



RESOURCE PACK

Combating trafficking in human beings: Central Asia

PROJECT

***Human Rights Protection
for Trafficked Persons and
Vulnerable Groups in
Central Asia: 2012-2015***

Disclaimer:

The views, opinions, conclusions, recommendations and other information included in this Resource Pack are not given nor necessarily endorsed by the OSCE Office for Democratic Institutions and Human Rights (ODIHR). They are presented as useful indicators for developments related to combating trafficking in human beings in the OSCE region, with particular significance to Central Asia.

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Abbreviations and acronyms

Ayalzat	Civil society organization Ayalzat, Kyrgyzstan
Child Rights Centre	Civil society organization Child Rights Centre, Tajikistan
CSO	Civil society organization
ECHR	The European Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR	The European Court of Human Rights
El agartuu	Civil society organization El agartuu, Kyrgyzstan
Femida	CSO Social-legal Support for Women and Minors “Femida”, Tajikistan
IOM	International Organization for Migration
New Status	Civil society organization “New Status Of The Youth” , Kyrgyzstan
NGO	Non-governmental organization
NRM	National Referral Mechanism
ODIHR	The Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe
OSCE	The Organization for Security and Co-operation in Europe
Sana Sezim	Civil society organization Legal Centre of Women Initiatives “Sana Sezim” , Kazakhstan
Sezim	Civil society organization Crisis Centre “Sezim”, Kyrgyzstan
Social Progress	Civil society organization Community Foundation “Social Progress” , Kyrgyzstan
Tomiris	Civil society organization Support Centre for Children, Minors and Women “Tomiris”, Kazakhstan
UN	The United Nations

EXECUTIVE SUMMARY

In July 2012 ODIHR commenced a three-year project on “Human Rights Protection for Trafficked Persons and Vulnerable Groups in Central Asia”. This resource pack collects the most valuable tools produced by ODIHR’s partners in implementing small projects in Kazakhstan, Kyrgyzstan and Tajikistan, and encapsulates the key discussions by representatives of civil society, state authorities, anti-trafficking lawyers and experts from the five Central Asian participating States that took part in the project.

The **objective** of the resource pack is threefold:

- To provide an overview of the activities carried out during the project;
- To give insight into the practises used to combat trafficking in human beings across five Central Asian countries; and
- To be a resource tool for practitioners in planning anti-trafficking activities in these countries.

The resource pack is intended to help actors involved in the efforts to combat trafficking in human beings in Central Asia– including international organizations, local civil society organizations, governmental institutions and agencies, as well as individual experts. It relays the general parameters of relevant professional discussions facilitated by the project in these five countries (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan), and presents concrete tools and guiding documents that serve to improve the human rights-based approach to the fight against trafficking in human beings.

The resource pack is divided into the following parts:

Part 1 gives a brief overview and insight into selected project activities, while **part 2** includes the actual relevant resource materials and documentation produced as a result of these activities.

The structure of the pack follows the so-called “4 Ps model” - covering issues related to the prevention, protection, prosecution of offenders and (cross-sector) partnerships. These issues are presented in three Sections of part 1.

The **first section** discusses prevention-related initiatives, including specifically those aimed at youth and migrants.

The **second section** focuses on matters relevant to establishing a functioning National Referral Mechanism (NRM). It looks at the overall situation surrounding the establishment of NRMs by presenting the relevant regional-level discussions, as well as individual country-level initiatives. For ease of use, it presents NRM-related recommendations, and concrete standards that have been developed with the aim of improving service provision for trafficked persons separately.

The **third section** gives an overview of all the initiatives during the project that aimed at building the professional capacities of various service providers.

INTRODUCTION

ODIHR

Trafficking in human beings represents both a serious human rights violation and a threat to freedom and security. The OSCE provides a unique forum for participating States to respond to and cooperate in the fight against trafficking in human beings (referred to simply as trafficking in this resource pack).

In recognition of their responsibility to combat trafficking, OSCE participating States have developed a comprehensive normative framework, defined in the 2003 Action Plan to Combat Trafficking in Human Beings, the 2005 Addendum focusing on child victims of trafficking, and the 2013 Addendum addressing the emerging trends and most pressing challenges, as well as in a number of Ministerial Council decisions. These documents have reaffirmed the primary responsibility of OSCE participating States in addressing trafficking. They provide far-reaching recommendations on how to do so and task OSCE institutions, structures and field operations with assisting participating States in this endeavour. The OSCE commitments address a broad spectrum of issues relevant to the prevention of trafficking, the protection of victims and the prosecution of the perpetrators of trafficking. In particular, the OSCE Action Plan to Combat Trafficking in Human Beings translates the OSCE commitments into concrete recommendations for participating States to implement at the national level in the areas of investigation, law enforcement and prosecution, prevention, protection and assistance.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) approach recognizes trafficking as a criminal activity with profound human rights implications for trafficked persons, as well as for states and civil society organizations. In line with this human rights-based approach, every aspect of the national or international response to trafficking is anchored in rights and obligations established by international human rights law.

ODIHR has introduced a number of pioneering initiatives aimed at strengthening the protection of the human rights of trafficked persons. In particular, ODIHR has assisted participating States in the creation of national referral mechanisms, drawing on guidance provided in ODIHR's *National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook* (2004).

With its 2008 publication on *Compensation for Trafficked and Exploited Persons in the OSCE Region*, ODIHR paved the way in promoting trafficked persons' access to justice and effective remedies, including compensation. This study highlighted key difficulties in law and practice that victims face in making successful claims for compensation. The study has served as a basis for the development of international alliances on the topic, such as the NGO network - European Action for Compensation for Trafficked Persons (COMP.ACT). It has helped shaping national policies and capacity building programmes for professionals in a number of countries since 2008. The findings of the study also assisted the United Nations Special Rapporteur on Trafficking in Persons, especially women and children, in preparing her June 2011 report to the UN Human Rights Council, on access to effective remedies, including compensation, for trafficked persons. The Draft Basic Principles on the Right to an Effective Remedy, also developed by the Special Rapporteur with the help of ODIHR study results, were attached to her report and submitted to the Council.

Most recently, in 2014, ODIHR published the *Guiding Principles on Human Rights in The Return of Trafficked Persons*. The underlying idea of the guiding principles is to address existing gaps and challenges in the return of trafficked persons and to promote the development of human rights-compliant policies, procedures and practices on return by States and other stakeholders in the OSCE region.

INTRODUCTION

About the project

Why Central Asia?

The creation of the project was spurred by ODIHR's work in Central Asia, as well as that of its international and local partners, that identified clear gaps in human rights-based and victims-centred anti-trafficking policies and practices. For example, National Referral Mechanisms were not yet properly established or, even if officially set up, not achieving comprehensive victim protection and assistance. There were limited legal provisions, knowledge, skills and good practices with regard to protecting the rights of victims of crime (including victims of trafficking).

This negatively affected victims of trafficking, led to their re-victimization, discrimination and sometimes even punishment (including deportation and the imposition of criminal sanctions), and prevented victims from accessing justice and rights, including remedies. In addition, gender-sensitive and gender-specific strategies and measures for assistance and protection of women and men, girls and boys as victims of trafficking, were largely lacking in all countries in the region.

This project aimed to address the identified gaps through policy and practical activities in Central Asia at the national and regional level. It was implemented in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan in co-operation with the OSCE field presences on the ground. The field operations were consulted from the beginning of the project development and provided support in the implementation of project activities.

Equally, the OSCE Special Representative on Combating Trafficking in Human Beings was invited to participate in regional workshops. This ensured that discussions and findings of the project will flow into the Special Repre-

sentative's efforts *vis-à-vis* governments and contribute to maximizing impact on the political level and enhancing co-ordination within the OSCE.

The primary project beneficiaries were policymakers and professionals involved in developing and implementing responses to trafficking in Central Asia, such as members of national anti-trafficking co-ordination mechanisms, law-enforcement officials, prosecutors, judges, lawyers and civil society organizations working to assist and protect the rights of trafficked persons and vulnerable groups.

The indirect beneficiaries were those whose rights are compromised by trafficking — trafficked persons, as well as vulnerable groups including migrant workers, especially migrant women and children, and refugees.

What was accomplished?

The project strengthened consultation and co-operation among key state and civil society stakeholders in Central Asia, as well as relevant countries of origin and destination, leading to enhanced knowledge and skills to adequately identify and assist trafficked persons and members of vulnerable groups. It likewise led to more comprehensive and effective NRMs in Central Asia, as it strengthened national and regional capacities and structures for providing trafficked persons and vulnerable groups with better access to justice.

The regional consultations and capacity-building events that ODIHR organized for civil society and state actors, including policymakers and practitioners from all five Central Asian countries, as well as experts from relevant countries of destination and origin enabled:

exchange of experience, expertise and good practices by practitioners from different countries, thus building the capacity of lawyers and legal practitioners on the issues of provision of legal aid to trafficked persons;

initiating a practical discussion on needs, challenges and possibilities in providing assistance in accessing justice, including claiming compensation for trafficked persons;

developing concrete recommendations for States, NGOs and the private sector on how to improve provision of legal assistance to trafficked persons; and

improving cross-border links among anti-trafficking lawyers and legal practitioners in the region and with the countries of destination and transit.

The series of activities started with a round-table in May 2013, followed by a seminar in October 2013, and another round-table and seminar, organized back to back in November 2014. The NRM assessments conducted in Kyrgyzstan and Kazakhstan, which also included assessments of existing gaps and challenges in trafficked persons' access to justice and effective remedies in these countries, fed into this series of events.

The project reviewed key issues with regard to NRM development and effectiveness in the region with a more detailed focus on the above-mentioned states. It helped to identify and suggest remedies for existing legal, policy and practical gaps in the protection of victims' rights, and contributed to enhancing NRMs in the region, thus improving victim identification and assistance.

Through this project ODIHR helped to develop and support national capacity building initiatives, including training seminars and exchanges of practitioners, to build the capacity of state and civil society stakeholders in Central Asia to adequately identify and assist trafficked persons and members of vulnerable groups, as well as develop and implement adequate policies, procedures and practices. Here, nine small projects implemented in Kazakhstan, Kyrgyzstan and Tajikistan played a particularly important role amplifying the effects of the project.

These small projects enabled a range of initiatives through the development of awareness-raising tools and activities for youth, journalists and migrant communities, and the creation of concrete guidance materials for various professionals (such as the law enforcement and specialists working with minors), enabling better access to services for those in need of assistance.

THE RESOURCE PACK

OVERVIEW

This resource pack includes materials that cover the issues of prevention, identification and protection of trafficked persons, enhanced prosecution of offenders, and improved co-operation between governmental and non-governmental actors, as well as among the stakeholders within each of these sectors.

Section one of the resource pack addresses prevention, including general awareness-raising approaches, and provides insight into awareness-raising efforts among youth and journalists.

Section two combines issues relevant to a functional NRM. In addition to giving detailed insight into some country situations, it brings together the main points under discussion at the regional and national levels, highlights valuable guidelines and enlists some of the main recommendations in that sphere.

The final section of the pack focuses on capacity-building, an integral element to any successful anti-trafficking measures. Presenting it separately highlights the discourse relevant to building the capacity of the stakeholders involved.

The reference materials are enclosed in section four of this pack. The materials are enclosed in their original languages, whether developed by ODIHR or its implementing partners. Hence, the annexed documents are predominantly in the Russian language, and to a lesser degree in English, Kyrgyz and Uzbek languages.

1. PREVENTION

A. General awareness-raising efforts

(i) Informative brochure about trafficking in human beings (Tajikistan)

The Tajik CSO Social-Legal Support for Women and Minors “Femida” (Femida) developed a brochure titled “Stop Trafficking” (*Stop trafik*), within the ODIHR-supported small project “Mechanism for Implementing Anti-trafficking Legislation”, which was implemented between February and May 2014.



Six-hundred copies of the brochure (see p. 38 of this pack) were eventually printed in Tajik language, and 100 copies in Russian language. Femida distributed these brochures during events within the framework of the small project.

(ii) Informative leaflet about trafficking in human beings (Kyrgyzstan)

CSO Ayalzat (Ayalzat) from Kyrgyzstan developed an informative leaflet that contained project-specific material, as well as information about phases and basic forms of trafficking in human beings, and relevant excerpts from the Criminal Code of the Kyrgyz Republic.

One-thousand copies of these leaflets (p. 45 of this pack) were printed and distributed by Ayalzat during the activities it carried out within its project “Learn Your Rights in the Fight Against Trafficking in Human Beings”, implemented between February and August 2014.

(iii) Theatre as a method of passing on knowledge about trafficking in human beings (Kyrgyzstan)

Ayalzat from Kyrgyzstan developed a theatre forum to present the topic of trafficking in human beings at the grass root level.

The ODIHR-supported small project “Learn Your Rights in the Fight Against Trafficking in



Human Beings” enabled Ayalzat to organise five theatre presentations in each of the three regions of Osh oblast – Nookat, Karasui and Aravan. The target group included inhabitants of various age groups, pupils and teachers.

The 15 plays reached 1,620 people (872 women and 748 men). Interestingly, a random survey of the attendees before the plays uncovered the belief that if one is to travel abroad legally, it is impossible to find a well-paid job, and hence the need to travel illegally. After seeing the

play, the discussions showed that people started questioning this and many other myths about irregular migration and trafficking in human beings.

Forum theatre in Aravan.



The methodology using theatre to educate about this topic, based on a guiding screenplay (in Kyrgyz), both developed by Ayalzat, are enclosed (see p 48 of the resource pack).

PREVENTION

B. Awareness-raising among migrant communities

(i) Leaflet on the rights of migrants (Kazakhstan)

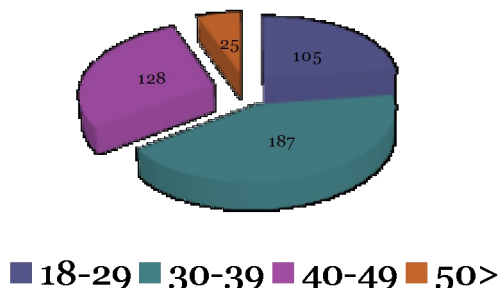
CSO Legal Centre of Women Initiatives "Sana Sezim" (Sana Sezim) from Kazakhstan focused its project on labour migrants in the South-Kazakhstan region. From February to July 2014, Sana Sezim developed an information leaflet *Migrant's Rights* (see p. 58), printed 6,000 copies in Kazakh, Uzbek and Russian



languages, and distributed these in border regions, market places, construction sites, farms, bus terminals and railway stations.

Meanwhile Sana Sezim also managed an information hotline that received 445 calls during the implementation of the small project (66 were from women and 379 from men).

Age of people calling the hotline



Sana Sezim consulted on loss and recovery of documents, acquiring citizenship, registration issues with the migration police, questions related to legal employment in Kazakhstan, material assistance, shelter and other services, family, marriage and divorce and alimony matters among citizens of Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan.

(ii) Brochure for diaspora (Kyrgyzstan)

Between March and June 2014 the Kyrgyz CSO Crisis Centre "Sezim" (Sezim) implemented the project "Discovering Partnerships between the Crisis Centre Sezim and the Kyrgyz diaspora in Russia to enhance efforts to assist victims of trafficking in human beings".

Press-onference on 19 June 2014 about cases of trafficking, incl. lives testimony by trafficked persons



Sezim developed a Kyrgyz-language brochure (*Attention! Trafficking in Human Beings!*) targeting the Kyrgyz diaspora in Moscow, as well as potential migrants from Kyrgyzstan. It contains (see p. 61) information about the problem of trafficking in human beings and the rights of victims, together with the contact details of international and domestic organizations offering assistance to victims in Kyrgyzstan. One-thousand copies were printed and distributed via partner organizations in Russia and Kyrgyzstan.

PREVENTION

C. Awareness-raising among youth

(i) Seminars for youth (Kazakhstan)

CSO Support Centre for Children, Minors and Women "Tomiris" (Tomiris) ran the project "Countering Trafficking in Human Beings: Working with Specialists and Groups at Risk" in the Zhezkazgan region in Kazakhstan from February to August 2014 with ODIHR's support.

Among other activities, Tomiris organised four seminars mainly aiming at youth in various colleges, including Polytechnic College, Industrial-Humanitarian College, Business and Transport College. The seminars that took place on 11 and 18 April, 16 May and 24 July in 2014, gathered altogether 152 participants, 90 women and 62 men (see p. 66 for the agenda).

The main aims of these seminars were to:

Raise the public's awareness about the phenomenon of trafficking in human beings and its main indicators;

Introduce the issue to the participants, both from the angles of breach of human rights and of criminal justice and to acquaint the participants with the main reasons for the occurrence of trafficking in Kazakhstan;

Advice on safe travelling abroad while discussing the perspective of a victim while aiming to change the public's general views on that matter; and

Above all to improve the participants' awareness about the risks related to trafficking in human beings (see p. 65 for the seminar programme).

The participants' feedback demonstrated the need for continued awareness-raising efforts, some participants were not aware of the trafficking phenomenon in Kazakhstan.

(ii) Quiz to measure awareness - "myth vs. reality" (Kazakhstan)

Tomiris used a quiz to measure trafficking-related awareness among the participants of the seminars it organized in the Zhezkazgan region in August 2014 (for details, see previous Section C(i)).

This quiz was used at the start of the seminars, in order to assess whether the participants could differentiate reality from a myth. This was accomplished by presenting the participants with a number of claims, which the participants had to assess as either true (reality) or false (a myth). For instance, whether trafficking is a problem for other countries, but not Kazakhstan, or whether or not trafficking is a violation of human rights. (See p. 68 of the resource pack for the test.) According to Tomiris, approximately 70 per cent of the participants were able to tell a myth from reality.

(iii) Informative leaflets with a focus on various aspects of trafficking in human beings (Kazakhstan)

Tomiris developed a selection of information booklets and leaflets focusing on different aspects of trafficking in human beings. Specifically, Tomiris developed three booklets: *Beware of trafficking in human beings!*, *Attention! Trafficking in human beings*, and *Liability and sanctions for trafficking in human beings*. Two-hundred copies were printed of each of these.

In addition, Tomiris also developed five different types of information leaflets (see starting from p. 70 of this pack) that addressed the main questions relevant to the phenomenon of trafficking in human beings – ranging from

explaining the nature of the crime, types of victims, techniques used by the offenders, relevant legislation and what to consider when one is in search for employment or studying opportunities abroad. Two-hundred-fifty copies were printed of each of these leaflets.

To roundout its activities, Tomiris also drafted a set of recommendations for a more efficient fight against trafficking in the Zhezkazgan region:

Mass media, NGOs:

Enhance awareness among the general public and vulnerable groups about the risks of irregular migration and trafficking by conducting seminars, roundtables for youth and students and reporting about these initiatives in the media;

Migration authorities:

A more severe sanctioning policy for trafficking-relates crimes;

Increased scrutiny of the movement and use of labour migrants within the country in order to prohibit their engagement without labour contracts and to avoid income tax evasion;

Inform citizens travelling abroad about the rules related to travelling and residing abroad in order avoid becoming victims of trafficking in human beings;

Zhezkazgan region government, Department of Internal Policy:

Expand the network of state-financed shelters and rehabilitation centres for trafficked persons;

Improve citizens' overall wellbeing and youth's legal education to avoid their recruitment for the purposes of trafficking and subsequent victimization; and

Strengthen co-operation between law-enforcement agencies and NGOs in the field of combating trafficking (within the framework of implementing the decision dated 29.04.2014 by the State Prosecutor's Council for Co-ordinating matters related to detecting crimes related to trafficking in human beings).

(iv) Theatre production for youth on trafficking in human beings

The Kyrgyz CSO "New Status of the Youth" (New Status) developed a project for enhancing awareness about trafficking in human beings among the final grade pupils, which it carried out in February - June 2014.

Together with the Children's Musical Theatre "Taberik" (Taberik) they developed a musical theatre play, titled "*Following The Bluebird To Nowhere*", that discussed the main threats and forms of trafficking in human beings.



The piece was played six times in Bishkek, on 1, 2 and 3 April 2014, with two shows per day, at the Kyrgyz State Philharmonic "Toktogul Satylganov". Altogether about 8,000 final graders from schools in Bishkek and the surrounding villages attended the shows, about 65 per cent of them girls and 35 per cent boys. Both feedback from the pupils, as well as reviews the show received in the media were positive, with the latter noting the importance



of the show's subject matter and also its artistic dignity.

The theatre production was a very effective medium to educate pupils, combining an interesting plot, songs, dances and music.



The screenplay of the show is enclosed to this resource pack (see p. 86), while the footage of the show is available at the Youtube channel of the Taberik theatre (*at www.youtube.com/user/privetbelka*).

(v) Guidelines for school teachers for discussing the issue of trafficking in human beings

Following the shows, New Status conducted discussions among the Ninth graders at six schools about the problem of trafficking in human beings, and how this was reflected in the show *Following The Bluebird To Nowhere*.

Analysing the results of these discussions, New Status came to the conclusion that about 80 per cent of the pupils correctly understood the show's message. The discussion and evaluation included 540 pupils, 312 girls and 228 boys.

Below are two excerpts from the papers written by three pupils:

Dasman: *“The show tackles the problem that is right now alarming the world. It’s about kidnapping people, drugs, and exploitation ... I really liked the show and the performance of actors*

and dancers was really exciting. Thanks to ‘Taberika’ and thanks to the school for giving us the possibility to see the show.”

Vlad: *“The show teaches that we should not listen to others who want to impose their opinions upon us. Don’t chase the bluebird as it flies absolutely not where you were told it would... It’s good that such plays are put on and we have the chance to see it.”*

You can find enclosed the guidelines for the methodology of discussing the topic in the classroom (see p. 97 of the pack).

PREVENTION

D. Awareness-raising among journalists

(i) Media Monitoring Exercise (Kyrgyzstan)

ODIHR selected Kyrgyz CSO – Community Foundation “Social Progress” (Social Progress) and supported it with a small grant for the project “Trafficking in human beings: Reflecting human rights in regional mass media outlets”. The project was implemented in three Southern provinces of Kyrgyzstan – Osh, Djalal-Abad, and Batken – from February through May 2014.

During its previous anti-trafficking work, and specifically when closely following the style of reporting on trafficking-related issues by the local media, Social Progress identified *several shortcomings*:

Journalist lack basic knowledge about the complexity of the problem of trafficking in human beings, its forms and related issues;

Trafficking in human beings was not sufficiently present and discussed in mass media outlets;

Tendencies towards an aggressive and disrespectful style of reporting on issues relating to provision of sexual services; and

Insufficient awareness among the residents of South Kyrgyzstan about the problem of trafficking in human beings and possible countermeasures.

Stemming from these premises, the main goal of the CSO’s project was to enable journalists of the mass media outlets in the three provinces to properly address the issues of trafficking in human beings and to adequately report about the victims of that crime. Monitoring mass media outlets was the first step to determining the scope and manner of how the mass media in these regions were reporting on issues related to trafficking.

A monitoring exercise was carried out by three journalists, all with previous experience in reporting on trafficking in human beings and led by a journalist and expert on labor migration and trafficking. The group worked for a month, from 19 February until 19 March 2014, covering ten printed media outlets, 15 internet-based outlets and NGO websites. Altogether they analyzed 70 different publications in Kyrgyz, Russian, and Uzbek languages.

ТҮНКҮ КӨПӨЛӨКТӨР КАЙРА ПАЙДА БОЛДУ

Азыр диск саткан күркөлөргө кадимкидей жылаңач адамдардын интимдик мамилесине байланышкан тасмалар ачык эле сатыла баштады. Кой геген кожо жок болгон соң каалаганын сатып ал га көрө бер...

Ачыктык гесе эле баары жогун ачып, жылаңач денесине чейин көрсөтүү деп түшүндүк окшойт. А дегенде эле «Интердевочка» геген жылаңач кы тартыган кино тасма Кыргызстанды кыдырып, айылдын эли клубдардан чыкпай, ооздору ачылып, а түгүл айыма-айыл кыдырып келген адамдар болгон. Бул алгачкы так калуу болсо, азыр ар бир күркөгө ачык сатылып, үйдө дисктер түр-түрү менен топтолуп турат.

Бир көздө «Каттама», «Пайшамба», «Сүйүү», «Миң бир түн» геген гезиттер чыгып, уялтуу баяндар менен түстүү жалаңач сүрөттөрү берип элди уурдуганы бар. Шаар эмес, айылдарга чейин жетип, ак сакалдардан тартып жаш балдарга чейин окул кыйла кумардан чыгышкан. Анда бири биринен жашырып окушар эле. Азыр дисктерди уябай этпей эле «муусу укмуш» дешип, дагы укмуштарын «жашыруун» дешип сатып жатканын көрүп таңкалдым.

Ошол учурда бир белгилүү адамга бул ойлорумду айтканымда, ал «бар-бара көнүмүшкө айланат. Кийин өзү эле жакко чыгат»-деген эле. Бир караганда ошондой эле болду. Козу карындай жайнап чыккан гезиттер азайып, сойку каналар жабылып, дисктер сатылбай калгандай болгон менен, жаштар арасындагы зордуктоо күч алып, кылмыш иштеринин көбөйгөнү азайбай жатпайбы?

Көрсө «жашыруун» тасмалар колдон колго өтүп, үйлөрүнөн «жашыруун көрүп» анан аны көчөгө чыгып көрүүнү каалагандар «жашыруундан» тарбия алып жаткандар тура. Сойкуканалар Бишкекте эле эмес, азыр баардык жерлерде ачылып, түнкү көпөлөктөр» түн бою шам чырактарды айланып жүрүшкөнү жашыруун эмес. Бул жерде жалаң эле аялзатын «сойку» деп айтуудан алысман. Эңкектери деле жаштардын арасындагы чөнтөгү калың, башында кызыл шапкеси бар адамдар «крыша» болгондуктан, аларга жөн эле адамдар эмес, башына селде чалынган молдолор деле тыя албай калышты.

Акыркы жылдарда бир аз сейилдей түшкөндөй болгон менен, «түнкү көпөлөктөрдүн» карааны кайрадан пайда боло баштады. Алар мурдагыдай атайын сауна, мейманканалардын эшигинде же жол баона чыкпай, азыр атайын бөлмөлөргө тейлөө көрсөткөнүн көрүп замандын «ийгилиги» дейсиз.

Биз канчалык башка өлкөлөрдүн үрп-адат, каада-салтын туурабайлы баары бир кырыа бойдон калабыз. Кыргызстандагы адеп-ахлакты, нраваны чет элден келген болор-болбос жат көрүнүштөр четири кетирип, жалмап-жулмап жок кылып жиберерине ишенбейм. Ошентсе да, көр тириликтин айынан өзүбүздүн таза, ак жүзүбүздү аз болсо да булгап албайлы деген пикирдимин. Кимдир бирөөгө типиндей же мындай бол деп аял айтуунун азыр аналдык деле зарылчылыгы жок. Алар деле мындай аялга муктаж эмес, аныктан ачык болуу деле абийир менен болсо деген тилек.

С. АБАУКАРИМОВ,
Article in «Batken tany» №41, 28.10.2013

The general conclusions of the monitoring exercise suggested the following:

A large part of the monitored material handled trafficking in human beings in a rather abstract and general manner. Journalists apparently often limited themselves to the fact that the problem of trafficking in human beings exists;

About 70 per cent of the monitored printed and internet media only relayed information. Investigative news pieces to provide in-depth analysis that would act to shape the readers' opinion and attitude towards the trafficking problem were very rare. There were basically no articles about sexual exploitation, child labour, forced labour or about any other forms of trafficking in human beings. There were no articles that would have advised readers on how to protect themselves, be more vigilant and aware of risks when looking for employment; and

A part of the monitored material went into detailed description of the events that a particular victim had suffered, meanwhile not analysing the circumstances and reasons that lead to trafficking in the particular case. At the same time, the monitors also noted violations of journalist ethics, such as journalists naming the victims' family names and/or their place of domicile.

A more detailed overview report of the media monitoring, summarizing the results from the three regions, is enclosed to this resource pack (see p. 101 of the pack).

(ii) Training for Journalists (Kyrgyzstan)

Social Progress also carried out training for 20 journalists from Osh (11 participants), Djalal-Abad (5 participants), and Batken (4 participants) provinces, including students from the Journalism Faculty of Osh University.

The two-day training took place in Osh on 11 and 12 April 2014, and was carried out by an experienced journalist and a journalism and media expert.

The focus of the programme was to acquaint the participants with the origins and causes of trafficking, its different forms and mechanisms and risk groups. The course also aimed to improve the understanding among the journalists about the trafficking problem, and ultimately bring about an analytical approach to the trafficking problem in the mass media outlets.



In addition, the lead monitor of the media monitoring exercise discussed the findings of the media monitoring project with the participants.



The participants also took part in a press conference organized by Osh-based anti-trafficking NGOs – NGO Ulybka and NGO Ayalzat. Their representatives presented the work of their organizations and discussed the phenomenon of trafficking in human beings in that region, as well as how it was being reported by mass media.



The participants in the press training concluded that unfortunately NGOs do not know how to attract media's attention to their work. Moreover, there are no mutual contacts between the two sectors that would aim towards developing a joint civil society stand on issues of exploitation, violation of human rights and human dignity.

The overall goal of the training was not to teach the journalists how to write articles or prepare programmes. Instead, the organizers aimed to acquaint the participants with the scope of the trafficking problem, while making them think about the role of mass media in countering that phenomenon.

In order to better understand the structure of such training, the agenda of the course is enclosed to this resource pack (p. 137).

(iii) Guidance Materials for Journalists (Kyrgyzstan)

Within the framework of its media-oriented project Social Progress developed a notebook with essential anti-trafficking information for

journalists. Titled *The Specifics of Reporting on Trafficking in Human Beings in Mass Media*, the notebook was distributed to the participants of the training held in April (see the section above), and to the associates of local mass media in the cities of Osh, Batken, and Djalal-Abad.

Printed in parallel both in Kyrgyz and Russian, the main aim of the notebook was to present the journalists with systematized information about the trafficking phenomenon and the means and methods of reporting about it in the media.

To help the journalist report on trafficking-related topics in an adequate manner, Social Progress developed a compilation of questions with answers, covering issues such as:

- What is trafficking?
- What are the forms of trafficking?
- Why does society need information about trafficking?
- What is the role of mass media in countering trafficking?
- What is the liability of a journalist?
- Where can one get necessary reliable information about trafficking?
- How should journalists interview victims?
- What should one write or air about trafficking?
- How should journalists report comprehensively and concisely?
- What is against or in favour of illustrative material?
- What is the special approach needed in tackling trafficking? and
- What are the legal aspects in reporting about trafficking and the rights of victims?

The questions and answers that were inserted into this practical notebook have been enclosed in this resource pack (see p. 139).

(iv) Recommendations for Mass Media Outlets (Kyrgyzstan)

In course of the implementation of its project “Trafficking in human beings: Reflecting human rights in regional mass media outlets”, Social Progress identified the following circumstances:

- Regardless of the importance of the problem of trafficking in human beings, the issue is unfoundedly rarely reported on in print and electronic media. Specifically, the media does not pay sufficient attention to the problems of trafficked persons and victims from South Kyrgyzstan;

As the mass media are still not reinforcing the position of CSOs, CSOs need to work on developing that potential;

Organization of joint training events between CSOs and journalists, including developing protocols of co-operation;

It is advisable that international and non-governmental organizations co-operate closely with the local mass media and make data available to better inform the public; and

Creation of a web-portal that would compile and include all relevant information on combating trafficking in human beings.



- Information about the phenomenon of trafficking is being relayed in a chaotic manner and mainly while reporting on events; and
- Lack of tolerance towards victims of trafficking in human beings is manifest in the media, e.g., jokes and comments about Internet articles.

Based on these premises, Social Progress developed concrete recommendations for mass media outlets, but also CSOs and international organizations active in the field of countering trafficking in human beings:

Regular anti-trafficking awareness-raising for journalists by organizing training seminars and meetings with anti-trafficking experts;

2. A FUNCTIONAL NATIONAL REFERRAL MECHANISM

A. Policy discussions concerning National Referral Mechanisms in Central Asia

(i) Regional Roundtable on National Referral Mechanisms, 2013 (Istanbul)

On 21 and 22 May 2013, ODIHR organized a roundtable for the countries of the Central Asian region on the development of NRMs. The event aimed at exchanging information, sharing experiences and identifying possible gaps in the development of NRMs.



The roundtable brought together government representatives from key ministries and institutions active in the anti-trafficking area, as well as their partner NGOs. Experts from Moldova, Belgium and the Netherlands were invited to present their experience with NRMs.

The first day opened with ODIHR experts reiterating the key elements of NRMs. Thereafter an expert from Moldova shared Moldova's experience in developing its NRM and the legal basis for it (including drafting a special Strategy for NRM development, National Action Plans, Standard Operating

Procedures and Memorandums of Understanding), as well as on issues of co-operation among state authorities, funding, monitoring the NRM, the role of the coordinating body and the benefits of formalizing the NRM.

This was followed with experience and challenges faced by the Dutch authorities in identifying trafficked persons particularly in cases of labour exploitation. The discussion thereafter focused on the role of Moldova's social services in providing assistance to trafficked persons and Moldova's approach of having specialized investigators and prosecutors working investigating the cases of trafficking, pimping and illegal migration. The participants had a chance also to learn about the Belgian law enforcement's approach to anti-trafficking, especially in cases of forced labor.



A separate session discussed the role of NGOs in developing and implementing NRMs, their place in the national anti-trafficking structures,

the need for state funding for NGOs and the best practices and challenges of co-operating with state authorities.

The second day was devoted to discussions in working groups that looked at ways forward on four different topics covered during the first day of the round-table.

Although the participants from Central Asia noted with interest the positive experience presented by experts from Moldova, the Netherlands and Belgium, a sentiment was shared that these practices are too advanced for their countries and they should still take a number of steps to reach the same standards in their own anti-trafficking efforts:

A strong political will and commitment from government authorities at high political levels are needed to seriously address trafficking and to transfer international standards to the national level. Without these, the impact of the small efforts that are being undertaken will be minimal;

Formalized dialogue and co-operation needs to be developed between governments and NGOs. Governments should hold regular meetings between various anti-trafficking actors, including NGOs and international organizations, to allow NRMs to function more effectively. This should serve as a platform to clarify roles, responsibilities and procedures of the different anti-trafficking actors. For this purpose, states should adopt specific laws and secondary legislation, strategies and policy documents, as well as sign Memorandum of Understandings;

States should strengthen co-operation and co-ordination efforts among government authorities and NGOs for the purpose of victim identification and assistance. The leading role in this regard should be given to the Ministry of Labor and Social Protection;

Governments should actively include civil society and NGOs in anti-trafficking activities. NGOs play a clear role in developing victim oriented policies and they provide assistance and support to trafficked persons. They can also analyze the trafficking situation and identify problems that need specific solutions. Although government authorities and social

protection institutions should have the main responsibility in the provision of services to victims, it should recognize the significant contribution of NGOs and should support their efforts;

Co-operation between law enforcement authorities with NGOs is crucial to securing victim co-operation within criminal proceedings;

Further training is necessary to sensitize police, labor inspectors and prosecutors and meetings should be held to discuss how best to improve victim referral. These meetings should also be used as a forum to conclude Memorandum of Understandings; and

Monitoring and evaluating NRMs is important and states should increasingly take up this function and gradually move away from researches and monitoring conducted by donors to assess the trafficking situation or evaluate the implementation of anti-trafficking activities.

The resource pack includes the agenda of the round-table and selected presentations made by key experts (see starting from p. 145 of the resource pack).

(ii) Regional Roundtable on Access To Justice, 2014 (Istanbul)

On 17 and 18 November 2014, ODIHR organized a follow-up roundtable to the previous one held in 2013. As in the year before, it was organized for the five Central Asia countries – Tajikistan, Uzbekistan, Kazakhstan, Turkmenistan and Kyrgyzstan, this time on access to justice for trafficked persons and co-operative mechanisms among state authorities and civil society.

The roundtable aimed at enabling the exchange of information, experience sharing and identification of possible gaps by the practitioners responsible for providing access to justice for trafficked persons in Central Asia. It brought together government representatives from key ministries and institutions working in the anti-trafficking area, as well as relevant civil society organizations. Experts from Moldova and Russia shared their practical experiences and



knowledge with the participants.

The main issues that surfaced during the discussions as problematic in terms of inter-agency and cross-sector co-operation in ensuring better access to justice for trafficking victims included:

- Poor co-ordination: both within the governmental sector and especially between governments and NGOs, with the latter often not included in the planning of anti-trafficking activities. Poor co-ordination practices are also reflected in state-led anti-trafficking action plans and policies being crafted with no or limited involvement of the specialist NGO sector;
- Unstable NRMs: if and where existing, NRMs still suffer from a lack of clear standards in identification of and assistance to victims, as well as poor awareness and professional preparedness and know-how among the key professionals. Monitoring of anti-trafficking activities carried out by the stakeholders is at best partial; and
- Limited budgeting: state financing of anti-trafficking efforts, including supporting the work of specialist NGOs still remains an exception rather than rule.

The group work by representatives of different sectors, including NGOs and various relevant state structures of each individual country, resulted in identifying the following shortfalls:

Kazakhstan: Participants from Kazakhstan indicated the absence of a NRM, and the need for developing (jointly by the government and NGO sector) instructions for identification of trafficking victims, in line with international standards. It was stressed that there should be a centre for training staff working with victims of trafficking and a hotline for trafficked persons. The fact that many trafficking victims leave Kazakhstan before legal proceedings start (usually those are citizens of neighbouring countries, who go back home), leads to the closure of relevant criminal cases. Clear regulations should be introduced in relation to engagement of foreign workers in private households;

Kyrgyzstan: Participants from Kyrgyzstan noted that there are no statistics or databases about trafficking victims because victims are usually registered by NGOs or international organizations that do not co-ordinate their activities or do not share relevant information. It was also stressed that common national criteria for identification of trafficking victims should be developed in Kyrgyzstan, bilateral agreements with other countries on the protection of trafficking victims should be signed and a specialized government body dealing with combating trafficking should be set up. Participants also noted the lack of monitoring of anti-trafficking activities by the state and emphasized the critical importance of the provision of financial aid to victims of trafficking (the group recommended establishing a compensation fund for victims);

Tajikistan: Participants from Tajikistan identified recruitment for sexual and labor exploitation as one of the main problematic areas in their country. They also noted that because of the lack of inter-governmental extradition agreements extradition of criminals from other countries is not possible. In addition, practical matters such as lack of interpreters during trials was also highlighted, with reference to concrete cases involving foreign citizens. Further, the participants from Tajikistan discussed that trafficking-victim status is given by the Inter-ministerial commission on combating trafficking, which

does not include representatives of civil society. In practice, no compensation for trafficking victims is provided, although national legislation stipulates that victims are entitled to compensation;

Turkmenistan: While the Law on Combating trafficking was adopted in 2007, in practice, very few trafficking cases were identified in the country. Further, participants from Turkmenistan discussed ongoing preparations to put in place a NRM. It was also emphasized that better support should be provided to citizens of Turkmenistan residing and working abroad. For that purpose, international co-operation with relevant stakeholders should be improved. In Turkmenistan, there is a network of NGOs working on trafficking, supported by IOM. Identification of victims of trafficking is carried out mainly by international organizations. The key recommendation in this regard was for the relevant state structures to take part in identification procedures; and

Uzbekistan: Participants from Uzbekistan emphasized that there should be better co-ordination between government bodies and non-governmental organizations, which could be achieved by a Memorandum of Understanding. Another issue is the lack of a unified definition of trafficking, which calls for changes in national legislation. Participants also noted that there is no common database of government and non-governmental actors in anti-trafficking area or a common database of trafficking victims for the government and other relevant organizations. Participants from Uzbekistan noted that monitoring of victims after their rehabilitation should be further enhanced to avoid their re-victimization. Lack of psychologists in rehabilitation centres and the need for a call centre were identified as gaps that need to be addressed.

The participants also worked together in groups formed along the lines of different sectors (law enforcement, CSOs, etc). These groups discussed inter-agency and state-civil society co-operation, and identified the following main shortfalls and good practices:

The law enforcement and prosecution group indicated: lack of inter-action between the state and civil society, absence of regular training and preparation of specialists, gaps in legislation, lack of specialized units on identification of victims of trafficking and absence of comprehensive databases on victims. In or-



der to address these issues they recommended establishing one co-ordinating body for co-operation among the concerned parties, to improve the work of the training centres for anti-trafficking specialists or to set up such training centres, to introduce necessary legislative changes, in line with international obligations and commitments, and to set up a database of trafficking victims;

The governmental institutions group (Ministry of Health, Ministry of Employment, Labour and Youth, etc.) highlighted as problematic: that NRMs are not functioning properly especially concerning co-operation between the State and NGOs; low levels of awareness among the concerned organizations; lack of criteria for victim identification; lack of integrated statistical data on victims to address their problems; and no regular funding for NGOs. The recommendations included establishment of a inter-ministerial committee with the participation of representatives of civil society; developing common standards and common work plans; organizing training for specialists; concluding inter-state agreements and memoranda; and allocation of budget resources for these activities;

The civil society group stated that there are no procedures for co-operation among the stakeholders and no co-ordinating body; NGOs are often not involved in implementation of government programmes; there are no NRMs in reality, but only on paper; no proper communication between NGOs and state bodies and mistrust between the two sectors. To address the problems they proposed to conclude agreements and memoranda with state bodies, to organize joint working groups and work plans, to establish a co-ordinating body (working commission), to conduct regular meetings and activities in a transparent manner, and to carry out research on trafficking victims, as well as to prepare a common database on the victims; and

The judiciary sector group (Ministries of Justice, courts) focused more on general problems rather than on problems of co-operation, highlighting lack of: specialists, professional development for the specialists, shelters in the NGOs dealing with anti- trafficking, a common style of reporting, and lack of monitoring of the services provided by NGOs. They proposed including professional training and development issues into national action plans; suggested proper planning of activities and regular reporting from all organizations dealing with countering trafficking.

The resource pack includes the agenda of the round-table and presentations made by the key experts (see starting from p. 182 of the pack).

(iii) Anti-trafficking legislation and practices in Tajikistan, a national roundtable (Tajikistan)

On 20 May 2014 Femida organized a roundtable with the participation of the Tajik Government's Inter-Agency Commission for Combating Trafficking in Human Beings, representatives of law enforcement agencies, international organizations, NGO networks on combating trafficking and other CSOs. Titled "Mechanisms for implementing anti-trafficking legislation", the round-table aimed to enable exchange of information about the implementation of anti-trafficking legislation in Tajikistan,

and to discuss future activities in that area.

Altogether, 38 participants took part (15 men and 23 women), representing the Public Prosecutor's Office, the Ministry of Education, the Ministry of Labour, Migration and Population Affairs, as well as the Migration Agency of that Ministry, the Ministry of Internal Affairs, the National Security Committee, the Governmental Committee on Youth, Sports and Tourism Affairs, the CSO Association of Women and the Society, CSO Shahrvand, CSO Mairam, CSO Madina, CSO Surhob, CSO Human Rights Centre, CSO Hairhozi Zamon, CSO Women of the East, CSO Chashman Haet, as well as international organisations and mass media outlets.

They discussed the following issues:

- Improving national legislation relating to combating trafficking in human beings;
- Mechanisms for victim referral and the related practices;
- The role of CSO networks in countering trafficking;
- Experiences of governmental agencies, including law-enforcement agencies in combating trafficking in Tajikistan; and
- Identification of and assistance to trafficking victims by CSOs.

Besides the fruitful dialogue, the participants also developed a set of recommendations aimed at the NGO network "Umed" of Tajikistan:

Strengthen efforts towards regional and international co-operation in the field of prevention;

Eliminate the causes of trafficking by means of conducting a research about the extent of the problem in Tajikistan;

Support the development of entrepreneurial activities among vulnerable families, risk groups and trafficking victims by offering them training on particular necessary skills and vocations;

Carry out an extensive public information campaign;

Support the role of mass media in efforts to prevent trafficking;

Involve offices like the one of the Ombudsmen in information campaigns;

Carry out seminars among the representatives of state authorities and CSOs about the implementation of the most recent anti-trafficking legislation;

Co-operate on training and preparation of attorneys who are to qualify for offering legal assistance to victims of trafficking; and

Draft and conclude agreements on cooperation between the NGO Network and other structures in the field of conducting information campaigns with extensive inclusion of mass media outlets on the issues of identification, rehabilitation and reintegration of victims of trafficking.

The resource pack includes the agenda of the roundtable (see p. 235).

A FUNCTIONAL NRM

B. Standards for providing services within National Referral Mechanisms

(i) Guidelines for Law Enforcement Agents (Kyrgyzstan)

This resource pack includes the Russian version of the guidelines (see on p. 238).

El agartuu in co-operation with the Ministry of Interior authorities in the city of Bishkek developed practical guidelines for law-enforcement agents on identification of victims of trafficking in human beings.

The Guidelines were completed in February 2014 and were formally adopted by the Criminal Investigation Directorate of the Ministry of Interior thereby making it obligatory for the law enforcement agents to acquaint themselves with the guidelines and apply these in their daily work.

In addition to the guidelines that were successfully officially endorsed by the Ministry of Interior of Kyrgyz Republic, El agartuu also outlined **key concerns** relating to anti-trafficking efforts in the country as identified during the drafting process. These were formulated as cross-sector recommendations targeting stakeholders such as NGOs and various governmental institutions, including:

The Ministry of Health needs to develop a document for providing specific services for victims of trafficking, including access to medical care, for example, to services for prevention and treatment of HIV/AIDS, to relevant care and assistance, and to the services for prevention and treatment of other blood-borne and infectious diseases for victims of trafficking who have been subjected to sexual exploitation, taking into account that trafficking in human beings for sexual exploitation purposes has serious immediate and long-term implications for health, including sexual and reproductive health;

The Ministry of Labour, Employment and Youth should:

- Carry out a review of national agencies from whose services victims of trafficking could benefit. The Government is to strengthen, if necessary, these agencies and services, and advocate for the creation or further support for adequate assistance mechanisms and services for the physical, psychological and social recovery and re-



Four-hundred copies were printed, of which 200 were in Russian and 200 in Kyrgyz language. El agartuu delivered 300 copies to the Ministry of Interior, 20 were distributed at the round-table organized by El agartuu on 20 February 2014, another 10 were delivered to the OSCE Centre in

Bishkek, and El agartuu kept the remaining 70 copies for distribution through its regular anti-trafficking activities.

habilitation of victims of trafficking, in co-operation with NGOs and other relevant civil society organizations;

- Provide support to victims in the form of offering vocational training courses or for improving their professional qualifications in order to avoid re-victimization of trafficking victims; and
- Create a database of NGOs working in this field and establish co-operation with them to conduct joint educational activities and provide quality services for victims of trafficking.

Ministry of Internal Affairs: it is necessary to systematically strengthen the capacity of law-enforcement officers because of weak knowledge and lack of practical skills in working with victims of trafficking;

Local authorities: should systematically to carry out extensive information campaigns targeting individuals who might become victims of trafficking, as well as the general public, all this with the help of educational activities and the effective involvement of the media, NGOs, private sector and community leaders, in order to reduce the demand that fosters exploitation of people; and

NGOs working with victims of trafficking:

- to develop memoranda of co-operation with should develop memoranda of co-operation with law-enforcement authorities on the protections of privacy and security of victims before, during and after criminal investigation, and to ensure that, where appropriate, protection of immediate family members and witnesses from retaliation by people involved in trafficking; and
- it is necessary for NGOs to create co-operation agreements with medical institutions for ensuring necessary and free first aid.

(ii) Guidelines for CSOs working with underage trafficked persons

CSO Child Rights Centre (Child Rights Centre) implemented a project focusing on development of effective institutional mechanisms at local and state levels for countering child trafficking in Tajikistan. The project rolled out February through May 2014 and had two main components, one of which being the development of *Guidelines for Non-governmental Organizations on Specifics of Working with Underage Victims of Trafficking*.

Besides its specific area of expertise, Child Rights Centre's added value as the centre-piece of an NGO network of ten child rights-focused NGOs in Tajikistan in 2009. The guidelines were not limited for network members, but also other stakeholders, governmental and non-governmental.

The guidelines tackle the following topics:

- NGOs and their activities in combating trafficking in minors;
- Relevant terminology and relevant national and international legal frameworks;
- Preventing child trafficking;
- Screening victims and further referrals;
- Reintegration;
- Specifics of the shelters' work;
- Health issues; and
- Particularities in co-operating with law enforcement agencies.

The Guidelines were not published as a separate publication, but instead are distributed electronically and photocopied based on concrete needs.

The resource pack presents the Russian language version of the Guidelines (see p. 267).

(iii) Supporting partnerships among non-governmental sector and specialists in Tajikistan

Femida ran several important capacity-building and awareness-raising activities (see Sections 1.A(i) and 3(iv) for details) in Tajikistan that, besides their specific aims, also had a common goal to advance the effectiveness of co-operation within the Femida-initiated NGO network.

The network in question – “Umed”, was created upon Femida’s initiative in 2012 among 12 NGOs active in the anti-trafficking field covering all the Tajikistan’s regions.

(iv) Creating partnerships between the civil society sectors in the countries of origin and destination (Kyrgyzstan – Russia)

NGO Sezim (Kyrgyzstan) implemented a project aiming to create links with Kyrgyz diaspora in Moscow and specialized crisis centres working with women in order to advance anti-trafficking responses and improve the exchange of information to that end.

An important initial step by Sezim was to establish institutional links with an umbrella association for Kyrgyz diaspora – Association Zaman-



dash, which is the international congress of the Kyrgyz people joining, among others, more than 90 Kyrgyz diasporas. Both sides concluded a Memorandum of Understanding.

Sezim succeeded first in creating a partnership with Moscow-based CSO Migrant Support Centre and the sides signed on 12 May 2014 a Memorandum of Understanding. According to the mutual understanding, Migrant Support Centre will refer trafficked persons who have originated from Kyrgyzstan to Sezim to arrange further assistance.

Sezim also established partnership with a Crisis Centre "Anna" that offers legal and psychological support to women who have



suffered various forms of violence. Pursuant to their agreement, migrants from Kyrgyzstan who have suffered sexual or physical violence, as well as being victims of trafficking in human beings can receive legal aid from Crisis Centre "Anna". Sezim would offer similar support to citizens of the Russian Federation in Kyrgyzstan who have become victims of trafficking.

Further on, Sezim and Moscow-based CSO Integration Centre for Migrants "Migration and Law" concluded a Memorandum of Understanding according to which migrants from Kyrgyzstan can receive legal assistance from the Integration Centre, as well rely on referral to Sezim's services in Kyrgyzstan for further rehabilitation support.

Sezim likewise established co-operation with Crisis Centre "Sisters" in Moscow that Kyrgyz migrants in Moscow who have suffered sexual or physical violence or trafficking will be given psychological assistance.

Sezim's networking and awareness-raising efforts in Moscow were completed by a meeting organized with the leaders of Kyrgyz CSOs and Kyrgyz community in Moscow on 16 May 2014. As a result, the participants discussed and decided on the key actions needed from both the Kyrgyz consulate, as well as Kyrgyz CSOs in Moscow, in relation to assisting victims of trafficking from Kyrgyzstan, importantly linking the victims wishing to return to Kyrgyzstan with Sezim and its assistance services.

3. BUILDING THE CAPACITY OF STAKEHOLDERS INVOLVED IN COMBATING TAFFICKING

- (i) **Regional seminar for NGOs, provision of legal aid (Istanbul 2013)** of law, such as criminal, civil, administrative and labour.

On 23 and 24 October 2013 ODIHR organized a seminar for lawyers and legal practitioners from Central Asia specialized or involved in providing legal assistance to trafficked persons in the Central Asian region. With this seminar, ODIHR provided an opportunity for 17 legal experts from six countries (Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Ukraine and Uzbekistan) to exchange their experiences, discuss challenges and identify steps to enhance the provision of free legal aid to trafficked persons.



The two-day event focused on provision of legal assistance to trafficked persons, including reviewing practical experience of the participants, their co-operation with state institutions and private law firms, existing national regulations, obstacles and the future steps necessary for enabling such assistance in all relevant areas

The seminar was a combination of expert presentations (from Azerbaijan and Ukraine), group work and very vivid discussions among the participants. It enabled exchange of experience, expertise and good practices by the practitioners from different countries and thus building the capacity of lawyers and legal practitioners on the issues of provision of legal aid to trafficked persons. The seminar allowed practical discussion on needs, challenges and possibilities in providing assistance in accessing justice, including claiming compensation for trafficked persons. The event improved cross-border links among anti-trafficking lawyers and legal practitioners in the region and with the countries of destination and transit.

The participants identified the following key challenges in their respective countries:

Negative attitudes of the authorities towards trafficked persons and their stigmatization;

Labour exploitation cases often not processed and indicted as trafficking in human beings, but fraud;

Trafficked persons denied access to services if no criminal case under trafficking article initiated;

Corruption;

Not enough attorneys who have an interest and qualifications to work with trafficked persons;

Scarce, often non-existent, secure sources to fund legal assistance;

Lack of or a non-functioning framework for witness protection;

Lack of uniform standards for trafficking victim identification;

Lack of qualifications for organizations working with trafficked persons;

Passive approach by the law enforcement, i.e. they react to trafficked persons' statements, only then is an investigation initiated;

Problems in co-operation between countries of origin (such as Uzbekistan) and destination (such as Russia);

Poor or no co-operation among state authorities on victim identification;

Securing compensation for trafficked persons;

Often poor implementation of an otherwise adequate legislative framework;

The security of trafficked persons and their attorneys (intimidation and threats by traffickers);

Funding available often does not fit the needs: funds needed for running the shelters;

Problems in NGO-state co-operation, as authorities often lack true will for it;

Difficulties in defending the interests of foreigners-trafficked persons in the courts of countries where they were identified; and

Conflict between national and international norms and prevalence of the former.

The participants developed recommendations for States, NGOs and the private sector on how to improve the provision of legal assistance to trafficked persons as follows:

Legal aid mechanisms in general:

- States need to make budgetary support available for hiring lawyers;
- States, where the institute of public defender is functioning, should consider how to support this system and integrate this to the rest of the legal aid scheme and related legal regulations;
- Attract private companies via corporate social responsibility schemes to fund and support legal aid schemes;
- Training needs to be provided for attorneys on trafficking issues;
- Training for law clinics and advancing relationships between the law clinics and NGOs working on legal aid to trafficked persons;
- Consider involving interested attorneys who have already retired in the set-up of such legal aid schemes if not enough qualified attorneys are available;
- Consider creating a database of lawyers qualified to work on trafficking cases in Central Asian countries;
- Invest in those lawyers who are qualified to work with trafficked persons, provide additional training;
- Consider longer terms of licenses for attorneys who work on pro-bono issues, possibly supported by some relief on the stamp duties and taxes; and
- Promote the option for Central Asian states to accede to the Council of Europe Convention on Action against Trafficking in Human Beings of 2005 (<http://conventions.coe.int/treaty/en/Treaties/Html/197.htm>).

Legal aid in the pre-trial phase:

- Adopting unified guidelines for CIS countries on implementing the 2000 “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”, supplementing the United Nations Convention against Transnational Organized Crime (particularly concerning identification of trafficked persons, involvement of NGO experts in the identification processes; introduction of trafficking courses in universities) (<http://www.osce.org/odhr/19223?download=true>);
- Law faculties to include a course on trafficking;
- Develop standards for medical workers for identification of victims and their referral;
- Trafficked persons need to be enabled access to qualified (not just any) legal assistance or to NGOs who have access to qualified lawyers and other professionals;
- Assistance NGOs may want to use written agreements with trafficked persons as a tool in avoiding ambiguities and accusations;
- Ensuring physical security of a victim is of paramount importance;
- Conduct a functionality analysis of relevant governmental and state structures, NGOs in implementing national action plans;
- Organizing trainings and skills building for lawyers and attorneys (including study visits);
- Conclude agreements with state authorities (identifying mutual obligations and tasks) on assisting trafficked persons;
- Continued education of the mass media and awareness-raising of population (concrete messages, not ambiguous ones like “don’t become a victim”);
- Careful legal regulation of two parallel issues: ability to acquire victim status regardless of a criminal trial, and having access to adequate services as a victim;
- Trafficked persons’ status related decisions should be subject to the possibility of appeal;
- Trafficked persons to be properly informed of her legal choices and options;
- Introduction of a legal standard to have a legal counsellor present for a victim in all phases in criminal proceedings;
- Introduction of a possibility to complain about the activities of investigating officers to prosecutors;
- Introduction of a possibility for a victim to have a psychologist present during the whole process (including pre-trial and trial phases); Without psychological support, the legal assistance is not sufficient;
- Involve NGOs into the formal referral mechanism;
- Raise awareness of law-enforcement officers about the rights of trafficked persons;
- Ensure effective protection for trafficked persons from intimidation by perpetrators;
- Seek to solve the problem that trafficking experts from NGOs have to prove that they are experts;
- Consider establishing inter-sector joint commissions to determine the victim status; and
- The needs of minors and those of people with special needs should be taken into account.

Legal assistance during the trial phase:

- Harmonize national legislation with international standards;
- Establish the possibility for trafficked persons to get a refund of costs for coming to court;

- Consider gender-specific aspects in working with trafficked persons;
 - In preparatory phase preceding the trial: ensure basic needs of trafficked persons (interpreter, psycho-social support, medical support, housing during trial, isolation of traffickers, to make sure that victim is not indicted for acts she was forced to commit as a victim);
 - Legal representation phase: confidentiality of facts of the case (everyone in the court knows that the person is a victim – training needed to ensure ethical behaviour and confidentiality standards also for court staff, compensation (amount, how to prove, how to determine);
 - Introduce legal grounds to enable representation of the victim without victim being present in court;
 - Respect the confidentiality of trafficked persons;
 - Develop mechanisms and procedures for ensuring trafficked persons' safety and security;
 - Co-operation and exchange of experiences between attorneys from different countries (especially countries of origin and countries of destination);
 - Train journalists about the specifics of trafficked persons;
 - Consider gender and cultural aspects relevant to trafficked persons;
 - Develop guidelines and standards for judges and prosecutors on how to approach and work with trafficked persons;
 - Ensure that lay-judges have trafficking-specific knowledge; and
 - Create or fine-tune legal grounds for filing civil claims by trafficked persons.
- Securing compensation for trafficked persons:**
- Adopt legislation regulating compensation for trafficking crimes;
 - Draft methodology for calculating the compensation for trafficked persons;
 - Introduce legal regulation allowing identification and confiscation of traffickers' property;
 - Introduce legal grounds enabling the arrest of overall property of traffickers, not just the one relevant to the particular crime, from the beginning of the legal proceedings, also confiscation of general property not limited to that acquired with the criminal act. Conduct financial investigations, following the money trail. Where applicable, involve special financial police into the investigation;
 - Create legal grounds that ensure trafficked persons get victim status for the purposes of claiming compensation regardless of their status in criminal proceedings;
 - Aspect of religion to be taken into account when determining amounts of moral damages;
 - Develop legislative framework for determining the damages;
 - Introduce mechanisms for monitoring the work of employment brokerage offices;
 - Consider creation of special victim compensation funds;
 - Training for judges, prosecutors and attorneys on compensation related issues;
 - Consider establishing minimum compensation sum, below which compensation cannot go (not to be mixed with one-time assistance payments as the one in Azerbaijan); and
 - Introduce legal standard that would oblige criminal courts to deliver also a decision on compensation.

The resource pack includes the agenda of the seminar and the presentation made by the expert from Azerbaijan (see p. 285).

(ii) Regional seminar for NGOs, protection of victims' interests in international judicial bodies (Istanbul 2014)

ODIHR organized a seminar on 19 and 20 November 2014 in Istanbul on "Providing legal counselling and assistance as crucial elements in ensuring access to justice for trafficked persons".

As a direct follow-up to the seminar held in October 2013 in Istanbul, this seminar addressed the same target group - lawyers and legal practitioners from Central Asia specialized and/or involved in providing legal assistance to trafficked persons in Central Asian region.

With this 2014 seminar, ODIHR provided an opportunity for 12 legal experts from five countries — Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, and Turkmenistan — to advance their knowledge on how to improve access to justice for victims of trafficking in human beings, as well as to exchange their experiences, and discuss challenges.

The two-day event focused on practical aspects of providing legal assistance to trafficked persons, including the possibilities of seeking additional protection from other supra-national bodies, such as the UN treaty monitoring bodies, where applicable.

The main aim of the seminar was to contribute to improved access to justice for trafficked persons in Central Asia. This was achieved by introducing new knowledge to the practitioners in Central Asia that built on their existing experience and expertise. Combining this with peer to peer professional exchange, the seminar succeeded in enhancing the professional capacity of lawyers and legal practitioners in Central Asia on issues of legal counselling and assistance to trafficked persons.

The first day of the seminar was dedicated to the pre-trial investigation phase in trafficking cases, as well as exploring the possibilities of bringing a case to the attention of a UN treaty monitoring body. The opening session was led by an anti-trafficking expert and an attorney from Republic of Moldova.

The following discussions manifested the presence of already well-known problems in the practice in the participants' home countries, namely law enforcement and prosecutors' offices evading what is perceived as complicated investigations of trafficking and opting to indict and prosecute for other crimes, less cumbersome to prove.

Building on these discussions, the second lead expert, a human rights expert from the Moscow-based International Protection Centre, discussed the importance of quality reporting. The presentation focused on reporting from both the aspects of content and in terms of taking action with the reports written, e.g. submitting these to the respective UN treaty monitoring body. The session familiarized the participants with the working routines of special mechanisms such as the UN Special Rapporteurs, special committees.

The expert also gave an overview of main conditions precedent that need to be fulfilled in order to be able to take a case to a monitoring body such as the Human Rights Committee. The criteria for an investigation to be considered an efficient one under international standards as well as the possibilities of exploring other avenues for bringing a case to the attention of a treaty body, were among the topics covered and discussed.

The second day of the seminar placed the main focus on the trial phase of the trafficking case. During the discussion that followed the participants discussed trial phase related aspects, including the practice around the possibility of closing the part or whole trial for the public. Participants also highlighted problems of finding enough qualified lawyers who have victim specific knowledge, as well as lay judges with awareness about the trafficking.

Some of the underlying issues that surfaced and were highlighted during the discussions at the seminar include:

Some of the **underlying issues** that surfaced and were highlighted during the discussions at the seminar include:

Lack of co-ordination and information sharing among the specialist NGO sector, within a country as well as within the wider Central Asian region;

Better co-ordination required between the governmental and NGO sectors within a country as the NGO sector is still left outside;

Victims of trafficking still faced with real danger of being prosecuted for offences committed due to their position of being trafficked persons, which greatly endangers the victims' access to justice; and

Lack of adequately trained attorneys who are qualified to work with trafficked persons and trafficking victims, hence the participants were asking for more trainings to be organized for the lawyers in order to equip them with necessary professional skills to work with and on the cases of trafficking, thereby also improving the countries' abilities to respond to the trafficking problem in an adequate manner.

The agenda of the seminar can be found on page 289, while for the presentations made by experts refer to pages 184 and 186, respectively.

(iii) Training for NGOs working with underage victims of trafficking (Tajikistan)

Child Rights Centre delivered a 3-day training on the specifics of working with underage trafficking victims for non-governmental organizations who provide services to victims of trafficking in Tajikistan.

The training was held 5-7 May 2014 in Dushanbe with 25 participants representing number of specialized CSOs across Tajikistan – Kurgan-tube, Kuljab Hatlonsk, Hudzhand Sogdid re-

gions, and Dushanbe city.

The training covered issues such as:

- National and international legal framework on child rights;
- Overview of the NGO activities in Tajikistan in the sphere of combating trafficking with specific focus on child trafficking;
- National and international legal framework relevant to child trafficking;
- Identification and reintegration of victims of child trafficking;
- The role of shelters in supporting child victims of trafficking;
- Health care issues; and
- Co-operation with law enforcement agencies.



The training provided practical knowledge and understanding about the basic principles of working with underage victims of trafficking in human beings. It also gave the participants the necessary legal parameters that are relevant to identification of underage victims of trafficking. The participants received practical guidance on how to co-operate with state institutions and other stakeholders. The training also gave deeper insight into the work of shelters and the associated services.

The programme of the training is included in this resource pack (p. 291), as are the Guide-

lines for service providers on working with underage victims of trafficking, also developed by Child Rights Centre (discussed above under Section 2.B(ii)).

(iv) Trainings for governmental and non-governmental stakeholders (Tajikistan)

Femida conducted four training seminars for representatives of governmental institutions, law enforcement agencies, and CSOs on mechanisms of countering trafficking in Tajikistan.

In order to ensure as wide reach-out as possible the seminars were conducted in cities of Kuljab and Kurgantube of Hatlon region (on 22 and 23 April 2014 with 25 and 24 participants attending, respectively) and Hudzhand (Sogdid region, on 2 May 2014 with 21 participants). The final seminar took place in capital Dushanbe on 8 May 2014 gathering 21 participants. Altogether

victims, as well as different modes of assistance for victims of trafficking.

In order to measure the effects of the seminar as well as to get a snapshot of the status of professional awareness among the stakeholder sectors, Femida conducted a quick poll both at the start and after completing each seminar.

The results of the initial screening indicated that participants had a general understanding of the phenomenon of trafficking, but were not familiar with the relevant legal definition, not were aware of the extent of the trafficking problem, did not have sufficient information about the processes of identification and referral of victims of trafficking.

The resource pack includes the agenda, as well as both questionnaires – the one used before and one used at the end of an individual seminar (see p. 293).



er the seminars gathered 91 participants (27 men and 64 women).

The programme of all of the seminars covered relevant international and national legal frameworks on countering trafficking in human beings, the concept of mechanisms for referral of

4. ANNEXES
