

Comparative analysis of international and regional treaties on combating human trafficking in countries of Europe and Central Asia

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■ **Abstract.** The aim of the study was to identify the similarities and differences of the legal and institutional frameworks for the response to trafficking in human beings in Europe and Central Asia. The use of a comparative legal analysis enabled the study to be conducted in a rigorous manner, and enabled rigorous comparisons both between national criminal law provisions, and both between legislation that was specialised, as well as institutional coordination and monitoring mechanisms. This ensured that differences between jurisdictions were found both in the harmonisation of international standards, as well as in the implementation of these standards in practice. The results indicated that in the majority of cases, international standards are incorporated more comprehensively into EU member State domestic legislations. There are established robust interagency cooperation mechanisms, there are well-developed monitoring and reporting mechanisms, and there is substantial engagement of civil society organisations, and comprehensive victim assistance that is provided by these organisations. These elements combine to form a model that has an unwavering focus on the victim-centred approach to addressing the problem of trafficking in human beings. In contrast, the study found systemic shortcomings with regard to Central Asian States in relation to their fragmented implementation of international commitments, their insufficient protection of victims of trafficking, and their lack of interagency cooperation and the insufficiently developed independent monitoring mechanisms. It is this which impact significantly upon the effective operation of domestic national anti-trafficking mechanisms. The differences also therefore point to directions for the adaptation of the most effective European practices in strengthening monitoring mechanisms and digital readiness, and also in relation to other Central Asian States

■ **Keywords:** international law; human rights; law enforcement; migration; regional cooperation

■ Introduction

This research is important because human trafficking is the most dangerous transnational crime, devastating human rights, social order and security. Human trafficking is changing in the climate of heightened migration, warfare and economic disparity, and it needs to be addressed in an integrated fashion. While many EU countries show a systematic approach integrating international standards, transparent monitoring and the primacy of victim rights, Central

Asian countries show a systematic approach that is non-systematic, with fragmented legislation and no inter-agency cooperation.

The research question is that fundamental problems of implementing anti-human trafficking norms remain unanswered in Central Asia: there is no effective monitoring of law enforcement, a limited role for civil society, and an emphasis on the punishment of crime instead of prevention and assistance

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to victims. Difficulties are further exacerbated by the lack of regional information exchange, insufficient professional training and a low level of victim confidence in law enforcement agencies. These considerations highlight the need for a comprehensive and comparative study of legal and institutional practice to identify models of good practice for implementation in Central Asia and connected regions.

A number of different areas are being covered by current research on the fight against human trafficking, and from legal, social, institutional, and technological perspectives. Researchers are examining the efficiency of international and national efforts, and of the implementation of these efforts in practice in different regions of the world, including Europe and Central Asia. The Article by A. Bekmagambetov *et al.* (2024), for example, provides a detailed coverage of the topic of anti-trafficking efforts at the international and national level, enabling an overview of the similarities or differences between the two. The study reveals the gap between promising commitment to international treaties, and their enactment in the state's legal system and institutional practice; it highlights the difference between words and action. The study by O. Yara *et al.* (2021) investigates the legal framework of the public administration bodies that can prevent violence. This includes types of exploitation linked to human trafficking. The authors highlight the need for comprehensive inter-agency collaboration. They also highlight the need for applying human rights protection concepts to public policy.

The study by A. Khamzin *et al.* (2022) investigates legal and institutional mechanisms intended to combat human trafficking in Kazakhstan and other Central Asian nations. The authors highlight incomplete implementation of international obligations, lack of coordination among state bodies, and a shortage of rehabilitation options for victims.

A. Al-Tammemi *et al.* (2023) made a valuable contribution to our understanding of global trends in human trafficking by conducting a retrospective analysis of the CTDC database for the period 2010-2020. A steady increase in recorded cases of human trafficking was identified by the authors, especially in the context of labour and sexual exploitation, using quantitative methods. The study reveals hidden aspects of the problem inaccessible through official statistics, highlighting the need for unified monitoring systems. A. Borovyk (2025) explores the socio-legal and psychological aspects of the problem in their studies. The author analyses human trafficking as a socio-legal phenomenon that affects individual rights and state functioning, drawing attention to the need to develop a legal culture of victim protection. It is made possible for human trafficking to be considered from both a legal and a humanitarian perspective by these publications, which is particularly relevant for

the development of the “victim-centred” approach that has been adopted in European countries.

Research within this field is also linked to the role of digitalisation and digital platforms in the human trafficking trade, and the implications this has for the structure and operation of human trafficking networks. For example, N. Kubanova *et al.* (2025) investigate the legal tools for combating cybercrime in Kazakhstan and emphasise how legislation has to adapt in order to combat new forms of exploitation in the digital realm. T. Kownacki's (2021) investigation examines international cooperation mechanisms in the battle against human trafficking within the parameters of sustainable development. The author highlights that only effective combat of the issue occurs when nation-states and supranational institutions cooperate, as well as when harmonised mechanisms for information sharing and control are employed. R. Zablotska & O. Shepel (2022) examine the regulation of international labour migration in the context of regional integration agreements. The text demonstrates how the regulation of migration in some or other way is connected to the potential exposure of populations to human trafficking. This is crucial for Central Asian and Eastern European States since they are wholly dependent on migration for numerous socio-economic reasons.

Despite the existence of such regulatory measures and the regional states being signatories to international treaties, there is a discrepancy between the adoption of these norms at the level of practice, resulting in low levels of victim protection and cooperation at the transnational level. The objective of the research was a thorough review and comparison of European and Central Asian approaches to legal regulation and organisation in the fight against human trafficking:

1) to review in comparative aspect international, regional and national legal documents regulating the crime of human trafficking;

2) to identify the features of institutional implementation of anti-crisis measures and the level of coordination of state and non-state actors;

3) to propose recommendations for the adaptation of best practices in Europe to Central Asian countries.

■ Materials and Methods

The method of comparative legal analysis will be used. Comparative legal analysis involves comparing the laws of different countries. It looks at how the obligations to fight human trafficking vary across Europe and Central Asia. This approach facilitates not only a comparison of the formal content of international instruments and national legal systems, but also an assessment of their practical effectiveness, institutional sustainability, and degree of

compliance with international human rights protection standards.

The sample of countries was selected based on the extent to which international anti-trafficking legal norms have been implemented and institutionalised within national regulatory systems. The analysis included European countries. These were Poland, Germany and Ukraine. In these countries, international standards have largely been transposed into criminal and administrative legislation. Inter-agency coordination and monitoring mechanisms also operate. In Central Asia, the following legislative acts were examined Law of the Republic of Kazakhstan No. 110-VIII ZRK¹, Law of the Kyrgyz Republic No. 55², Law of the Republic of Uzbekistan No. ZRU-633³, Law of the Republic of Tajikistan No. 1096⁴, and Law of Turkmenistan No. 454-V⁵. These are characterised by gradual development of the legal framework against a background of persistent institutional constraints and insufficient regional coordination. As a perspective for enhancing cooperation in combating human trafficking, interstate agreements were also examined, including the Agreement on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues⁶, Agreement between the Government of the Republic of Kazakhstan and the Government of Turkmenistan on Cooperation in Combating Crime⁷, Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Uzbekistan on Cooperation in Combating Crime⁸, Agreement between the Government of the Kyrgyz Republic and the Government of the Republic of Uzbekistan on Cooperation in Combating Crime⁹.

The analysis of national legislation would be incomplete without verification against international

instruments, including Palermo Protocol¹⁰, Council of Europe Convention on Action against Trafficking in Human Beings¹¹, Agreement on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues (2005). For quantitative assessment, the following international and regional statistical sources were used: International Labour Organisation (2022) and U.S. Department of State (2023; 2024), reports of United Nations Office on Drugs and Crime (2022; 2023) – containing data on detected cases of human trafficking in Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, and Turkmenistan (number of victims, proportion of women and children, types of exploitation); the International Organisation for Migration (2021), providing statistics and qualitative reports on labour migration from Central Asian countries, including the scale of outward migration, migration flow indicators, levels of illegal employment, and data on repatriated victims; and the Organisation for Security and Co-operation in Europe (2015; 2023), offering qualitative indicators such as inter-agency coordination, participation of non-governmental organisations, and the existence of national referral mechanisms.

The data were analysed with a contextual perspective highlighting the socio-political characteristics of the territories, and an institutional perspective highlighting the supranational and national bodies' role in ensuring the compliance with the obligations. This methodological and source triangulation enabled to obtain a comprehensive result of the assessment of the legal anti-trafficking regulation in the studied countries, the understanding of the prevailing patterns, and the suggestions for improvements of their regulation and institutional framework.

¹ Law of the Republic of Kazakhstan No. 110-VIII ZRK “On Combating Human Trafficking”. (2024, July). Retrieved from <https://adilet.zan.kz/rus/docs/Z240000110>.

² Law of the Kyrgyz Republic No. 55 “On the Prevention of and Fight against Human Trafficking”. (2005, March). Retrieved from <https://cbd.minjust.gov.kg/1650/edition/1213498/ru>.

³ Law of the Republic of Uzbekistan No. ZRU-633 “On Combating Human Trafficking”. (2020, August). Retrieved from <https://lex.uz/ru/docs/4953319>.

⁴ Law of the Republic of Tajikistan No. 1096 “On Combating Human Trafficking and Assisting Victims”. (2019, January). Retrieved from <https://surl.li/mmzfsz>.

⁵ Law of Turkmenistan No. 454-V “On Combating Human Trafficking”. (2016, October). Retrieved from https://www.warnathgroup.com/wp-content/uploads/2024/09/F-1970736619_454.pdf.

⁶ Agreement on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues. (2005, November). Retrieved from <https://cis-legislation.com/document.fwx?rgn=14410>.

⁷ Agreement between the Government of the Republic of Kazakhstan and the Government of Turkmenistan on Cooperation in Combating Crime. (2024, October). Retrieved from <https://adilet.zan.kz/rus/docs/Z2500000234#z6>.

⁸ Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Uzbekistan on Cooperation in Combating Crime. (1998, October). Retrieved from <https://cis-legislation.com/document.fwx?rgn=8593>.

⁹ Agreement between the Government of the Kyrgyz Republic and the Government of the Republic of Uzbekistan on Cooperation in Combating Crime. (1999, July). Retrieved from <https://cis-legislation.com/document.fwx?rgn=5010>.

¹⁰ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. (2000, November). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

¹¹ Council of Europe Convention on Action against Trafficking in Human Beings. (2005, May). Retrieved from <https://rm.coe.int/168008371d>.

■ Results

The results of the analysis show that the general features of international and regional human trafficking treaties are features of a developed system of multilevel legal regulation: universal, regional and sub-regional. Each of these levels developed in its own specific historical and political-legal contexts, which accounts for the differences that can be observed in the content of the norms, their priorities and the implementation processes.

At the international level, the treaty that is seen as the core document is the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The instrument provided a universal definition of human trafficking that has three components: acts (recruitment, transportation, transfer), means (force, threat, deception, abuse of vulnerability, and others), and purpose of exploitation (sexual, labour, criminal exploitation, and organ removal). It was the first universal instrument that combined a criminal law aspect with a human rights aspect, and that placed obligations on State Parties to criminalise human trafficking, assist victims and develop international cooperation in the investigation of the crimes. Its adoption marked the transition from fragmented regulation to a comprehensive international system of counteraction based on the concept of the “three P” – prevention, protection, and prosecution.

The regional level in Europe is primarily represented by the Council of Europe Convention on Action against Trafficking in Human Beings¹, which became a logical continuation and development of the provisions of the Palermo Protocol², while at the same time introducing important innovations. Its key feature is its humanitarian orientation and the recognition of human trafficking not only as a crime but also as a serious violation of human rights. The Convention defined the States' obligations to identify victims, grant them temporary resident status, and ensure medical, psychological and legal support, as well as compensation for damages. An integral part of the implementation monitoring system – the Group of Experts on Action against Trafficking in Human Beings (GRETA), which regularly assesses States' compliance with the Convention and makes recommendations. Thanks to this mechanism, Europe has

a system for monitoring in a continuous manner the appropriate balance between the prosecution of offenders and the protection of victims' rights.

Within the European Union, a significant role is played by Directive of the European Parliament and of the Council No. 2011/36/EU³. This instrument is aimed at harmonising the legislation of EU Member States and strengthens the provisions of the Council of Europe Convention on Action against Trafficking in Human Beings, by introducing more specific requirements regarding criminal liability, minimum standards for victim protection, and inter-agency coordination. The Directive offers a common definition of human trafficking in all forms of exploitation of the victim, including sexual exploitation, labour exploitation, forced begging, removal of organs, and use in criminal activities. It takes a strict stance regarding criminal liability and sets down minimum standards regarding the protection and assistance of victims. Victims will be entitled to medical, psychological and legal assistance, housing and compensation. The Directive also requires EU Member States to train law enforcement officers, judges and social workers to enhance the effectiveness of investigations, prevention of trafficking, as well as to promote co-operation and exchange of information between national and international institutions.

In Central Asia, the legal framework for the fight against human trafficking is based on international obligations, on the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. All Central Asian Republics – Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and Turkmenistan – are contracting parties to this instrument; in varying degrees of implementation in national jurisdictions.

In Kazakhstan, a specialised Law of the Republic of Kazakhstan No. 110-VIII ZRK⁴. is in force. However, according to the annual report of Times of Central Asia (Danayeva, 2025), the key problem remains insufficient inter-agency coordination: out of 1,891 registered cases, only a limited number were accompanied by comprehensive social assistance for victims, and the participation of non-governmental organisations remains restricted. In Kyrgyzstan, regulation is concentrated in the Law of the Kyrgyz Republic “On the Prevention and Combating of Human

¹ Council of Europe Convention on Action against Trafficking in Human Beings. (2005, May). Retrieved from <https://rm.coe.int/168008371d>.

² Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. (2000, November). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

³ Directive of the European Parliament and of the Council No. 2011/36/EU “On Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework Decision”. (2011, April). Retrieved from <https://eur-lex.europa.eu/eli/dir/2011/36/oj/eng>.

⁴ Law of the Republic of Kazakhstan No. 110-VIII ZRK “On Combating Human Trafficking”. (2024, July). Retrieved from <https://adilet.zan.kz/rus/docs/Z2400000110>.

Trafficking”¹. Despite the existing legislative framework, challenges remain in the effective investigation and prosecution of trafficking crimes. According to the U.S. Department of State (2024), Kyrgyzstan continues to face difficulties in identifying victims and ensuring consistent prosecution of traffickers. In Uzbekistan Law of the Republic of Uzbekistan No. ZRU-633² is in force. According to data from International Labour Organisation (2022) and U.S. Department of State (2024), between 2020-2023 the rate of victim identification increased by 42%. However, experts emphasise the need to enhance transparency, particularly with regard to cooperation with independent non-governmental organisations. In Turkmenistan, the legal framework formally includes the Law of Turkmenistan “On Combating Human Trafficking”³, yet reporting remains closed. According to the U.S. Department of State (2023), the country continues to be classified as Tier 3: no data on victim identification are available, investigation indicators are not published, and cooperation with international organisations is limited. In Tajikistan, the basic regulatory act is the Law of the Republic of Tajikistan No. 1096⁴. According to the U.S. Department of State (2025), Tajik authorities registered 57 criminal cases and increased the identification of victims, including those of labour exploitation. However, a significant portion of cases remains unclassified or not reflected in national statistics under Article 130.1 of the Criminal Code of the Republic of Tajikistan⁵, which exacerbates the problem of under-reporting and complicates the full implementation of international obligations.

In contrast to Europe, where there is a supranational mechanism for monitoring (the Council of Europe Group of Experts on Action against Trafficking in Human Beings) the countries of Central Asia have no system of independent oversight. This reduces the effectiveness of control over the implementation of obligations and hinders harmonisation of approaches within the region. The absence of a mandatory supranational monitoring mechanism analogous to GRETA weakens compliance monitoring.

At the subregional level, the formation of platforms and framework agreements is evident. For example, within the Commonwealth of Independent States (CIS), Agreement on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues⁶ is in force. Within the Organisation for Security and Co-operation in Europe and the Shanghai Cooperation Organisation, programmes are implemented to strengthen the capacity of law enforcement bodies, while the Regional Information and Coordination Centre for Combating Illicit Drug Trafficking facilitates the exchange of operational information, including data on human trafficking. These initiatives are cooperative and largely political-declaratory in nature, aimed at promoting cooperation, but they do not establish binding legal mechanisms for victim protection.

Alongside multilateral cooperation mechanisms, bilateral interstate agreements aimed at combating transnational crime, illegal migration, and related forms of exploitation play an important role in Central Asia. Such agreements provide a legal basis for interaction between competent authorities but are generally of a broad framework character. A significant example is the Agreement between the Government of the Republic of Kazakhstan and the Government of Turkmenistan on Cooperation in Combating Crime⁷. This document provides for cooperation between law enforcement bodies in combating organised crime, terrorism, drug trafficking, illegal migration, and human trafficking, as well as the exchange of operational information and the conduct of joint activities. Between the Republic of Kazakhstan and the Republic of Uzbekistan, the Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Uzbekistan on Cooperation in Combating Crime⁸, which entered into force in 2005, is in effect. It establishes mechanisms for cooperation between competent authorities, including information exchange and assistance in the investigation of transnational crimes, including those related to human trafficking. The legal basis for

¹ Law of the Kyrgyz Republic No. 55 “On the Prevention and Combating of Human Trafficking”. (2005, March). Retrieved from <https://cbd.minjust.gov.kg/1650/edition/1213498/ru>.

² Law of the Republic of Uzbekistan No. ZRU-633 “On Combating Human Trafficking”. (2020, August). Retrieved from <https://lex.uz/ru/docs/4953319>.

³ Law of Turkmenistan No. 454-V “On Combating Human Trafficking”. (2016, October). Retrieved from https://www.warnathgroup.com/wp-content/uploads/2024/09/F-1970736619_454.pdf.

⁴ Law of the Republic of Tajikistan No. 1096 “On Combating Human Trafficking and Assisting Victims”. (2019, January). Retrieved from <https://surl.li/rhvvl>.

⁵ Criminal Code of the Republic of Tajikistan. (1998, May). Retrieved from https://continent-online.com/Document/?doc_id=30397325.

⁶ Agreement on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues. (2005, November). Retrieved from <https://cis-legislation.com/document.fwx?rgn=14410>.

⁷ Agreement between the Government of the Republic of Kazakhstan and the Government of Turkmenistan on Cooperation in Combating Crime. (2024, October). Retrieved from <https://adilet.zan.kz/rus/docs/Z2500000234#z6>.

⁸ Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Uzbekistan on Cooperation in Combating Crime. (1998, October). Retrieved from <https://cis-legislation.com/document.fwx?rgn=8593>.

bilateral cooperation between the Kyrgyz Republic and the Republic of Uzbekistan is the Agreement between the Government of the Kyrgyz Republic and the Government of the Republic of Uzbekistan on Cooperation in Combating Crime¹. This document aims to coordinate law enforcement actions, exchange information, and provide mutual assistance in the investigation of crimes, including cross-border offences.

No public bilateral agreement dedicated specifically to combating human trafficking has been identified between Kazakhstan and Kyrgyzstan in open sources. Cooperation between the two countries is mainly carried out on the basis of treaties on legal assistance and extradition, as well as within the framework of CIS multilateral mechanisms and inter-agency agreements between law enforcement bodies. Similarly, no specialised bilateral agreement on combating human trafficking has been identified between Kyrgyzstan and Tajikistan in public sources. Cooperation is implemented through participation in the CIS Agreement on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues², through CIS coordination bodies, and via inter-agency contacts.

To identify the common and distinctive features of legal regulation for combating human trafficking across Europe and Central Asia, a comparative analysis is appropriate. This analysis should cover the international, regional and bilateral treaties. The relevant states should be parties to these treaties. This approach enables us to evaluate the extent to which international standards are implemented, the nature of states' obligations, and the existence of effective victim protection mechanisms. Table 1 presents the key universal instruments. It also presents the EU and Council of Europe regional treaties. And it presents the regional and bilateral agreements of Central Asian states. All of this form the regulatory basis for interstate cooperation in this field. The research focuses on the comparison of European (Poland and Germany) and Central Asian (Kazakhstan, Uzbekistan, Turkmenistan, Tajikistan and Kyrgyzstan) countries, through which it is possible to identify the different types of treaty-based legal regulation of anti-trafficking.

Comparative analysis of international and regional treaties on human trafficking legislation reveals significant discrepancies between European and Central Asian nations. These discrepancies relate

to the scope of legal obligations. They also refer to the implementation mechanisms involved. European nations such as Poland and Germany, for example, are parties to the Council of Europe Convention on Action against Trafficking in Human Beings and EU legal instruments. These provide for a comprehensive approach, not only criminalising relevant acts, but also protecting victims' rights, rehabilitating them, and ensuring the functioning of independent monitoring mechanisms. At the same time, Central Asian states mainly rely on universal UN instruments and regional framework agreements within the CIS, as well as on bilateral treaties on cooperation in combating crime. These instruments are mainly about police cooperation, exchange of information and the fight against irregular migration, while the provisions on identification, assistance and protection of victims of human trafficking are still undeveloped or merely declarative.

In Central Asia compliance with international legal documents for the fight against human trafficking takes place in the form almost exclusively of the Palermo Protocol itself and in the cooperation between regional inter-State organisations such as the CIS, the OSCE, the SCO or the Regional Information and Coordination Centre for the fight against narcotic drug trafficking. This format exhibits a regional modification of the Protocols oriented towards information sharing, setting up joint investigation efforts, and capacity building of the law enforcement agency rather than legal harmonisation with regard to victim protection. Unlike European countries such as Poland and Germany, where a comprehensive system of legal and institutional measures operates (including the implementation of Directive of the European Parliament and of the Council No. 2011/36/EU³ and participation in the GRETA monitoring mechanism under the 2005 Council of Europe Convention), Central Asian states – Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, and Turkmenistan – are not parties to the Council of Europe Convention and therefore do not fall under GRETA's jurisdiction. The explanation for this situation is multifactorial. These states are not members of the Council of Europe, and this precludes their accession to its conventions. In a number of states (for example, Turkmenistan and Tajikistan), there remain institutional and political-legal barriers to this, linked to the closed nature of their legal systems and their unpreparedness to monitor compliance with international obligations in the field of

¹ Agreement between the Government of the Kyrgyz Republic and the Government of the Republic of Uzbekistan on Cooperation in Combating Crime. (1999, July). Retrieved from <https://cis-legislation.com/document.fwx?rgn=5010>.

² Agreement on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues. (2005, November). Retrieved from <https://cis-legislation.com/document.fwx?rgn=14410>.

³ Directive of the European Parliament and of the Council No. 2011/36/EU "On Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework Decision". (2011, April). Retrieved from <https://eur-lex.europa.eu/eli/dir/2011/36/oj/eng>.

human rights. Instruments of interstate cooperation in the framework of the CIS and the Shanghai Cooperation Organisation are consultative and do not contemplate binding monitoring and evaluation. It is possible to identify a “bilevel model” of the fight against human trafficking. This model has two levels. The first is a thoroughly European level, based on supranational legal regulation and monitoring. The second is a Central Asian, regionally oriented infrastructure, where interstate cooperation is coordinative. This makes it possible to see the need to further harmonise norms and institutions and to create common standards for victim protection at the level of the Eurasian region.

That there is weak coordination among states in the field of human trafficking in Central Asia is corroborated by data from international organisations and reports from the states themselves. In their report, the United Nations Office on Drugs and Crime (2022) state that Central Asian states still show low rates of detection of transnational criminal organisations and a low number of joint investigations, which points to the absence of stable channels for operational information exchange. The Organisation for Security and Co-operation in Europe report (2023), “Combating Human Trafficking: Central Asia”, states that instruments of interstate cooperation are fragmented and do not provide for the regular exchange of analytical data, joint investigative teams or unified procedures for the return of victims to their country of origin. OSCE materials and analytical reports for 2023-2025 indicate that joint regional operations are conducted sporadically. Mainly in the form of seminars and training sessions, which do not ensure full operational coordination. Official statistics also confirm this problem. For example, in Kazakhstan, during the first six months of 2025, 134 criminal cases related to human trafficking were initiated; however, reports of the Ministry of Internal Affairs emphasise that a significant proportion of offences remain latent, especially in the sphere of domestic labour exploitation, and that data on joint investigations with other regional countries are virtually absent (Hasan & Gorshnikov, 2025). Studies by independent analytical centres have reached similar conclusions. These studies indicate that the lack of harmonised legal definitions, the incompatibility of national information

systems and the absence of a unified regional database hinder the monitoring of migration routes and systematic registration of victims (Dost, 2023). Thus, conclusions about weak interstate coordination are based on an analysis of official statistics and comparisons of national and international reports. They are also based on materials from the Organisation for Security and Cooperation in Europe (OSCE) and the International Organisation for Migration (IOM) (2021), as well as a comparative study of legislative and institutional mechanisms in the region. This allows us to assert that cooperation remains declaratory and insufficiently institutionalised.

Comparing the content of international and regional treaties on combating human trafficking across key areas enables us to identify not only the general legal response framework, but also significant differences in emphasis, regulatory depth and states’ practical obligations. The purpose of such analysis is to determine how norms define the elements of the offence. It also examines the rights and guarantees granted to victims. In addition, it examines what preventive measures are provided. Finally, it examines how thoroughly the mechanisms of criminal prosecution and international cooperation are regulated.

With regard to the definition and elements of the offence, the concept enshrined in the Palermo Protocol¹ has become the universal standard. This document established the classical “triad” of elements – act, means, and purpose – that enabled the unification of understanding of human trafficking in international law. European instruments, in particular the Council of Europe Convention on Action against Trafficking in Human Beings² and Directive No. 2011/36/EU³, develop and specify this definition, strengthening the emphasis on victims’ rights and contemporary forms of exploitation. The Council of Europe Convention stresses the need to take vulnerability factors into account and recognises as invalid any consent given under deception, threats, or abuse of position. In turn, the EU Directive supplements the definition with provisions on labour exploitation and new digital forms of control, effectively extending its scope to exploitation carried out through online environments.

Differences are most evident in the sphere of victims’ rights and protection. The Palermo Protocol⁴

¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. (2000, November). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

² Council of Europe Convention on Action against Trafficking in Human Beings. (2005, May). Retrieved from <https://rm.coe.int/168008371d>.

³ Directive of the European Parliament and of the Council No. 2011/36/EU “On Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework Decision”. (2011, April). Retrieved from <https://eur-lex.europa.eu/eli/dir/2011/36/oj/eng>.

⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. (2000, November). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

establishes only general guidelines, namely the need to provide assistance and support to victims, including their physical, psychological, and social recovery, but does not contain specific implementation mechanisms. In contrast, the Council of Europe Convention and Directive 2011/36/EU impose specific obligations on Member States, including the mandatory identification of victims, the provision of free medical and legal assistance, temporary accommodation, witness protection and compensation mechanisms. An institutional component is also included in the European system – the GRETA expert body. This body is responsible for monitoring compliance and evaluating the effectiveness of national measures. The practical results of these instruments are particularly evident in several European countries. In Germany and Poland, for example, victim compensation schemes have been improved, and specialised shelters have been financed by national and EU funds. The result is that the European system has shown a high level of coherence between criminal law and social and administrative mechanisms, which has improved victim protection and social reintegration.

In Central Asia, compensation mechanisms and sustainable state funding for assistance are limited and uneven; a significant share of services is provided by non-governmental and international organisations. Despite the existence of basic provisions on victim support in national legislation, systematic, state-funded compensation mechanisms are virtually absent. Assistance programmes are most often implemented with the support of international organisations such as the OSCE, the International Organisation for Migration, and the United Nations Office on Drugs and Crime, confirming the region's dependence on external donor initiatives.

In the field of preventive measures, the European regulatory framework demonstrates consistency and sustainability. Directive No. 2011/36/EU¹ establishes requirements for states to conduct awareness campaigns, train law enforcement and migration officials, monitor private employment agencies, and appoint national anti-trafficking coordinators. These measures are embedded in national strategies and

financed from state budgets and EU funds. The Council of Europe Convention on Action against Trafficking in Human Beings² also establishes obligations to prevent trafficking through social policy, educational initiatives, and partnerships with civil society. In Central Asia, prevention is less institutionalised: regional agreements such as the Agreement on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues³ and Agreement on Cooperation in Combating Illicit Traffic of Narcotic Drugs, Psychotropic Substances, and Precursors between the Member States of the Shanghai Cooperation Organisation⁴, proclaim the need for information exchange and staff training, but actual implementation is sporadic.

With regard to criminal prosecution and international cooperation, the Palermo Protocol⁵ sets general principles of mutual legal assistance, extradition, and information exchange, leaving specifics to national systems. In contrast, the Council of Europe Convention imposes more detailed obligations regarding investigation, protection, confiscation, and police cooperation. The European approach is aimed at harmonisation of criminal laws and harmonisation of an *acquis* for police powers. In Central Asia, cooperation is political and declarative: OSCE memoranda and CIS treaties do not envisage any acquisitive operational exchange mechanisms, and they do not use cross-border investigations. All in all, the Palermo Protocol is universal and sets standards for what should be seen as the minimum. The European legal system forms a supranational level of regulation with institutional monitoring mechanisms and guarantees of victims' rights, whereas Central Asian regional initiatives remain largely declaratory and require further development in order to ensure genuine implementation of obligations and alignment of national measures with international standards⁶.

The effectiveness of international and regional treaties relating to human trafficking is not in their norms but in their processes for implementation and enforcement. In this respect, a significant difference can be observed between the European and Central Asian systems. At the European level, oversight is

¹ Directive of the European Parliament and of the Council No. 2011/36/EU "On Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework Decision". (2011, April). Retrieved from <https://eur-lex.europa.eu/eli/dir/2011/36/oj/eng>.

² Council of Europe Convention on Action against Trafficking in Human Beings. (2005, May). Retrieved from <https://rm.coe.int/168008371d>.

³ Agreement on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues. (2005, November). Retrieved from <https://cis-legislation.com/document.fwx?rgn=14410>.

⁴ Agreement on Cooperation in Combating Illicit Traffic of Narcotic Drugs, Psychotropic Substances, and Precursors between the Member States of the Shanghai Cooperation Organisation. (2004, June). Retrieved from <https://eng.sectsc.org/20040617/1627620.html>.

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. (2000, November). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

⁶ Agreement on Cooperation in Combating Illicit Traffic of Narcotic Drugs, Psychotropic Substances, and Precursors between the Member States of the Shanghai Cooperation Organisation. (2004, June). Retrieved from <https://eng.sectsc.org/20040617/1627620.html>.

institutional. Council of Europe Convention on Action against Trafficking in Human Beings¹ created GRETA – an independent body responsible for regularly assessing States Parties' compliance with the obligations set out in the Convention. GRETA conducts monitoring on a cyclical basis. Periodic reports are submitted by states, and are then subjected to expert analysis. On-site visits, consultations with non-governmental organisations, and subsequent public reports accompany this process. The Committee of Ministers of the Council of Europe approves the final recommendations, and failure to implement them may result in political pressure or requests for additional measures. This transparent, regular and expert-driven mechanism is one of the most effective international instruments for combating human trafficking.

Within the EU, supranational mechanisms are implemented through Directive No. 2011/36/EU², which requires Member States to report regularly to the European Commission and to cooperate with the EU Anti-Trafficking Coordinator. The European Commission publishes consolidated progress reports and may initiate infringement procedures in cases of non-compliance or delayed transposition of norms. This ensures the legal binding force of monitoring and enables legal enforcement within EU mechanisms.

In contrast, Central Asian countries mainly follow a political and declaratory approach. Despite Kyrgyzstan's participation in the UN Protocol against Trafficking in Persons (2000) and in the Agreement on Cooperation of the Member States of the Agreement

on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues³, no permanent supranational supervisory body exists. Monitoring of compliance is carried out through sporadic reporting within projects of the United Nations Office on Drugs and Crime (2023) and the International Organisation for Migration (2021), as well as at the intergovernmental level through donor-driven initiatives. Regional platforms are primarily oriented towards the exchange of operational information on drug trafficking and only indirectly address human trafficking. The absence of institutionalised monitoring and sanctioning procedures reduces states' accountability for fulfilling their obligations and leads to significant disparities in the level of implementation of norms in national legislation (Organisation for Security and Co-operation in Europe, 2003).

An analysis of the institutional aspects of tackling human trafficking reveals significant disparities between European and Central Asian countries. While EU states have independent national coordinators and supervisory bodies to monitor, evaluate, and coordinate victim support measures, such mechanisms are either absent or have limited powers and resources in most Central Asian countries. This reduces the effectiveness of international obligations and restricts victims' access to protection and compensation. Comparative data enable us to determine which countries have fully functioning oversight structures and to assess their effectiveness (Table 1).

Table 1. Existence and effectiveness of monitoring mechanisms

Instrument/Level	Existence of Independent Body	Mandatory Reporting	Sanctions for Non-Compliance
UN Protocol against Trafficking	No	Voluntary reporting to UNODC	Not provided
Council of Europe Convention on Action against Trafficking in Human Beings	Yes – GRETA (independent expert group)	Mandatory – reporting cycles, public reports	Political sanctions (recommendations of the Committee of Ministers)
Directive No. 2011/36/EU	EU Coordinator, European Commission supervision	Mandatory regular reporting by states	Legal sanctions (infringement procedures before the Court of Justice of the EU)

¹ Council of Europe Convention on Action against Trafficking in Human Beings. (2005, May). Retrieved from <https://rm.coe.int/168008371d>.

² Directive of the European Parliament and of the Council No. 2011/36/EU “On Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework Decision”. (2011, April). Retrieved from <https://eur-lex.europa.eu/eli/dir/2011/36/oj/eng>.

³ Agreement on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues. (2005, November). Retrieved from <https://cis-legislation.com/document.fwx?rgn=14410>.

Table 1. Continued

Instrument/Level	Existence of Independent Body	Mandatory Reporting	Sanctions for Non-Compliance
CIS Agreement on Combating Trafficking	No (voluntary coordination)	Non-mandatory	None
OSCE Initiatives	No (project-based monitoring)	Voluntary reporting within programmes	None

Source: compiled by the author based on the Palermo Protocol¹, Council of Europe Convention on Action against Trafficking in Human Beings², Directive of the European Parliament and of the Council No. 2011/36/EU “On Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework Decision”³, Agreement on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues⁴, Organisation for Security and Co-operation in Europe (2003)

It can be concluded that the effectiveness of international treaties depends on two things. First, there must be institutionalised monitoring mechanisms. Second, there must be legal consequences for non-compliance. The European system is more transparent and accountable thanks to the work of GRE-TA and the European Commission. In comparison, Central Asian supervision mechanisms are mostly declaratory. This emphasises the necessity to reinforce regional collaboration and to set up specialised monitoring entities similar to European structures to improve the effectiveness of the efforts to combat human trafficking in Central Asian countries.

Poland demonstrates a high level of harmonisation of national criminal legislation with EU law. Article 189a of the Criminal Code contains a comprehensive and structured definition of human trafficking covering acts, means, and purposes of exploitation, fully in line with Directive No. 2011/36/EU⁵. A significant advantage of the Polish model is its developed system of victim protection, including medical,

psychological, and legal assistance, as well as mechanisms for compensation and social reintegration. The effectiveness of legal regulation is reinforced by the functioning of a national coordinator, inter-agency working groups, and regular reporting, which ensures the institutional sustainability of the system⁶.

Germany is among the states with the most comprehensive and modern approaches to combating human trafficking. Sections §§232-233a Criminal Code of Germany⁷ not only implement the provisions of the Council of Europe Convention and EU directives, but also extend them to cover new forms of exploitation. German legislation is oriented towards a victim-centred model providing a wide range of guarantees, from shelter and compensation to access to specialised crisis centres⁸. Monitoring mechanisms are characterised by a high degree of formalisation. A coordinating council within the Federal Ministry of the Interior oversees this. There is also mandatory reporting to Parliament. This ensures transparency and oversight of policy implementation.

¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. (2000, November). Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

² Council of Europe Convention on Action against Trafficking in Human Beings. (2005, May). Retrieved from <https://rm.coe.int/168008371d>.

³ Directive of the European Parliament and of the Council No. 2011/36/EU “On Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework Decision”. (2011, April). Retrieved from <https://eur-lex.europa.eu/eli/dir/2011/36/oj/eng>.

⁴ Agreement on Cooperation of the Member States of the Commonwealth of Independent States in Combating Trafficking in Human Beings, Organs and Tissues. (2005, November). Retrieved from <https://cis-legislation.com/document.fwx?rgn=14410>.

⁵ Directive of the European Parliament and of the Council No. 2011/36/EU “On Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, and Replacing Council Framework Decision”. (2011, April). Retrieved from <https://eur-lex.europa.eu/eli/dir/2011/36/oj/eng>.

⁶ Regulation of the Minister of Health of Poland No. 149 “On the Types of Medical Documentation of Occupational Health Services, the Manner of Its Maintenance and Storage, and the Templates of Documents Used”. (2010, July). Retrieved from <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20101491002>.

⁷ Criminal Code of Germany. (1872, January). Retrieved from https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html.

⁸ Act of Germany on the United Nations Convention Against Transnational Organised Crime and the Related Protocols. (2006, June). Retrieved from <https://ris.bka.gv.at/eli/bgbl/III/2006/96>.

Ukraine has largely implemented international standards in the field of combating human trafficking. Article 149 Criminal Code of Ukraine¹ corresponds to the UN Protocol and the Council of Europe Convention, covering all key elements of the offence. Law of Ukraine No. 3739-VI “On Combating Human Trafficking”² establishes the legal basis for victim protection, including temporary shelter, assistance, and reintegration measures. At the same time, the effectiveness of implementation largely depends on the state’s institutional and financial capacities, especially under wartime conditions. The supervision mechanism has a national president and regional commissions so there are some formal coordination arrangements. The way they operate varies, however.

In the Kyrgyz Republic, there is weaker legal regulation. While Criminal Code sets the crime of human trafficking and Law No. 55³ is in force, definitions and coverage for all forms of exploitation are still narrower than in the international instruments. The victim protection system is patchy. There is no guaranteed compensation, no provision for any long-term assistance programme; it is left to NGOs. There is a state commission under the commission of the government for monitoring purposes, but the lack of independent monitoring and the sometimes-sporadic nature of the state’s reporting from time to time makes a considerable impact on the effectiveness of state policy.

Kazakhstan has taken significant steps to develop a regulatory framework for combating human trafficking, yet conceptual gaps remain. Article 128 of the Criminal Code of the Republic of Kazakhstan⁴ includes a definition of human trafficking but does not clearly differentiate forms of exploitation or emphasise coercive means, which complicates law enforcement. Law of the Republic of Kazakhstan No. 110-VIII ZRK⁵ provides for social assistance and temporary shelter for victims, but compensation mechanisms remain limited. Coordination is carried out through an inter-agency commission under the Ministry of Internal Affairs and national action plans; however, the absence of independent monitoring reduces system transparency.

Turkmenistan has a low level of regulatory complexity in the area of anti-human trafficking efforts.

Article 129(1) Criminal Code of Turkmenistan⁶ only partially corresponds to the UN Protocol and does not fully elaborate elements of coercion and means of exploitation. Victim protection lacks a stable legislative basis and is limited to temporary measures, such as shelter provision. The institutional monitoring model is effectively centralised within the Ministry of Internal Affairs, in the absence of a specialised body and regular public reporting, which complicates the assessment of the effectiveness of adopted measures.

In Tajikistan, Article 130(1) Criminal Code of the Republic of Tajikistan⁷ formally complies with the UN Protocol; however, it does not take into account contemporary forms of exploitation, including digital means of recruitment and abuses in the field of labour intermediation. The Law of the Republic of Tajikistan No. 1096 “On Combating Human Trafficking and Assisting Victims”⁸ provides for temporary assistance and witness-protection measures, but does not establish standalone state mechanisms for compensating victims for harm suffered. The coordination mechanism consists of an inter-departmental commission under the Government, but irregular reporting and limited monitoring indicate that this commission only has the appearance of a body that is functioning.

Uzbekistan demonstrates one of the most dynamic legislative reform models in Central Asia. Article 135 Criminal Code of Uzbekistan⁹ contains an expanded definition of human trafficking, and the adoption of a new law in 2020 significantly strengthened the human-rights component of state policy. The assistance mechanism provides for rehabilitation, temporary accommodation, legal assistance, and it has shelters, but it depends on non-governmental organisations for its operation. The National Commission on Combating Human Trafficking and Forced Labour is associated with regular reporting, and with its links to the ILO, it has some credibility in international terms. A review of the systems in the European Union and in those that are members of the European legal area, such as Poland or Germany, show that they have an expansive, victim-centred approach to anti-human trafficking efforts and they have developed monitoring systems. The regulation

¹ Criminal Code of Ukraine. (2001, April). Retrieved from <https://zakon.rada.gov.ua/laws/show/2341-14#Text>.

² Law of Ukraine No. 3739-VI “On Combating Human Trafficking”. (2011, September). Retrieved from <https://zakon.rada.gov.ua/laws/show/3739-17>.

³ Law of the Kyrgyz Republic No. 55 “On the Prevention of and Fight against Human Trafficking”. (2005, March). Retrieved from <https://cbd.minjust.gov.kg/1650/edition/1213498/ru>.

⁴ Criminal Code of the Republic of Kazakhstan. (2014, July). Retrieved from <https://adilet.zan.kz/rus/docs/K1400000226>.

⁵ Law of the Republic of Kazakhstan No. 110-VIII ZRK “On Combating Human Trafficking”. (2024, July). Retrieved from <https://adilet.zan.kz/rus/docs/Z2400000110>.

⁶ Criminal Code of Turkmenistan. (1998, January). Retrieved from <https://legislationline.org/ru/taxonomy/term/16467>.

⁷ Criminal Code of the Republic of Tajikistan. (1998, May). Retrieved from https://continent-online.com/Document/?doc_id=30397325.

⁸ Law of the Republic of Tajikistan No. 1096 “On Combating Human Trafficking and Assisting Victims”. (2019, January). Retrieved from <https://surli.cc/nvxuns>.

⁹ Criminal Code of Uzbekistan. (1994, September). Retrieved from <https://www.lex.uz/acts/111457>.

of anti-human trafficking efforts in Central Asian countries, on the other hand, is aimed at criminal acts and agency coordination, there are no systems that are developed for the protection of victims and no independent monitoring. This necessitates further harmonisation with international standards.

Overall, the analysis indicates that the European approach to implementing international norms is grounded in institutional resilience, the primacy of human rights, and multi-level monitoring. In contrast, law enforcement in Central Asia remains dependent on external support and political factors. To improve the effectiveness of implementing international standards, independent oversight mechanisms must be strengthened, legal guarantees for victim protection must be expanded, and regional forms of cooperation must be developed.

■ Discussion

Researchers argue that the formal implementation of international obligations does not automatically improve the effectiveness of victim protection, and the reasons for this are unclear. The comparison demonstrated full consistency with this thesis. An analysis of Central Asian legislation confirms that functioning mechanisms are not guaranteed by the existence of laws and strategies if institutional and financial resources remain insufficient. These results complement those of M. Denysovskiy *et al.* (2020), showing that effectiveness remains limited in the absence of independent monitoring and sustained inter-agency cooperation, even in countries with modernised legislation (e.g., Kazakhstan).

N. Tsikarishvili (2022) emphasises that the same basic international obligations lead to different outcomes depending on the quality of national institutions. The analysis conducted confirms this conclusion: EU countries demonstrate consistent implementation of standards due to stable institutions, whereas Central Asia shows considerable variability. However, the results add an aspect less emphasised by N. Tsikarishvili – namely, the impact of uneven resource distribution between regions within individual states (for example, Ukraine and Uzbekistan).

A study by S. Zhang & R. Kato Price (2024) shows that Poland and Germany effectively transform international norms into comprehensive assistance mechanisms, ranging from shelter networks to compensation programmes. The comparison confirms a high degree of alignment, with the results indicating a higher completion rate in criminal proceedings than in a number of Central Asian states. At the same time, however, the data extend the authors' conclusions by showing that the sustainability of these models is also linked to the existence of independent audits and structural monitoring, an aspect that was less developed in their work.

In contrast, R. Broad & N. Turnbull (2024) highlight the challenges of transposing international norms in Central Asian countries. Their conclusions are fully confirmed by the results: even when national commissions and action plans exist on paper, ineffectiveness is the result of institutional frailty and dependence on a donor programme. Their conclusions are also confirmed regarding their classification of Tajikistan and Turkmenistan as states having lows of independent monitoring, lacking digital monitoring infrastructure and data exchange between agencies, although a dimension which the authors only partially address.

The conclusions of Y. Gunawan *et al.* (2022) are that the protection of trafficking victims in Kyrgyzstan depends on NGO's. The comparative analysis confirms this conclusion, but provides a more nuanced interpretation: NGO's are not entrenched in the state apparatus, which results in fragmented data and delays in dealing with law enforcement. K. Tanwar & S. Mishra (2025) conclude that external monitoring and public reporting are necessary, indeed the key determinants of effectiveness. Their conclusions are fully verified by the results. European states involved in GRETA mechanisms show higher institutional consistency and transparency in the fulfilment of their obligations. Yet the analysis also brings to light a dimension which the authors did not develop: that the monitoring deficit in Central Asia is aggravated by bureaucratic verticalisation, which constrains local initiative and autonomy.

From a migration perspective, A. González Arias & O.A. Araluce (2021) conclude that intensified migration generates pressure on mechanisms for preventing exploitation. The analysis confirms this conclusion in that it shows European states diffuse this pressure by means of extensive institutional resources. It also makes clear that in Central Asia the danger signals are not only external migration but also a massive internal labour market – for which the authors investigated less thoroughly. Likewise, S. Khan *et al.* (2023) establish a correlation between labour migration, lack of transparency in migration corridors, and risk of exploitation. The comparative analysis supports this conclusion but brings to light a dimension which the authors only partially examined: in Central Asian states the problem is not only opacity of corridors, but also weak cross-border coordination. This opens up “white zones” in transnational chains of human movement.

Regarding the digital threat, M. Bermeo *et al.* (2023) stress the necessity of monitoring online risk with algorithms. Their findings are consistent with the authors' conclusions, showing that algorithmic instruments for monitoring online risk have already been implemented in several European Union states, while Central Asian states show a low level of digital infrastructure. Yet the data also bring to

light a wider range of issues, including the existence of cyber units in only a few instances, as well as the absence of regulation specifically related to online recruitment and digital intermediation, which the authors only partially examined. T. Jones (2023) examines inter-agency cooperation in depth. The study confirms the relevance of this factor and indicates that mechanisms for cooperation do not exist or are mainly formalised in Central Asia. The analysis identifies factors which have been underemphasised: delays in the exchange of information between law enforcement agencies and social services as well as a lack of unified databases.

J. Bigio & R. Vogelstein (2021) take a global perspective, calling for comprehensive international cooperation. There is partial agreement with their conclusions: interstate interaction does contribute to effectiveness, as their findings show. Yet the analysis reveals that international programmes in Central Asia are fragmented and do not take internal constraints regarding institutions into consideration, which were not emphasised by the authors. M. Abd Allah Gamil (2024) focuses on issues of criminal law pertaining to defining human trafficking. Whereas there is agreement with the conclusion of the author regarding the need for precise definitions, the comparative analysis makes it clear that accurate norms alone cannot bring about prosecutions without procedural and institutional mechanisms for realising them, including inter-agency protocols. These factors were not sufficiently emphasised in the aforementioned work.

A. Mehra & G. Sharif (2024) examine the issue of international cooperation as a key element of combating human trafficking. Their comparison confirms the importance of this factor, while also showing that cooperation in Central Asian countries is often externally driven and not always accompanied by stable internal institutional support. The results demonstrate that international frameworks are only effective where there is sustainable national institutional capacity.

A.-S. Al-Anzi (2024) analyses the gender dimension of the problem, highlighting the vulnerability of women in countries with weak social institutions. These results support and expand upon this thesis, highlighting that in Central Asia, risks are exacerbated by the limited availability of shelters and gender-sensitive assistance programmes. However, the author's work does not fully reflect this issue. From an international legal standpoint, S. Hammad Khan *et al.* (2024) examine the role of global legal mechanisms in combating transnational crime. Their analysis, which considers the regional perspective, shows the necessity of these mechanisms, but also highlights their inadequacy: in Central Asian countries, international norms often remain normative and declaratory, failing to have a practical effect.

Although Y. Jiao *et al.*'s (2021) work focuses on combating wildlife smuggling, it is valuable as an example of cross-border cooperation models. The comparison shows that effective crime detection and prosecution are only possible with in-depth information exchange, corroborating the present study's conclusions on the importance of transboundary cooperation in trafficking cases. Y. Pachankis (2022) analyses the economic dimension of targeted recruitment. The findings of the results strongly support his assertion that economic crises and shadow economies expose risk groups to more significant threats. At the same time, however, this study controls for this finding by demonstrating that in Central Asia, risks are also exacerbated by the underdevelopment of digital detection and control infrastructures, which enables criminal networks to exploit the digital arena.

In short, the systematic review supports that effectiveness is not primarily determined by the extent of compliance to the formal application of international treaties; rather, the degree of effectiveness in the fight against human trafficking appears to be more significantly determined by the actual capacity of the institutions, the level of development of digital management and monitoring infrastructures, the quality of the monitoring that is conducted, and the robustness of the interagency linkages. While the former studies support this conclusion to varying extents and in relation to different factors, the analysis conducted here synthesises these different factors and former findings into one systematic analysis, and reveals the complexities of the two regions in relation to these factors.

■ Conclusions

A comparative study of the implementation of international anti-trafficking legislation in European states (Poland, Germany and Ukraine) and Central Asian states (Kyrgyzstan, Kazakhstan, Uzbekistan, Turkmenistan and Tajikistan) reveals a number of differences. These include differences in the countries' compliance, adaptation of laws to the existing legal framework, and effectiveness of the institutions established for this purpose. Although all these states formally comply with the principal international instruments, its implementation varies according to their level of integration into the European legal space, development of domestic human rights agencies and the quality of inter-agency cooperation. European states guarantee strict and consistent application of international standards. Supranational monitoring matters: GRETA's work establishes reliable criteria for performance and motivates states to improve their practice.

Implementation is still, however, very much at the level of norms in Central Asian states. Internationally defined norms are incorporated into domestic

legislation, but implementation on a system-wide basis is still lacking. Rehabilitation services for victims are limited, inter-agency cooperation is sporadic, and adherence to obligations under international law depends upon external funding initiatives. Efforts to combat human trafficking focus on punishing offenders, while the task of restoring victims is seen as separate, and less important. The absence of independent regional monitoring bodies hampers and delays the establishment of uniform standards for the protection of victims.

Regional cooperation also differs significantly between the two groups of states. In Europe, the states cooperate continuously with one another; they share standards for reporting and data-exchange, and they take part in joint programs. In Central Asia, inter-state cooperation occurs sporadically and mainly at the instigation of international organisations. The framework for cooperation is unstable and insufficiently institutionalised. Geopolitical developments impact the prevalence of human trafficking. Armed conflict, tensions along borders, instability in adjacent states and high levels of mass migration renders populations more vulnerable. In Central Asia, this increased vulnerability takes the form of a greater reliance on labour migrants and refugees, particularly in transit areas and along border regions. The absence of sustainable services and infrastructure renders more people vulnerable to exploitation. European states are also experiencing an influx of migrants from regions affected by armed conflict. The sophisticated systems for identifying victims, granting asylum and providing social services prevent negative consequences from this development and reduce the risk of exploitation. Ukraine occupies an intermediate position. European standards are partially met, but their stable application is undermined by war, population displacement and heavy pressures on municipal and state services.

Internet sites, social media and messaging applications have become the main recruiting grounds for trafficking, particularly for young people and

migrants. A number of European countries have developed regulatory and technological responses to online exploitation, and they evaluate online behaviour and investigate suspicious digital communications. In Central Asian states, these responses are still in their infancy. There is no specialised regulation or established law-enforcement practices for this type of behaviour yet, and there are no specialists with digital forensic skills. The technical apparatus for identifying online risks has not yet been put in place. This results in a significant gap between jurisdictions in their ability to respond to this new form of crime. In light of the results presented here, then, the first conclusion that can be reached is that European states have achieved far better implementation of international anti-trafficking standards. This has been facilitated by stringent monitoring of cooperation between states, institutionalised frameworks for inter-agency cooperation, and placing victims' rights at the centre of efforts to combat trafficking. In Central Asia, efforts to combat human trafficking are reactive; they are neither well-coordinated nor institutionalised, and they depend upon external assistance for their funding and operational support. The impact of geopolitical developments heightens the vulnerability of populations in this region, and the absence of long-term cooperation frameworks for anti-trafficking initiatives.

Promising areas for future research include a study of state agencies' relations with non-governmental organisations, analysing mechanisms for digital recruitment, and developing a region-wide database for trafficking cases that includes mechanisms for protecting victims across national boundaries.

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Порівняльний аналіз міжнародних і регіональних договорів щодо боротьби з торгівлею людьми в країнах Європи та Центральної Азії

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■ **Анотація.** Мета дослідження полягала у виявленні спільних і відмінних рис у підходах до формування та реалізації правових й інституційних засад боротьби з торгівлею людьми в країнах Європи та Центральної Азії. У межах роботи було застосовано метод порівняльно-правового аналізу, який дав змогу системно зіставити національні кримінально-правові норми, спеціальні закони, а також інституційні механізми координації та моніторингу. Використання цього методу забезпечило виявлення відмінностей не тільки на формальному рівні імплементації міжнародних стандартів, а й у практиці їх реалізації. Результати засвідчили, що країни Європейського Союзу вирізняються переважно вищим рівнем інтеграції міжнародних норм у національні правові системи, наявністю стійких міжвідомчих механізмів взаємодії, розвинених систем моніторингу та регулярної звітності, а також активною участю інститутів громадянського суспільства в наданні комплексної допомоги жертвам торгівлі людьми. Ці елементи в сукупності формують модель, яка орієнтована на жертвоцентричний підхід протидії. У країнах Центральної Азії виявлено системні проблеми, пов'язані з фрагментарною імплементацією міжнародних зобов'язань, обмеженим захистом жертв, недостатнім рівнем міжвідомчої координації та низьким рівнем розвитку незалежного моніторингу. Ці фактори істотно знижують ефективність національних механізмів протидії торгівлі людьми й обмежують їх практичну результативність. Встановлені відмінності засвідчують необхідність адаптації найуспішніших європейських практик до інституційних і соціально-економічних умов країн Центральної Азії, посилення механізмів моніторингу, цифрової готовності та розширення міжнародного й регіонального співробітництва. Практична значущість дослідження полягає в можливості використання його висновків під час розроблення та коригування національних стратегій протидії торгівлі людьми, а також зміцнення міждержавної взаємодії в цій сфері

■ **Ключові слова:** міжнародне право; права людини; правозастосування; міграція; регіональне співробітництво