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Prevention of Human Trafficking Crime: A View from Kazakhstan and Central Asian Countries

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Abstract

The main goal of the current study was to develop evidence-based recommendations for the prevention of human trafficking. To eradicate human trafficking, it is more important to prevent the crime itself, rather than dealing with its consequences. To achieve this goal, a retrospective analysis of the fight against human trafficking needs to be conducted in order to provide an overview of human rights violations and the use of technology by criminals to commit human trafficking offences. There is also a need to form proposals aiming to bring the legislation and law enforcement practices of Kazakhstan in the field of protecting human rights and combating human trafficking in line with international standards. This article presents the idea of a strategy in the Central Asian region to combat human trafficking, taking into account criminal prosecution, effective punishment, proper law enforcement, victim protection and prevention. This article also attempts to identify the efforts of the state systems of the Central Asian states, to analyze their effectiveness in eradicating human trafficking. The review of the current state of human trafficking problems was carried out on the basis of traditional general scientific and special legal methods, including: analytical for collecting, summarizing and processing scientific information on the state of human trafficking; abstract-logical to identify and systematize the motivational factors of human trafficking; analogies and comparisons to determine the effectiveness of anti-trafficking measures, analysis of foreign experience in combating forced labor and human trafficking. Generalizations, proposals and results contained in the study are aimed at improving the work on the prevention of human trafficking. The proposals and recommendations formulated and substantiated in the work can be used in

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research work in the further development of the problems of combating human trafficking; in the educational process; when developing scientific recommendations; in the practical activities of state bodies to prevent and combat human trafficking.

Keywords: forced labor, human trafficking, exploitation of a person, victim of human trafficking, illegal migration.

Introduction

Currently, researchers usually refer to the countries of Central Asia as five states: Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan and Turkmenistan. In most previous writings, these names may not be found since there were other state associations on the territory of modern Central Asia, with completely different geographical boundaries and names that underwent drastic changes in various historical periods. In addition, the concept of Central Asia too did not exist, the names Central Asia and Turkestan (Turkistan – “The Country of the Turks”) were used in everyday life. In this regard, in historical sources, there were studies of such states as the Emirate of Bukhara, the Kazakh, Khiva, Kokand Khanate, etc. It should be noted that before the expansion of the Russian Empire into the territory of Central Asia in order to annex the lands of state entities located on its territory, there existed traditional socio-economic relations, clan and tribal ties, as well as elements of the patriarchal way of life. Despite the favorable geopolitical location, this territory, being located on land, gets access to the world ocean only through transit routes, which, in turn, oriented the economic systems of the states located on this territory only to internal resources and needs. Being at the junction of Western and eastern cultures, the marked peripheral remoteness of the Central Asian region excluded the possibility of the contacting influence of European civilization, which led to its formation as a special civilizational area, in which, however, a wide range of political, spiritual, cultural, socio-economic features combined, which led to the emergence of a number of local social phenomena caused by the demands of traditional society.

One of these phenomena can be attributed to slavery and the slave trade. Slavery as a social phenomenon in the countries of Central Asia at the initial stage of its appearance was distinguished by its originality, since it had no serious economic significance. However, over time, slavery took on a large-scale character and stability over significant time intervals. To date, the institution of slavery in Central Asia remains poorly researched, and science does not even provide approximate data on the number of slaves and the markets for their sale. At the same time, given that this region is of considerable scientific interest, some researchers note: “in many respects, our knowledge of many topics from the history of Central Asia remains limited” (Dunbar, 2018). Scientists of the Altai State University have pointed out the need to fill in the gaps around the existence of slaves or dependent segments of the population of the early Medieval Turks (Seregin & Parshikova, 2014). It is also believed that the social institution of slavery in the Central Asian region requires closer attention in scientific circles, which will allow us to replenish knowledge of the history of slavery and human rights violations in general.

Human trafficking is one of the most difficult crimes to prove. In Central Asia, victims of such crimes are not always willing to contact law enforcement agencies, and their

mentality does not allow them to disclose cases of human trafficking and prostitution, which makes it difficult to assess the real extent of this threat. At the moment, there is a dearth of data on human trafficking, and the real numbers of victims of this crime can only be guessed. Despite the measures taken, the Central Asian states have not yet fully observed the minimum standards for the prevention of human trafficking, have not taken appropriate measures to identify foreign victims of human trafficking, and have not ensured criminal prosecution of state officials involved in it.

Moreover, the investigation of human trafficking is associated with a number of serious difficulties, which includes the underdevelopment of the legislative framework, insufficient interagency cooperation at the national and international levels, inadequate funding for the activities of law enforcement agencies to combat human trafficking, and the lack of scientific developments aimed at improving the effectiveness of combating these crimes. This study is based on historical analysis, current state and analysis of international experience in combating human trafficking.

The main goal of this study was to develop evidence-based recommendations for the prevention of human trafficking. The study also hypothesized that in order to eradicate human trafficking, it is necessary to prevent the crime itself instead of dealing with its consequences. This study framed the following objectives of scientific analysis:

1. To conduct a retrospective analysis of the fight against human trafficking;
2. To formulate proposals aimed at bringing the laws and law enforcement practice of Kazakhstan in the areas of protecting human rights and combating human trafficking in line with international standards;
3. To explore the effectiveness of international legal norms and institutions to combat human trafficking; and
4. To determine the directions of legal cooperation between the states of Central Asia in the field of preventing and combating human trafficking.

Literature Review

It should be noted that at the present stage the problem of preventing and combating human trafficking in the countries of Eurasia has not been studied enough. Within the framework of studying this problem, the current study would like to draw the attention to the works of Lysenko (2018), who justifiably claimed that the topic of human trafficking and slavery in the Central Asian outskirts of the Russian Empire was quite popular in pre-revolutionary scientific and periodical literature, but works of this kind, as a rule, were devoid of scientific value, as they did not attempt a comprehensive analysis of the situation, its causes, the scale of human trafficking, the scope of slave labor (Kulteleyev, 2004). At the same time, this study took into account the conclusions and results of already developed legal mechanisms for preventing and combating human trafficking, which have been scientifically substantiated in numerous studies.

Separate problems of combating human trafficking have been considered in the works of highly cited scientists (Chuang, 2006; Chuang, 2014; Gallagher, 2010; Shamir, 2012). A few scientists representing the Central Asian region have developed a number of materials on the problems of combating human trafficking and slavery

(Abdulloeva & Kollonay-Lehoczy, 2021; Amanbayeva, 2009; Badikova, 2005; Baigazin, 2004; Baizakova et al., 2016; Marat, 2009). Other studies like Mattar (2005, 2013) have dealt with the problem of combating human trafficking in terms of transnational responses. A set of recommendations have also been presented with a view to incorporating transnational legal responses into any comprehensive anti-trafficking strategy. A few studies have opined that, in spite of full adoption of legislative measures to combat human trafficking, the problem of their provision and effectiveness will remain the main problem for the countries of Central Asia in the foreseeable future. Some of these studies have also highlighted migration issues in conjunction with the problem of preventing crime in the field of human trafficking (Avdan, 2012; Ford, Lyons, & Van Schendel, 2012; Mahdavi, 2011; Mahmoud & Trebesch, 2010; Russell, 2014; Ryazantsev et al., 2015).

Jobe (2010) and Naik (2018) have specifically recommended to study not the causes but the factors of human trafficking, along with socio-economic factors that help the trafficking of women, and the legalization of the sex industry. In their opinion, this approach will make it possible to put curbs on criminal organizations. Sinitsyn (2011) came forward with a different approach to human trafficking, the approach of mixing “trafficking in the body” and “human trafficking”. A host of studies have substantiated the criminal law aspects of kidnapping and the use of slave labor in their research (Douglas et al., 2013; Mangora, 2021; Muhammad, 2003; Oludare, Okoye, & Tsado, 2021; Scarpa, 2008; Wilson & Dalton, 2008). A few other studies can be termed as criminological research (Glonti, 2001; Horne, 2011; Lolo, 2016; Sigmon, 2008; Susanti et al., 2020), which unanimously agree that the main component in human trafficking is the crime against the person, and there is a dire need to define the nature of crime and determine its composition so that it is easier to combat it. Lastly, there are a few studies that have emphasized on international cooperation in the field of human trafficking (Cochintu et al., 2011; Gallagher, 2010; Kownacki, 2021; Oğuz, 2012; Pocar, 2007; Winterdyk, Perrin, & Reichel, 2011).

There is a dearth of studies in the context of international legal cooperation between states for preventing and combating human trafficking in the regions of Central Asia. Though there has been an enormous contribution of research in general on the phenomenon of human trafficking, however, the legal aspects of combating crime in the field of preventing and combating human trafficking remain insufficiently studied or debatable. The first official mention in an international legal act of the term “trafficking in persons”, regardless of their gender and age, took place in the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, enacted on 2 December 1949 (henceforth, ‘The Convention’). The Convention was built upon a draft developed within the framework of the League of Nations in 1937. For the first time, in this legal act, instead of the previously used concepts of “trafficking in white slaves”, “trafficking in women and children”, “trafficking in adult women”, the concept of “human trafficking” was introduced. The terms like “Human trafficking”, and “pursuing the aims of prostitution”, were declared criminal.

In 2000, the situation with human trafficking changed due to the adoption of the UN Convention on Transnational Crime and its complementary Protocol “To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and

Children". This international act gave the concept of "trafficking in human beings", defined some conditions for bringing to responsibility, established recommendations for sentencing, and stipulated the obligations of states to combat human trafficking. For the first time, the standards and criteria were agreed upon at the international level, which were later widely adopted in various acts of international law and national legislation of states. A ban on the use of slave labor and the slave trade was also formalized by subsequent major acts of the international community including the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights of 1966, the International Covenant on Economic, Social and Cultural Rights of 1966, the Convention on the Rights of the Child of 1989, Convention on the Elimination of All Forms of Discrimination against Women of 1979, and like.

The Council of Europe Convention on Combating Trafficking in Persons was signed in 2005. The Convention declared human trafficking as a violation of human rights and an attack on the dignity and integrity of the human beings. and, on this basis, affirmed the need to strengthen the level of protection for all victims of human trafficking. The Convention applied to all types of trafficking in human beings (domestic, transnational, organized crime or not, as well as sexual exploitation) in the interests of, inter alia, victim protection measures and international cooperation. The Convention also established a control mechanism to ensure the effective implementation of its provisions by the Parties. Finally, the Convention integrated into its provisions the principle of equal rights for women and men.

Summarizing the above, it can be concluded that the international community, including institutions at the local, regional and government levels, are trying to confront the problems posed by this criminal phenomenon at the present stage, and present a response at the international level in order to develop a comprehensive and effectively coordinated strategy. However, in the coming years, international and regional organizations should strengthen their cooperation and exchange of information in order to achieve a more coordinated approach and avoid overlap and duplication of work, as well as to maximize the effectiveness of actions taken at the international level, since the very phenomenon of "trafficking in human beings" ' is becoming more and more widespread. The issue of the human rights of trafficked persons must be at the center of all efforts aimed at preventing and combating trafficking in persons, protecting and assisting victims.

Methodology

The current research is based on the methodological principles of consistency and multifactoriality (a comprehensive understanding of historical knowledge as a result of the influence of many factors); objectivity (maximum balance in the assessments of each historiographical phenomenon, and comparison of different views on it); and continuity (identification of the leading trends in the development of historical knowledge and their real multiplication). These principles are implemented using a number of methods of historiographical research: the historical-genetic method was used to identify the causes of the emergence of the social institution of slavery in Central Asia; the historical-comparative method – for comparative analysis of trends in the slave trade in certain regions of Central Asia.

In addition, the review of the current situation of human trafficking problems was made on traditional general scientific and special legal methods: among which: analytical – to collect, generalize and process scientific information about the state of human trafficking; abstract-logical – to identify and systematize motivational factors of human trafficking; analogies and comparative comparison - to determine measures to influence the process of human trafficking, analysis of foreign experience in countering forced labor and human trafficking.

The methodological basis of the research is represented by general scientific methods such as: analysis, synthesis, formal-logical and dialectical methods of cognition. As special scientific methods of research, the following methods were used: historical-legal, formal-legal, comparative-legal, historical-legal method of cognition, methods of legal interpretation, system-structural and normative-value approach, an interdisciplinary approach was also applied.

The statistical method (statistical observation, statistical classification) made it possible to characterize the main quantitative and qualitative indicators of the qualification of criminal trafficking in human beings. Content analysis and research of documents was used in the study of materials of criminal cases, periodicals, other materials, normative legal acts of law enforcement agencies. The use of the above scientific methods made it possible to provide an integrated approach to the study.

The normative base of research was made up of major international legal acts in the field of human trafficking, international treaties on human trafficking, concluded within the framework of universal and regional international organizations. This included a few legislations of Kazakhstan and other states of Central Asia. There also exists a published empirical research on the legislations in the field of human trafficking (Mattar, 2005), which provides sufficient material related to scientific and practical conferences on the problem of human trafficking, proposals from law enforcement researchers, acts of the universal and regional levels on human trafficking, and law enforcement practices of the courts of the Central Asian states.

Results and Discussion

- *Historical and legal analysis of slavery in the Central Asian region*

Slavery in the Central Asian region as a social phenomenon is characterized by a feature designated as patriarchal slavery when it did not form the basis of production and was designed to meet the needs of the family. Slavery in the countries of Central Asia is conditioned by the specifics of the functioning of a sedentary and nomadic lifestyle, and was the result of systematic intergenerational conflicts, raids, wars. Therefore, the bulk of the slaves, if classified, were prisoners of war. Consequently, the main factor determining slavery was the constant contacts of nomadic and settled agricultural communities caused by the objective necessity of interaction, which often took the form of armed conflicts.

Paradoxically, slavery and, accordingly, the slave trade were a certain progress in the development of society, which consisted in the fact that the warriors stopped killing the defeated and began to use them as cheap labor and benefit from slave labor. Of course, this peculiarity of the institution of slavery was also influenced by the civilizational features of traditional society in the countries of the Central Asian region. For example, in the traditional nomadic society of Kazakhs and Kyrgyz, the institution of slavery existed in the form of a class of slaves (kuly). The slaves in the

nomadic society were mostly captured Kalmyks, Bashkirs, although Kazakhs and Russians were sometimes found among them. There was the slave trade and other methods of acquiring slaves. In particular, for large debts, debtors sometimes also turned into slaves. At the same time, the army of slaves was replenished mainly at the expense of prisoners of war, the number of which remained significant due to constant and incessant wars with other states. So, in 1746, the Kazakhs attacked the Kalmyks and took about 700 people captives (Bobrinskiy, 1908).

A similar situation had developed in other States of the Central Asian region. In particular, “maritime predation” (piracy) was practiced in the states adjacent to the Caspian Sea. In addition to the Kazakhs, Turkmens, subjects of the Khan of Khiva, were engaged in piracy and capture of prisoners. In addition, historical facts testify to the raids of militant Turkmen-Akhal-Teke, who were the main suppliers of slaves to the markets of the Khiva Khanate. Captured and bought slaves were used in feudal farms as shepherds and other workers. Slaves were regarded as things, and a significant part of them were sold in various markets of the East. At the same time, the slave-slave trade developed from the excess of prisoners.

Eden (2016) concludes that slaves served as farmworkers, herdsmen, craftsmen, soldiers, concubines, and even, in rare cases, as high-ranking officials in the region between the Caspian Sea and westernmost China. Most of these slaves were Shi’ites who were captured by Sunni Turkmens and sold in Central Asian cities and towns. Tajik tribes also used slave labor, practicing the purchase and sale of tribesmen. Attention is drawn to this fact by Bobrinskiy (1908), who points out that in addition to handing over people as gifts, Vakhan, Chitral and Badakshan merchants bought people for sale, approximately at the following prices: young man – 50 rubles; old men – 5 rubles; the cost of a beautiful girl reached 100 rubles (Terentyev, 1906).

Slavery and the slave trade were particularly widespread in the Emirate of Bukhara, since the main slave markets were located in Bukhara and Khiva, which is due to a number of objective factors (extensive trade routes, the settlement of the main population, large states, etc.). There is no data to show the quantitative composition of slavery in the Bukhara Emirate, however, it is possible to judge its seriousness, since there is information in the sources about the existence of up to 30 thousand slaves at the time of the establishment of the Russian protectorate in 1868 (Tokhtiev, 2012).

It should also be noted that in the traditional Central Asian society, a person could switch to the status of a slave as punishment for a crime committed, by giving into slavery and handing over the guilty to the victim for service. However, it should be noted that Muslim law has established the impossibility of converting a Muslim into a slave in Muslim possessions, including for debts. Legal scholars who represent a wide variety of scientific schools and trends recognize the inadmissibility of the conversion of Muslims into slaves, but this rule is not actually reflected in real practice. In some countries, slavery for debts was practiced. In particular, it was allowed to enslave representatives of other branches of Islam, as evidenced in the study (Dunbar, 2018). For example, in 1611, the Sunni clergy in Herat issued a fatwa that allowed the servitude of Shiites, who were equated with kafirs (Zagryazhsky, 1876).

If we pay attention to the *adat* (norms of customary law) (Chereji & Sandu, 2021), such a measures of punishment for a person who has committed a crime and is unable to pay for the material damage caused was considered commonplace. For example, such punishments under Kazakh customary law were applied mainly as a substitute for property punishments (*kun*⁴ or *aip*⁵). In cases when the guilty person himself was unable to pay the court-appointed *kun* or *aip*, and his relatives for one reason or another voluntarily did not agree to do it for him, then the guilty person or his close relatives were given for a certain period or even indefinitely at the disposal of the victim to work out the court-appointed *kun* or *aip* (Bobrinskiy, 1908). In both cases, the culprit was actually put in the position of a slave since he usually had to work out the court-appointed *kun* or *aip* all his life.

In the Collection of the Kazakh *adat* of 1824, it was stated: "If someone steals something from hunger or poverty, then, so that he does not continue to steal and others do not have to pay, he must pay what he stole, and if there is nothing to pay with, he gives one of his children into service or goes to the plaintiff himself in service" (Bobrinskiy, 1908). If such a phenomenon took place at the beginning of the 19th century, then there is no doubt that in the 18th century, when slavery in Kazakhstan was significantly developing; and giving into slavery, or giving the guilty victim into service as a punishment was quite common.

According to the Ayaguz district order, among the discovered "182 slaves" who were in the possession of individual Kazakh sultans, and were elected as *biys*⁶ in the same district in 1834, there were also slaves taken by the owners in the 18th century for *kun* or *aip*. Some of these slaves had passed into slavery by inheritance from their parents, who were taken for *kun* or *aip* in the 18th century by the fathers of the real owners. There have been cases that guilty teenagers whose parents died, leaving no property behind, were also given to the victim to work off as *kun* or *aip*. In these cases, the victims even had the right to sell the guilty teenagers into slavery (Chistyakov, 1988). At the same time, there is no doubt that only the poor were given into slavery or service. These punishments, which served as a tool in the hands of the ruling class to suppress the resistance of the poor, at the same time were also one of the methods of feudal exploitation.

Thus, despite the fact that the institution of slavery took place in historical reality in the countries of the Central Asian region, and became widespread as a socio-economic way of life, however, it did not go beyond the patriarchal domestic slavery. The main sources of slavery were war, punishment, debt

⁴ Kun (from the Persian language "kun" - blood) in the customary law of the Kazakhs was a payment by the guilty person to the relatives of the killed or injured. The payment of the *kun* exempted from the execution of blood feud, but the amount of compensation for the crime was so large that it did not actually change the pre-existing state of affairs.

⁵ Aip in the customary law of the Kazakhs was a punishment imposed by the court for property crimes, as well as for crimes against a person (except for murder and grievous bodily harm), against the order of management and for some other categories of crimes.

⁶ Biys were elected judges and administrators during the era of the Kazakh Khanate. Biys were below the sultans in rank. Biy was an arbitrator, the decision of which both parties voluntarily submit.

insolvency. Depending on the sources of slavery, it is possible to classify slaves: prisoners of war, slaves under punishment, bonded slaves. Of course, other categories of slaves can be distinguished, but these were the basis of the slave class, which was replenished regularly.

It should be recognized that slavery as a social phenomenon in the countries of Central Asia underwent a transformation, and subsequently was abolished altogether due to the clearly expressed position of the Russian Empire, which by the end of the 19th century significantly strengthened its influence in the region studied by the authors. And we stand in solidarity with the position of Lysenko (2018), who writes: "In the 1870s, as a result of the establishment of the Russian protectorate over the Central Asian possessions – the Khanate of Khiva and the Emirate of Bukhara, slavery and the slave trade were stopped" (Kulteleyev, 2004). For example, in relation to Kazakhstan, it can be argued that the beginning of the abolition of slavery in the legislative order was laid down by the "Charter on the Siberian Kyrgyz" of 1822. Article 277 of this statute read: "The slaves currently held by the Kyrgyz remain with their owners with the right to sell, transfer and hereditary possession, but it is strictly prohibited to re-acquire natural Kyrgyz in captivity" (Tagantsev, 1915). As can be seen from this text, the Russian imperial government was very cautious about the abolition of slavery in Kazakhstan, but under the conditions of that time, the prohibition of re-acquiring slaves was undoubtedly a progressive moment. The final destruction of slavery on the territory of Kazakhstan, as a special stratum, dates back to the second half of the XIX century (Tagantsev, 1915).

A significant achievement in the development of criminal legislation in the Russian Empire was the adoption of the Criminal and Correctional Punishments Ordinance of 1845, which reflected the attention of the State to the issue of protecting the family and minors. The Code of Criminal and Correctional Punishments of 1845, subsequently in 1885, was somewhat changed towards criminalizing the most serious encroachment on freedom – placing a person in the position of a slave (Articles 1410 and 1411) in connection with the abolition of serfdom. Russian citizens or persons who were generally under the protection of Russian laws were provided for by article 1410 of the Code on Criminal and Correctional Punishments of 1845 for the responsibility for the sale into slavery in general, the transfer to Asians or other peoples of any of the Russian subjects or persons who were generally under the protection of Russian laws. For this, penal servitude was provided for a period of 8 to 10 years. Secondly, this norm provided for punishment for direct or other participation in the bidding of African Negroes (for this punishment was imposed, as for robbery on the seas). The preparation of a ship or vessel for bargaining was equivalent in punishability to the organization of a gang for robbery (Article 1411) (Margulies, 1904).

In 1903, the Criminal Code was further amended and supplemented, in particular, Article 501 was provided for liability for the sale or transfer of people into slavery or captivity, as well as the trade of Negroes (OSCE, 2020). Such actions were punished by hard labor for a period of no more than 8 years, and for participating in a bargain or preparing for it – by being sent to a correctional home. In future, with the development of society, these norms could be changed and improved. It should be noted that at present, in connection with the ratification by the Central Asian

countries of the main international documents in the field of combating slavery and human trafficking, the criminal codes of these countries contain relevant norms providing for responsibility for human trafficking.

- *Overview of the current state of combating human trafficking in Central Asian countries*

Even though the Central Asian countries today are successfully developing independent sovereign states, one of the global problems in them that encroach on an important human value – freedom, remains human trafficking, a crime that has affected a large number of people around the world. This was despite the fact that the aspirations of all states, including Central Asian countries, as a rule, were aimed at constantly improving the state of human rights protection, their efforts often remain the measures they took, aimed at getting rid of one of the most shameful manifestations of crime in the 21st century – human trafficking.

In addition to the high profitability of this type of crime, a contributing factor is impunity, which is characteristic not only for the countries of Central Asia, but also for many countries of the world, as a consequence of the low level of institutional capacity to combat human trafficking. States do not seek to consider this problem from the point of view of human rights violations, countering it in the context of illegal migration and prostitution. As the main legal instrument for combating trafficking in persons, the adjustment of immigration legislation towards tightening is often used, which directly affects the aggravation of the situation of the victim of a crime, and not on persons engaged in human trafficking. The result of this approach, as indicated in the report of the US Department of State, is that in fact, in the period from 2015 to 2018, the level of prosecution of traffickers on a global scale decreased by 42 %, and in Europe it decreased by as much as 52 % (US Department of State, 2021).

Further, the problem under study worsened in 2020, when the world was faced with COVID-19 pandemic. Currently, there is a sharp increase in the number of crimes that infringe on personal freedom, including the facts of human trafficking. In particular, this is evidenced by the information provided in the Report of the US Department of State on Human Trafficking for 2021, which emphasizes that: “in 2020, when the governments of many countries of the world focused on combating the COVID-19 pandemic, traffickers found new ways to commit crimes. Criminals misled vulnerable people in order to get the opportunity to exploit them. The large amount of time that potential victims spend on the Internet exacerbates their vulnerability, despite the fact that under the rules of social distancing, the access of victims of human trafficking to safe havens is limited” (UN General Assembly, 2020).

The statistics provided by the UN are also disappointing that trafficking in human beings worldwide annually brings illegal income in the amount of 150 billion US dollars: 99 billion US dollars due to trafficking in human beings for sexual exploitation and 51 billion US dollars for labor exploitation, which makes it the largest source of illegal income in the world (UN General Assembly, 2020). The head of the mission of the International Organization for Migration (IOM) in the countries of Central Asia, noting the complexity of the situation, drew attention to the fact that the organization regularly provides rehabilitation and reintegration

assistance. In particular, in 2020 alone, the IOM mission provided assistance to 1,891 victims of this type of crime. The number of victims who were assisted by countries is as follows (Figure 1).

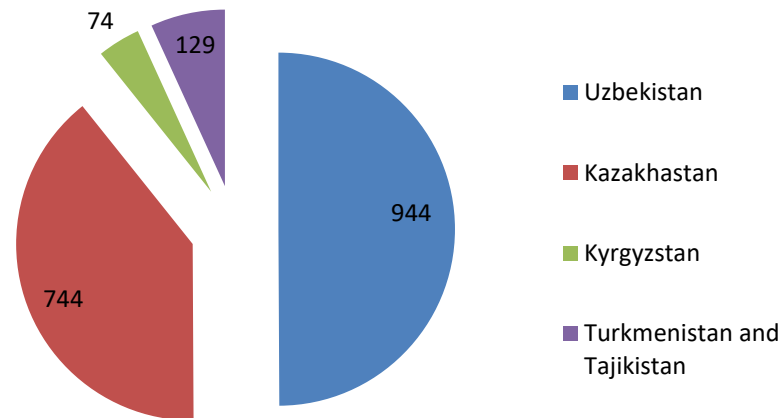


Figure 1. Number of victims of human trafficking who received rehabilitation assistance in Central Asian countries

According to the testimony of victims of human trafficking, it is possible to trace the main areas in which they are exploited (Figure 2).

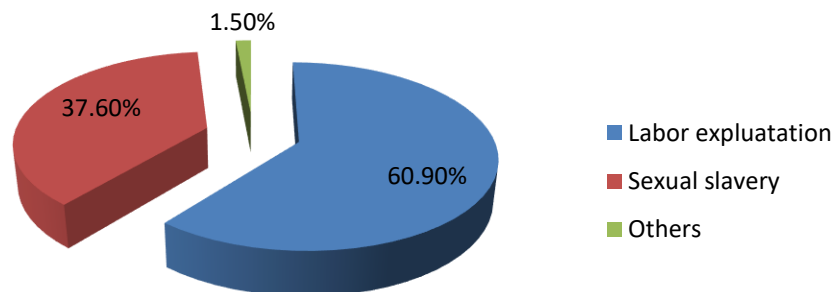


Figure 2. Main areas in which victims of human trafficking are exploited

It should be noted that in Kazakhstan in 2020, for example, there was an increase in crimes in the field of human trafficking, in particular, 43 were registered, which is six times more than in 2019 (seven) and three times more than in 2018 (Markova, 2021). In the first half of 2021, 63 offenses related to human trafficking were registered in Kazakhstan - twice as many as a year earlier (Information Agency "Ranking.kz", 2021). At the same time, it is believed that the real scale and profitability cannot be adequately assessed, since the main part of the problem under study is characterized by the most shadowy type of criminal activity. In this connection, it is not possible to talk about the completeness and reliability of official statistical data.

The above confirms the thesis about the negative impact of the consequences of the COVID-19 coronavirus pandemic, aggravated by the increase in poverty, which led to an increase in potential victims, since poverty is one of the main factors contributing to human trafficking. The large-scale socio-economic consequences of the crisis phenomena caused by the pandemic have led to an increase in socially vulnerable people facing job loss and economic distress. UN experts point to the frightening figure of 49 million people who were on the verge of extreme poverty in 2020 (Committee for the Coordination of Statistical Activities, 2020). A whole “army” of people, in an effort to earn a living, can potentially join the ranks of those who become victims of human traffickers.

Widespread isolation has also adjusted the methods used by criminals to engage in criminal trafficking networks. The period that forced society to switch to a remote mode of life, criminals saw as an opportunity to use online technologies to recruit and exploit their victims. Criminals-traffickers of human goods, on a regular basis and with enviable constancy, modernize the methods of criminal activity and are in continuous search for new ways to increase their profitable illegal business. Thus, traffickers gain access to both a large-scale market of buyers and find new victims without significant financial expenses.

The widespread use of online technologies in the daily life of every person, traffickers used to implement their criminal plans, almost at all stages of committing illegal actions. The platforms used for this purpose are numerous, including social networks, online games, dating sites, applications, etc. These platforms, as well as other information technologies, have a serious impact on human trafficking, while improving this type of crime, as well as expanding their geography and quantitative indicators. And even though these technologies have a major catalytic role in the growth of human trafficking for the purpose of sexual exploitation, their use can be traced in many other forms of human trafficking. For example, some messengers and social media applications contain advertising content that promotes criminal trafficking in human beings for the purposes of labor exploitation (domestic slavery). Earlier, in one of the OSCE reports, experts pointed out the possibility of using technologies to advertise the sale of human organs (Bos, 2015). In addition, the use of technology, although not on a large scale, takes place in such forms of human trafficking as forced marriages, begging, exploitation for the purpose of coercion to commit crimes, etc.

The study of the voiced problems is paid attention both by experts of international organizations (the UN and the OSCE), as evidenced by periodic reports, and at the regional level by scientists from many states. In particular, Tailova (2020) draws attention to the fact that the pandemic also created a new class of victims of human trafficking, which consisted of the most vulnerable segments of the population - women, children, the disabled, etc. Staroverov (2021) also focused on the fact that “transnational organized criminal groups have begun to make extensive use of the possibilities of modern communication technologies for the purposes of recruitment, transportation, transfer of victims of human trafficking for the purpose of sexual exploitation.”

Todres and Diaz (2021) draws a reasonable conclusion that the COVID-19 pandemic created circumstances that increased the risk of human trafficking,

made it difficult to identify those who had become victims of human trafficking. Another interesting study presented by a group of American scientists (Greenbaum, Stoklosa, & Murphy, 2020), who put forward the thesis that the consequences of the SARS-CoV-2 pandemic will increase the risks associated with human trafficking. These risks were grouped by them into three interrelated categories: family life, economic difficulties, and limitations of external professional assistance.

Thus, the COVID-19 pandemic significantly affected the level of vulnerability of people both in socio-economic and psychological terms, since isolation had made it more difficult to receive various types of assistance. We believe that the current situation of the growth of criminogenic activity of traffickers of “live goods” in the Central Asian region requires a thorough analysis and the development of clear recommendations to improve the effectiveness of states' counteraction to slavery and human trafficking.

- *Human trafficking in Central Asia: Kazakhstan transit*

The statement is unmistakable that almost all countries of the world are involved in the process of human trafficking, which act as a point of export, transit or delivery of live goods. This is indicated by the victims of the crime themselves, representatives of 127 states, reporting that they were exploited in 137 countries of the world. About 77 % of victims were trafficked for sexual exploitation (as a rule, female victims), 14 % were used for forced labor, the remaining number of about 9 % of victims were sent for other forms of exploitation (begging, etc.) (UN Office on Drugs and Crime, 2021).

Taking into account the above data on high profitability and practically minimal risk due to the weak detectability of these criminal acts, it should be assumed that it is very difficult to counteract this, since the methods used so far to identify, disclose and investigate the facts of slavery and human trafficking, and punishments for them, gave very weak results. The analysis of various sources suggests the need to develop detailed recommendations of an innovative nature to achieve progress in solving this problem, including improving the protection of victims of human trafficking. At the heart of this criminal encroachment, as many centuries ago, there are mainly economic reasons. Income inequality, a significant contrast between the strata of the population, the economic disadvantage of the country as a whole, the root cause motivating victims of human trafficking in finding any way to earn. Another important factor influencing the spread of human trafficking is the flight from the conflict zone, due to the reluctance to be subjected to any kind of discrimination. As a result, people trying to escape to another territory, sometimes consciously fall into the criminal networks of human traffickers.

Due to the growing number of women and girls among the victims of human trafficking used in sexual slavery, one of the reasons for the criminal act under consideration can also be called gender infringement of rights. Although the problem of human trafficking remained poorly researched due to the lack of full-fledged information and a massive number of victims, (as evidenced by almost all analytical reports of international organizations), three factors were seen decisive trends:

- 1) The economically prosperous states of Western Europe and America remain the destination countries of the “living commodity”;

- 2) The geography of the territories of origin of victims of human trafficking, which have traditionally been represented by developing countries of Latin America, Asia and Africa, has been diluted in recent years by the countries of Central Asia, the CIS, and Eastern Europe;
- 3) Countries whose level of economic well-being is kept in the "golden mean" (as a rule, the Central part of Europe) remain the transit territory of "live goods".

These factors give a real picture of the further spread of this type of crime in modern society, due to both the growth of demand and the emergence of new conflict zones as potential territories of origin of victims of human trafficking. At the same time, the post-conflict consequences in these territories will always be factors such as: political instability and socio-economic distress, violation of human rights due to the growth of various forms of discrimination.

In relation to Kazakhstan, the problem of human trafficking acquires specific features. Firstly, when considering the situation with human trafficking in Kazakhstan, it is necessary to understand the duality of the situation. In the global aspect, Kazakhstan undoubtedly acts as a transit country due to its geographical location and is also the country of origin of victims of trafficking, which, although in small volumes, takes place. Secondly, if we pay attention to the situation in the regional aspect, Kazakhstan acts as a destination country for victims of human trafficking from nearby Central Asian and CIS countries, due to the dominance of labor exploitation. Thirdly, Kazakhstan is a country where there is internal human trafficking, which leads to a high risk for internal labor migrants to become victims of labor exploitation in their native territory. This is due to the fact that, despite the difficult socio-economic situation of individual regions (mostly remote from rural cities), there are megacities like Almaty or Nur-Sultan, or industrially developed cities of regional significance, where internal migrants flock in search of earnings. Besides, there were people without documents, without a fixed place of residence, children without parental supervision, the disabled, the unemployed, and the low-income.

As a result of these circumstances, Kazakhstan received a negative assessment from the US Department of State, in the report "On human trafficking" of which Kazakhstan was added to the list of control countries in which this situation requires improvement, in connection with which 11 recommendations were voiced aimed at strengthening counteraction to this type of crime. The validity of the assessment of the situation in the above-mentioned report is confirmed by statistical data, which was given at a press conference on August 24, 2021 by the Commissioner for Human Rights of the Republic of Kazakhstan (Azimova, 2021).

In particular, since the beginning of 2022, according to the information of the Ministry of Internal Affairs, a pre-trial investigation has been launched under the following articles of the Criminal Code of the Republic of Kazakhstan: according to Article 125, Part 3, paragraph 2 of the Criminal Code (kidnapping for the purpose of exploitation) ; under Article 126, part 3, paragraph 2 of the Criminal Code (unlawful deprivation of liberty for the purpose of exploitation); according to Article 128 of the Criminal Code (human trafficking) – 6; under Article 134 of the Criminal Code (involvement of a minor in prostitution) ; under Article 135 of the Criminal Code (trafficking in minors); according to Article 308 of the Criminal

Code (involvement in prostitution) ; according to Article 309 of the Criminal Code (organization or maintenance of brothels for prostitution and pimping) (Azimova, 2021). These figures are quite large for Kazakhstan with its relatively small population (about 19 million inhabitants), taking into account the fact that this is only the “surface of the iceberg”, while the authors of this study indicated above that slavery and human trafficking are mostly latent.

It should be noted that the official statistics of the Prosecutor General's Office of the Republic of Kazakhstan differ significantly from the data provided by representatives of various non-governmental organization's dealing with the protection of victims of human trafficking, volunteer movements, etc., appearing in the media. For example, according to the data provided by the director of the legal center for women's initiatives “Sana Sezim” Sh. Hassanova: “In 2019, 120 people were rescued from slavery, in 2020 – 141 people. From January to June 2021, 90 people were rescued from slavery” (Iskakova, 2021). The understanding of the seriousness of the situation comes with the realization that in the conditions of the 21st century, the slave trade is flourishing in the state, and with annual growth dynamics. And this is not only a reason to think about the problem but is already a fairly weighty reason for the state to take large-scale and effective measures to counter human trafficking and slavery. Otherwise, having taken root in the state, criminal groups engaged in human trafficking, with the slightest decrease in the level of economic well-being of the population, or the onset of some other favorable situation for them, will expand opportunities for expanding criminal activity.

It is worth emphasizing that such a significant increase in this type of crime in Central Asia and Kazakhstan in recent years has been associated with the introduction of quarantine measures to minimize the consequences of the COVID-19 pandemic. During the period of isolation, society faced general panic, chaos in the decisions taken by the state, lack of logic in the actions of state authorities, misunderstanding and rejection of measures taken by the state within the framework of large-scale quarantine. And even if ordinary citizens of the Central Asian states and Kazakhstan experienced all the contradictory difficulties, the socially unprotected segments of the population, including potential victims of human trafficking, were the first victims of quarantine measures. Labor migrants, people without documents, without a fixed place of residence, children without parental supervision, the disabled, the unemployed, the low-income – these are precisely the categories of people who have joined the list of victims of human trafficking in all Central Asian countries.

It was this category of people, finding themselves without legal, material, social, medical and other information and advisory assistance, who tried to get out of a difficult situation on their own, falling into the hands of criminals who used them to realize their criminal intent. Not even talking about the above-mentioned, life-threatening assistance, these people, being in a vulnerable position, did not have the opportunity to pass Polymerase Chain Reaction tests for placement in temporary shelters, and also needed personal protective equipment – antiseptics, masks, gloves. Such a situation has served as a catalyst for the dynamics of the growth of human trafficking in Central Asian countries.

Conclusion and Recommendations

The analysis showed the importance of studying slavery and human trafficking on the territory of both Kazakhstan individually and the whole of Central Asia in general, since the problem of the existence of a slave-owning formation here is a topic of wide discussion. The current study does not provide a justification for the controversial issues identified in it, however, it is important to expand knowledge about the history of slavery and human trafficking both in Central Asia in general and in Kazakhstan in particular, in order to replenish the history of countering slavery and trafficking on a global scale. It should be noted that human society has not always recognized human trafficking as a crime. Moreover, the fight against slavery and human trafficking began only a few centuries ago. At the beginning of its origin, and throughout almost the entire time of its existence, human trafficking was supported by States. It was a profitable trade that brought huge profits to the countries. Over time, the development of economic relations and morality in society led to the fact that human trafficking began to be condemned by individual states and people, but the trade of dependent people flourished at the same time. In the XVII-XVIII centuries, some countries recognized human trafficking as a crime, providing for criminal liability in their legislation. Of course, at the initial stage, these norms had shortcomings, but their adoption was a huge breakthrough in the development of society.

In addition, it can be argued that it is necessary to develop an adequate mechanism to counteract slavery and human trafficking, which will include many stakeholders who have the necessary legal tools and special knowledge in the field considered by the authors. Kazakhstan and the Central Asian countries have the necessary substantial resources and are able to resist the spread of slavery and human trafficking, as well as to suppress any forms of their manifestation in society. This requires the presence of the following factors: (1) Psychological factor: Achieving awareness of the existence of slavery and human trafficking and the scale of their spread, abstracting from their abstract perception (when there is an understanding that this is happening nearby, and not somewhere with someone else). (2) Information factor. Establishment of timely receipt of information about each specific case of slavery and human trafficking, victims of each specific crime, immediate verification of each fact of slavery and human trafficking and adequate response of authorized State bodies. (3) The legal factor. Conducting a thorough investigation and bringing to justice the perpetrators, in each case of slavery and human trafficking.

Considering these factors when improving the mechanism of combating human trafficking will further give an opportunity to develop a more systematic approach to solving the problems under consideration.

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