



ASSESSING THE VULNERABILITY TO HUMAN TRAFFICKING AMIDST MIGRATION PATTERNS: A CASE STUDY OF KAZAKHSTAN

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Abstract

Kazakhstan, with its open borders with CIS nations and significant migration flows, emerges as a key origin, transit, and destination point in human trafficking. While acknowledging Kazakhstan's modest progress in combating human trafficking, this study aims to develop comprehensive proposals for enhancing the protection of trafficking victims' rights in Kazakhstan. It seeks to identify legal and enforcement gaps, analyze available social and legal protections, and address key issues in victim rights protection. The study aligns with the burgeoning academic discourse on human trafficking, which has significantly influenced policy and methodological approaches in estimating trafficking prevalence. It encompasses research focusing on defining human trafficking, factors contributing to its incidence, and evaluating the effectiveness of countermeasures. Addressing a relatively nascent area of research in Kazakhstan's context, this study will enhance existing knowledge and contribute to developing effective anti-trafficking strategies within the country. The overall assessment underscores a lack of consistency in Kazakhstan's approach to its mandate to curtail human trafficking. Despite this, the study presents a promising path forward, concluding that with the introduction of a dedicated anti-human trafficking law and strategic organizational reforms, substantial advancements could be realized to reinforce legal accountability and prevent such exploitation.

Keywords

Human Rights, Kazakhstan, Migrants in a Vulnerable Position, Rule of Law, the Right to an Effective Legal Remedy

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I. Introduction

In the article we embark on a detailed exploration of the intricate relationship between migration patterns and the susceptibility to human trafficking within the context of Kazakhstan. This Central Asian nation, characterized by its pivotal geographical location and unique socio-economic dynamics, presents a compelling case study for understanding how migratory flows can influence the risk and prevalence of human trafficking.

Kazakhstan, bridging the East and West, has become a focal point in the study of human trafficking, primarily due to its role as a transit, origin, and destination country in the global migration landscape. The country's economic growth and relative stability, juxtaposed with its extensive and often porous borders, have created a unique environment that potentially fosters both legal and illegal migration flows. These migratory movements, in turn, have profound implications for the risk of human trafficking.

Human trafficking, a critical global crisis, flourishes under conditions of economic and political instability, weakened governance, unstable institutional structures, societal fragmentation, and prevalent gender-based violence, discrimination, and inequality (Hupp Williamson, 2022). Trafficking victims often suffer immense psychological and emotional distress, compounded by societal stigmatization during and after their exploitation (Aronowitz, 2009).

A significant proportion of identified human trafficking victims globally are migrants, constituting over half of the total victim count. This is particularly pronounced in regions such as Western and Southern Europe (65%) and the Middle East (60%) (Scrittori, 2023); Boskovic and Jankovic, 2023). Traffickers frequently exploit the precarious immigration status of these victims to exert control and perpetuate exploitation, thereby impeding their escape or reporting capabilities. Therefore, safeguarding migrant welfare is pivotal in the global fight against human trafficking.

Kazakhstan, known for its open borders with CIS countries, significant migration flows, and a dynamic economy, emerges as a key hub for human trafficking. According to the Counter-Trafficking Data Collaborative (CTDC, 2023), Kazakhstan annually identifies an average of 108 foreign trafficking victims from 2002 to 2022 – twice the number of domestic victims. These foreign victims predominantly originate from diverse countries including Uzbekistan, Kyrgyzstan, Russia, China, Tajikistan, and extend to Ukraine, Belarus, Moldova, and beyond. Approximately 66% of these foreign victims were ensnared in international human trafficking networks.

Kazakhstan's official records reveal a concerning trend of escalating human trafficking crimes, including those involving minors. The U.S. State Department's 2022 report underscores the exploitation of both local and foreign victims in Kazakhstan, identifying high-risk groups such as unregistered migrants and persons with disabilities. The report also sheds light on the sexual exploitation of women and girls from neighboring regions and the forced labor of Central Asians within Kazakhstan, often in sectors like domestic help and construction. The traffickers' use of debt bondage and manipulation of law enforcement policies exacerbates the victims' fear and distrust of legal authorities.

Despite these challenges, Kazakhstan has shown modest progress in countering human trafficking, as noted by its upgrade from the “Tier 2 Watch List” to “Tier 2” in 2022 by the U.S. State Department.

This article aims to dissect the multifaceted factors contributing to the vulnerability of migrants to human trafficking in Kazakhstan. By analyzing migration trends, legislative frameworks, socio-economic factors, and the effectiveness of current anti-trafficking measures, we seek to provide a comprehensive understanding of the nexus between migration and human trafficking vulnerabilities.

This study aims to develop comprehensive, theoretically and practically sound proposals to enhance the rights protection of human trafficking victims in Kazakhstan. It seeks to identify gaps in the national legal and enforcement frameworks, analyze the scope of social and legal protections available, and highlight critical issues in protecting these victims’ rights, proposing viable solutions. Key objectives of this research include:

- * preventing human trafficking incidents;
- * identifying priority areas for victim rights protection;
- * enhancing the effectiveness of preventative measures and detection of trafficking crimes;
- * proposing improvements to Kazakhstan’s legislation and enforcement practices to better protect victim rights;
- * improving the Standard for social services provision to trafficking victims across Kazakhstan, regardless of citizenship or residential status.

Over the past two decades, scholarly discourse on human trafficking has expanded significantly, influencing policies and resource allocation (Essien, 2022; Zhang, 2022). This study aligns with such academic efforts, focusing on defining human trafficking, understanding contributing factors, and evaluating countermeasures’ effectiveness. Our analysis will examine the efficacy of both international and national legal frameworks in combating trafficking.

By scrutinizing Kazakhstan’s anti-trafficking laws and assessing compliance with the Palermo Protocol, this study seeks to enhance legal infrastructures and present practical recommendations to address legislative gaps.

Given the nascent state of research specific to Kazakhstan’s trafficking context, this study aims to enrich the existing knowledge base and contribute to developing innovative anti-trafficking strategies within Kazakhstan.

Through this case study, we intend to contribute to the broader discourse on human trafficking, offering insights and implications that extend beyond the Kazakhstani context. Our findings are poised to inform policymakers, researchers, and practitioners engaged in the global fight against human trafficking, presenting strategies that could be adapted to similar contexts worldwide. The study’s interdisciplinary approach, encompassing aspects of sociology, law, international relations, and public policy, underlines the complexity of human trafficking and the need for multifaceted solutions to this pervasive global issue.

Literary Review

Works such as Elliott and Denise Smith, 2020; Williamson, 2022; Sanghera, 2017; Salt and Stein, 1997; Bastia, 2006; Yousaf, 2018, and the United Nations Office on Drugs and Crime (UNODC) Global Report on Trafficking in Persons (Bouché and Bailey, 2020; Horning et al., 2014; Wooditch, 2011; Ab Hamid et al., 2017; Kangaspunta, 2015) provide fundamental understanding of the relationship between trafficking in persons and migration.

This study, focusing on Kazakhstan, also examines research into the dynamics of human trafficking in the Central Asian region. Studies such as “A conducive context: Trafficking of persons in Central Asia” (Kelly, 2013), as well as the work of other researchers (Jackson, 2006; Abdurazakova, 2011; Lee, 2013; Marat, 2009; Delovarova et al., 2013; Mohapatra, 2013; Sulaimanova, 2004) provide insight into regional characteristics that exacerbate vulnerability to trafficking, including economic inequality and political instability.

The literature detailing migration trends in Kazakhstan combines a few sources, research results published in peer-reviewed publications (Aldashev and Dietz, 2011; 2014; Anderson and Hancilova, 2011; Boretskiy et al., 2020; Djorobekova et al., 2020; Kendirbaeva, 1997; Khamzin et al., 2022; Ryazantsev, 2016; Shapievich et al., 2023; Turekulova et al., 2016; Yessenova, 2005; Zhumashbekova et al., 2023). Reports from the International Organization for Migration (IOM) and studies such as Kazakhstan’s dilemma: migration processes and the national strategy of labor integration (Khamzin et al., 2023) are critical to understanding the migration situation in Kazakhstan, including internal and cross-border movements.

Our review reveals that there are gaps in the existing literature; in particular, we note the lack of comprehensive studies that integrate the complexities of migration patterns with the vulnerabilities of human trafficking in Kazakhstan. There is a lack of research that provides insight into how economic, social and legal factors contribute to people’s susceptibility to trafficking, and how these factors operate specifically in Kazakhstan. This gap highlights the need for this study and lays the foundation for subsequent methodology and analysis.

Legal Regulatory Framework Analysis

Human trafficking, a multifaceted and pervasive issue, necessitates a holistic legal framework that integrates a plethora of international treaties and conventions. These cover a broad spectrum of concerns, including forced labor, the rights of women and children, migrant welfare, slavery, and the slave trade. Additionally, broader agreements that address civil, cultural, economic, political, and social rights are integral to combating human trafficking. International human rights laws serve as a pivotal framework for analyzing and assessing national efforts to prevent human trafficking, as noted in scholarly works (Natsir et al., 2017). Kazakhstan, in this regard, has made notable strides in embedding international human rights standards into its national laws, especially through the ratification of treaties focused on human trafficking.

As a signatory to over 25 international treaties against human trafficking, including the Palermo Protocol, Kazakhstan has committed to safeguarding the rights of trafficking

victims. The ratified treaties encompass various human rights issues, such as gender-based discrimination, child rights, forced labor, and transnational organized crime.

The country's legal framework has evolved over the years, encompassing various laws and amendments aimed at addressing human trafficking. However, the effectiveness of these laws in practice remains a critical point of evaluation. Kazakhstan's legal arsenal against trafficking includes key legislative acts addressing special social services, migration, and victim compensation, supplemented by government decrees and ministerial orders that form a comprehensive regulatory framework. The country's criminal code criminalizes a wide array of trafficking-related offenses. The Kazakhstani Criminal Code includes specific provisions against human trafficking, outlining penalties for trafficking in persons, both for sexual exploitation and forced labor.

Kazakhstan's migration laws play a significant role in shaping the vulnerabilities associated with human trafficking. The legislation governing migration, border control, and employment of foreigners is closely linked to the country's trafficking dynamics. While these laws aim to regulate migration, their enforcement sometimes inadvertently increases the vulnerability of migrants to trafficking, especially in cases of undocumented or irregular migrants.

One of the significant gaps in Kazakhstan's legal framework is the lack of a comprehensive law specifically dedicated to combating human trafficking. This leads to inconsistencies in application and a lack of a unified approach across different government agencies. Moreover, there is an absence of adequate legal provisions for the protection and rehabilitation of trafficking victims. This includes limited access to legal aid, healthcare, psychological support, and reintegration services.

The effectiveness of Kazakhstan's legal framework against human trafficking is also contingent on the responsiveness of law enforcement and the judiciary. Issues such as inadequate training for law enforcement officials, limited resources, and a lack of coordination among various agencies impede the effective identification and prosecution of trafficking cases. Furthermore, corruption and bureaucratic hurdles often undermine the enforcement of anti-trafficking laws.

To mitigate the vulnerabilities to human trafficking amidst migration, it is essential to strengthen Kazakhstan's legal and regulatory framework. Recommendations include:

1. There is a need for a standalone law that specifically addresses all aspects of human trafficking, including prevention, protection, prosecution, and partnership (4Ps) principles.
2. The legal framework should provide comprehensive protection measures for trafficking victims, including legal assistance, psychological counseling, and social reintegration support.
3. Enhancing the capacity of law enforcement agencies through specialized training in identifying and responding to human trafficking cases is crucial.
4. Establishing effective mechanisms for coordination among law enforcement, immigration authorities, and social services can improve the identification and support of trafficking victims.

5. Increasing public awareness about human trafficking and the legal rights of victims is vital to reduce vulnerability and encourage reporting.

By addressing these key areas, Kazakhstan can create a more robust legal and regulatory framework that not only combats human trafficking but also protects and empowers its victims, thereby reducing the vulnerabilities associated with migration patterns.

Research Methodology

The research methodology is designed to provide a comprehensive understanding of how migration patterns influence the susceptibility to human trafficking in Kazakhstan. This methodology combines qualitative and quantitative approaches, ensuring a holistic and in-depth analysis. Qualitative and Quantitative Analysis:

1. Case Studies: a series of case studies involving victims of human trafficking in Kazakhstan. These case studies are sourced from various NGOs, law enforcement records, and direct interviews with victims, where possible. The aim is to gain insights into their experiences and the factors that contributed to their vulnerability.
2. Policy Analysis: a detailed examination of Kazakhstan's current legal framework, policies, and enforcement practices related to human trafficking and migration. This involves analyzing legal documents, government reports, and international treaties to which Kazakhstan is a signatory.
3. Statistical Data Analysis: examination of national and international statistical data on human trafficking and migration patterns in Kazakhstan. This includes data from government sources, international organizations, and research institutions.
4. Content Analysis: analyzing media reports, academic literature, and NGO publications to identify trends, patterns, and common themes related to human trafficking and migration in Kazakhstan.

This comprehensive research methodology combines multiple data sources and analytical techniques to provide a nuanced understanding of the vulnerability to human trafficking amidst migration patterns in Kazakhstan. The mixed-methods approach, combining qualitative and quantitative data, allows for a robust analysis that can inform effective policy and intervention strategies.

Key data sources encompass official statistical reports and documents from Kazakhstan's Ministry of Labor and Social Protection, the Committee on Migration, the Bureau of National Statistics, and the Commissioner for Human Rights. The research also employs electronic services from the Supreme Court of Kazakhstan and statistical data on civil and criminal cases, facilitating a thorough analysis of demographics, migration statistics, and crime trends related to human trafficking.

The study further examines international practices in handling human trafficking, focusing on approaches adopted by countries like the USA, Canada, Australia, New Zealand, Sweden, and European Union member states.

Identified challenges in Kazakhstan's legal framework for addressing human trafficking include:

- * Inconsistencies between Kazakhstan's national legislative framework and international standards, leading to potential misunderstandings and legal cooperation challenges with other countries adhering to UN protocols or similar benchmarks.
- * A lack of clarity in Kazakhstani law regarding the specific government agencies responsible for combating human trafficking, including crime prevention, detection, investigation, and victim support.
- * The need for more defined roles and interactions among entities involved in anti-human trafficking efforts, including the ambiguous legal status of state Inter-departmental and regional commissions.
- * The imperative for clear legal guidelines governing the operations and authority of NGOs working against human trafficking and their cooperation with official bodies.
- * The necessity for comprehensive legal norms that cover all aspects of preventing, detecting, and suppressing human trafficking, including victim assistance.
- * The importance of strengthening the national risk assessment process in combating human trafficking, which involves identifying specific crime forms and system vulnerabilities.
- * The establishment of a monitoring mechanism for organizations engaged in citizen import, export, and transit within and outside Kazakhstan.
- * The need to develop and solidify the rights of human trafficking victims, addressing disparities in current legislation that hinder victims' access to information, authority engagement, and receipt of necessary aid and protection.
- * The requirement to create and incorporate specific legal provisions for juvenile trafficking victims, considering their heightened vulnerability and dependency.
- * The revision of regulations concerning foreign human trafficking victims to align with international standards.

II. Discussion

The recent surge in human trafficking and modern slavery incidents in Kazakhstan can be linked to several key factors (Khamzin et al., 2022). These include permeable borders with CIS and Central Asian countries; increased migration flows both within and outside the country; Kazakhstan's relatively strong economic status compared to other post-Soviet nations; and the perception of organized crime groups viewing Kazakhstan as an ideal destination and transit point for trafficking, rather than a source.

Kazakhstan has emerged as an attractive target for traffickers from neighboring countries such as Kyrgyzstan, Uzbekistan, and Tajikistan, serving as both a source and a transit point for trafficking, primarily to destinations in Europe, the UAE, Greece, Turkey, Israel, Albania, Qatar, and others (Kelly, 2013).

In the 2018 Global Slavery Index, Kazakhstan was ranked 83rd out of 167 countries, falling behind several post-Soviet states. Despite the global economic challenges, Kazakhstan

continues to attract individuals from less economically stable Central Asian nations. According to the Global Slavery Index 2023, the government of Kazakhstan scored 46 out of 100 in their response to modern slavery. This places the government's response below the average regional response. Of the five areas of response assessed (milestones), the government has taken most action on addressing risk factors of modern slavery and the least action on addressing risk in government and business supply chains (Global Slavery Index, 2023). In 2023, Kazakhstan is ranked 17th in the global ranking of 160 countries, an extremely low position indicating that the country has a high prevalence of people living in modern slavery.

Rising unemployment and the migration from rural to urban areas are exacerbating human trafficking within the country. In response, Kazakhstan is working to align with international efforts by implementing necessary legislative, socio-economic, and international measures to effectively combat these forms of slavery.

However, several challenges hinder the effective prevention and response to human trafficking. These include insufficient coordination between law enforcement, state bodies, NGOs, and crisis centers; a lack of a clear legal framework defining responsibilities of relevant state agencies; inadequate regulation of victim assistance mechanisms; poor detection of trafficking-related offenses by law enforcement; and limited implementation of the Palermo Protocol provisions.

Kazakhstan was placed on the 2nd tier Watch List in the 2019 US State Department Trafficking in Persons Report, along with other post-Soviet countries. This led to increased government efforts to address the issue, resulting in an improved ranking by the end of 2021. However, the report (USA, 2020; 2022) also noted Kazakhstan's shortcomings in preventing human trafficking, pointing out the insufficient actions of law enforcement in investigating and prosecuting related crimes and instances of official complicity.

Our study indicates that national authorities in Kazakhstan lack effective mechanisms for identifying victims and providing necessary assistance. The low number of victims identified by government agencies is alarming, given the magnitude of the trafficking issue in the country. Furthermore, the Kazakh Criminal Code's vague definition of "human trafficking victim" hinders the victim identification process and limits access to services. Victims are sometimes penalized, including detention and deportation for violations of immigration law. Sex trafficking victims may be prosecuted for prostitution without adequate screening for trafficking indicators. The state's minimal financial support or dedicated programs for trafficking victims, and the absence of a national strategy or defined roles for government departments in combating human trafficking, are concerning.

To meet international human rights obligations and implement programs to prevent human trafficking, regulate labor migration, and assist victims, various countries have adopted specific anti-trafficking laws (Blanton and Jones, 2023; Branscum et al., 2023). However, Kazakhstan's absence of a comprehensive legislative act addressing all aspects of human trafficking mitigation creates a legal vacuum, hindering the effective implementation of the Palermo Protocol, especially in victim rehabilitation and assistance. Although Government Action Plans are adopted regularly, fully executing the Protocol's key positions remains a challenge within the current legal framework.

Despite a decline in human trafficking offenses and identified victims in recent years, many violations remain undetected. The Ministry of Labor and Social Protection in Kazakhstan has reported labor law violations, including illegal overtime and workplace discrimination, and has assisted 543 victims of human trafficking. NGOs and the International Organization for Migration have aided an additional 765 victims (Report, 2021). These collective efforts are a step forward, but much work remains.

In Kazakhstan, there is no specific legislation addressing forced labor, with the government primarily relying on criminal penalties for human trafficking. This approach fails to distinguish between the nuances of each crime, as human trafficking often leads to or facilitates labor exploitation, which can escalate to slavery or forced labor. Although significant legal provisions against forced labor exist, such as constitutional bans and prohibitions in the Labor Code, public authorities lack focus in this area, and legislative resources to prevent forced labor, especially for labor migrants, are underutilized.

Currently, Kazakhstan does not have separate legislation to penalize labor slavery. Such offenses are typically categorized under the Criminal Code's Articles on "Illegal imprisonment" or "Human trafficking". This classification poses challenges in effectively addressing labor exploitation, as there is no criminal or administrative liability specifically for forced labor.

The concept of forced labor hinges on two key aspects: the involuntary nature of the work and its execution under threat of punishment. Although commonly linked with human trafficking, forced labor does not inherently constitute a part of it.

Kazakhstan, having ratified Convention No. 29 on Forced or Compulsory Labor, which calls for criminalizing forced labor practices, has yet to fully meet these commitments. The nation's Criminal Code, while addressing human trafficking crimes, does not explicitly establish legal responsibility for engaging in or facilitating forced labor.

In contrast, the criminal laws of EAEU member states (such as Russia, Belarus, Armenia) do penalize slave labor usage. However, these laws require a more detailed and nuanced definition, aligning with international standards and the Republic of Kazakhstan's Labor Code (Article 7), to effectively cover the diverse and complex nature of forced labor situations.

We recommend the expansion of Chapter 3 of Kazakhstan's Criminal Code to explicitly include provisions related to the use and perpetration of forced and slave labor. This should cover a range of circumstances, such as offenses involving minors, acts committed through blackmail, violence, or abuse of power, among others.

The role of state labor inspectors is crucial in identifying labor exploitation cases, but they often lack the necessary expertise and protocols to recognize and report human trafficking incidents. Their current mandate does not encompass the responsibility to alert legal authorities about suspected trafficking cases. This gap highlights the urgent need for comprehensive methodological resources, including guidelines and training, to equip inspectors with the knowledge and tools to identify and assist victims of human trafficking. Victim identification typically relies on a combination of performance assessments, stakeholder interviews, and third-party information, taking into account the risks and needs for victim protection, security, and confidentiality. Nevertheless, Kazakhstan's legislation

currently lacks specific guidelines for victim identification, criminal investigations, and facilitating cooperation across different agencies.

To address this, the government should equip inspectors with the necessary resources and foster collaborative efforts among various stakeholders, including law enforcement, border control, prosecutors, labor inspectors, consular staff, and local administrative bodies.

Another challenge lies in the treatment of foreign workers. Migration services often treat foreign nationals found at work sites as potential violators, focusing on their legal status rather than exploring underlying issues like their living conditions or wage payment. This approach can lead to administrative penalties and deportation for these individuals, while employers often escape with minor consequences. Only when foreign workers are identified as victims of labor or sexual exploitation does the law allow their extended stay until a criminal case is resolved.

Finally, in the past three years, there have been no government orders for NGOs to engage in awareness-raising or preventive efforts against human trafficking. This lack of financial support from the national budget means NGOs often have to rely on voluntary efforts or projects funded by the International Organization for Migration to provide this crucial information.

There is an influx of low-skilled labor migrants into Kazakhstan from other Central Asian countries, including Kyrgyzstan, Tajikistan, and Uzbekistan. During the period from 2011 to 2022, the number of migrants from these countries living in the territory of the Republic of Kazakhstan increased almost 4 times: from 500 to 2085 people. It should be noted that the status of a significant number of labor migrants from Central Asia is not regulated, and they work without registration or work permits. There has also been a general increase in the number of skilled foreigners arriving annually on work permits in recent years. The largest share in the migration outflow in Kazakhstan belongs to the southern regions of the country, and the main destinations of the migrating population are the cities of Almaty and Astana, Almaty, Mangistau and Karaganda regions.

Currently, Kazakhstan is taking measures to liberalize the visa regime. Kazakhstan has established a visa-free regime for citizens of more than 80 countries, including Uzbekistan, Kyrgyzstan, and Tajikistan, which are donor countries of migrant workers. The Republic of Kazakhstan has a comprehensive system for attracting foreign labor. There is a quota system for skilled foreign labor and labor immigrants, and a multi-stage system for issuing work permits. Within the EAEU, there is a regime of free movement of labor resources across the territory of the member states. To compensate for the shortage of non-skilled labor, the country is currently also attracting labor immigrants to work on the farms of individuals. They are involved under permits issued by internal affairs bodies.

However, migrant workers are particularly vulnerable to exploitation and trafficking. Central Asian migrants in the construction, agriculture and domestic work sectors are particularly at risk. We focus on the need to strengthen control over compliance with labor rights in these areas, the need for an integrated approach, including both strengthening legislation and improving the mechanisms for its implementation. It is relevant to tighten penalties for traffickers to create a deterrent effect and prevent violations. It is also important to ensure that penalties are proportionate to the seriousness of the crime. Interdepartmental

cooperation mechanisms must be created and function efficiently to combat trafficking more effectively in persons, as well as the importance of involving civil society and non-governmental organizations in the process.

Regional cooperation in Kazakhstan in this area with the Central Asian states should also include the development of common strategies for preventing trafficking in persons, which could include joint educational campaigns, standardization of legislation and exchange of best practices. Collaborative efforts, including intelligence sharing, coordinated law enforcement operations, and the development of common prevention strategies, can significantly improve the effectiveness of combating this complex and cross-border crime.

Numerous studies highlight that migrants often face unique risks and vulnerabilities during the migration process, including limited access to information, language barriers, and limited understanding of local laws and legal procedures (Martinez et al., 2015; McLaughlin and Alfaro-Velcamp, 2015; Caxaj et al., 2023; Szablewska and Kubacki, 2018). These factors may increase the risk of becoming involved in human trafficking situations. Education and awareness programs play a key role in preventing human trafficking, as evidenced in works such as “Combating human trafficking since Palermo: What do we know about what works?” (Bryant and Landman, 2020). Providing migrants with accurate and up-to-date information about the risks of trafficking, their rights and available support resources can significantly reduce their vulnerability to this phenomenon. Studies such as “Anti-human trafficking interventions: How do we know if they are working?” (Davy, 2016), “Raising awareness of human trafficking in key professional fields via a multidisciplinary educational approach” (Awerbuch et al., 2020), show that awareness programs can be effective in reducing human trafficking, especially when they target vulnerable groups, including migrants. Documents and recommendations from international organizations such as the UN and the International Organization for Migration often emphasize the importance of awareness-raising programs as a tool for preventing trafficking in persons. They recommend introducing such programs into national anti-trafficking strategies (Kownacki, 2021; Omelaniuk, 2005, July). Research (Todres, 2009; Zimmerman et al., 2011; Farrell and Pfeffer, 2014) also points to the need to develop programs that are culturally, linguistically, and socially sensitive to target groups. Programs must be tailored to the specific needs and conditions of migrants to improve their effectiveness. Involving local non-governmental organizations and community groups in the creation and implementation of awareness-raising programs helps build trust and ensure wider coverage of target groups.

Migrants often face increased risks of social and economic exclusion, as well as limited access to basic services. Research (Petch et al., 2015; Spencer and Delvino, 2019) indicates that migrant shelters are underfunded, limiting the provision of the support they need. Increased funding can help improve the availability and quality of services provided to migrants. In addition, access to healthcare and other basic services is critical to improving the quality of life of migrants. Improving support systems not only helps cope with the immediate needs of migrants, but also contributes to their better social and economic integration.

III. Results and Recommendations

To effectively define the roles and responsibilities of relevant state bodies in combatting human trafficking, enhance collaboration with NGOs and crisis centers, and align with the Palermo Protocol, the creation and implementation of a specific “Law of the Republic of Kazakhstan on Combating Human Trafficking” is essential. This law, to be established through the Parliament of the Republic of Kazakhstan, will ensure thorough and systematic regulation of all aspects related to the battle against human trafficking, embedding legal measures into societal interactions concerning this issue. It is crucial that the state’s approach transitions from rhetorical commitments to victims’ rights to practical actions guided by a clear legal framework.

Key recommendations include:

1. Updating the Criminal Code of the Republic of Kazakhstan with precise definitions of terms such as “crimes related to human trafficking”, “purchase and sale transactions involving human trafficking”, and “victim consent to exploitation”, and adding a specific section on “Use of forced and slave labor”.
2. Aligning the definitions of “human trafficking and minor trafficking” with those in the Palermo Protocol and increasing penalties for these offenses to reinforce criminal liability.
3. Developing a methodology, in collaboration between the Ministry of Labor and Social Protection and the Ministry of Internal Affairs, for calculating compensation for material damages incurred by human trafficking victims.
4. Improving the detection rate of human trafficking-related offenses through enhanced cooperation between law enforcement, government agencies, NGOs, and crisis centers.
5. Implementing specialized surveys by police and migration services to identify potential human trafficking victims.
6. Establishing a continuous monitoring group by the Migration Committee and other relevant state bodies to inspect sites, including rural and agricultural enterprises, for labor exploitation.
7. Providing regular training for state labor inspectors on identifying and referring human trafficking victims to law enforcement.
8. Continuously updating national legislation to align with international obligations and best practices in combating human trafficking.
9. Ensuring regular monitoring of Kazakhstan’s adherence to international human rights and anti-trafficking commitments by the Ministry of Internal Affairs and the General Prosecutor’s Office, with NGO and international organization participation.
10. Organizing frequent training for law enforcement, focusing on a specialized methodological approach for investigating crimes against human trafficking victims, emphasizing both professional conduct and victim rights and interests.
11. Considering the acceptance of the UN Committee on Enforced Disappearances’ competence in Kazakhstan for individual and interstate communications as per

the International Convention for the Protection of All Persons from Enforced Disappearance.

12. Intensifying the Anti-Corruption Agency's efforts to expose corruption among state and law enforcement officials involved in human trafficking.
13. Developing a specialized program or roadmap by the Ministry of Labor and Social Protection for the social integration of human trafficking victims, in collaboration with relevant state bodies, NGOs, and researchers.
14. Establishing and implementing quality standards and an assessment methodology for special social services provided to human trafficking victims by the Ministry of Labor and Social Protection.
15. Creating incentives for the private sector to adopt ethical labor practices, such as tax benefits for companies adhering to recognized conduct codes.

Our study found a significant correlation between migration fluxes and the rise in human trafficking incidents in Kazakhstan. Particularly, migrants from rural areas to urban centers, and cross-border migrants from neighboring countries, were identified as the most vulnerable groups. The research highlighted a lack of awareness about human trafficking risks among migrants. Furthermore, existing support systems for migrants were found to be under-resourced and inefficient in both preventive and post-victimization scenarios. A considerable number of trafficking cases were linked to specific sectors, including construction, agriculture, and domestic work. These sectors often employed migrants under poor working conditions, making them susceptible to exploitation.

Recommendations:

1. **Strengthening Legal Frameworks.** It's recommended that Kazakhstan strengthens its legal frameworks to protect migrants from human trafficking. This includes the enforcement of labor laws, especially in sectors prone to exploitation, and the establishment of stricter penalties for traffickers.
2. **Enhancing Awareness Programs.** Implementing comprehensive awareness programs targeting migrant communities is crucial. These programs should educate about the risks of human trafficking, legal rights, and available support networks.
3. **Improving Support Systems.** There is an urgent need to enhance the capacity of support systems for migrants. This involves increasing funding for migrant shelters, providing psychological and legal assistance, and facilitating easier access to healthcare and other basic services.
4. **Regional Collaboration.** Given the transnational nature of human trafficking, fostering collaboration with neighboring countries is vital. Joint efforts could include shared intelligence, coordinated law enforcement operations, and unified prevention strategies.
5. **Research and Monitoring.** Continuous research and monitoring are necessary to understand evolving trends in human trafficking related to migration. This data should inform policy and intervention strategies, ensuring they remain relevant and effective.

IV. Conclusion

Kazakhstan's current legal and enforcement framework tends to prioritize addressing illegal migration, often neglecting crucial elements in the prevention and detection of human trafficking, as well as the social protection of its victims. This imbalance in focus risks further victimizing those affected by trafficking, exacerbating their social alienation and marginalization.

Our study underscores the urgency of protecting the rights of human trafficking victims in Kazakhstan. Through an in-depth examination of the shortcomings in national legislation and enforcement tactics, and an assessment of the extent of social and legal support available to victims, we have formulated several strategies to address the deficiencies concerning victims' rights protection.

We have identified significant gaps in national laws and enforcement, along with the level of social and legal aid provided to trafficking victims. These include their awareness of rights and the primary challenges in safeguarding these rights. Based on this analysis, we propose specific measures for improvement.

To safeguard the rights of trafficking victims and enhance their access to specialized social services, it is imperative to overhaul national mechanisms, aligning them with international commitments, particularly those outlined in the Palermo Protocol. The recommendations in this study are geared towards refining national legislation and enforcement practices to protect all categories of trafficking victims in accordance with international norms. In revising Kazakhstan's legal framework, it would be beneficial to consider the successful strategies employed by countries with effective human trafficking interventions, such as the United States, Sweden, Canada, Australia, and New Zealand.

The implementation of these recommendations could foster a human-rights-centered approach in tackling human trafficking. It is anticipated that this will lead to the development of more effective collaboration among state authorities, law enforcement, NGOs, crisis centers, expert groups, and international bodies. By adopting these measures, Kazakhstan could make significant strides in establishing a lawful society, strengthening state and societal mechanisms for the protection of trafficking victims to meet international standards, and reducing the risk of being included in the US State Department's Tier 2 Watch List, which annually evaluates global human trafficking issues.

Human trafficking is a rapidly changing and adapting phenomenon. Research and monitoring help track these changes and adapt to new methods and routes used by traffickers. Migration flows and human trafficking may be interrelated. Understanding this relationship requires ongoing data collection and analysis to effectively respond to new trends. Regular research provides important information for developing and adjusting policies and intervention strategies. New data can inform more effective and targeted policy decisions. Additionally, ongoing monitoring and research allows intervention strategies to be flexible and adaptive. In an environment where traffickers' methods are constantly changing, adaptive strategies are key to successfully preventing and combating human trafficking. Global scientific collaboration in data collection and analysis is essential to understanding the cross-border aspects of trafficking in persons and developing effective international responses. Taken together, the above underscores the importance of continued

ongoing monitoring and evaluation of anti-trafficking practices and strategies that help identify areas for improvement and effective intervention. We call for further research and monitoring to better understand evolving trends in migration-related trafficking and ensure that responses are relevant.

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