devaluing of human beings and human labour has the same consequences with respect to trafficking for labour exploitation. These profound transformations in social relations and ideology form part of the conducive context - or root causes – which must be understood and addressed if trafficking is to be prevented.

Central Asia's location between the Middle East, Russia, China, South and South East Asia makes it attractive to organized crime networks, as does the limited capacity of the states to respond. The risks that this involves extend beyond the peoples of Central Asia, since allowing crime groups and cultures of exploitation and slavery to embed will contribute to instability and undermine human security.

CHAPTER 8

Old Lessons, New Challenges

At the beginning of the twenty-first century, there is no doubt that migration, especially its illegal/irregular forms of trafficking in persons and smuggling of migrants, has become a major international policy issue. It acts as a lightning rod at national and regional levels, illuminating practices that were previously hidden and taken for granted and, at times, igniting or fanning flames of nationalist exclusionary sentiment. In the case of Central Asia, it is an element of the ongoing processes of state formation and the re-configuration of relationships between the five nations. This chapter concludes the study with reflections on the lessons and challenges it presents, followed by a series of recommendations.

Whilst “hard” data on trafficking continues to evade scholars (Kangaspunta, 2004; Lazcko, 2003), establishing even basic information proved especially challenging in this project, not least because of the widespread tendency to ignore or minimize the relevance of migration to contemporary Central Asia. For example, a search of all documents on the region published online by both the Asian and European Development Banks produced no hits at all for trafficking in persons and minimal references to migration. Yet this study has documented the fertile fields in which trafficking, and exploitation of labour more broadly, are features of contemporary life in the CARs. These conducive conditions include: impoverishment and lack of sustainable livelihoods; decreased status of women; ethnic stereotypes; corruption; weak governance/economic infrastructure; and the presence of organized crime groups. Large movements of people are taking place against the background of ongoing economic problems of transition, uneven development between the five countries and limited progress in creating effective and transparent institutional frameworks. Throughout the region the capacity to create enforceable legal norms remains limited, with the restricted reach of the state creating spaces that are filled by corruption and informal markets.

Inequalities at Play

Whilst the links between trafficking, cultural traditions and existing inequalities have been mapped out in a number of previous publications (see, for example, IOM 2003c), Central Asia poignantly extends these connections alerting us to the relevance of histories of forced labour/migration and ethnic hierarchies. Perhaps these legacies are part of what enables workers today to be so devalued and abused, creating a context for the apparently unchallenged

return of child labour, which may even be facilitated by local politicians. Understanding and analysing trafficking in specific locations requires that we engage with such complex interweaving of the past and present.

This project also required an engagement with the many ways in which patterns of trafficking are gendered, whilst highlighting the dangers of too simplistic of an approach. There has been a tendency to emphasise sexual exploitation and the predominant (ab)use of women within it. The application of the concept of victim to trafficked women has not proved problematic in the policy and practice realms, although some in the academy have questioned its limiting implications.⁵⁴ Men are seen as the primary targets for trafficking for labour exploitation and here the use of, and self-identification with, the concept of victim appears far more problematic. Indeed some of our interviewees commented that it was precisely to avoid the shame involved in admitting to victimization that accounted for so many Tajik men not returning at all, or delaying return until they could earn enough money to improve the conditions of their family. Reflecting on these dimensions, one is forced to ask whether the word victim has become a gendered concept. If this were simply an intellectual debate, it might not be too concerning. However, being able to claim, and more importantly, be accorded, the legal status of a victim is a passport to access to support and services. In many contexts, this may furnish someone with rights to remain rather than be summarily deported, or even to be deported rather than languish in a foreign prison. At a wider level, is the neglect of trafficking for labour exploitation partly a reflection of a resistance to viewing men as victims?

The way ethnic markers are used to justify inhuman practices creates cultures in which superiority and shame replace notions of rights and duties. Within these structures of meaning, the exploitation of female nationals by those of different origins can become attached to notions of national shame for men, which comes to justify ignoring or minimising the extent to which this happens: this pattern is most obvious in Tajikistan. This, in turn, requires consideration of the complexity of the ways in which women can be regarded as a commodity. That, in some contexts, they can be legitimately traded/exchanged within the social group, using a set of rules and traditions which older males of the group control, is seen as having no connection at all to the commercial trade in women. These reflections illustrate the necessity of deeper explorations of the many ways in which gender plays a part in the complex structuring and diverse consequences of trafficking in persons.

⁵⁴ The primary critique has referred to the implication of passivity and denial of agency that the word victim is thought to imply.

Expanding Understandings

A recurrent question, throughout this project, was the extent to which the internationally accepted definitions of smuggling and trafficking are understood and have been operationalized in local law, policy and practice. Several chapters presented data demonstrating that officials were working with narrow and confused definitions, finding the distinctions in the UN protocol difficult to square with the complex and overlapping realities they encounter. Moreover, as many of the case examples illustrated, trafficking is a process, which often only becomes clear at the end point. This means that those who are detected at an earlier point, whilst escaping serious exploitation, may also not qualify for designation as a victim. Many practitioners and policy makers sought to narrow the definition, introducing requirements and elements, which are not part of the protocol, in order to create a category of “deserving” or “uncontested” victims. This process also served to limit the extent of trafficking that was officially recognized. A Ministry of Interior interviewee commented: “It’s hard to prosecute crimes such as trafficking in persons due to lack of clarity and difficulty in determining who is the victim and who is the criminal”. What emerges strongly from this data is that providing definitions and even explanations of them, is insufficient to enable relevant stakeholders to grasp precisely what they should address and why. Training, policy-making and legal statutes need to be underpinned by more philosophical explorations of the human rights principles that underpin the protocol - what human dignity means, the importance of bodily integrity and control over one’s body and labour. The meaning of “contemporary forms of slavery” also needs to be explicated so it is understood to include the many variations of temporary ownership, which are increasingly replacing older, extended, forms of slavery.

The Bangladesh Thematic Group on Trafficking (2004) are surely correct in proposing that the study of trafficking needs to move on to second generation concepts. Their contribution to this shift, however, remains located within a sexual exploitation paradigm, including the individualistic agency based discourse that currently surrounds research and policy on prostitution. On the other hand, discussions of trafficking for labour exploitation, and economic migration more widely, tend to focus on the structural factors that create constraining contexts in which individuals make choices in, and the exploitative practices. This raises the question of whether the concept of “agency” is the most helpful in relation to trafficking – might not, for example, the idea of “space for action” provide a more accurate descriptor, since it allows us to locate individual action within social/structural contexts.

Dangerous Cocktails

The image of fertile fields has threaded through this report, with its implicit reference to other, more positive, potentials. One could, however, have chosen a less open metaphor, and the current conjunction could be described as a dangerous cocktail. The strategic location of the region, internal instabilities and tensions, complex interweaving of legacies of the past and fatalism about the future are not ingredients for strong or stable development. Particularly concerning must be the extent of absolute poverty and the absence of sustainable livelihoods, coupled with declining status of women and emerging ethnic stereotypes and tensions. These are not just fertile fields for trafficking, but also for internal and regional conflict. The connections between trafficking and conflict have tended to be understood in terms of the former occurring in the wake of the latter, but there are more complex formulations, as the situation in the Ferghana Valley region illustrates. Here we have drug and human trafficking in same location, not only taking advantage of existing tensions about borders, but exacerbating them: a quintessential fertile field.

There are also serious questions to be posed about the fact that flows of legal and illegal migration often overlap with trafficking, both for sexual and labour exploitation. Is it simply a matter of demand and supply and imperfect markets, or are there important connections with the role of diasporas and clan-based structures in organized crime? At the same time as ethnicity may form an under-explored element in trafficking flows, it is also the basis for solidarity and support in adversity, as many of the case examples illustrated. Tracing these connections – including the hints in several interviews that the Haj is used an opportunity to move people – is a new challenge. Expanding the investigation of demand to address how and why thinking of other human beings as “slaves” has taken hold in this region is another one.

The unease of national populations with respect to large flows of irregular migrant labour is not without foundation, however repugnant its articulation through racism and stereotypes. Smuggled and trafficked persons do compete in local labour markets, and, if they are present in significant numbers, do suppress wages. In the process everyone, other than exploitative employers, incurs losses. A survey of Russian company executives in 2001-2002 (IOM, 2003a) revealed that the majority used irregular migrants to cut costs and remain competitive. Their specific reasons included: the opportunity to pay lower wages (68%) and taxes (48%); a means to avoid social welfare obligations (44%); and the possibility of requiring extensive overtime for minimal expense (40%). Where there is no labour movement strong or aware enough to point to the common longer-term interests between national and migrant workers, these circumstances can become a source of considerable, albeit often localized, tensions.

Whether the “fertile field” or “dangerous cocktail” metaphor is deployed, it is clear that there is a serious problem in the region with trafficking in persons, which requires a range of interventions at the national and regional levels. Widespread reforms in the realm of governance are essential in order to address corruption, foster transparency, develop effective regulatory systems and apply political will to legal reform and Plans of Action. Whilst the TIP report has prompted some level of response in the region, the danger is that it becomes little more than a “tick box” process, which bears no relation to whether serious counter-trafficking work is undertaken at the governmental level.

For any of the more specific recommendations below to be successful, a prior condition needs to be fulfilled: that all the CARs acknowledge that they have a problem and that working in coalition will provide the best opportunity to address trafficking in persons. That is the best-case scenario. More likely, however, is that the pattern of uneven response, which we have seen to date, will persist. The recommendations outlined below are applicable to each state as well as to the region overall, and a few are geared specifically towards IOM.

Recommendations

Reading the interviews and visiting Central Asia leaves one with a sense of the profound fatalism many people feel, and the perception that attempts to address trafficking have been, and continue to be, drops in the ocean. One priority, therefore, is to expand the space for action and sense of possibility for the large number of people in the region who abhor trafficking and exploitation. Perhaps too much of the focus in counter-trafficking work has been placed at government level, driven in part by the requirements of TIP and donor priorities. Building capacity within communities and civil society to challenge corruption and act as a form of surveillance ensuring law and policy is implemented at local levels may prove to be as important a strategy. One example of this, in practice, in the region were the working roundtables in Uzbekistan, which were building coalitions across the NGO and state sectors (a form of inter-agency project) that could prompt activism, provide support for non-corrupt professionals and build awareness and skill. A network of such bodies – similar to how violence against women (and especially domestic violence) is dealt with in many developed countries – would ensure that national and local government had to deliver on commitments and generate locally grounded models for better addressing protection, provision and prevention.

Overall Policy

1. Establish national counter-trafficking working groups with all key stakeholders to improve the exchange and transfer of information and skills, and the effectiveness of practical counter-trafficking work.
2. Build an “alliance of awareness” among international agencies – UN agencies, the Asian Development Bank, World Bank etc – of the fact that the scale of trafficking, forced and irregular migration, is contributing to the economic and governance crisis in the region and represents threat to regional as well as to human security.
3. Establish the need for sustainable livelihoods, including land reform, and job creation, as priorities in order to allow the population to, at a minimum, grow basic foodstuffs.
4. Develop a policy and campaign for confidentiality and anonymity for victims, drawing on human rights principles, which protect privacy and human dignity. Journalists could be involved in campaigning for this policy and train their colleagues
5. Enhance the potentials for legal migration, especially within the region, including for “shuttle” traders and during harvest times.
6. Create a model for the registration and regulatory procedures for tourist and employment agencies, which can be implemented speedily.
7. Create an open, transparent and expedited process to enable the local NGOs to register and operate.
8. Build deeper understanding of the meanings of trafficking, smuggling, exploitation, slavery, victims/victimization within a human rights framework.
9. Address the fact that with limited routes into and out of the region, the widespread knowledge about informal labour markets, possibilities for surveillance and detection of traffickers are clearer than in many other regions, but prosecutions are few and limited to the lower levels.

Gaps in Research/Knowledge

1. A regional study addressing a) the implementation of new laws, especially the procedural elements to identify both good practice and remaining barriers and b) the gaps in relation to trafficking for labour exploitation. This could be part of wider study of the extent to which laws passed to comply with TIP have been declaratory, and the conditions under which implementation has been more effective
2. Increased documentation and understanding of the hostage taking issue.
3. A study of the ways in which ethnicity and diasporas feature in trafficking – as both a foundation for recruitment and exploitation on one hand and support and resistance on the other hand.

4. A deeper exploration of the multiple and complex ways in which gender is intertwined with trafficking in persons.
5. A study of counter-trafficking strategies, which are appropriate and effective in relation to widespread labour exploitation.

Legal Frameworks

1. Introduce/modernize labour law ensuring that it covers trafficking for labour exploitation
2. Ensure all criminal elements of all forms of trafficking are addressed as specific separate offences. Trafficking offences would then comprise combinations of the above, but one could, for example, still prosecute an individual for selling/purchasing/ renting another human being or withholding papers where one cannot prove recruitment.
3. Produce simple summaries of current laws with respect to trafficking in persons (not just sexual exploitation) and evidential requirements across the CARs, for law enforcement, prosecutors and NGOs. Alongside this consider creating a regional investigative manual that includes ways to build prosecutions without testimony of victims.
4. Implement strong asset seizure legislation, specified proportions of the proceeds should be directly returned to identified victims as compensation with a proportion invested in victim services, including the creation of sustainable alternative employment for groups considered vulnerable – street and orphaned children, minors in prostitution, single mothers and widows.

Recommendations for IOM

1. Increase engagement with, and capacity building within, civil society.
2. Build NGOs' capacity to work with trauma and damage, including the unwillingness of men to admit to/talk about victimization.
3. Act as an “honest broker” between agencies and donors, in an attempt to ensure that aid and technical assistance are more attuned to what is actually needed⁵⁵ and sustainable.
4. Develop training input that addresses the links between trafficking, violence against women and traditional practices (especially forced/early marriages and honour crimes).
5. Develop common, but simple, paper and pencil data collection tools for all hotlines and shelters that are supported by IOM.

⁵⁵ For example, donating police cars without investigating whether local resources are sufficient to cover the petrol necessary to run them and most police officers lack telephones, or training courses on linking to Europol and Interpol when there are no computers or Internet access.

6. Work with ILO on the possibility of developing regional and bilateral agreements on common and extra-territorial labour laws.
7. Encourage and enable more bilateral links between strong NGOs in origin and destination countries.

New Ideas for Counter-trafficking Responses

1. Experiment with models of response. One example here would be the creation of a high profile multi-agency team that would also comprise NGOs with an oversight function, dedicated to prosecuting traffickers. It would function in a transparent regime and could even provide “bonus payments” (“performance-related pay”) to teams that successfully target higher echelon operators, and locate extensive assets. A proportion of such seizures could be used to support lower level community based roundtables.
2. An international agency/project would have the sole brief of identifying and working to release victims of trafficking who are currently held in prisons, whether in destination or origin countries. At a minimum, a global audit estimating the extent to which victims are treated as offenders would give a sense of the scale of the problem.

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Figure 1 - Political Map of Central Asia (1999)



Source: www.askasia.org/image/maps/centasia1.htm.