

Beginmai Kamilova**PhD Student**Kyrgyz Republic Ministry of Foreign Affairs Diplomatic Academy named after Kazy Dikambaev**720040, 36 Erkindik Blvd., Bishkek, Kyrgyz Republic**<https://orcid.org/0009-0003-6421-4155>*

The role of international treaties in combating human trafficking

Abstract. The aim of the study was to critically analyse the effectiveness of international treaties in combating human trafficking. The study was conducted using dogmatic, comparative legal and criminological methods of analysis of international treaties, the case law of the European Court of Human Rights and national courts, statistical data from the United Nations Office on Drugs and Crime, as well as the practice of implementing international obligations at the national level in European and Central Asian states. The study found that the Palermo Protocol demonstrates a significant imbalance between mandatory criminal prosecution of traffickers and discretionary measures to protect victims, which critically reduces its effectiveness and hinders victims' cooperation with law enforcement agencies. Analysis of the data showed that sexual exploitation and forced labour account for almost equal shares in the overall structure of human trafficking, with a steady trend of significant growth in the number of underage victims, which highlights the problem of adequate implementation of special protection mechanisms. It has been established that making the provision of assistance conditional on cooperation with law enforcement agencies creates a pathological situation that contradicts basic human rights principles and undermines the effectiveness of both protection and prosecution. A comparative analysis of the Palermo Protocol and the Council of Europe Convention has demonstrated a qualitative transformation of the international legal approach from a crime-oriented to a comprehensive human rights model. The GRETA monitoring mechanism, with its independent expert status and powers to conduct regular visits, addresses the critical shortcoming of the universal instrument in terms of the lack of effective oversight of the implementation of international obligations. The results obtained can be used to improve national legislation, develop programmes for the protection and rehabilitation of victims, strengthen international cooperation and create independent monitoring mechanisms at the universal level.

Keywords: law enforcement; exploitation; restitution; victim protection; migration control

Introduction

Human trafficking is considered to be one of the most serious violations of human rights and remains a major global problem. According to the latest data, in 2021, 50 million people were in conditions of modern slavery, of whom 27.6 million were in forced labour (International Labour Organization, 2022). According to the United Nations Office on Drugs and Crime (2024b), there was a significant increase in the number of victims of human trafficking in 2022 – 25% compared to pre-pandemic figures in 2019. The main forms of exploitation remain forced labour, sexual exploitation and forced criminal activity. In the context of increasing globalisation, mass migration flows, armed conflicts and climate change, the problem of human trafficking is taking on new dimensions, requiring constant improvement of international legal mechanisms to combat it. A comprehensive analysis of the situation in the United Kingdom is presented in a report by V. Richey (2023a), which demonstrated systemic problems

in identifying victims among migrants and the inadequacy of measures to prevent revictimisation. The author concluded that harsh migration policies create a “hostile environment” that prevents victims from seeking help and cooperating with law enforcement agencies. A complementary analysis of Swiss practice by V. Richey (2023b) identified the need for greater coordination between federal and cantonal authorities to ensure the uniform application of international standards throughout the country.

The specific nature of the post-Soviet space and the experience of the Kyrgyz Republic in combating human trafficking have been reflected in a number of fundamental studies by Kyrgyz scholars. A comprehensive analysis of state policy at the regional level was carried out by A. Tashybaeva (2010), who, using the example of the Osh region, studied the peculiarities of the implementation of international and national norms in the conditions of the country's peripheral regions. The author identified

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*Corresponding author



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significant discrepancies between the declared goals of state policy and the actual practice of its implementation at the local level, due to insufficient funding for prevention programmes, weak coordination between state bodies and non-governmental organisations, and low levels of legal awareness among the population about mechanisms for protection against human trafficking. The study demonstrated that the effectiveness of combating human trafficking in post-Soviet states largely depends on the ability of state institutions to adapt universal international standards to the specific socio-economic conditions of transit regions.

The methodological challenges of researching human trafficking in the post-Soviet context are analysed in detail in an interdisciplinary study by R.L. Dalla *et al.* (2025), who, using the example of the Kyrgyz Republic, systematised the barriers and obstacles faced by researchers when studying this latent crime in a context that has not been sufficiently studied. The authors found that multiple factors, including the marginalisation of vulnerable groups, cultural stigmatisation of victims, the secrecy of criminal networks, and the lack of previous scientific literature on the subject, significantly complicate the process of collecting quality data and conducting empirical research. The study highlighted the need to develop adapted methodological approaches to studying human trafficking in post-Soviet transit states, where factors such as economic instability, mass labour migration and weak law enforcement institutions combine. The authors' conclusions are critical for understanding the limitations of the existing evidence base on the scale and forms of human trafficking in the Central Asian region.

A fundamental study of the effectiveness and challenges of implementing the Palermo Protocol was conducted by P.C. Rout *et al.* (2024), who systematised global experience in applying this instrument and identified key obstacles to its implementation. The authors found that the lack of a mandatory monitoring mechanism and the politicisation of the process of assessing states' compliance with international obligations significantly reduce the effectiveness of the universal regime for combating human trafficking. An important contribution to understanding the regional specifics of combating human trafficking was made by C. Sumner (2022) made an important contribution to understanding the regional specifics of combating human trafficking by analysing the basic data of the Association of Southeast Asian Nations (ASEAN) and determining that cultural characteristics, differences in legal systems and levels of economic development of member states create serious obstacles to the unification of approaches in this region. The researcher identified the need for flexible mechanisms for implementing international standards, taking into account national specificities.

An analysis of the practice of the European Court of Human Rights in cases involving human trafficking and forced prostitution was conducted by V. Turanjanin & J. Stanisavljević (2024), who systematised the court's legal positions regarding the positive obligations of states to prevent human trafficking, protect victims and effectively investigate such crimes. The authors found that the jurisprudence of the European Court of Human Rights has significantly broadened the understanding of the scope

of state obligations under Article 4 of the European Convention, going beyond a simple prohibition of slavery and including requirements to establish effective legal and administrative mechanisms to combat it. The ASEAN regional approach to combating human trafficking is analysed in detail by M. Wirawan & D. Novikrisna (2024), who examined the specifics of implementing the ASEAN Convention against Trafficking in Persons in the context of the principle of non-interference in the internal affairs of states. The authors found that the specific "ASEAN way", based on consensus and voluntary cooperation, has both advantages in terms of ensuring broad participation by states and significant disadvantages in the form of limited effective mechanisms for enforcing compliance and weak monitoring of the implementation of international standards at the national level.

Despite a significant amount of research covering both universal mechanisms for combating human trafficking and regional approaches in different parts of the world, as well as the specifics of the post-Soviet space, issues related to the comparative effectiveness of different models for implementing international treaties in states with varying levels of economic development and institutional capacity remain insufficiently studied. Although Kyrgyz researchers have identified a significant gap between declared state commitments and the actual practice of their implementation at the national and regional levels, as well as methodological challenges in studying this phenomenon in post-Soviet transit states, the question of which institutional factors and mechanisms of international monitoring are capable of effectively bridging this gap in the context of different legal traditions and political regimes. The aim of the study was to examine the role of international treaties in the formation and functioning of the system for combating human trafficking, identifying key shortcomings in their implementation. To achieve this goal, it was necessary to analyse the conceptual and legal foundations of combating human trafficking, as enshrined in the Palermo Protocol and regional instruments, to examine the practice of implementation of international obligations by states, and to identify systemic gaps in the protection of victims' rights.

Materials and Methods

The study covers the period from 2000 (adoption of the Palermo Protocol) to 2024 and is based on a comprehensive analysis of international legal instruments, official reports of international organisations and national legislation in the field of combating human trafficking. The work is based on material from the Kyrgyz Republic, as the state is a party to key international treaties in the field of combating human trafficking, and its geographical location in Central Asia, active migration processes and practice of implementing international legal obligations allow for a representative analysis of the role of international treaties in the formation and functioning of mechanisms to combat human trafficking in the national legal system.

The annual reports of the U.S. Department of State on human trafficking were analysed using critical analysis to assess independent international expertise on the efforts of the Kyrgyz Republic to combat human trafficking. The main source was the U.S. Department of State (2024a;

2024c), which revealed critical shortcomings in law enforcement practices, including the absence of officially identified victims in criminal law enforcement for three consecutive years and zero victim identification in the 2023-2024 reporting period. For a comparative analysis of national implementation practices, reports on Belgium (U.S. Department of State, 2024b) and the Netherlands (U.S. Department of State, 2023; 2024d) using a comparative analysis method to identify factors that ensure the effectiveness of law enforcement mechanisms in Tier 1 countries. In addition, official documents of the European Council of the European Union (n.d.) and the European Commission (2025) were analysed using content analysis to determine the effectiveness of the EU Anti-Trafficking Directive and the EMPACT programme in the period 2018-2023. Eurostat (n.d.) statistics on human trafficking in the EU were analysed using statistical methods to determine the dynamics of victim identification and the conviction of traffickers for the period 2008-2023. Reports on the implementation of the EMPACT programme and operational activities, including Global Chain-type operations, were examined using documentary analysis to assess the effectiveness of transnational police cooperation within the EU. Progress reports from the European Commission (Directorate-General for Migration and Home Affairs, 2025) were analysed to identify trends in the implementation of EU Directive 2011/36/EU and legislative changes in 2024.

The case study method was used to examine seven court decisions from different jurisdictions: European Court of Human Rights decisions *Case of Rantsev v. Cyprus and Russia* (2010) (Cyprus and Russia), *Case of Chowdury and Others v. Greece* (2017) (Greece) and *Case of Siliadin v. France* (2005) (France); national decisions *Case of R v. Ike Ekweremadu, Beatrice Ekweremadu, and Obinna Obeta* (2023) (United Kingdom), *Case of Queen v. Tang* (2008) (Australia) and *Case of Nurbekov et al.* (2008) (Kazakhstan), available in the HUDOC and UNODC SHERLOC databases. Selection criteria: confirmed application of the Palermo Protocol or the Council of Europe Convention, diversity of forms of exploitation, geographical representativeness, existence of convictions or compensation for victims. Analytical reports from international organisations were studied using statistical methods and content analysis to identify global trends in human trafficking, assess the effectiveness of national countermeasures, and identify systemic problems in law enforcement practices in different countries. The key sources in this category were reports by the United Nations Office on Drugs and Crime (2019; 2024b), which enabled a diachronic analysis of changes in the scale, forms and geography of human trafficking over a six-year period. In addition, an article by J. Planitzer (2012) was analysed using documentary analysis to study the practice of applying the Council of Europe Convention and identify typical shortcomings in national systems for implementing international standards.

The national legislation and official documents of the Kyrgyz Republic were examined using formal legal analysis to assess the degree of compliance of national norms with international standards and to identify the peculiarities of the implementation of the Palermo Protocol in the post-Soviet state. The main sources were the Constitution of the Kyrgyz Republic (2021), the Criminal Code of the

Kyrgyz Republic (2021) and Law of the Kyrgyz Republic No. 55 (2005). In addition, a comparative legal method was used to compare Kyrgyz legislation with the norms of the Palermo Protocol. A regional comparative analysis was conducted using a comparative method covering the following regions: Europe (CETS No. 197 Convention and GRETA, Latin America (protocols of the Organization of American States (2014) on the protection of migrant children), Africa (Ouagadougou Action Plan... (2006)). Descriptive statistics were used to analyse data from reports by the United Nations Office on Drugs and Crime (2019; 2024b) on the structure of victims by type of exploitation, identifying regional specifics: the prevalence of forced labour and the high proportion of male migrants among victims.

The theoretical and methodological basis of the study was provided by scientific works of leading researchers for the period 2010-2025. The work of K.H. Heinrich (2010) was studied using critical analysis of the doctrine in order to understand the fundamental problems of implementing the Palermo Protocol and theoretical approaches to assessing the effectiveness of universal mechanisms for combating human trafficking. The studies by M. Jovanovic (2018) and J. Haynes (2024) were analysed using the scientific synthesis method to identify differences in the functioning of regional mechanisms and to determine the factors influencing their effectiveness in comparison with universal instruments.

Results

The Palermo Protocol: A universal standard for combating human trafficking. Until the end of the twentieth century, the international community did not have a single comprehensive instrument for effectively combating human trafficking. Existing international agreements were fragmented and outdated. The first attempt was the 1904 International Agreement for the Suppression of the White Slave Traffic, which provided only for the exchange of information between 12 countries and focused exclusively on the sexual exploitation of women of European origin (Allain, 2017). In 1910, the International Convention criminalised the recruitment of women for prostitution, and in 1921, the League of Nations replaced the term “white slavery” with the neutral “trafficking in persons” and raised the age of consent to 21 (Morcom & Schloenhardt, 2011). And in 1949, the UN adopted the Convention for the Suppression... (1949). However, all these documents had significant limitations: they ignored labour exploitation and trafficking of men, and were often used to control migration (Gallagher, 2011).

The lack of a uniform definition of human trafficking led to significant discrepancies in national legislation, which hampered international cooperation and created legal loopholes for criminal groups (Office of the High Commissioner for Human Rights, 2014). Until the adoption of the Palermo Protocol in 2000, there was no comprehensive federal legislation in the United States defining human trafficking as a separate crime – it was only in 2000 that the Trafficking Victims Protection Act was passed (International Justice Mission, 2020). In the United Kingdom, specific legislation only appeared in 2003 with the adoption of the Sexual Offences Act, and a comprehensive approach was only enshrined in 2015 in the

UK Modern Slavery Act (2015). In the Kyrgyz Republic, until 2005, there was no comprehensive concept of “trafficking in persons” and no separate offence in national legislation – offenders were prosecuted under articles of the 1977 Criminal Code on abduction for forced marriage or prostitution. Only after ratifying the Palermo Protocol in October 2003 did Kyrgyzstan adopt a special Law of the Kyrgyz Republic No. 55 “On Preventing and Combating Trafficking in Persons” (2005), which for the first time provided a comprehensive definition of this crime (U.S. Department of State, 2019; Antislavery Law Database, n.d.).

Data systematically collected by the United Nations Office on Drugs and Crime (2019) is critical for researchers, governments and international organisations to understand global trends and develop effective strategies to combat human trafficking. The 2024 Global Report on Trafficking in Persons, the eighth such report, is based on the most comprehensive set of data on victims and offenders collected worldwide between 2003 and 2023, including official statistics from 156 countries (covering more than 95% of the world’s population), as well as detailed descriptions of more than 1,038 court cases from 113 countries between 2012 and 2023, with information on more than 5,700 victims and 3,500 offenders. The collection methodology is based on specialised questionnaires distributed to governments in the six official languages of the UN (English, French, Spanish, Russian, Chinese and Arabic) and the analysis of official information (national reports from police forces and ministries of justice). The questionnaires collect quantitative data on identified victims, broken down by age, gender, form of exploitation and nationality, as well as information on perpetrators and statistics on criminal prosecutions. Reliability is ensured through a system of cross-checking data from various sources, cooperation with the International Organization for Migration, the International Labour Organization and Interpol, and analysis of court decisions on more than 30 predefined indicators (United Nations Office on Drugs and Crime, 2024a).

Systematic data collection allows for identifying new trends in victim recruitment methods, changes in the geography of human trafficking, and assess the vulnerability of different social groups. The widespread use of digital technologies has been established: the proportion of victims of sex trafficking recruited through social media in federal cases in the United States rose from 30% in 2000–2020 to 41% in 2021 (Wheeler, 2022). Criminals use two main strategies, defined by the United Nations Office on Drugs and Crime as “hunting” – actively and anonymously searching for vulnerable individuals – and “fishing” – passively attracting victims through online advertisements (U.S. Department of State, 2024a). Traffickers actively exploit platforms such as Facebook, Instagram, TikTok, dating sites Tinder and Bumble, gaming platforms through fake profiles, deceptive job advertisements, promises of modelling careers (as in the high-profile GirlsDoPorn case) and the strategy of “boyfriending” – romantic enticement (Nikkel, 2024). The obtained data testify to the transformation of mechanisms of human trafficking in the conditions of digitalization, which requires the adaptation of international legal instruments to new forms of exploitation.

The geography of trafficking has also changed: in 2022, there was a 25% increase in identified victims compared to 2019, with the largest increases in North America, Western and Southern Europe (45%) and sub-Saharan Africa. At least 162 different nationalities were trafficked to 128 countries of destination, although the majority of victims (58%) are exploited within national borders (United Nations Office on Drugs and Crime, 2024b). In Africa, population movements due to climate change correlate with the number of African victims identified in Europe (about 2,000 people). In South Asia, there has been an increase in trafficking for forced marriage (about 200 victims), and in Southeast Asia, for cyber fraud, where victims are lured and forced into online scams (United Nations, 2024). In Eastern Europe and Central Asia, including Kyrgyzstan, victim identification rates have not reached pre-pandemic levels, contrasting with a 25% increase globally and a 45% increase in North America and Western Europe between 2019 and 2022 (Tuhsinov, 2024). An analysis of vulnerable groups shows that women and girls account for 61% of identified victims, with 60% of girls being sexually exploited. Children now account for almost 40% of all victims (an increase of 31% in 2022), with 45% of boys being exploited for forced labour and 47% for forced crime and begging (United Nations Office on Drugs and Crime, 2024b). Migrants are vulnerable due to financial instability, language barriers and fear of deportation, especially migrant women on dangerous migration routes (International Organization for Migration, 2024).

The modern system of international counteraction is based on two key instruments. The first is the Protocol to Prevent... (2000) (Palermo Protocol), which supplements the UN Convention against transnational organised crime. The second instrument is the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) (2005), which functions as the leading regional mechanism focused on human rights (Jovanovic, 2018). The Palermo Protocol focuses on criminalisation and law enforcement, while the European Convention emphasises the rights and protection of victims, viewing trafficking in human beings primarily as a violation of human rights. The Protocol to Prevent... (2000) was adopted by the UN General Assembly on 15 November 2000 and entered into force on 25 December 2003. The Protocol has been ratified by 185 States Parties, demonstrating a global consensus on the need for coordinated action. Legally, the Protocol supplements the United Nations Convention against Transnational Organised Crime and should be interpreted in conjunction with it, which means that many provisions of the Convention on international cooperation, extradition and mutual legal assistance apply to cases of human trafficking.

Subparagraphs (b) and (c) of Article 3 establish critical legal safeguards. The irrelevance of consent means that the victim’s consent to the alleged exploitation is legally irrelevant if unlawful means were used. This provision is fundamental to the protection of victims, as it recognises that consent obtained through deception, coercion or abuse of vulnerability cannot be considered voluntary and informed. The protection of children provides that the recruitment, transportation, transfer or receipt of a child (any person under the age of 18) for the

purpose of exploitation is automatically considered trafficking in persons, even if no means of coercion were used. This provision legally enshrines the inherent vulnerability of children, recognising that, due to their age and development, they cannot give informed consent to exploitation. The Palermo Protocol introduced an internationally recognised approach based on three pillars: prosecution, prevention and protection (Heinrich, 2010). In terms of prosecution, the protocol obliges states to criminalise acts related to human trafficking and to ensure international cooperation. Criminalisation should cover not only trafficking itself, but also related acts. States are required to establish severe penalties commensurate with the gravity of the crime and to ensure effective investigation and prosecution of traffickers.

In terms of protection, the Protocol provides for measures for the physical and psychological recovery of victims, including medical care, housing, psychological counselling, legal assistance, and the possibility of granting temporary or permanent residence status (Heinrich, 2010). These provisions are designed to ensure a comprehensive response, where law enforcement is complemented by humanitarian and legal support. However, it should be noted that many of the provisions on victim protection are formulated in a recommendatory manner, leaving states considerable discretion in their implementation. The prevention component includes measures to inform the public about the risks of human trafficking, social and economic initiatives aimed at reducing the vulnerability of potential victims, and efforts to reduce the demand that drives exploitation. The Protocol recognises that human trafficking thrives in conditions of poverty, discrimination, and lack of opportunities for education and employment, and therefore effective prevention requires addressing these root causes.

Implementation of the Palermo Protocol and the problem of imbalance. Despite the widespread ratification of the Palermo Protocol and the incorporation of its definition into the national legislation of many states, its actual impact on the protection of victims has been limited. For example, the United Kingdom implemented the Protocol's definition of trafficking in persons in its Sexual Offences Act of United Kingdom (2003), criminalising trafficking for sexual exploitation, and later expanded these provisions in the UK Modern Slavery Act (2015). This imbalance between mandatory criminal prosecution and often optional protection measures seriously undermines the overall effectiveness of the Protocol. If the state does not provide reliable protection, victims, fearing the police or continuing to suffer, prefer not to cooperate with law enforcement agencies or go underground. As a result, the effectiveness of criminal prosecution is reduced, as without the testimony and cooperation of victims, it becomes much more difficult to bring traffickers to justice. Practice shows that the successful prosecution of criminals is directly dependent on ensuring the safety and support of victims.

An analysis of international practice shows positive results from the implementation of the Palermo Protocol and other international instruments in a number of European countries. The experience of EU countries demonstrates that the systematic application of a comprehensive approach to combating human trafficking yields measurable

results in identifying victims and bringing traffickers to justice. Significant progress has been made in Europe: between 2018 and 2023, 5,555 arrests and 4,690 investigations were carried out under the EMPACT programme, and more than EUR 39 million in assets were confiscated (European Council of the European Union, n.d.). In 2023, 457 arrests were made and EUR 4.1 million was confiscated thanks to EU action (European Commission, 2025). A separate operation, Global Chain, in 2023, targeting criminal networks exploiting victims from South America, Asia, Africa, the Western Balkans and Ukraine, identified 1,426 potential victims and arrested 212 individuals.

The Netherlands also demonstrates sustained efforts to combat human trafficking, maintaining its Tier 1 status. In 2023, the government prosecuted more suspected traffickers, finalised a new National Action Plan, and increased funding for its implementation (U.S. Department of State, 2024d). The Labour Inspectorate established a 30-person unit dedicated exclusively to investigating labour exploitation, including trafficking. The government took steps to prevent the criminal exploitation of children, including conducting a study on combating criminal exploitation in schools and establishing a national hotline and online portal for victims of criminal exploitation and vulnerable youth. In 2023, the police initiated 214 investigations into human trafficking (compared to 178 in 2021), and the government prosecuted 218 suspected traffickers (compared to 201 in 2021 and 120 in 2020) (U.S. Department of State, 2023).

At the EU level as a whole, the number of registered victims increased by 20.5% between 2021 and 2022, which is associated with improved detection (Directorate-General for Migration and Home Affairs, 2025). In 2023, 10,793 victims of human trafficking were registered in the EU, which is 6.9% more than in 2022 and is the highest recorded figure for the period 2008-2023 (Eurostat, n.d.). The number of convicted traffickers in the EU increased by 10.1% from 2,097 in 2022 to 2,309 in 2023. The EU Anti-Trafficking Directive, adopted in 2011 on the basis of the Palermo Protocol and the Council of Europe Convention, recognises trafficking in human beings not only as a crime but also as a violation of human rights, establishing the obligation of Member States to protect victims regardless of their country of origin (European Commission, 2025). In June 2024, the EU decided to add exploitation of surrogacy, forced marriage and illegal adoption as forms of exploitation covered by EU anti-trafficking legislation, and the knowing use of services provided by a victim of trafficking became a criminal offence, punishable by effective, proportionate and dissuasive sanctions.

Case studies analysing court cases from various jurisdictions allow for determining how the provisions of the Palermo Protocol and the Council of Europe Convention are transformed into law enforcement practice in various forms of exploitation. A landmark decision was Case of Rantsev v. Cyprus and Russia (2010), where the European Court of Human Rights directly applied the definition of trafficking in human beings from Article 3(a) of the Palermo Protocol for the first time to interpret Article 4 of the European Convention. Twenty-year-old Oksana Rantseva arrived in Cyprus on an artist visa to work in a cabaret – a

scheme systematically used for sexual exploitation. After confiscating her passport and attempting to escape, the police returned her to her employer instead of providing protection, which led to her tragic death. The European Court of Human Rights found violations of Articles 2, 4 and 5 of the European Convention and ordered Cyprus to pay EUR 40,000 in compensation. The Court identified three categories of positive obligations for states: legislative criminalisation, operational measures to protect potential victims, and effective investigation. The extension of human rights jurisprudence to labour exploitation occurred in the Case of *Chowdury and Others v. Greece* (2017). Forty-two migrants from Bangladesh worked on strawberry farms under the supervision of armed guards without being paid; the strike ended with the use of firearms, injuring more than thirty people. The Greek court acquitted the defendants on the basis of the workers' formal freedom to leave the farm. The European Court of Human Rights unanimously found a violation of Article 4, ordering the payment of more than EUR 500,000 in compensation, confirming that the victims' consent does not preclude classification as forced labour when their vulnerable position is abused. Domestic slavery of minors was considered in the Case of *Siliadin v. France* (2005) – the first decision of the European Court of Human Rights finding a violation of Article 4 of the European Convention. A 15-year-old girl from Togo worked as a domestic servant for more than four years without pay, working 15 hours a day, with her passport confiscated. The European Court of Human Rights found a violation of Article 4, noting the inadequacy of French legislation to prosecute such acts. The ruling encouraged Council of Europe member states to criminalise modern forms of slavery.

Organ trafficking became the subject of the first conviction in the United Kingdom under the UK Modern Slavery Act (2015) in the case of *R v. Ike Ekweremadu*,

Beatrice Ekweremadu, and Obinna Obeta (2023). A Nigerian street vendor was recruited with the promise of work for the kidney transplant of a senator's daughter, worth £80,000. Medical staff at the Royal Free Hospital uncovered the exploitation. Sentences of four to ten years' imprisonment were handed down. The case set a precedent for prosecuting organ trafficking and demonstrated the role of healthcare professionals in identifying victims. Australian practice is represented by the Case of *Queen v. Tang* (2008) – the first conviction for slavery in the country's history. Five women from Thailand worked in a brothel to pay off an artificial debt of USD 40,000, serving about 900 clients each with their passports confiscated. The High Court upheld the classification as slavery, ruling that the prosecution did not need to prove the defendant's awareness of the victims' slave status. The specific nature of Central Asia is reflected in the Case of *Nurbekov et al.* (2008) on internal trafficking in persons. An organised group received sentences of ten to twelve years' imprisonment under legislation harmonised with the Palermo Protocol.

Systematisation of judicial practice reveals critical problems: national courts acquit traffickers through misinterpretation of the victim's consent; law enforcement agencies fail to identify victims among migrants. In the Netherlands, with 4,732 identified victims, the number of convictions is declining (GRETA, 2023). In Kyrgyzstan, not a single conviction has been handed down for three years in a row. National restitution mechanisms are ineffective, which contravenes Articles 6 of the Palermo Protocol and 15 of the Council of Europe Convention. To illustrate the shortcomings of the universal standard and the need for its development, a comparative analysis with a regional instrument is conducted. A comparative analysis of the key provisions of the UN Palermo Protocol and the Council of Europe Convention is presented in Table 1.

Table 1. Comparative analysis of key provisions of the UN Palermo Protocol and the Council of Europe Convention

Criterion	Palermo Protocol (UN)	CETS No. 197 (Council of Europe)	Critical difference / Value of CETS No. 197
Year of adoption/entry into force	2000/2003	2005/2008	A more modern standard, adapted to criticism of the Protocol
Main focus	Criminalisation and combating organised crime	Human rights, dignity and integrity of the individual	Directly affirms human trafficking as a violation of human rights
Scope of application	Transnational crime related to organised crime	All forms of human trafficking (national, transnational, related or unrelated to organised crime)	Coverage of all forms of exploitation broadens jurisdiction
Model of response	"3Ps" (Prosecution, Prevention, Protection)	"4Ps" (adding Partnership and strengthening Protection)	Expanded, victim-oriented approach
Victim protection measures	Recommended/Discretionary (especially residence status)	Mandatory (wide range of assistance and support)	The provisions on protection are more generous, broad and strictly formulated
Monitoring mechanism	Conference of the Parties (political, review)	GRETA (independent expert body with visiting rights and a mandate to make recommendations)	Ensures strict, non-politicised and mandatory monitoring of implementation

Source: compiled by the author based on the Protocol to Prevent... (2000), Council of Europe Convention on Action against Trafficking in Human Beings (2005), K.H. Heinrich (2010), M. Jovanovic (2018)

The comparative analysis presented clearly demonstrates the evolution of the international legal approach to combating human trafficking. The CETS No. 197 Convention represents a qualitatively new stage in the development

of legal standards, characterised by a transition from a crime-oriented model to a comprehensive human rights approach. Of fundamental importance is the transformation of recommended measures for the protection of victims

into binding state obligations, which significantly increases the effectiveness of combating this transnational crime. The practical effectiveness of the regional approach is clearly demonstrated by the experience of European countries. In the Netherlands, the implementation of the mandatory standards of the CETS No. 197 Convention led to the creation of a specialised labour inspection unit of 30 employees dedicated exclusively to investigating labour exploitation, which contributed to an increase in the number of human trafficking investigations from 178 in 2021 to 214 in 2023 and an increase in the number of traffickers prosecuted from 120 in 2020 to 218 in 2023 (U.S. Department of State, 2024e). In Belgium, the systematic application of the human rights approach of the CETS No. 197 has led to a significant increase in assistance to victims through state shelters, while maintaining a high level of convictions of traffickers (U.S. Department of State, 2024b). In contrast, in the Kyrgyz Republic, which relies primarily on the Palermo Protocol without a strong regional mechanism, no officially identified victims were found in criminal law enforcement during the 2023-2024 reporting period, despite the existence of legislation that formally complies with international standards.

The GRETA mechanism, with its independent expert status and monitoring powers, addresses a critical shortcoming of the Palermo Protocol in terms of the lack of effective oversight of the implementation of international obligations at the national level. GRETA's regular visits to participating States and the publication of detailed evaluation reports create a system of accountability that is lacking in the universal mechanism, where the Conference of the Parties is primarily political and review-oriented, without the ability to conduct mandatory inspections and develop specific recommendations to address identified shortcomings.

Regional evolution of standards and global trends in human trafficking. The CETS No. 197, which came into force in 2008, represents significant progress compared to the Palermo Protocol (Jovanovic, 2018). It was designed to address the shortcomings inherent in a universal instrument and is an example of regional jurisdiction revolutionising the approach to combating human trafficking. The CETS No. 197 follows a predominantly victim-oriented approach based on the unequivocal recognition of human trafficking as a violation of human rights, dignity and integrity. This human rights basis distinguishes the CETS No. 197 from the crime-oriented focus of the Palermo Protocol. The Convention also broadens the scope of application to cover all forms of trafficking in persons – national, transnational, whether or not linked to organised crime. With regard to victim protection, CETS No. 197 establishes significantly broader and more clearly defined obligations, surpassing the Palermo Protocol in terms of the scope and binding nature of protective measures. It obliges states to provide victims with a wide range of mandatory assistance and support measures, including immediate identification, assistance and support, as well as the right to legal compensation (Jovanovic, 2018). This shifts protection from the realm of discretionary programmes to that of mandatory state obligations. The experience of regional mechanisms in different parts of the world demonstrates a variety of approaches to combating human trafficking. Latin American

states have developed specialised protocols within the Organization of American States (2014) aimed at protecting migrant children, who make up a significant proportion of victims in the region. The African Union adopted the Ouagadougou Action Plan... (2006), which highlights the link between human trafficking, organised crime and terrorism, requiring a coordinated law enforcement response. These regional instruments demonstrate the importance of adapting international standards to the specific conditions of each region.

Central Asia, an important transit and departure region for victims of human trafficking, is located at the crossroads of routes between Europe, Asia and the Middle East, making it a key corridor for criminal networks. Economic instability in the post-Soviet period, high levels of labour migration (especially to Russia and Kazakhstan), weak law enforcement systems and corruption create favourable conditions for traffickers. Regional conflicts and instability in neighbouring Afghanistan increase the vulnerability of the population, especially women and children, making Central Asia both a source and transit zone for victims of sexual and labour exploitation (United Nations Office on Drugs and Crime, 2024b). A specific legal framework has developed in this region, reflecting both the influence of international standards and the national characteristics of the post-Soviet states. The Kyrgyz Republic, which ratified the Palermo Protocol in October 2003, was one of the first states in the region to adopt comprehensive legislation in this area. The Constitution of the Kyrgyz Republic (2021) contains a direct prohibition on slavery and human trafficking, establishing that slavery, human trafficking, and the exploitation of child labour and forced labour are not permitted in the Kyrgyz Republic. These constitutional guarantees create a legal basis for the implementation of international obligations and the formation of a national system to combat human trafficking. The legislation of the Kyrgyz Republic in the field of preventing and combating human trafficking consists of the Constitution, the special law "On Preventing and Combating Human Trafficking" (Law of the Kyrgyz Republic..., 2005) and other normative legal acts regulating activities to prevent and combat trafficking in human beings and protect victims of trafficking and their relatives. The Criminal Code of the Kyrgyz Republic (2021) criminalises human trafficking in Article 166, providing for punishment in the form of imprisonment for a term of three to eleven years, depending on aggravating circumstances. An important aspect of Kyrgyz legislation is the recognition that the victim's consent to exploitation is irrelevant if such consent was obtained through the use of violence, deception or other illegal means of influence. The Government of the Kyrgyz Republic has adopted a series of policy documents aimed at combating human trafficking, including the Programme for 2017-2020, which has made it possible to increase the effectiveness of state bodies in combating modern slavery and to bring legislation into line with international law (Decree of the..., 2017).

According to the US State Department's 2024 Trafficking in Persons Report, the Kyrgyz Republic does not fully meet the minimum standards for the elimination of trafficking in persons, but is making significant efforts to achieve this goal (Trafficking in Persons Report, 2024).

However, during the reporting period from April 2023 to March 2024, the government demonstrated a critical decline in effectiveness, resulting in the country's downgrade from Tier 2 to Tier 2 Watch List. Authorities investigated and prosecuted fewer suspects and did not obtain a single conviction for the third consecutive year, whereas in 2022-2023, thirty human trafficking cases were investigated and three suspects were prosecuted, and in 2021-2022, only six cases were investigated without any prosecutions or convictions. Most critically, the government did not identify or refer any victims to support services during the current period. The government provided KGS 4 million (approximately USD 46 thousand) to non-governmental organisations to assist victims, established regional commissions to coordinate such assistance, and the Centre for Employment of Citizens Abroad informed 129,498 thousand people about safe migration (compared to 66,000 in 2022), while the Ministry of Labour secured employment abroad for 13,319 citizens through direct agreements with foreign companies (U.S. Department of State, 2024e). A critical shortcoming is that the government did not identify or refer any victims to support services, and resources for victim services and the availability of shelters for victims, especially children and male victims, remain inadequate. The practice of law enforcement in Kyrgyzstan reveals systemic problems in identifying victims among vulnerable groups. The government did not uniformly apply standard operating procedures for identifying victims of trafficking, which led to the wrongful punishment of some unidentified victims for illegal acts committed as a result of their

being in a situation of trafficking. Authorities investigated and prosecuted fewer suspects and did not secure a single conviction, indicating significant gaps in the law enforcement system. Kyrgyzstan is a country of origin, transit and, to a lesser extent, destination for victims of human trafficking. Citizens of the country are subjected to sexual exploitation and forced labour in Kazakhstan, the United Arab Emirates, Turkey and other countries. It is important to note the situation of Kyrgyz nationals who have been involved in armed conflicts in Syria, Iraq and Afghanistan, some of whom have brought their families with them, including through deception. Kyrgyz citizens remaining in these conflict zones, including children, may be at risk of human trafficking, including in refugee camps in Syria, where children are at risk of recruitment by armed groups (U.S. Department of State, 2022).

The Central Asian region as a whole is characterised by a high prevalence of labour exploitation linked to mass labour migration to the Russian Federation and Kazakhstan. In Central Asia, a higher proportion of adult men are identified as victims of human trafficking compared to other regions, reflecting the specific nature of regional migration flows and the prevalence of forced labour over sexual exploitation (United Nations Office on Drugs and Crime, 2019). Regional cooperation in combating human trafficking remains limited, although there are mechanisms for information exchange between law enforcement agencies in the region. The structure of identified victims of human trafficking by type of exploitation is presented in Table 2.

Table 2. Structure of identified victims of human trafficking by type of exploitation

Type of exploitation (by purpose)	Approximate global share of identified victims	Key demographic groups	Notes (relevance to the protocol)
Sexual exploitation	~47%	Women and girls	Historical focus of law enforcement
Forced labour	~45%	Men, boys (a significant proportion of whom are labour migrants)	Need to balance resources to combat labour trafficking
Other objectives (forced criminality, begging)	~8	Children and young people	A growing segment requiring special protection measures
General trend	–	Increase in the number of children	Requires strict application of the non-criminalising provisions of the Protocol
Regional specificities of Central Asia	Prevalence of forced labour	Labour migrants, predominantly men	Linked to mass labour migration to Russia and Kazakhstan

Source: United Nations Office on Drugs and Crime (2019; 2024b)

The statistical data presented indicate the need for a systemic transformation of law enforcement practices towards ensuring a balance between combating various forms of exploitation. The traditional focus of international efforts on sexual exploitation requires significant adjustment, given the virtually equivalent prevalence of forced labour. There is a steady upward trend in the number of child victims, which highlights the problem of adequate implementation of special protection mechanisms provided for by international instruments. Regional differences in patterns of exploitation justify the need for flexible legal approaches that take into account the specific socio-economic and migration context of particular territories.

An analysis of the situation in Central Asia, and in Kyrgyzstan in particular, demonstrates the critical importance of a comprehensive approach to the implementation of international standards. Despite the existence of a developed legislative framework and the ratification of key international instruments, the effectiveness of national systems for combating human trafficking remains limited due to insufficient funding, poor coordination between agencies, corruption among low-level officials, and the lack of systematic application of victim identification procedures. The experience of Kyrgyzstan confirms the conclusion that the formal adoption of legislation in line with international standards does not automatically guarantee effective protection for victims and successful prosecution

of traffickers. Key factors for success include establishing a functional system of interagency cooperation, ensuring adequate funding for victim assistance programmes, training specialised personnel for law enforcement agencies and social services, and overcoming corruption and ensuring accountability of officials. The regional characteristics of Central Asia, including mass labour migration, weak state institutions, economic vulnerability of the population and persistent patriarchal traditions, create specific challenges for combating human trafficking (Kelly, 2005). An effective response to these challenges requires not only improving legal mechanisms, but also addressing the root causes of vulnerability, including poverty, unemployment, gender inequality, and limited access to education and healthcare.

A comparative analysis of European and Central Asian experiences in combating human trafficking reveals significant differences in the effectiveness of law enforcement mechanisms and the level of protection afforded to victims. While the European system, based on the CETS No. 197, demonstrates a higher level of protection of victims' rights and a developed monitoring system through the GRETA mechanism, Central Asian states face systemic challenges in implementing even the basic standards of the Palermo Protocol. This highlights the need for a differentiated approach to assessing the effectiveness of international treaties, taking into account regional characteristics and the capabilities of states.

Legal challenges and prospects for strengthening the international legal regime. A fundamental challenge to the effectiveness of international treaties is the conflict between human rights obligations and national immigration policy. The “hostile environment” policy introduced in the United Kingdom in 2012 by Home Secretary Theresa May to create “a truly hostile environment for illegal immigrants” creates significant barriers to the identification of victims of human trafficking (Taylor, 2018). The Immigration Acts of 2014 and 2016 criminalised undocumented work through the “offence of illegal working”, which does not prevent undocumented migrants from working but pushes them into informal jobs where they are less protected from exploitative practices and increases employers' power over workers (Focus on Labour Exploitation, 2018). More than half of the 45 territorial police forces in the United Kingdom have acknowledged transferring data on migrant victims and witnesses of crimes to the Home Office for immigration control, leading to underreporting of crimes against undocumented persons due to fear of arrest and deportation (Haynes, 2024). Some national legislation, even when formally compliant with the Palermo Protocol, introduces restrictive interpretations. A critical analysis of national legislation shows that some

countries require proof of the element of “means” even for cases of child trafficking, which directly contradicts Article 3(c) of the Palermo Protocol, which clearly states that child trafficking offences do not require proof of the element of “means” (Silver, 2020). In the United States, labour trafficking legislation requires both children and adults to prove the existence of “force, fraud or coercion”, unlike child sex trafficking, where victims are considered incapable of consenting to exploitation due to their age and development. The United Nations Office on Drugs and Crime notes that under the Palermo Protocol, consent is not a defence regardless of the presence or absence of force, fraud, or coercion, as “children do not have the legal capacity to consent to their exploitation”. Furthermore, narrowing the national definition of exploitation to exclude explicitly “slavery-like practices” may result in vulnerable groups, such as victims of debt bondage, being excluded from protection (Haynes, 2024). These limitations are a direct result of national security and migration control interests often taking precedence over humanitarian and human rights obligations.

Analysis shows that a universal response cannot be effective as long as it remains the exclusive prerogative of law enforcement agencies. A “holistic government approach” that integrates the efforts of labour, health, education and migration services is needed to ensure proactive victim identification (Heinrich, 2010). The role of civil society in this approach is critical. Non-governmental organisations are often the first to come into contact with victims. If law enforcement agencies demonstrate an inability to treat victims with compassion and ensure their safety, non-governmental organisations will not refer their clients to them. Thus, the lack of compassion and protection on the part of the state undermines the necessary partnership and directly reduces the level of successful prosecution.

Strengthening the treaty regime requires a shift towards a more rigorous, rights-based approach within the framework of the Conference of the Parties to the UN Convention against Transnational Organised Crime and the relevant Working Group on Trafficking in Persons, borrowing elements from the monitoring model implemented by GRETA (Jovanovic, 2018). The creation of an independent expert body with a mandate for regular, non-politicised visits and binding recommendations could provide the accountability that is lacking in the universal instrument. In addition, international mechanisms should strengthen monitoring of compliance with restitution obligations. Victims' lack of access to compensation is a serious gap in the realisation of their right to an effective remedy. Obligations to protect victims and implementation gaps in the context of the Palermo Protocol are summarised in Table 3.

Table 3. Obligations to protect victims and implementation gaps

Obligation (Palermo articles)	Areas of protection	Implementation gaps	Implications for treaty effectiveness
Assistance and support (Art. 6)	Medical assistance, housing, psychological rehabilitation, legal assistance	Measures often require cooperation with the police, which presents victims with a difficult choice	Decreased trust in the system and unwillingness to cooperate
Residence status (Art. 7)	Alternatives to detention and deportation, recovery periods	Lack of laws prohibiting deportation (in a significant number of countries)	Victims are treated as illegal migrants, which causes them to go underground

Table 3. Continued

Obligation (Palermo articles)	Areas of protection	Implementation gaps	Implications for treaty effectiveness
Right to compensation (Art. 6)	Compensation for material and moral damage	Ineffectiveness of criminal justice mechanisms in ensuring timely restitution	Impossibility of financial recovery and reintegration of victims
Decriminalisation of children (Art. 3)	Recognition of the irrelevance of “means” for minors	National laws introduce ambiguity and require proof of “means” of coercion	Risk of criminalisation or denial of protection for minor victims

Source: compiled by the author based on K.H. Heinrich (2010), J.A. Suchecki (2019), J. Haynes (2024), Protocol to Prevent... (2000)

A systematic analysis of implementation gaps reveals a fundamental contradiction between declared international commitments and their implementation at the national level. Making the provision of assistance conditional on co-operation with law enforcement agencies creates a pathological situation in which the protection of victims' rights becomes a tool for achieving law enforcement goals, which contradicts basic human rights principles. The widespread absence of legislative guarantees against the deportation of identified victims demonstrates the priority of migration control over human rights obligations. The ineffectiveness of restitution mechanisms deprives victims of the possibility of financial recovery, rendering the formal recognition of their rights declarative. The persistence of practices at the national level that contradict the imperative norms of protection of minors remains a problem, indicating the need for stronger international control.

Discussion

The study of international legal mechanisms for combating human trafficking has revealed key trends in the development of the global legal regime. Analysis of the implementation of the Palermo Protocol has shown the need to move from a predominantly law enforcement approach to a comprehensive model of victim protection, as confirmed by research by C. Bauloz *et al.* (2022). The authors emphasise that effective counteraction to human trafficking in migration routes requires the development of new forms of international cooperation and coordination of efforts between countries of origin, transit and destination. The researchers concluded that it is necessary to take into account the specifics of migration flow when developing approaches to identifying and protecting victims of human trafficking. The problems of criminalising human trafficking identified in the study correlate with the conclusions of Y. Dandurand (2024) regarding the insufficient effectiveness of law enforcement measures. The mechanisms of prosecution identified in the study are critically re-examined through an analysis of systemic shortcomings in the work of law enforcement agencies. The author has demonstrated that simply criminalising the act without creating a comprehensive system of victim support and interagency cooperation does not lead to a significant reduction in the scale of human trafficking. This critical assessment confirms the appropriateness of the chosen direction of research and provides a basis for the further development of the theoretical and methodological foundations for combating human trafficking.

The approaches to implementing international standards established in the course of the study are further

substantiated in the work of S. Demeke (2024). The proposed methodological approaches to assessing the effectiveness of human rights regulation are consistent with the criteria developed by the author for building a human rights-based criminal justice system. The analysis showed that countries demonstrate different models of implementing their obligations: The United Kingdom introduced the definition of human trafficking through the Sexual Offences Act 2003 and the Modern Slavery Act 2015, but the “hostile environment” policy creates barriers to identifying victims; The United States adopted a comprehensive Trafficking Victims Protection Act in 2000, but labour trafficking legislation requires proof of “force, fraud or coercion” even for children, which is contrary to the Palermo Protocol; Kyrgyzstan ratified the Protocol in 2003 and adopted a specific Law of the Kyrgyz Republic No. 55 (2005), but does not apply victim identification procedures uniformly and has not secured a single conviction in the latest reporting period. Through the GRETA mechanism, the European system demonstrates a higher level of monitoring with mandatory visits and recommendations, which significantly increases the accountability of states. Such conceptual synergy confirms the need to transform the paradigm of combating human trafficking from a repressive model to an integrated approach centred on protecting the rights and dignity of victims.

The legal safeguards for child victims identified in the study confirm the conclusions of V. Digidiki *et al.* (2023) on the need to use empirical data to shape policies and programmes. The study identified critical gaps in child protection: Article 3(c) of the Palermo Protocol clearly establishes the irrelevance of the element of “means” in cases of child trafficking, but the national legislation of some countries, in particular US legislation on labour trafficking, introduces ambiguity and requires evidence of coercion from both children and the risk of criminalisation or denial of protection to minors. The UN Office notes that children do not have the legal capacity to consent to exploitation, regardless of the presence of force, deception or coercion. An analysis of global statistics for 2022 showed that children accounted for almost 40% of all victims (an increase of 31% compared to previous years), with 60% of girls being sexually exploited, 45% for forced labour and 47% for forced crime and begging. However, specific rehabilitation mechanisms, specialised identification programmes and protection services at the national level remain underdeveloped, especially in Kyrgyzstan, where resources for child and male victims are critically limited. The conceptual framework for protecting children from trafficking needs to be transformed

into practical applications that take regional contexts into account.

The problems identified in the study regarding the identification of victims of human trafficking among migrants generate constructive discussion with the research of T. Eaton & L. Yousef (2025). The analysis showed that the “hostile environment” policy and the criminalisation of undocumented work in the UK push migrants into informal jobs where they are less protected from exploitative practices, and a significant proportion of territorial police forces refer migrant victims to immigration control, leading to underreporting of crimes. In Kyrgyzstan, citizens are subjected to sexual exploitation and forced labour in other countries in the context of mass labour migration to the Russian Federation and Kazakhstan. The Central Asian region is characterised by a high prevalence of labour exploitation of migrants travelling to Russia and Kazakhstan, with a higher proportion of adult males among victims compared to other regions. T. Eaton & L. Yousef have demonstrated how instability and lack of state control in transit hubs create conditions for the exploitation of vulnerable migrants. At the same time, the focus on economic incentives has brought new dimensions to the discussion about the nature of human trafficking, suggesting that economic factors must be balanced with human rights mechanisms – a perspective that both complements and complicates the study’s conclusions regarding the conflict between human rights obligations and national immigration policy.

The imbalance between criminalisation and human rights components in the contemporary international legal system for combating trafficking in human beings, where the actual effectiveness of the Palermo Protocol in protecting victims remains limited due to the dominance of an exclusively law enforcement strategy over protection and assistance measures is consistent with J. Haynes’s (2025) analysis of the structural shortcomings of international human rights law. The analysis of the problems of victim identification, where victims of human trafficking, especially illegal migrants, are detained, deported or prosecuted for actions they were forced to commit by traffickers, creating a “hostile environment” and hindering the active identification of victims, is consistent with J. Haynes’s on the subordinate status of victims of human trafficking through the application of legal concepts.

The critical gap identified in the study between formal compliance with international standards and actual implementation in the Kyrgyz Republic, where the government failed to identify and refer victims to support services during the reporting period, is consistent with the theoretical propositions of F. Islam (2023) regarding the prospects of stakeholders in combating human trafficking. The contradiction identified in the analysis between human rights obligations and national immigration policy, manifested in the policy of a “hostile environment” and the practice of transferring data on migrant victims for immigration control in the United Kingdom, as well as the widespread absence in a significant number of states of legislative guarantees against the deportation of identified victims, confirms the conclusions of F. Islam’s conclusions about significant differences in the perception of victims and offenders among different categories of professionals

working in the field of combating human trafficking, which highlights the systemic priority of migration control over human rights obligations.

The study revealed the need to strengthen the role of state institutions in combating human trafficking, which correlates with the findings of G. Kane (2023). The author analysed the potential of state-authorised structures as platforms for progress in international anti-trafficking law and policy and determined that the effectiveness of counteraction directly depends on the institutional capacity of the state to coordinate the activities of various agencies and ensure the implementation of international standards at the national level. The results of the study on the role of international treaties in shaping the global counter-trafficking regime correlate with the conclusions of G. Kane, who analysed the potential for transforming international anti-trafficking law through the activities of state institutions. The author emphasised the need for constant adaptation of legal mechanisms to changing forms of exploitation. This position is consistent with the results of the present study regarding the dynamic nature of human trafficking and the need for flexibility in the legal regime.

Summarising the results of the study and comparing them with the conclusions of other researchers, it can be stated that a new paradigm of international legal counteraction to human trafficking is emerging, characterised by a transition from a predominantly repressive model to a comprehensive human rights approach, a strengthening of the role of regional mechanisms and the development of multi-stakeholder cooperation. This creates a basis for further research aimed at improving international treaty mechanisms and developing effective models for protecting victims of human trafficking in various geopolitical and socio-economic contexts.

Conclusions

The study found that the current international legal system for combating human trafficking is characterised by a significant imbalance between its criminal justice and human rights components. An analysis of the Palermo Protocol confirmed that, despite its widespread ratification and the creation of a universal three-element definition of human trafficking, the real effectiveness of this instrument in protecting victims remains limited due to the predominance of a strategy of law enforcement over protection and assistance measures. While the Protocol enshrined key legal guarantees – the irrelevance of the victim’s consent to exploitation and the automatic recognition of the recruitment of a child (under 18 years of age) for the purpose of exploitation as trafficking in persons even without proof of coercion – its main provisions on assistance and support for victims are formulated in a recommendatory (discretionary) form.

A comparative analysis revealed the qualitative superiority of the regional CETS No. 197 over the universal standard, as it demonstrates a shift towards a victim-oriented approach based on the unequivocal recognition of human trafficking as a violation of human rights, dignity and integrity of the individual; this superiority is expressed in the transformation of recommended protection measures into mandatory state obligations, the extension of jurisdiction to all forms of human trafficking regardless of their

transnational nature, and the introduction of the independent expert monitoring mechanism GRETA. The practical effectiveness of the regional approach is confirmed by the experience of EU countries, where the introduction of mandatory standards has led, for example in the Netherlands, to an increase in the number of investigations and prosecutions of traffickers between 2020 and 2023.

A study of national implementation practices in the Kyrgyz Republic found a critical gap between formal compliance of legislation with international standards and its actual implementation: it was established that the government did not ensure the identification and referral of victims to support services during the reporting period, and a significant number of states do not have legislative guarantees against the deportation of identified victims, which indicates a systemic priority of migration control over human rights obligations. An analysis of global statistics has identified an almost equal distribution between sexual exploitation and forced labour among identified cases, with a steady upward trend in the proportion of child victims, who account for almost 40% of all identified cases; The regional specificity of Central Asia is characterised by the predominance of labour exploitation of male migrants, which is due to massive migration flows to the Russian Federation and Kazakhstan. At the same time, despite the global increase in identified victims, detection rates in Eastern Europe and Central Asia have not reached pre-pandemic levels.

The study also revealed the widespread use of digital technologies to recruit victims, with criminals actively employing “hunting” and “fishing” strategies to seek

out vulnerable individuals. Four critical implementation challenges were identified: the conditioning of assistance on cooperation with law enforcement agencies, the widespread lack of residence status guarantees, the ineffectiveness of restitution mechanisms, and the persistence of practices that criminalise child victims, contrary to the imperative norms of international law. These gaps directly undermine the effectiveness of prosecuting criminals, as they create a hostile environment and hinder the proactive identification of victims. To strengthen the international legal regime, it is recommended to introduce an independent expert monitoring mechanism at the universal level based on the GRETA model, establish a mandatory ban on the deportation of identified victims of human trafficking, reform restitution systems to ensure timely compensation, and apply a holistic state approach integrating the efforts of the ministries of labour, health and migration services. A promising area for further research is the analysis of the effectiveness of partnerships between state bodies and non-governmental organisations in the context of proactive identification of victims among vulnerable migrant groups.

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