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The Systemic Nature of Vulnerability to Trafficking for Kyrgyz Labor Migrants

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2023

THIS RESEARCH PROJECT AND REPORT IN CONTEXT

The research behind this report is the third in a series of projects in partnership between Humanity Research Consultancy and Winrock International, which has been funded by USAID through its Asia Counter Trafficking in Persons (Asia CTIP) program. The first project explored how survivors of trafficking in Bangladesh and Cambodia understood and experienced the reintegration process after trafficking, emphasizing their perspectives on what constitutes and contributes to successful reintegration (Kasper & Chiang, 2020). The second project explored the challenges and opportunities for more effective identification of victims of trafficking (Kasper & Chiang, 2022). Both of the earlier projects took a systemic view of trafficking, noting that while individuals experience trafficking, the forces that shape trafficking are systemic in nature; they go much further than individuals. Effective counter trafficking requires a more sophisticated way of understanding those systemic forces and how they operate. In the previous projects, we focused on the forces that keep victims isolated and invisible while also keeping authorities from effectively finding and supporting victims. For this project and its two reports, we develop an approach to understanding how systemic forces generate vulnerability throughout society and systematically put some migrants at greater risk of trafficking.

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TABLE OF CONTENTS

1. INTRODUCTION	4
2. METHODS AND ETHICS.....	6
3. A SYSTEMIC CONCEPTUALIZATION OF VULNERABILITY.....	8
4. BACKGROUND INFORMATION ON KYRGYZSTAN	12
4.1 History, Economy, and Cultural Geography	12
4.2 Politics and Democracy.....	14
4.3 Modern Geopolitics and Relationship with Russia.....	14
5. ANALYSIS: HOW SYSTEMS GENERATE VULNERABILITY:.....	15
5.1 Government and policy structures for regulating migration and protecting migrants.....	16
5.2 Social and economic patterns related to migration: lived experiences of vulnerability.....	25
6. POSSIBLE WAYS FORWARD: BREAKING SYSTEMIC PATTERNS THAT GENERATE VULNERABILITY	31
6.1 NGOs and police on the issue of domestic violence	31
6.2 Youth of Osh and the Ministry of Education.....	33
7. DISCUSSION: RELATIONAL SOLUTIONS TO ENTRENCHED SYSTEMIC PROBLEMS	35
7.1 Limitations of the traditional CTIP approach to protection and prosecution	35
7.2 Entrenched patterns in government and society	36
7.3 Relational approaches to breaking systemic drivers of vulnerability.....	36
8. CONCLUSION.....	38
WORKS CITED	40



1. INTRODUCTION

For the Kyrgyz Republic, migration is an incredibly important phenomenon. About 14.3% of the population are currently migrants abroad (World Bank, 2023), and the remittances they generate consistently constitute over 30% of the country's GDP, making it one of the world's most remittance-dependent economies (Lionell & Fernandes, 2023). However, those migrants are not sufficiently protected from exploitation, and many fall victim to trafficking in persons (US Department of State, 2022). The research behind this report stems

from a desire to more deeply understand the forces that make Kyrgyz migrants vulnerable to trafficking and to contribute to efforts (by Winrock International and others) to combat trafficking through safe migration.

We build on our previous two research projects to understand the complex social, economic, and political systems that impact survivors of trafficking – namely the challenges associated with identifying victims (Kasper & Chiang, 2022) and survivors' own perspectives on successful reintegration after trafficking (Kasper & Chiang, 2020). For this research, we continued to utilize a systemic approach to address the

question of what makes migrants vulnerable to trafficking, taking the case studies of Kyrgyzstan (this report) and Bangladesh (Kasper & Chiang, forthcoming).

In keeping with our approach to trafficking in the earlier reports, we consider trafficking in persons within its wider context. In those reports, we explored the issues facing survivors of trafficking as arising from a range of issues and factors from the individual level all the way up to country and international levels. We found identification and reintegration outcomes for survivors to be related to wider structures and dynamics that go well beyond the survivors themselves. Our analyses identified potential ways to intervene in those systems to break unhelpful patterns and nurture more effective ones to improve outcomes and support survivors as people with their own agency and their own expertise from their lived experiences.

To address the question of what makes people vulnerable to trafficking when they migrate, we needed to conceptualize and frame vulnerability as also emerging from the complex structures and dynamics of key social, economic, and political systems. We noticed that too much of the literature seeking to explain why some people fall victim to trafficking focuses on individual-level factors such as poverty, lack of education and literacy, inadequate economic opportunities, etc. (Winrock International et al., 2021). This tends to de-emphasize the role played by traffickers and by wider systemic forces which constrain options for migrants and systematically expose some people to more risks than others.

For this research, we explored the available literature on migration from Kyrgyzstan and the associated risks. We travelled to Kyrgyzstan and spoke with a range of stakeholders including survivors, returned migrants, affected communities, civil society professionals working to protect migrants, and policy makers with experience governing migration and implementing counter trafficking policies. Using our concept of vulnerability as a systemic phenomenon, we are able to emphasize vulnerability as the condition of being systematically exposed to risks because of one's place and positionality within society. We argue that there are no single causes of vulnerability, but that it is perpetually generated by the functioning of existing systems.

We present evidence for a set of key mechanisms – rooted both in the policy and governance systems meant to protect migrants as well as prevailing social and cultural patterns – which tend to generate vulnerability for migrants. By shifting the focus away from individuals and the individual-level risk factors, we suggest that it is possible to avoid the pitfalls of inef-

fective prevention efforts that over-emphasize awareness-raising or simplistically seek to stop migration. We also caution against efforts that merely focus on policy interventions, since, as we show, even the best policies on paper will be ineffective if they do not target the key mechanisms that keep generating the problem.

On the governance side, we document several mechanisms that tend to act as vicious cycles tend to inhibit effective governance of migration and limit the ability of authorities to protect migrants. These include the intersecting issues of weakened state capacities, pervasive corruption, patronage politics and social patronage systems, and a pervasive lack of trust across state and society. Migration patterns are intimately linked to bigger challenges nurturing economic growth and building effective state institutions. We suggest that informality, both in government functions as well as throughout society and the economy, is something that must be worked *with* rather than *against* in order to shift prevailing dynamics into a pattern that works better for everyone.

On the one hand, shifting the focus from individual-level challenges to system-level challenges shows that the problem of vulnerability to trafficking is bigger and more difficult than typically acknowledged. Trafficking is indeed a “wicked problem” that consistently resists our best efforts to solve it. However, on the other hand, our system-level analysis shows that we do not need to solve everything at once or achieve a perfect set of conditions to begin making a difference.

In fact, we have been able to identify some promising cases where local change actors have been effective at reducing some forms of vulnerability through highly relational, context-specific efforts which have subverted harmful patterns and generated innovative new possibilities for citizens and authorities to collaborate across their differences.

The key mechanisms that we identify in this report represent excellent opportunities to intervene. Even if we are not able to eradicate trafficking all at once, we can begin dismantling the systems that keep putting people at risk. We can begin shifting the structures and dynamics and, hopefully, begin to generate *virtuous* cycles that can leverage good faith efforts into more beneficial patterns and sustainable mechanisms for protecting people.



2. METHODS AND ETHICS

In order to answer the research question, we designed our research to capture insights and knowledge from people with different perspectives of the system: from everyday Kyrgyz citizens to current and returned migrants, from NGO workers to the various relevant government agencies. In selecting interviewees, we sought those with migration experience, including those who have experienced some of the operational indicators of human trafficking (ILO, 2009). In addition, we sought to interview those with experience crafting and/or implementing policies to govern migration and prevent trafficking.

The research was subject to a rigorous ethical review process which involved assessing the level of risk using a tool adapted from the ESRC's Research Ethics Guidance (ESRC, 2023). The research was determined to be "medium risk", with areas of primary concern being anonymity for respondents to avoid repercussions for sharing information about sensitive topics such as government functions, corruption, and the effectiveness of policies. Measures were put in place to protect respondents and the research team based on the review process, which included critical discussions around the research design with a group of peer researchers.

As part of the research, the team conducted a 10-day field trip in Kyrgyzstan during which the interviews took place. The research team consisted of the authors, as well as one American research assistant with multiple

years of experience working in Kyrgyzstan and a local Kyrgyz consultant with experience researching migration and trafficking in Kyrgyzstan. Interviewees were selected based on access, going through relational connections of the research team (snowballing to additional suggested contacts) and by reaching out directly to key informants that were not in the team's existing network.

The research team conducted 19 in-depth interviews in person and virtually across Kyrgyzstan as well as around 10 remote phone interviews with Kyrgyz migrants living in Russia. The in-depth interviews included five with NGO staff, five with others engaged in civil society, six government employees, and three academics with one or more areas of specialized expertise. Several of the NGO staff and others from civil society were also returned migrants. The interviews were collected following a standard process for semi-structured qualitative interviewing (Merriam, 2009). Key questions were asked to all interviewees about the nature of migration, knowledge of and experiences with laws relating to migration and counter trafficking, and perceived sources of vulnerability to trafficking. We also asked detailed questions about interviewees' particular areas of experience: migration experience in the case of former migrants, government experiences in the case of officials, and experience with advocacy and services in the case of NGO workers. The semi-structured, in-depth interview method allowed us to collect key information about the core elements of the research question across a range of informants with different perspectives and experiences in order to triangulate evidence and gain a "system-wide" understanding (Cook, 2008). It also allowed us to dig deeply into the specific knowledge held by each individual interviewee to get a range of different types of specialized "key informant" knowledge (Fetterman, 2008).

In addition to interviews, we engaged in participant observation, which allowed us to see and experience a bit of everyday life in different parts of the country, allowing us to observe some key social and cultural dynamics firsthand. We spent time in Bishkek, where we visited a major market area that serves as a point of departure for many migrants. We visited the Issyk-Kul region in the north of the country and several more remote towns. We also visited Osh in the south of the country as well as the Batken area close to the border with Tajikistan. This allowed us to observe and probe

key differences between regions of the country as well as between urban and remote areas, noting that migrants disproportionately come from remote areas as well as from the south of the country.

Most of the interviews were carried out in either Kyrgyz (mostly in the south) or Russian (mostly in the north), and English was used occasionally with particular respondents. Interpretation was provided in real time during the interviews by our local consultant researcher, who had her own subject expertise and was deeply familiar with the research design and interview design so as to contribute to guiding the open-ended discussion and capturing relevant information. The interviews were also recorded and transcribed in English afterwards. The research team then coded the interviews according to themes that emerged. In the analysis, the data from the interviews was interpreted in light of our observations and the team's experiences working in the country in order to assess the validity of the evidence and make the case for an answer to the research question (O'Reilly, 2005).

We recognize that multiple countries, and not just the migrant's country of origin, have obligations to prevent cross-border trafficking and ensure transnational human rights. No country of origin alone would be completely able to tackle the root causes of trafficking. However, for this research, we have largely limited our inquiry to trafficking of Kyrgyz citizens as they migrate abroad for work. We did conduct a number of remote interviews of Kyrgyz nationals working in Russia, and we consider many legal and social dynamics experienced by migrants in Russia. But we have framed the research to mainly consider the legal, economic, social, and cultural systems in Kyrgyzstan as shaping the conditions of migration in which vulnerability to trafficking emerges.

We note that there are very few rigorous studies of trafficking (and even migration) in the context of Kyrgyzstan which have been published in English. We have reviewed this literature, but our study is limited by the lack of much existing authoritative evidence. Much of the existing English-language literature on trafficking in Kyrgyzstan considers forced marriage and bride kidnapping,¹ which is only marginally relevant to the focus of this research, which is on trafficking while undertaking labor migration.²

1 For example, Handrahan, L. (2004). Hunting for women: bride-kidnapping in Kyrgyzstan. *International Feminist Journal of Politics*, 6(2), 207-233. Kleinbach, R., & Salimjanova, L. (2007). Kyz ala kachuu and adat: non-consensual bride kidnapping and tradition in Kyrgyzstan. *Central Asian Survey*, 26(2), 217-233. Kleinbach, R., Ablezova, M., & Aitieva, M. (2005). Kidnapping for marriage (ala kachuu) in a Kyrgyz village. *Central Asian Survey*, 24(2), 191-202.

2 For example, evidence suggests that households in which the wife has been subject to bride kidnapping have different migration dynamics and attitudes about migration compared to other households, as explored in: Erin Trough Hofmann and Guangqing Chi, 'Bride Kidnapping and Gendered Labor Migration: Evidence from Kyrgyzstan', *Journal of Ethnic and Migration Studies* 48, no. 11 (18 August 2022): 2493-2514, <https://doi.org/10.1080/1369183X.2021.1931062>; Andreas Landmann, Heike Seitz, and Susan Steiner, 'Patrilocal Residence and Female Labor Supply: Evidence From Kyrgyzstan', *Demography* 55, no. 6 (2018): 2181-2203.

3. A SYSTEMIC CONCEPTUALIZATION OF VULNERABILITY

We are concerned that a large number of people end up in trafficking (Walk Free, 2022). In order to make a contribution toward the end of trafficking, we need a deep understanding of how trafficking works and why it happens. If we think of trafficking as a crime, then it makes sense that trafficking happens because criminals take advantage of opportunities to exploit people. This would suggest that stopping the criminals would stop the crime. However, it's not that simple. Trafficking encompasses a wide variety of different practices of exploitation, and these practices can be perversely incentivized by social and economic systems.

Further, as with other crimes, it is easy to blame the victim. Too often, the response to an assault or robbery is, "Why were you in that neighborhood at that time of night? What did you expect would happen?" This is not a helpful way of thinking since it fails to point us toward any resolution of the root drivers of the crime. Staying away from a dangerous neighborhood at night might keep a person safe, but it does not address the problem of safety in that neighborhood in the first place, especially for the people who live there and cannot simply "stay away." We might ask why that neighborhood is allowed to be unsafe and consider policing, enforcement of laws, community norms, resources, the balance of power amongst de facto authorities in the community, or infrastructure. Examining these wider forces does not explain why any given criminal commits a particular crime. However, it does explain why crime systematically happens more in some places and to some people over others. Considering the crime only regarding the individual victim (or even the individual perpetrator) does not help to prevent future crime (though it may be important for achieving justice in the specific instances).

Trafficking in persons is now well defined in international law (Kasper & Chiang, 2022, p. 9-11), for example via the Palermo Protocol (OHCHR, 2000). However, it is a complex crime, encompassing a wide range of exploitations and abuses, treated according to different national laws. Because of the complex and contested nature of the issues as well as the clandestine nature of the phenomenon, it has been and continues to be very difficult to obtain reliable data on its incidence and prevalence (Cockbain and Kleemans, 2018). Traffickers go to great lengths to avoid detection and victims often face obstacles to identification. While data on crimes reported directly by victims are one of the most reliable sources of evidence, we know that

reported crimes (and the even smaller number of cases that have been investigated) represent a small fraction of the total number of cases (Kasper & Chiang, 2022).

The default conceptualization of trafficking is it something that happens to individuals (who exhibit particular individual traits and are subject to particular risk factors) based on a combination of bad luck and bad choices. This leads to a tendency to implicitly, if not explicitly, blame victims. It also leads to myths of ideal-type victims: namely either the stereotypical innocent girl taken into sex trafficking (i.e., the "Natasha story" (Zhang, 2009 in Kleemans, 2011)) or innocent male victim of unthinkable extreme forms of torture and abuse in forced labor.

The focus on individual victims has coincided with a relative undertheorizing of perpetrators, especially how criminal traffickers are organized and insinuated into wider socio-economic systems (Cockbain, 2018). However, there have been some promising developments in recent counter trafficking literature advancing a more systemic approach to the issues of trafficking. We build on those here to develop our approach used in this report.

One important source that informs our approach to vulnerability to labor trafficking is the *IOM Handbook on Protection and Assistance for Migrants Vulnerable to Violence, Exploitation, and Abuse* (Komenda et al., 2019). The IOM was motivated to develop an effective conceptualization of vulnerability in migration because they were previously hamstrung in efforts to support people who needed support but had not yet become victims of labor trafficking. By developing the notion that some people were already at high risk of becoming victims, they have been able to mobilize support for additional people and prevent them from becoming victims.

They present their definition of vulnerability as follows: "The concept of vulnerability can be understood to mean that some people are more susceptible to harm, relative to others, as a result of exposure to some form of risk. The type of harm to which they are more susceptible varies; it may be psychological, physical, environmental, etc. Risk factors depend on the type of harm being examined and may or may not overlap" (Komenda et al., 2019, p. 4). Further, because of their strategic focus on identifying people who are particularly susceptible to falling victim to labor trafficking, they additionally provide a definition of that target group: "vulnerable migrants are migrants who are unable effectively to enjoy their human rights, are at increased risk of violations and abuse and who, accordingly, are entitled to call on a duty bearer's heightened duty of care." (OHCHR/Global Migration Group in Komenda et al., p. 4)



The concept of vulnerability as developed in the Handbook is a significant step forward in advancing a critical understanding of the nature of trafficking. It recognizes that there are no single causes of trafficking, but that trafficking outcomes are the result of many overlapping and intersecting factors that operate through human societies. Without grounding itself deeply in systemic or ecological concepts, the Handbook does point to the systemic nature of vulnerability and notes that “resilience” is essentially the inverse of vulnerability. They explain that they consider “the vulnerability or resilience of migrants to violence, exploitation and abuse before, during or after migration as the net impact of the interaction of these factors at different levels” (Komenda et al., 2019, p. 4). This captures the fact that some “factors” contribute to vulnerability while others protect against vulnerability. Systemic protection against exploitation and harm is resilience – the ability to “avoid, cope with, and recover from harm” (Komenda et al., 2019, p. 5).

Another key source published by Winrock International, “Measurements of Vulnerability to Human Trafficking: Literature Review to Understand Current Approaches and Identification of Further Research

Needs” contributes to the evolution of the concept of vulnerability (Winrock International et al., 2021). In their review of literature, they found only 21 relevant studies that analyzed vulnerability to trafficking, which is disappointingly few. They found that vulnerability was often used without clear definitions and in ways that “conceal a variety of uses with multiple conceptual dimensions” (Winrock International et al., 2021, pg. 4).

Like the Handbook, this review notes that vulnerability is highly contingent on the local context in terms of how the locally salient risk and protection factors play out. That context is complex, “vulnerability factors come together in complex constellations”, and “risk does not equal vulnerability and risk factors alone do not equal vulnerability predictors” (Winrock International et al., 2021, pg. 4). Despite a pattern in the reviewed studies pointing to the need for better systemic understanding, they note that it was primarily the few quantitative studies that considered “structural” factors. Existing literature does not sufficiently model how different levels of the system work together to generate vulnerability. Additionally, they find gaps in existing studies around a) protective factors such as state functions, community-based resources, and

strategies people deploy to avoid harm; and b) they ways traffickers and criminals actually operate within the opportunities afforded by the system.

This suggests a need for a more systemic approach to researching vulnerability. Migrants are not automata without agency, subject to the prevailing winds of chance along their migration journeys. Neither are traffickers one-dimensional villains. In this study we explore how the systemic conditions that generate vulnerability shape and are simultaneously shaped by the behavioral patterns of both migrants and traffickers as well as the myriad other actors that constitute the system.

Recent work by The Rights Lab at the University of Nottingham has further developed the conceptual underpinnings of a systemic approach to vulnerability (Gardner et al., 2021). Their paper, “Building Slavery-Free Communities: A Resilience Framework” focuses primarily on the notion of resilience to trafficking and “modern slavery”, grounding their framework in key literature on ecological systems. It is quite compatible with our understanding of vulnerability, since in systemic thinking, resilience and vulnerability are entangled and inverse phenomena. If resilience is the ability to avoid, cope with, and recover from harm (Komenda et al., 2019, p. 5) – i.e., a specific instance of the general resilience of systems, which is robustness to perturbation, the ability to endure shocks and stresses without core functions failing – vulnerability is the inability to avoid, cope with, and recover from harm. Neither concept makes sense if applied only to the individual in isolation. The ability of individuals to avoid, cope with, and recover from harm is fundamentally related to their position within wider systems of structures and relationships that can facilitate or hinder that ability.

Gardner et al.’s effort to build a framework for resilience against modern slavery is incredibly useful to our task, and though we make use of vulnerability instead, we have attempted to address the same research gaps they have identified. There is, of course, a trade-off involved in the choice to focus on vulnerability or resilience. As Gardner et al. note, a focus on vulnerability runs the risk of reinforcing “deficit” thinking (i.e., that certain groups are vulnerable because of their own deficits, diminishing the role played by state and society in creating problems and failing to address them) (Gardner et al., 2021, p. 339). A focus on resilience runs the inverse risk: by emphasizing the agency and abilities of communities and groups we might let

other responsible actors off the hook and put undue pressure on those communities and groups to “save themselves.”

In our conceptualization, we define risk as the probability of a particular problem occurring. For example, the risk of trafficking is the likelihood that a person will experience trafficking on their migration journey. Migrants may also face risks of encountering other challenges or hardships that intersect with the likelihood of getting trafficked. We define vulnerability as being in a position (relationally, spatially, in society) of consistent exposure to risk. Vulnerability to labor trafficking is being in a position of consistent and disproportionate risk of trafficking while migrating for work. It is something that emerges because of the structures and dynamics that put or keep people in harm’s way. This way of thinking implies that, through experiencing vulnerability, one’s agency is limited, that one’s options are limited for changing one’s position to reduce risk. Vulnerability is inherently relational and temporal; it is fundamentally about the precarity involved based on positionality in society.

Relationality is an important concept when thinking about social systems. Social systems are complex and social. They comprise all the relationships people have with each other and with the material world (including things such as land, spaces for work and play, institutions, companies, governments, and more). In a way, those relationships act as social structure: the bones of the system which define how different people are positioned relative to each other and relative to the whole. But those relationships also hold the interactions between people: talking to your colleague, getting paid by your employer, and feeling an obligation to care for your aging mother all happen in the contexts of relationships. Relationships can be forged and broken; the interactions that happen through them can play out according to accepted norms and common patterns, or they can be intentional efforts to do things differently and to create something new. It doesn’t make sense to divide our analysis of systems too stringently between analyzing the structures and analyzing the dynamics, as earlier sociologists divided their analysis between “structure” and “agency.”³ Talking about the relational nature of social challenges such as trafficking in persons helps to capture the ways both structures and dynamics that constitute the system work in tandem to generate outcomes. Relationality is, therefore, a key issue that will come up over and over in this paper as we explore how systems keep on generating vulnerability.

3 Past social science philosophers, theorists or thinkers’ theoretical insight was either individualism or holism, at least in some part of their works. For example, Max Weber’s social action was seen as paradigmatic of individualism (agency) while Emile Durkheim’s ideas on social facts were seen as model for holism (structure)



As we deploy our systemic concept of vulnerability to trafficking in the context of labor migration, we seek to be very clear that migration, in and of itself, does not generate vulnerability. In our analysis, we explore the legal and policy structures the state has enacted which attempt to mitigate trafficking and govern migration. We explore the social and cultural patterns through which citizens approach migration and how they engage with the state on their migration journeys. Together these structures and dynamics constitute the core systems in which vulnerability is generated. At the end of the day, people are not vulnerable because they choose precarious migration over other precarious options. People are vulnerable when they migrate *because* they do not have sufficient protections from the risks. There are *reasons* why they do not have those protections, and those reasons need to be understood to devise ways of meeting our various individual and collective obligations.

In our analysis, we trace the complex causal linkages that explain why the different actors involved in the systems of trafficking and migration do what they do, in response to the pressures they face. It all works together to create risks, and the fact that some people are systematically exposed to those risks makes them vulnerable.

Authorities at various levels, of course, have obligations to protect people from those risks. To meet those obligations, it will not be as simple as enacting the perfect law or providing the perfect amount of information. It will require devising a way to sustainably change those systems which continue to generate vulnerability. This will likely require wisdom, humanity, and an intentional relational practice that bridges citizens and authorities to unlock new possibilities for institutions and ways of being.

4. BACKGROUND INFORMATION ON KYRGYZSTAN

Kyrgyzstan is a former Soviet republic with the region's most established form of parliamentary democracy. Its status as a democracy is relevant to this report for a number of reasons, with the most impactful being that it was much easier to conduct our research in Kyrgyzstan compared to the more authoritarian neighbor countries.⁴ Kyrgyzstan is the only former Soviet Central Asian republic to adopt a functioning parliamentary form of democracy, and Western pro-democracy civil society organizations have consistently called it an "oasis of democracy" (Dabrowski et al., 1995; Abazov, 2003) as they have invested effort and resources to strengthening democratic institutions (Adamson, 2002).

However, the practical reality of Kyrgyzstan's democracy is important to understand when exploring the ways vulnerability gets created. An argument can be made that Kyrgyzstan became democratic (as opposed to authoritarian) upon independence in large part due to the fractured nature of ethnic groups, their associated social and political factionalization, and the inability of any group to dominate (Ivanov, 2022). Research on Kyrgyz democracy has suggested that attitudes towards and practices of democracy amongst the population of the country are largely indistinguishable from those of its neighbor countries with more authoritarian government institutions: namely politics and society are marked by patronage politics that rely more on informal relationships to power than on impartial democratic norms and institutions (Junisbai & Junisbai, 2019). However, the unique democratic structures that have been put in place since independence have rather effectively allowed power to be decentralized, with citizen mobilization playing an important role in limiting government power, if not enabling democratic governance (Anisov et al., 2021), namely through the three revolutions that have occurred over that period (Ivanov, 2022). The practical functioning of government as well as the natures of social and political relationships play an important part in our analysis of how vulnerability is created.

Kyrgyzstan has a largely rural population with a highly varied distribution of wealth across the regions of

the country and pockets of relatively intense poverty, especially in remote rural areas (Seitz, 2019). Strides have been made in reducing the most extreme forms of poverty (for example, stunting has been greatly reduced (Wigle et al., 2020)). However, Kyrgyzstan's GDP per capita remains quite low compared to many of its neighbors. In 2022, GDP per capita was \$1,655 USD, compared to \$11,492 USD in Kazakhstan and \$15,270 USD in Russia, which are both closer to the global average of \$12,743 (World Bank Open Data, 2023). Further, Kyrgyzstan saw a dramatic increase in poverty during the COVID-19 pandemic; in 2021, 33% of Kyrgyz citizens fell below the national poverty line, about \$1.1 per day per person (BTI, 2022).

The persistence of pockets of poverty contributes to a consistent pattern of internal and international migration in intuitive, but complex ways. For example, it is natural that people struggling to earn a livelihood will try to move to where there are opportunities, though social patterns condition how this happens and what the impacts are. The persistence of bride kidnapping in rural areas, for example, limits some women's mobility while shaping intrahousehold dynamics⁵ (Kim & Karioris, 2021), and gendered demographic trends associated with persistent male migration have changed people's aspirations for where and how to live as well as attitudes towards family planning (Critelli et al., 2021).

People in Kyrgyzstan widely see migration as a viable way to pursue a better life (Schmidt & Sagynbekova, 2008). The experiences with waves of previous migration have fed back into shaping contemporary attitudes toward and practices of migration; for example in how people perceive their "imagined communities"⁶ and the position of Kyrgyzstan in relation to Russia as the former "center" of the Soviet world (Rahimov & Jumakeyev, 2020). As with the informal and relational nature of politics in Kyrgyzstan, the relational patterns associated with rural poverty and migration – as well as how those have evolved over recent historical memory – play an important role in our analysis of how vulnerability gets created.

4.1 History, Economy, and Cultural Geography

During Soviet times, people from across the USSR were relocated by force to Kyrgyzstan – as they were to other

4 We had originally considered researching vulnerability to trafficking in Uzbekistan in light of recent concerted efforts to reform the governance of recruitment agencies, but we were not able to navigate the additional permissions and government scrutiny.

5 Bride kidnapping, or *ala kachuu*, in Kyrgyzstan has emerged in response to the changing socio-economic landscape, particularly the decline of pastoral livelihoods, significantly impacting young men's roles within their families and communities; the traditional masculine identity, associated with livestock ownership and family establishment, is closely tied to achieving adulthood. Worsening economic conditions drive young men to use bride kidnapping as a strategy for acquiring a labor force, power, status, and family dominance, while women face constant threats, shaping their lives around gendered insecurities. Kim, Elena, and Frank G. Karioris. "Bound to Be Grooms: The Imbrication of Economy, Ecology, and Bride Kidnapping in Kyrgyzstan". *Gender, Place & Culture* 28, no. 11 (2 November 2021): 1627–48. <https://doi.org/10.1080/0966369X.2020.1829561>.

6 Benedict Anderson's (1983) concept of "imagined communities" refers to the idea that nations are socially constructed entities, where people perceive a shared identity and connection with fellow citizens despite never personally knowing all members.

places such as Siberia.⁷ Soviet population management served several purposes, including “Russifying” nations with different populations and cultures, breaking up ethnic and cultural blocks in order to “divide and conquer” groups that might otherwise have developed antagonistic (nationalistic) political movements, and distributing the labor force around the Union (Ferrando, 2011). The radical political and socio-demographic changes that came with the Soviet Union have inevitably left a complex legacy for the contemporary Kyrgyz Republic, especially in terms of how ethnic Kyrgyz and non-Kyrgyz citizens conceived of their country, its relationship to the wider “Soviet” world, and their perspectives on where they might migrate and live today.

Those seismic changes were just as quickly reversed when the Union collapsed. Since the breakup of the USSR, many people who were relocated and their descendants have moved out of Kyrgyzstan (Abazov, 1999). This has been a complex process involving economic and demographic changes that have intersected with Kyrgyzstan’s project of nation-building (Hierman & Nekbakhtshoev, 2014). Both the arrival of not completely willing migrants and their subsequent departure involved complex social and economic disruptions, with lasting effects on both society (i.e., types of identities available to people, languages that might be used, fashions, values, etc.) and the economy.⁸

In contrast to many Western countries, Kyrgyzstan’s development has not been linear. The Soviet Union brought modernity to the region – in the form of connectivity, infrastructure, roads, factories, and manufactured goods. During the Soviet period, factories of various types were opened throughout Kyrgyzstan as throughout the rest of the USSR. While the planned economy had its inefficiencies and challenges, people generally found employment, and access to goods

advanced to a level roughly the same as other parts of the USSR. After the fall of the Soviet Union, Kyrgyzstan experienced deindustrialization and has struggled to generate economic growth (Rovenskaya et al., 2018). This has had a cascading effect on society as well as the economy, as younger people not only feel a pull to earn better livelihoods abroad, but a moral obligation to migrate to care for their children and parents (as well as wider networks) (Isabaeva, 2011). For example, economic crisis post-independence and subsequent weak growth have meant pensions for elderly people have been inconsistent and often insufficient.⁹ Collectivist social practices lead to people migrating in order to fulfil their care responsibilities in one way, even as it places new forms of care responsibilities on the elderly (Thieme, 2014).

The “advancements” that the Soviet Union brought were novel for the region and cutting edge for its time. For young people growing up in Kyrgyzstan today, they see their neighbors (such as Kazakhstan and Uzbekistan) and much of the world continuing to advance technologically and economically. Globalization (including Internet-based communications) allows people to see the fact that they appear to be being left behind. Most of the current infrastructure is from the Soviet period, and it is crumbling.¹⁰ This is why it makes intuitive sense for people to migrate to a place that is currently developing.

The country is more than 90% mountainous, and the mountains form a natural geographic border between the north and south, which has enabled people across the north and south to block roads and disrupt the flow of goods and traffic. This has been used for negotiating political settlements and power sharing arrangements between the two regions (Pannier, 2005).

- 7 From the founding of the Soviet Union up to the Second World War, strict controls on movement were put in place for people across the USSR. Large numbers of people belonging to specific ethnic groups were relocated by force, including over 170,000 Koreans resettled in Central Asia out of fear they would be a security liability (Rahmonova-Schwartz 15). The first Five-year Plan in 1928 led efforts to “modernize” the Union by, in part, “redistributing” labor resources to Central Asia in order to develop factories, railways, and industry (14). During and after the Second World War, large numbers of Germans were resettled from the Volga region (over 1.2 million by 1942) and Russian speakers from Nazi-occupied areas into Central Asia, with the Kyrgyz and Kazakh Soviet Republics being the primary recipients (15). Large numbers of “Chechens, Ingushes, Crimean Tatars, Kurds, and Greek political migrants” (15) were also resettled in Central Asia at that time. Delia Rahmonova-Schwarz, ‘Migrations during the Soviet Period and in the Early Years of USSR’s Dissolution: A Focus on Central Asia’, *Revue européenne des migrations internationales* 26, no. 3 (2010): 9–30, <https://doi.org/10.4000/remi.5196>.
- 8 For a deeper discussion of the links between social and economic development in Kyrgyzstan over the Soviet period (i.e. differential advancements across ethnic and linguistic groups), the departure of non-Kyrgyz groups after independence, and the complex impact on society and the economy, see Abazov, ‘Economic Migration in Post-Soviet Central Asia’.
- 9 Anderson and Becker outline the difficulties Kyrgyzstan has had after independence in meeting its pension obligations to retirees (as of 1999), with Ablezova et al. noting that pensions were subsequently improved (by 2008) to the point where most rural pensioners were receiving enough to survive on. However, Ablezova et al. also note that pensions to some groups (for example former miners who had very poor health and had expected to retire with comfortable pensions reflecting the prominence such manual jobs were afforded under the Soviet system) were getting much less than expected (9). Kathryn H. Anderson and Charles M. Becker, ‘Post-Soviet Pension Systems, Retirement, and Elderly Poverty: Findings from the Kyrgyz Republic’, *MOCT-MOST: Economic Policy in Transitional Economies* 9, no. 4 (1999): 459–78, <https://doi.org/10.1023/A:1009556526212>; Mehrgul Ablezova, Emil Nasritdinov, and Ruslan Rahimov, ‘The Impact of Migration on Elderly People: Grandparent-Headed Households in Kyrgyzstan’ (Bishkek: Social Research Center of American University of Central Asia, 2008), https://auca.kg/uploads/Migration_Database/Impact%20of%20migration%20on%20elderly%20eng.pdf.
- 10 For various aspects of post-Soviet infrastructure in Kyrgyzstan, see DeYoung et al. on water infrastructure and schools, Sabyrbekov and Ukueva on energy infrastructure, Yuldashev and Sahin on mining infrastructure, and Urmanbetova and Joniak-Lüthi on road infrastructure. Alan DeYoung, Rakhat Zholdoshaieva, and Umur Zholdoshaieva, ‘Creating and Contesting Meanings of Place and Community in the Ylay Talaa Valley of Kyrgyzstan’, *Central Asian Survey* 32, no. 2 (1 June 2013): 171, <https://doi.org/10.1080/02634937.2013.771981>; Rahat Sabyrbekov and Nurgul Ukueva, ‘Transitions from Dirty to Clean Energy in Low-Income Countries: Insights from Kyrgyzstan’, *Central Asian Survey* 38, no. 2 (3 April 2019): 255–74, <https://doi.org/10.1080/02634937.2019.1605976>; Farhod Yuldashev and Bahadır Sahin, ‘The Political Economy of Mineral Resource Use: The Case of Kyrgyzstan’, *Resources Policy* 49 (1 September 2016): 266–72, <https://doi.org/10.1016/j.resourpol.2016.06.007>; Zarina Urmanbetova and Agnieszka Joniak-Lüthi, ‘Welcome and Unwelcome Connections: Travelling Post-Soviet Roads in Kyrgyzstan’, *Central Asian Survey* 41, no. 2 (3 April 2022): 260–76, <https://doi.org/10.1080/02634937.2021.1968346>.

4.2 Politics and Democracy

Even though Kyrgyzstan has a parliamentary democracy, there has only been one peaceful transfer of power from one elected government to another since the independence of the contemporary Kyrgyz state (RFE/RL, 2017). Ivanov argues that following the Tulip Revolution of 2005, a typical color revolution which resulted in a democratic government replacing a long-standing regime, an unstable and fragile system emerged. This instability, which can be partially explained by tribalism between northern and southern clans, is what drove the subsequent two revolutions in 2010 and 2020 (Ivanov, 2022). Incidentally, this was also the only recent peaceful transfer of power from one elected government to another in the entire Central Asia region. Kyrgyzstan has struggled with state capacity in its efforts to grow the economy. We explore the functioning of the Kyrgyz state in detail below.

It is widely documented that there has been extensive corruption in the government and institutions of Kyrgyzstan. Transparency International conducts annual surveys of perceptions of corruption in countries around the world. In the most recent assessment in 2021, Kyrgyzstan was ranked 144 out of 180 countries (with the 1st country being least corrupt and the 180th being most corrupt) (Transparency International, 2021). Frustration over pervasive corruption in government, including around the handling of the Covid-19 pandemic and the parliamentary election of 2020, was a major motivating factor for the widespread popular protests which forced the government to resign, leading ultimately to the ascendancy of the current president (Doolotkeldieva, 2021; Stronski et al., 2020; Stronski, 2020).

4.3 Modern Geopolitics and Relationship with Russia

There is a strong tie to Russia as a destination for migration for many reasons. Kyrgyzstan's State Service for Migration claimed that 640,000 Kyrgyz citizens were migrants in 2018, while Russia's Ministry of Internal Affairs' data shows that more than 1.55 million Kyrgyz citizens were officially registered in the country in 2019 (Shamyrbekova, 2021). These figures may not account for the fact that many people migrate seasonally or temporarily. However, both figures are likely underestimates, since they only count *officially* registered migrants, when many migrants are likely to be undocu-

mented and unregistered (Shamyrbekova, 2021).

Even though the statistics are not very precise, if an average is taken of the above, at least one million Kyrgyz migrants live in Russia. It means that more than 13% of Kyrgyz citizens are living in Russia. According to the latest World Bank data (calculated for this year's World Development Report (World Bank, 2023), which is focused on the issue of global migration patterns), the emigration rate for Kyrgyzstan is 14.3% (World Bank, 2023), though some estimates put the figure as high as 20% of Kyrgyzstan's citizens living abroad, with 90% of those migrants in Russia (OECD, 2018). This is a remarkably high rate of migration;¹¹ much higher than other countries that are known more prominently as sources of migrant labor such as the Philippines (5.9 million emigrants out of a population of 76.6 million, which is about 7.1%) and Bangladesh (7.1 million emigrants out of a population of 166.3 million, which is about 5.5%) (World Bank, 2023).

A major turning point in Kyrgyzstan's migration dynamic with Russia occurred in 2015 when Kyrgyzstan became a member of the Eurasian Economic Union (EAEU).¹² The EAEU is an international organization for regional economic integration with the goal of providing free movement of goods, services, capital, and labor. Joining the EAEU removed the requirement for Kyrgyz migrants to pass a Russian history and language exam, extended the period of time that migrants could be in Russia without registration from 7 days to 30 days, and removed the requirement to obtain an official work permit in order to get a job.¹³ Prior to joining the EAEU, Kyrgyz migrants struggled to migrate formally and legally. If one is forced to find work and obtain a permit in 7 days, there are incentives not to shop around for the best job or advocate for one's statutory rights. Further, Kyrgyz migrants living and working without documents faced social insecurity, such as not being able to access medical care (Shamyrbekova, 2021).

In this section, we have presented some background information about Kyrgyzstan and its recent history which is important for understanding the nature of contemporary migration and the risks people face on their migration journeys. The current functioning of the state and socio-economic systems have evolved in context-dependent ways. In the next sections, we dig into the details of those systems to identify how vulnerability is generated.

11 Note that migration rate is calculated by dividing the emigrant population by the total population (country population plus emigrant population). Somewhat confusingly, country populations given in official statistics usually include immigrants living in the country but not emigrants (citizens living abroad).

12 The EAEU member states are composed of five main countries including the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the KRYGYZ Republic, and the Russian Federation. See: Eurasian Economic Union. (n.d.). Eurasian Economic Union. <http://www.eaeunion.org/?lang=en#about-countries>

13 Despite a lack of official data on the work sectors in which Kyrgyz labour migrants in Russia are employed, scholars such as Bastia and Skeldon (2023) note that in the early 2000s, Kyrgyz men migrated to work in the construction sector, and this was often on an informal and seasonal basis. This pattern of labour migration then shifted towards longer-term livelihood strategies of married couples, facilitated by growing demand for service-sector jobs in catering, cleaning and domestic service predominantly undertaken by women.

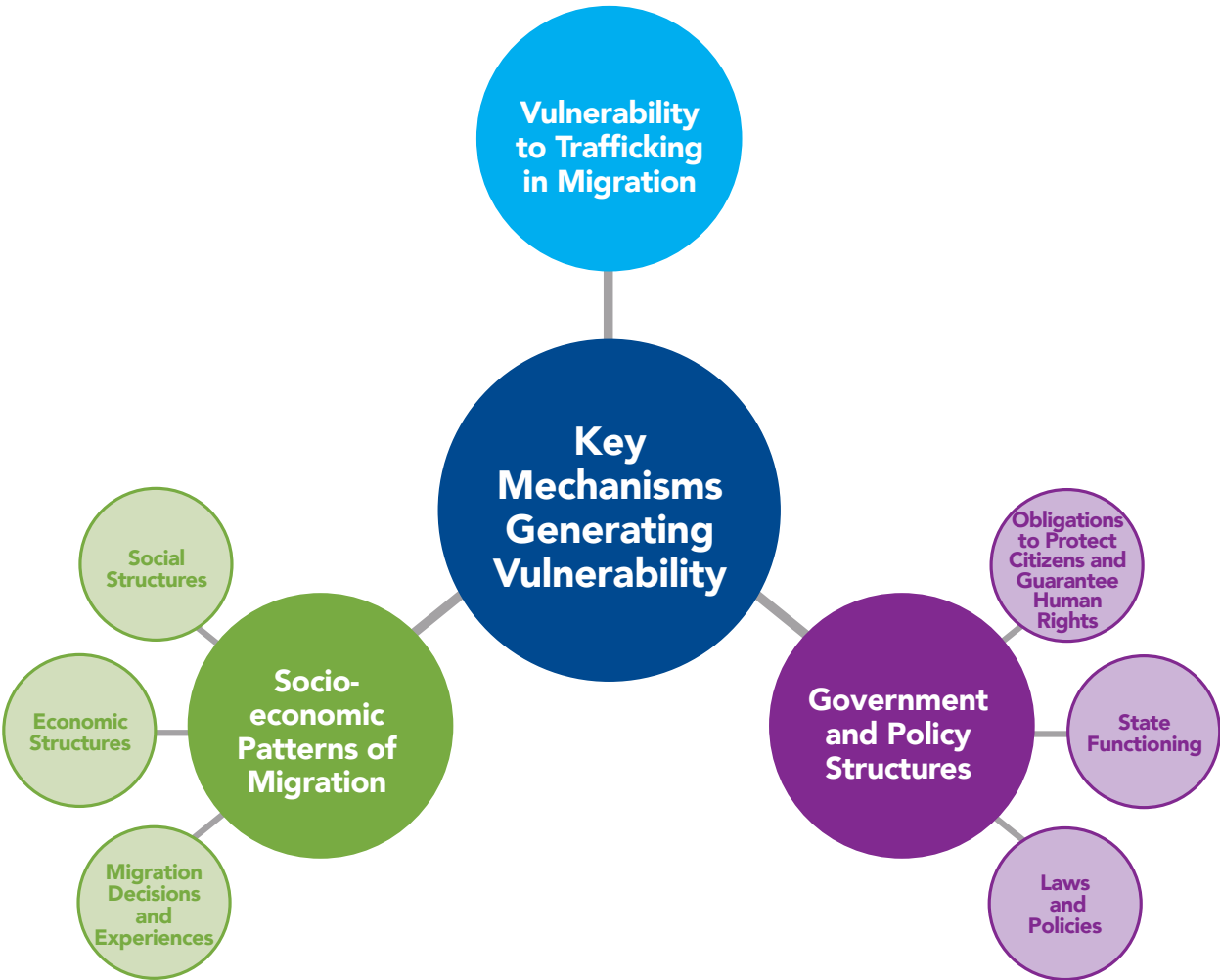
5. ANALYSIS: HOW SYSTEMS GENERATE VULNERABILITY:

Using our understanding of vulnerability to trafficking – as something that emerges from the everyday functioning of systems – our analysis focuses on two key system elements: 1) the government and policy system that governs migration and attempts to counter trafficking and 2) the social and economic system which conditions everyday life in Kyrgyzstan including how people decide to migrate for work. This is depicted in Figure 1, and the remainder of Section 4 is structured to dig into each in turn. We felt the best way to understand how vulnerability gets created is to analyze the state functions alongside the economic and political functions, since outcomes are the result of all these simultaneous factors.

As stated in the sections above, vulnerability to trafficking does not emerge because of migration, even though people who undertake precarious forms of migration do indeed face risks of being trafficked. Vulnerability emerges because people are not sufficiently protected when they undertake migration. There is no *single* reason that this is the case. There are many reasons, rooted in many overlapping structures and dynamics in the system.

In this section, we build on the contextual descriptions from the previous section to explain some of the key mechanisms at work in shaping the conditions of migration. To structure the discussion, Section 5.1 starts with how the state functions in its attempt to govern migration and protect citizens from trafficking. Partly this is through the laws and policies that have been put in place, and partly this is through how the state functions in its efforts to implement those laws and policies. After this, Section 4.2 digs into the parallel social and economic system that shapes the conditions of everyday life including

FIGURE 1. KEY SYSTEMS INVOLVED IN GENERATING VULNERABILITY TO TRAFFICKING IN MIGRATION.



people's decisions, behaviors, and experiences as they attempt to migrate. By considering the perspectives, incentives, and tendencies of both government and social systems in tandem, we will identify key *mechanisms* that generate vulnerability.

5.1 Government and policy structures for regulating migration and protecting migrants

In recent years, Kyrgyzstan has been part of international consultative processes to develop its migration policies and institutions (IOM & UN Migration, 2018) such as the Almaty Process (<https://www.almaty-process.org>), the Budapest Process (<https://www.budapestprocess.org/>), and the Prague Process (<https://www.pragueprocess.eu/en/>). Kyrgyzstan has engaged with the IOM and the UN in an attempt to bring migration policy into alignment with the Global Compact for Safe, Orderly and Regular Migration (GCM), even though the country has not officially signed onto the Compact (UN Network on Migration, 2022). Kyrgyzstan's voluntary review of its progress achieving the

goals of the GCM and a recent "snapshot" report by the IOM (2018) note that Kyrgyzstan's migration policies are being updated to provide stronger support and protections for migrants. The developments around migration policy are promising, but there are some notable shortcomings, including a disconnect between the policies on paper and the reality of governance.

Here we summarize key pieces of legislation and then move on to analyze the challenges of implementation. We then describe how key functions of these policies can actually generate vulnerability to trafficking.

LAWS AND POLICIES GOVERNING MIGRATION AND COUNTER TRAFFICKING

The government of Kyrgyzstan has been working to enact legislation in an effort to facilitate safe and regular migration, while simultaneously combatting trafficking. From 2005, laws have been passed to bring the country into line with international norms around criminalizing trafficking. These are listed in Table 1.

TABLE 1. COUNTER TRAFFICKING LAWS AND MIGRATION POLICIES IN KYRGYZSTAN.

Year	Policy
2005	Kyrgyzstan adopted the Act on Prevention and Combating Trafficking in Human Beings Criminal Code (Art. 124) on Combating Trafficking in Human Beings (Kyrgyz Republic, 1997)
2013	Law On Fundamentals of State Policy to Support Compatriots Abroad. The law outlines the principles and goals of the state policy towards compatriots abroad and determines the objectives and activities of the state authorities in this field. It stipulates that the Kyrgyz Republic guarantees protection and support for its compatriots abroad. State authorities are obliged to develop and implement measures in accordance with this law.
2013	Programme for Promoting Employment and Regulating Internal and External Labour Migration until 2020 The Programme aims to streamline migration processes and create conditions for the development of internal and external labor migration and increase the competitiveness of the economically active population of Kyrgyzstan. The main priorities of the Programme are the protection of the rights of labor migrants abroad, increasing the numbers of professional training opportunities for potential migrants, the creation of working places within the country, and reintegration measures targeted towards returned migrants.
2013	Law of the Kyrgyz Republic "On the Foundations of the State Policy to Support Compatriots Abroad" was adopted. (Prague Process, 2013)
2018	National Development Strategy for 2018-2040 The Strategy outlines areas for maximizing labor migrants' contribution to the country's economic development, including <ul style="list-style-type: none"> • Training/retraining of labor migrants in order to broaden the geographic spread of labor migration (Over 90% of Kyrgyz migrants work and live in Russia. When Russia's economy faces decline or struggles with the EU/US sanctions, it has an impact on the economy of Kyrgyzstan as well) • Ensuring protection and support of labor migrants and their families abroad by creating representative offices in the territories of mass resettlement of Kyrgyz labor migrants.
2019	Kyrgyzstan adopted the "National Mechanism for Referral of Victims of Trafficking in Human Beings"
2021	Decree #4 of the Kyrgyz Republic President S.N. Japarov "On Measures to improve the Migration Situation"
2021	Kyrgyz Republic Migration Policy Concept approved by Government Resolution #191 "On Approval of the Kyrgyz Republic Migration Policy for 2021-2030"

As shown in Table 1, in 2005, the Government developed and adopted the Act on Prevention and Combating Trafficking in Human Beings along with Article 166 of the Criminal Code (Combating Trafficking in Human Beings) which details penalties for trafficking crimes (US Department of State, 2022, p. 338). This was the official implementation of the definitions and standards for trafficking in persons articulated in the Palermo Protocols. Other initiatives have been taken over the years. For example, each of the seven regions of the country is meant to maintain a coordinating council to combat human trafficking led by the regional governor. A council in Bishkek unites the seven regional councils and holds a meeting every year.¹⁴ In 2019, Kyrgyzstan adopted the *National Mechanism for Referral of Victims of Trafficking in Human Beings* which provides official guidance for responding to cases of trafficking and providing support services to victims. The Ministry of Labor, Social Security, and Migration's Center for Employment of Citizens Abroad set up and administers a website (www.migrant.kg) with information for migrant workers, providing guidance on authorized employment agencies, and pointing migrants to communication channels for reporting if they face exploitation such as the 1899 hotline (Winrock International, 2023).

However, the effectiveness of these efforts is debatable. In the following sections, we explain some of why this has been the case: through challenges with government fragmentation, systemic challenges to governance functions related to balancing multiple and conflicting priorities, and insufficient efforts to gather data for monitoring migration and abuses.

THE CHALLENGE OF GOVERNING MIGRATION

Kyrgyzstan's migration policies over this time appear geared toward the short-term goals of help-

ing migrants earn livelihoods abroad and securing remittances rather than enacting a long-term strategy using labor migration to build equitable economic development in Kyrgyzstan (Elebaeva, 2013). Kyrgyzstan is a small country which has undergone extensive economic and demographic changes since the collapse of the Soviet Union. It is understandable that such massive changes are difficult to manage, and that they can easily turn into vicious cycles. If prospects for decent livelihoods in Kyrgyzstan are low, talented and motivated workers will have incentives to go abroad; if productive workers are moving abroad, it is difficult to effectively develop enterprises or instill confidence in workers that things will get better (see Figure 2). However, a long-term strategy for using remittance income to strategically make Kyrgyz workers more competitive (for example through better education) and to invest in domestic economic opportunities could help break the spiral (see Figure 3).

We can see an attempt at this in the National Development Strategy from 2018 which calls for better training of migrants to make them more competitive (as noted above in Table 1). However, the "Snapshot" analysis of migration governance in Kyrgyzstan by the IOM in 2018 noted that "Despite its large diasporas, Kyrgyzstan has not developed formal remittance schemes" (p. 5). We can also see this in the Migration Policy Concept approved in 2021, which notes that there is still no coherent system for making use of funds from migrants (referred to as "compatriots abroad") for development initiatives and that it is local communities who tend to mobilize remittances on their own initiative to fund local infrastructure projects (Jeenbaeva & Banerjee, 2022, p. 46).

FIGURE 2. VICIOUS CYCLE OF MIGRATION AND DEVELOPMENT.

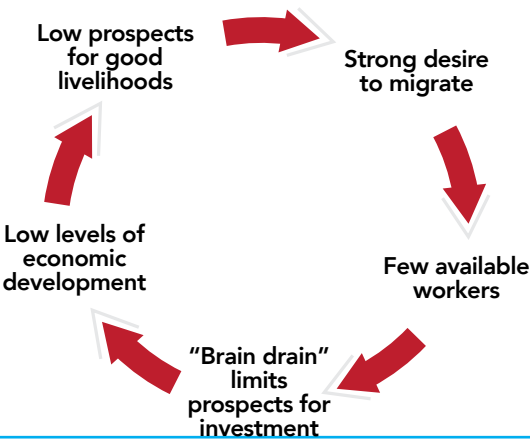


FIGURE 3. VIRTUOUS CYCLE OF MIGRATION AND DEVELOPMENT.



14 However, these councils did not meet in the reporting period for the latest TIP report, as noted by US Department of State, 340.

The short-term focus of Kyrgyzstan's migration policies has meant protections for migrants have not practically been the highest priority. In more recent years, the language of policies, at least, has shifted to include a greater emphasis on protection of migrants. However, analysts have pointed out a consistent inability to fully implement the policies across these recent decades, and, importantly, they note that there have been only weak attempts at monitoring implementation for accountability (Musabaeva, 2019).

The 2023 edition of the US State Department's TIP report notes that Kyrgyz citizens are often subject to trafficking in persons and experience labor exploitation and forced labor in Russia and Kazakhstan, which are the destinations for the majority of labor migrants from Kyrgyzstan. Kyrgyz nationals are particularly at risk of labor exploitation in agriculture, construction, service sectors, textiles, domestic service, and childcare (US Department of State, 2023).

CHALLENGES OF GOVERNMENT FRAGMENTATION AND STATE FUNCTIONING

Even as there have been promising developments in policies meant to protect migrants, there have been serious challenges implementing them effectively. One major challenge that we observed across interviews was fragmentation in the government. Firstly, major state arrangements (multiple governments as well as a new constitution) have changed over the last few years, leading to discontinuities in the application of law. Secondly, the structure of institutions has been reconfigured multiple times in recent history, leading to inconsistencies in everyday state practice as well as disruptions to institutional memory and state capacities.

When we interviewed a leading official in the Council on Migration – a recent body set up under the Speaker of Parliament – he noted that responsibility for governing migration had changed about nine times over the last 30 years, with several key changes happening in the last 2 years, with effective policy around migration becoming a priority for the new government.

"At the beginning of 2021 there was a migration department in parliament. Then the functions of the migration department were divided into two ministries. The Ministry of Foreign Affairs and Ministry of Health and Social Development. Then from Foreign Affairs, it to the Ministry of Labor, Social Security and Migration. Now, the Ministry of Health and Social Development has given all functions concerning migration to the Ministry of Labor, Social Security and Migration. And in between, we are losing our colleagues and experts. ...At first, it was an independent

governmental department. Then it was added to some ministries. Then to another. Then again it became an independent department, and so on." (Respondent 4, official in the Council on Migration.)

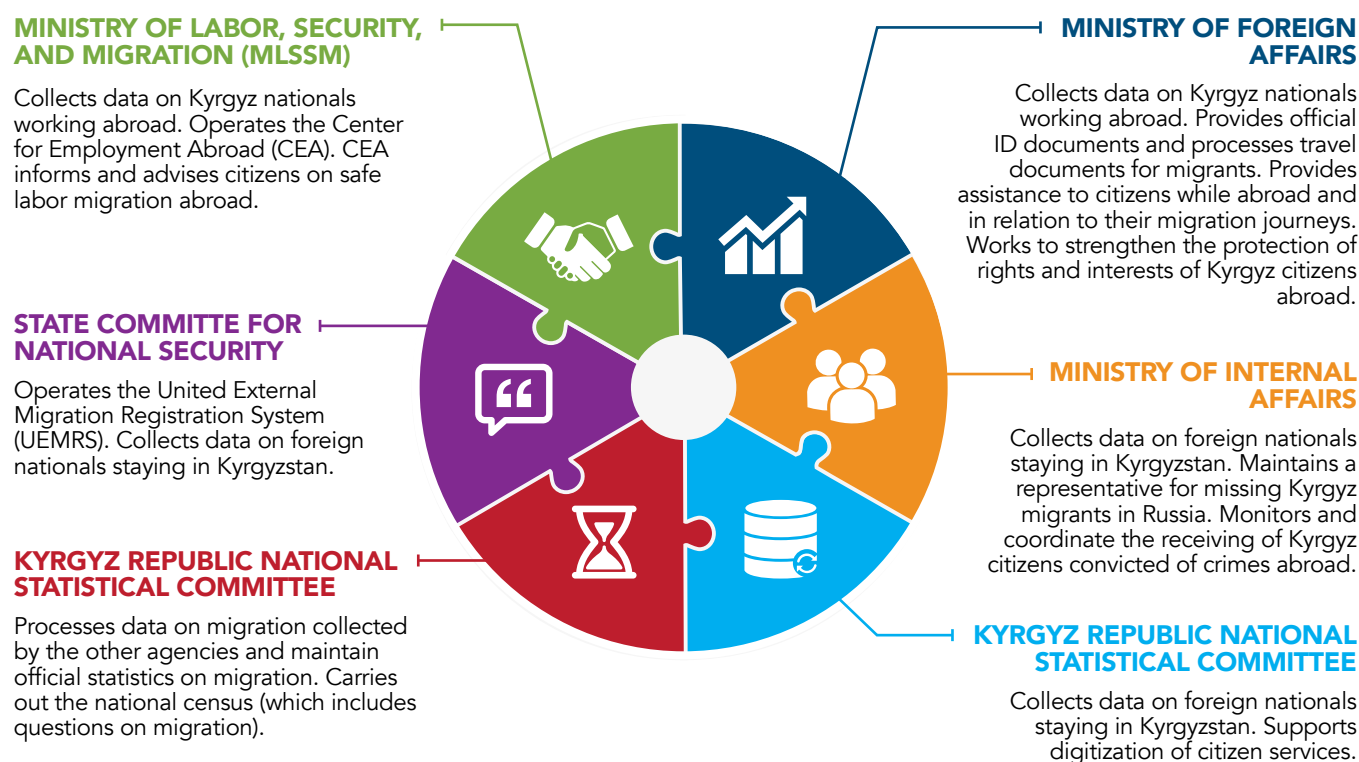
Specifically, the official was speaking about the State Migration Service which was an agency within the Parliament that was responsible for managing migration and collecting data on migration. As the official explained, the Service was disbanded in early 2021 (US Department of State, 2022, p. 340), with responsibilities for governing migration having since been dispersed to other Ministries and then brought back under the responsibility of a single entity – the Ministry of Labor, Social Security and Migration (MLSSM). However, it is not clear how the official's own Council on Migration, which is neither a Parliamentary body nor a formal ministry, fits practically within the arrangements for governing migration.

Currently, the government *does* have a process for helping aspiring migrants find formal work abroad through providing information, regulating recruitment agencies, and connecting aspiring migrants to employers abroad. According to the Kyrgyzstan's voluntary review of its implementation of the Global Compact for the Safe, Orderly and Regular Migration (2022), the Center for Employment Abroad (CEA), which sits within the MLSSM, fulfills these responsibilities. Some believe these systems to be fully sufficient to keep migrants safe and employed in formal, regulated employment. One of the officials we spoke to explained,

*"And our task as a migration service is to provide full access to these information resources, create them, and make them available to the public. Suppose, together with the IOM, we developed the Migrant's Handbook, a phone application that will always be nearby and by going there you can see all the necessary information. There is a short number 1899. There is a portal migrant.kg [which] is a very good portal. And this work is ongoing. And the task of a person is just to go in and spend an hour on it, find out all the necessary information before leaving. **But unfortunately, a lot of people don't use it.**" (Respondent 4, official in the Council on Migration.) (emphasis added)*

According to the voluntary review document, in the first six months of its existence, "In 2021 alone, 28,112 people, including 4,367 women, contacted and received advice from CEA, and over 10,000 people visit the CEA website every month" (Kyrgyz Republic, 2022,

FIGURE 4. KEY STATE ACTORS GOVERNING MIGRATION AND THEIR RESPONSIBILITIES.



* This figure is based on information contained in the following document: Kyrgyz Republic, UN Network on Migration in the Kyrgyz Republic, and other stakeholders, 'The Kyrgyz Republic National Voluntary Review on the Implementation of the Global Compact for Safe, Orderly and Regular Migration'.

p. 4). Despite the official's claim that "a lot of people don't use it", many citizens are attempting to make use of this resource to stay safe on their migration journeys. And yet, they are still made vulnerable during migration. There are simply not enough formal sector jobs available for those migrants who are interested, and access to clear and helpful guidance is not enough under the current systemic conditions. We explore this dynamic further in section 4.2 below from the perspective of migrants.

In addition to this constant shuffling, when it comes to the governance of migration, different components of the state (i.e., different agencies across different levels) have different perspectives on and objectives for migration. Just as responsibilities for counter trafficking have been split across multiple government agencies resulting in a bureaucratic quagmire, the responsibility for governing migration is also spread across many different agencies. Because these agencies and their responsibilities have been frequently reorganized over the years, this has led to confusion over mandates and failure to build institutional memory or capacity.

The current main responsibilities of the key agencies involved in governing migration can be seen in Figure 4.

The Ministry of Labor, Social Security, and Migration (MLSSM) is the primary ministry tasked with governing

migration. However, since the issues associated with migration influence so many aspects of the country, other ministries and state actors also have interests in influencing migration policy. For its part, MLSSM collects some data on Kyrgyz nationals working abroad, though we discuss data weaknesses below. It also operates the Center for Employment Abroad, which attempts to help citizens migrate safely and find jobs in the formal sector where possible.

As noted just above, there are tensions between the goals of helping migrants go abroad and keeping talent in the country. MLSSM must balance supporting migration with the goal of providing better domestic economic opportunities and stronger social support services which could diminish the need for citizens to migrate in the first place.

The Ministry of Foreign Affairs advocates for the protection of citizens abroad. To this end, it also collects some data on Kyrgyz nationals working abroad, provides official ID documents and travel documents for migrants, provides diplomatic assistance to citizens while abroad, and works to strengthen the protection of migrant rights and interests of citizens abroad. However, it also plays the wider role of enacting the country's full foreign policy agenda, and it must therefore balance the protection of citizens with other international objectives.

The Ministry of Internal Affairs also plays an important role in governing migration, primarily in monitoring and managing foreign nationals staying in Kyrgyzstan, but also in coordinating with foreign governments on cases of Kyrgyz citizens convicted of crimes abroad. It maintains a representative office in Russia to support searches for Kyrgyz migrants who have gone missing in Russia. Given its primary role as enacting Kyrgyzstan's domestic policy agenda, we find that it tends to view migration through the lens of domestic challenges. Namely, for this ministry, migration represents the loss of human capital, challenges for the communities that migrants leave behind, and the struggle to develop domestic economic opportunities.

The Ministry of Digital Development engages with migration through supporting the digitization of citizen services (which can be accessed by citizens abroad) and by collecting data on foreign nationals staying in Kyrgyzstan. Based on our research, we noted that this ministry has significant potential to support citizens abroad, but it is not clear that the government is integrating digital tools into efforts to protect migrants or coordinating the work of this ministry alongside the others with shared responsibilities.

The State Committee for National Security engages with migration through monitoring foreign nationals staying in Kyrgyzstan and operating the Unified External Migration Registration System (UEMRA). The UEMRA records information about people and vehicles crossing the national borders. Despite the name, the UEMRA is primarily set up to track migrants *into* Kyrgyzstan, which perhaps explains why maintenance of this data system rests with the state body concerned with national security (Kyrgyz Republic, 2022, p. 8).

Noting the challenges of effectively maintaining data on migrants abroad and difficulties they face, we find it somewhat incongruous that the UEMRA (or something like it) doesn't coordinate the data on Kyrgyz citizens migrating abroad with the same level of detail as for migrants coming into the country. This suggests a conceptualization of migration as a risk to national security rather than risks to migrants as a national security issue.

In fact, one advocate we interviewed stated explicitly that high levels of emigration (particularly to Russia) can lead to vulnerabilities in Kyrgyzstan's national

security, since such a large percentage of the citizenry is out of the country and is likely to feel an allegiance to or alignment of interests with another country. He explained, "If we held a referendum over whether to become part of Russia, Kyrgyzstan would lose" (Respondent 3, NGO migration advocacy worker).

Finally, the Kyrgyz Republic National Statistical Committee, which is the main official statistics institution for the country, engages with migration through collating and processing data on migration collected by the other agencies and ministries. It maintains the official statistics on migration, and it carries out the national census (which includes questions on migration). In our analysis, the National Statistical Committee, like official statistics institutions all over the world, is interested in getting the most relevant and useful data on migrants. However, given the fragmentation of data collection responsibilities across different state actors and a lack of clear priorities around gathering data fit for the purpose of protecting migrants, we find that the National Statistical Committee is not currently being deployed to its full potential for supporting and protecting migrants. For example, the data held by the National Statistical Committee is treated as record-keeping rather than being operationalized within state functions as appears to be the case with data held by the UEMRA.

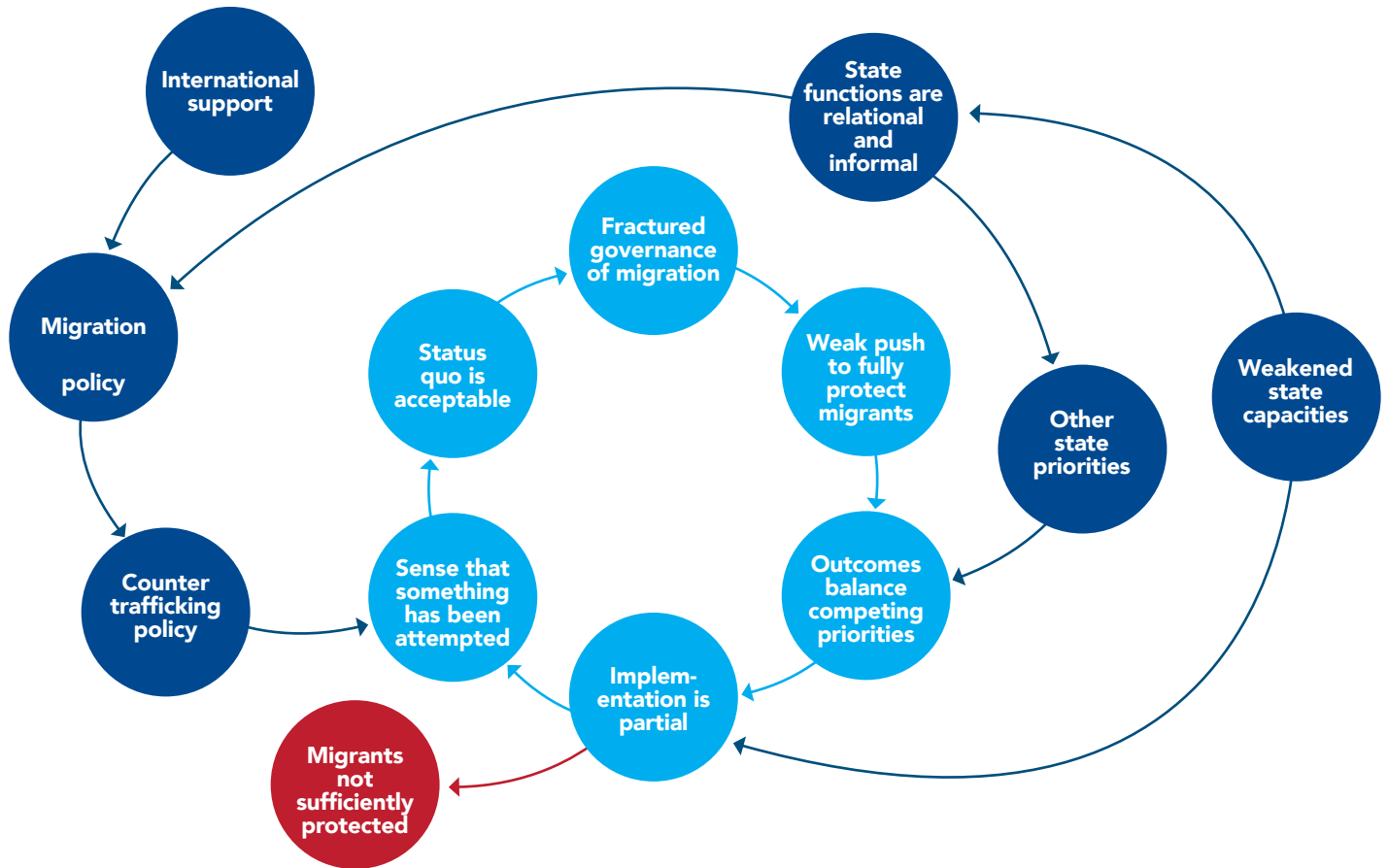
Figure 4 and the discussion above help to illustrate the responsibilities divided among the many government entities responsible for governing migration. Not only that, within and across the relevant state actors, it is possible to see the competing narratives around migration and competing interests in relation to migration that must be balanced.

Remittances from migrant workers abroad are an incredibly important part of Kyrgyzstan's economy. According to the latest World Bank data, remittances constituted 27.9% of Kyrgyzstan's GDP in 2022, making it the fifth most remittance-dependent country in the world (World Bank Open Data, 2023). This aspect creates incentives for some government entities to limit regulations in order to allow for the free flow of migration.

At the same time, a government has obligations to protect its citizens, while allowing for as many freedoms as they see as entitled¹⁵: the right to make

15 Of course, this is relative and will all depend on the sociocultural background of a country – where different values are placed on individual freedoms versus the collective good: individualism vs. collectivism. See Geert Hofstede, *Culture's Consequences: Comparing Values, Behaviors, Institutions and Organizations Across Nations*, 2nd edition (Thousand Oaks, Calif.: SAGE Publications, Inc, 2003). See also some of the subsequent discourse around some of those key ideas, such as Peter B. Smith, 'Culture's Consequences: Something Old and Something New', *Human Relations* 55, no. 1 (2002): 119–35, <https://doi.org/10.1177/0018726702551005>; Bradley L. Kirkman, Kevin B. Lowe, and Cristina B. Gibson, 'A Quarter Century of Culture's Consequences: A Review of Empirical Research Incorporating Hofstede's Cultural Values Framework', *Journal of International Business Studies* 37, no. 3 (1 May 2006): 285–320, <https://doi.org/10.1057/palgrave.jibs.8400202>; Bradley L. Kirkman, Kevin B. Lowe, and Cristina B. Gibson, 'A Retrospective on Culture's Consequences: The 35-Year Journey', *Journal of International Business Studies* 48, no. 1 (1 January 2017): 12–29, <https://doi.org/10.1057/s41267-016-0037-9>; Martin Fougère and Agneta Moulettes, 'The Construction of the Modern West and the Backward Rest: Studying the Discourse of Hofstede's Culture's Consequences', *Journal of Multicultural Discourses* 2, no. 1 (21 May 2007): 1–19, <https://doi.org/10.2167/md051.0>.

FIGURE 5. FEEDBACK LOOP OF PROTECTION POLICIES.



their own decisions, regardless of risk and outcome. Even accounting for the importance of economic maximization (income from remittances is important), better-protected migrants might earn more money if they are able to easily find jobs in the formal sector. However, as some may see it, too many citizens abroad can threaten national security, and maintaining cohesive and up-to-date awareness of the status of citizens abroad (and what problems they run into) can place a burden on the resources of the state.

Through considering this fragmentation of migration governance, we can see that there is no unified set of interests that the state (or any government entity) holds regarding migration or migrants. The different actors within the government inevitably see and respond to different aspects of migration challenges. And the balances of power lead to some compromise on arrangements so that the government can plausibly claim to be doing enough to protect both citizens and the economy. The everyday functions of the state play out in this way, diverging from what is called for on

paper, shaped by the reality of systemic conditions and the balance of power.

The challenge posed by this feedback loop is depicted in Figure 5. It is helpful to understand the situation as a feedback loop because the entrenched aspects of the existing political settlement (that is, the existing sets of interests and incentives felt by the various state actors that contribute to the task of protecting migrants through implementation of migration policy) will continue to resist efforts to create change.

In this way, the current state functions and systemic conditions continue to generate vulnerability in spite of policies aiming to protect migrants. However, if the objective of protecting migrants can be made a higher priority through leadership, the balance of power that underlies the existing political settlement can begin to shift to make it increasingly possible to achieve further protection.

THE CHALLENGES OF DATA, MONITORING, AND PROSECUTION

Even though multiple state actors have responsibilities for collecting data through their roles contributing to migration governance, existing data on migration and instances of trafficking experienced by Kyrgyz migrants is not sufficient.¹⁶ This challenge is linked to the state functions discussed in the previous section, and in this section, we show how a vicious cycle around data generates vulnerability.

The issue of poor data on migration and trafficking came up often in our interviews. Officials and other respondents explained that the government does not fully keep track of citizens as they migrate. One respondent explained,

“Of course, it is necessary to register everyone who travels abroad. For what purpose? To take care [of them] and provide assistance. We do not have this. There is no exact data on where they work, who they work with, in what situation, how insured they are, and whether they receive wages.” (Respondent 14, civil society activist from a minority ethnic group)

This is corroborated in the literature. IOM’s migration “snapshot” pointed out that State Migration Service (which, as mentioned above, has since been disbanded) only sporadically collected and published data on migration, and this was not consistent with data kept by the National Statistical Committee (IOM & UN Migration, 2018, p. 3). Despite multiple policies calling for better data on migration, as of 2022, this had not been achieved (Jeenbaeva & Banerjee, 2022). One of the best sources of data on migration in Kyrgyzstan is the *Life in Kyrgyzstan* Study, which is an ongoing longitudinal study tracking the same 3,000 households (constituting about 8,000 individuals) with multiple waves of interviews since 2010, initiated by the Institute of Labor Economics (IZA) in Bonn, Germany.¹⁷

Beyond the lack of accurate data on migration and the experiences of migrants from Kyrgyzstan, there is almost no reliable data on the incidence of labor abuses and trafficking faced by Kyrgyz migrants. The 2022 TIP report notes, “The government lacked a uniform system of collecting data on its anti-trafficking efforts, which continued to hinder effective self-evaluation” (US Department of State, 2022, p. 340). Some of the

very few estimates of the incidence or prevalence of trafficking among Kyrgyz citizens include a 2005 IOM report estimating that 4,000 women and girls fall victim to sexual exploitation (trafficking) annually (p. 42) and a 2010 study that sampled 1,990 Kyrgyz respondents to construct an estimate of nearly 48,000 total victims of trafficking outside the country (Kydyrov & Abakirova, 2010, p. 25).

A major issue of state functioning that intersects with the lack of data is the lack of monitoring and prosecution. The limited direct data on trafficking that exists is primarily from the few victims who come forward to report their trafficking experiences and are identified as victims. Based on the interviews conducted, the cases of trafficking are most likely in the thousands, an extremely limited number of cases have officially been investigated, shown for the last four years in Table 2, as reported in the 2022 and 2023 TIP report.

TABLE 2. TRAFFICKING INVESTIGATIONS IN KYRGYZSTAN OVER THE LAST 4 YEARS.
(US DEPARTMENT OF STATE, 2022 AND 2023)

Year	Investigations initiated on sex trafficking	Investigations initiated on forced labor
2022	30	
2021	1	5
2020	24	16
2019	1	7

One of the likely reasons for the paltry numbers of investigations was offered by a staff member from a prosecutor’s office: the complicated bureaucratic machinery. He explained the process that happens when a trafficking case is opened:

“All authorities dealing with the issue of human trafficking immediately respond. The agencies from the Ministry of Interior Affairs and the prosecutor’s office and the National Security Committee. It becomes a big issue because it is related to human trafficking. Everyone gets involved because it happens rarely.” (Respondent 2, agent in a prosecutor’s office)

Similar challenges arise when trafficking and labor issues occur abroad, as we heard in another interview:

16 As of 2018, see IOM and UN Migration, ‘Migration Governance Snapshot: The Kyrgyz Republic’, 3.5. As of 2022, noting the passage of the Concept of Migration Policy of the Kyrgyz Republic 2030 and the development of the National Action Plan, see Jeenbaeva and Banerjee, *Policy Analysis on Migration, Environment and Climate Change: Kyrgyzstan*, 45–48. For details on the Concept, see United Nations Network on Migration, ‘Concept of Migration Policy of the Kyrgyz Republic 2030’, United Nations Network on Migration, 10 May 2022, <https://migrationnetwork.un.org/fr/node/11141>.
17 <https://lifeinkyrgyzstan.org/> We followed the process for requesting access to this data, but it was not granted.

"When you work in Moscow with the Embassy, [there can be] signal crossing between the Consular Service, the Migration Service, and the Ministry of Interior Affairs. Each of them works with their part. If a person fell into slavery or there was a [labor issue], or his documents were damaged or lost. In such cases, the Consular Service documents this citizen. If a citizen needs additional assistance, looking for a new job, or updating their migration status, this is done by the representative office of the Migration Service. And to make decisions regarding those people who are involved in this, then the representatives of the Ministry of Interior Affairs are involved." (Respondent 13, former government official with experience as a migration authority.)

The bureaucratic burden that arises for officials whenever a case of trafficking is opened incentivizes the authorities to treat trafficking cases as lesser crimes. The 2022 TIP report notes this issue, stating that "investigators frequently downgraded trafficking crimes to lesser charges to ease investigation and prosecution, which lead to lesser penalties" (US Department of State, 2022, p. 338). The staff from the prosecutor's office echoed the narrative, explaining,

"A case of human trafficking is very difficult, and it has to involve lots of agencies. They open it as a case that is much easier to close. Classification of human trafficking needs a lot of experience. Very rarely the case is classified as human trafficking." (Respondent 2, agent in a prosecutor's office.)

The seriousness of the crime of trafficking, along with the rarity with which cases are formally brought, and the pervasive misunderstanding of the actual nature of trafficking offenses lead to the somewhat counterintuitive situation where trafficking is actually under-prosecuted.

A lead member of the newly formed Council on Migration which sits with the office of the executive at the central government level explained to us that,

"When we talk about human trafficking, we don't have a clear understanding. We usually think that taking a human and then selling them to someone is human trafficking, but in reality, it all starts from recruitment, by forcing them to leave the country and crossing the border. And the

end result is human trafficking." (Respondent 4, official in the Council on Migration)

This is consistent with what we heard from many authorities in Bangladesh and Cambodia in our previous research project on the challenges of victim identification (Kasper & Chiang, 2022). An inaccurate picture of trafficking as unthinkable horror leads authorities who are responsible for identifying instances of trafficking to miss them even when they are confronted with cases that ought to be obvious.

Further this seems to validate existing data collection practices. If few cases of trafficking are identified, the government can claim that trafficking is rare. If trafficking is rare, there is no need to look closer for cases that may be falling through the cracks. This dovetails with the pressure most governments feel to downplay or minimize the scale of trafficking issues. The lack of data can be construed as evidence of the absence of a problem, making it tougher for any official to insist on gathering better data.

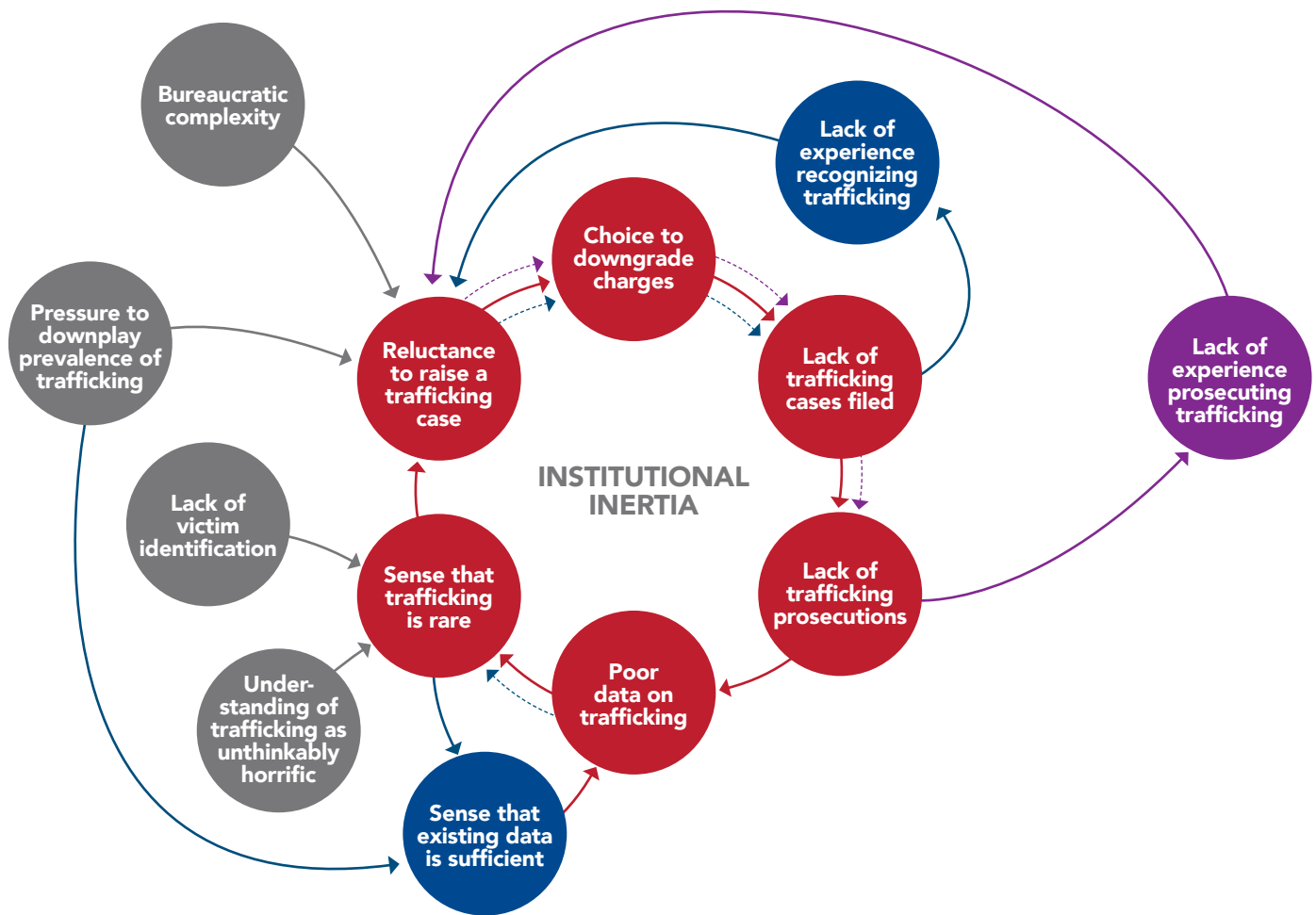
All these challenges interlock to create vicious cycles (depicted in Figure 6) that keep victims from coming forward, being identified, and accessing support. The misunderstandings around the nature of actual trafficking cases coupled with the complicated bureaucracy leads to institutional inertia. Few cases are identified or filed, keeping the identification and prosecution of trafficking rare. The rarity appears to validate the approach and entrenches the reluctance of authorities to raise future cases. It also keeps prosecutors and law enforcement from gaining valuable experience with prosecution, meaning that few authorities feel adequately qualified to file or try such cases in the future.

THE CHALLENGE OF GOVERNING RECRUITMENT AGENCIES

The issue of regulating employment/recruitment agencies merits further discussion. Based on interviews in multiple countries throughout our previous research projects, we have seen that many countries struggle to effectively regulate private sector recruitment agencies. Kyrgyzstan's approach to regulating its recruitment agencies appears to be one of the most highly regarded in the region. Nevertheless, there are serious weaknesses.

The MLSSM has an information and advisory center which issues licenses to private recruitment agencies and directly oversees their compliance with laws. Today there are 138 private employment agencies in the Kyrgyz Republic that have received licenses and are listed on the Ministry's website (Bengard, 2022). The

FIGURE 6. VICIOUS CYCLES OF INSTITUTIONAL INERTIA, POOR DATA, AND LACK OF PROTECTION



main destinations are the UAE, Turkey, South Korea, and European countries.

In an interview, an NGO worker and migration advocate explained to us that,

"If [migrants] go through private employment agencies that have obtained licenses, the likelihood that they will become victims of human trafficking is practically zero. In any case, they receive licenses, they are accountable to the authorized body... In parallel, there are illegal agencies that offer their services. Since the population has low legal literacy, they are amenable to this. A young man called us, he did not know that we were providing assistance, but thought that we were employing him. He is from a remote rural area and wants to go to England. He wanted us to send him to England right now. I asked: do you have a registration? do you know English? He says no, he doesn't know." (Respondent 1, NGO migration advocacy worker.)

While 138 licensed agencies exist, they are vastly underutilized by migrants going to Russia. The reasons for this are not fully understood. It is possible that migrants do not wish to pay for services as they can travel to Russia without a visa and feel they can use their connections in Russia to find work. As stated above, utilizing informal connection or unlicensed brokers can create more precarious conditions for potential migrants.

In interviews with multiple returned Kyrgyz migrants, we heard about unscrupulous recruitment agencies who exploit and scam migrants, sometimes leading them into trafficking. Officials we spoke to confirmed that such exploitation is rampant, and the leading member of the Council on Migration explained that the government struggles to effectively regulate these unlicensed agencies. We heard that when an illegal agency is shut down, the people behind it can easily open a new agency and continue their illegal activities under a new name.

The quote from the NGO worker above includes a comment about people having low “legal literacy.”

This is something we heard from multiple interviews with NGO workers. In some cases, the NGOs were working to increase awareness around laws and rights. We find the use of this English phrase “legal literacy” to be curious, probably having entered the discourse through international organizations or programming. We observed it to be associated with some degree of condescension and the assumption that if people were more aware of the law, more aware of their rights, and more aware of the risks of informal/illegal migration, they would be safer. We have observed this kind of thinking across our previous research projects in other countries, and we note that evidence suggests increased awareness is neither associated with less risk-taking behavior nor better outcomes (Kiss et al., 2021).

Instead, experiencing tremendous pressure to migrate under circumstances of precarity will lead people to take risks, even when they are fully aware of the risks. While deeper understanding of one’s rights and greater access to information resources are positive, there is no substitute for access to one’s rights and social protections. While it is understandable that officials may be frustrated that citizens continue to take risks and to migrate through informal channels, it is important to remember that it is the state which bears responsibility to shape the systemic conditions in which people find themselves and take decisions accordingly.

The regulation of employment and recruitment agencies is analogous to the other challenges we have presented. It is, on the surface, about effectively implementing policies that are already in place. However, it is not a simple matter of state capacity; it is a matter of an entrenched system that continually generates vulnerabilities (depicted in Figure 7). Informal agencies arise to meet the demand for migration support since there are insufficient formal migration opportunities available. These agencies are difficult to govern since they can easily skirt laws. There is also a systemic incentive to allow them to operate to facilitate the massive migration demand.

CONCLUSIONS REGARDING GOVERNING MIGRATION AND PROTECTING MIGRANTS

In this section, we have explained how even as Kyrgyzstan has taken some direct actions to govern migration and address trafficking, the efforts appear to be largely ineffective because of several vicious cycles. Officials act according to a misguided understanding of the nature of trafficking, there is little evidence on which to base policy and action, there is little incentive to gather additional evidence to strengthen counter trafficking efforts, and institutional capacity for effective counter trafficking action is lacking in large part because these

multiple interlocking factors keep counter trafficking from being an institutional priority across the multiple and disconnected agencies that share responsibilities.

Trafficking in persons during labor migration constitutes a major threat to Kyrgyz citizens that is not being sufficiently addressed. To deepen our understanding of how governance systems generate vulnerability to trafficking, we need to consider how the systems for governing labor migration function in reality, not only what exists in policy.

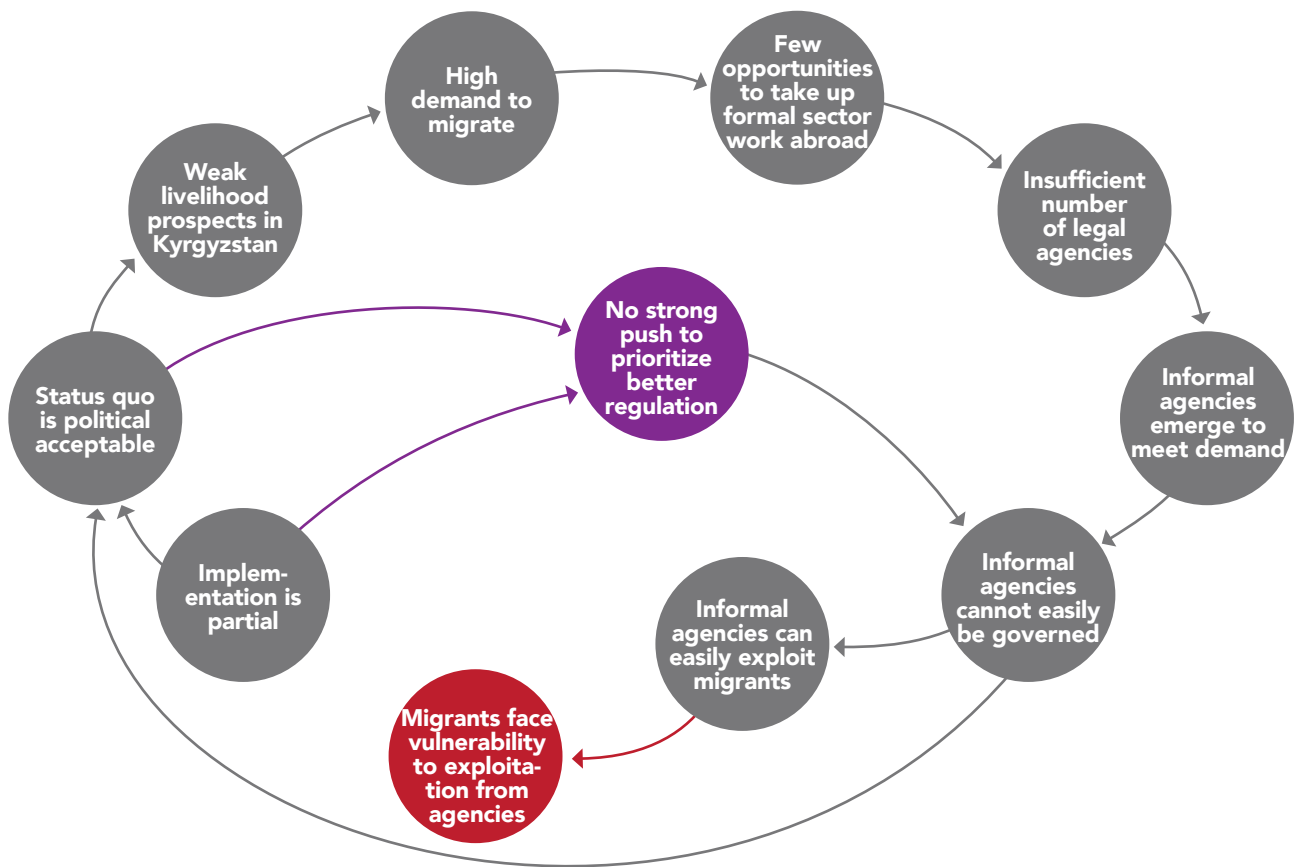
Collaborative efforts between the government(s) of Kyrgyzstan and international institutions have led to the development of stronger policies, and this is an important step in the right direction. However, we have also shown that the government (as well as civil society) continues to hold unhelpful assumptions about how people act and what factors matter for protecting people. Authorities appear to believe migration is an individual choice and the experiences of abuse, exploitation, and even trafficking are individual incidents down to bad luck or bad decisions.

On the contrary, we have shown in this section that the system of migration – which is shaped by prevailing economic conditions and a context of ambivalent legal protections –exposes people to excess risks in a systematic way. Migration (along with its associated risks) is a phenomenon rooted in the everyday functions of Kyrgyzstan as a whole, not a disconnected set of actions taken by separate individuals. In this way, actions taken by the state either shape the conditions of the migration system or fail to reshape them, with the result that vulnerability is continually created as an everyday part of that system.

5.2 Social and economic patterns related to migration: lived experiences of vulnerability

In this section, we dig deeper into the structures and dynamics of the economic and social systems which, together with the state, condition the lived experiences of people in Kyrgyzstan. This is depicted in the left side of Figure 1 (repeated below), in which we consider the wider systemic forces and mechanisms which generate vulnerability. People’s agency is constrained by those systemic conditions, and there are important patterns in how people tend to make choices, including choices about migration and the risks that must be traded off as they pursue their aspirations.

FIGURE 7. FEEDBACK LOOP OF INEFFECTIVE AGENCY REGULATION.



SOCIAL SYSTEMS AND HOW PEOPLE RELATE TO THE STATE

Historically, Kyrgyz society has been organized in a relatively decentralized way, with warrior clans (Gyul, 2020) uniting and dispersing in response to internal and external threats. According to legend, the name of Kyrgyzstan is based on 40 warrior queens ("kyrk kyz", or 40 girls) or the 40 clans united by the hero, Manas. This is reflected in the 40 rays of the sun depicted on the Kyrgyzstan flag (Wikipedia, 2023). The evolution of such social and cultural organization makes sense in the mountainous regions of Central Asia – where remoteness and rugged geography require self-sufficiency, mobility, and adaptability.

It is not our intention in this paper to suggest culturally reductionist explanations for our findings. However, based on the extensive experience of our research team working in the country and our many in-depth conversations, we have identified some unique social patterns in how people interact with each other and the state which likely impact how vulnerability emerges during migration.

Firstly, there are very low levels of trust in government,

which seem to be rooted in a strong distrust of power or authority which is not intimately tied to immediate and local relationships. Secondly, there are very strong levels of trust in immediate and local relationships.¹⁸ Centuries of experience with colonial governments attempting to exert control from elsewhere on a population that has traditionally been structured around clan connections could explain some of these patterns, and recent decades of experience with state corruption and limited state capacity, have also validated and entrenched them, as we explore below.

Whatever the reason, this dynamic of resisting or subverting distant authorities and relying on local ties is prominent (and repeatedly noted in interviews). It is also likely self-reinforcing as a systemic pattern. Despite nation-building efforts in the post-Soviet period, governments have proven themselves incapable of effectively driving prosperity or providing social protection for citizens. Continued disinvestment in the national project by local groups, while a rational coping strategy, hampers efforts by any central government to act with consistent or effective authority. This appears to be a point of pride, as one (ethnically Russian) respondent told us when asked about the prospects of the current government taking more effective action

18 The tendency to rely on family and local connections was confirmed by almost all of our interviews. We also observed our own anecdotal evidence: whenever we encountered a beggar while driving in a taxi or rented car, the various drivers would stop to give some money. We would ask them why they stopped and why they felt like giving; they would usually explain that the beggar was part of the community, and they felt an obligation to help, feeling that someone would also help them if they were in need. For us, this was a unique pattern not seen in any other countries in which we have conducted research or even visited as tourists.

to protect citizens and manage migration, “We are Kyrgyz. If we don’t like it, we will block the road and change it” (Respondent 15, NGO migration advocacy worker).

Everyday citizens and migrants tend to share the same misconceptions as the authorities about how vulnerability is created in the system of migration – namely that difficulties faced during migration are down to the choices and bad luck of individuals. In multiple interviews we heard the idea that when someone ends up in forced labor or other forms of trafficking, “it’s a shame.” This phrase, in Kyrgyz, appears to have both the connotation of something being down to bad luck (as in, “oh, that’s too bad”) and also the connotation of being something shameful.

One of the American researchers on our team had spent years working in a small town in Kyrgyzstan. He reported that it is common for people to simply ignore something bad happening to someone else (for example, a child at school crying because they faced domestic violence at home). Ignoring the suffering of the person is meant to help them avoid the shame of what happened to them, but it also means that the person must endure the ordeal alone and simply move past it, eventually rejoining the group. In this way, Kyrgyz migrants who return after suffering some form of trafficking tend to avoid seeking help or going to the authorities. While this is common in many countries and contexts,¹⁹ the phenomenon appears to have a unique cultural valence in Kyrgyzstan.

Almost all the migrant workers and families we interviewed in Kyrgyzstan reported knowing someone, often a relative, who had faced some form of labor exploitation while abroad. When we asked if the victim had gone to the police or reported their experiences to any of the official channels (such as the 1899 phone hotline), the answer was always “no.” In our interviews, we did not hear of the crime being reported to the authorities.²⁰ As we explained above, very few cases of trafficking have been investigated in recent years, and this has become entrenched in another cycle: victims know they are unlikely to be formally identified as such and the lack of victims coming forward appears to validate the state’s limited efforts to identify victims and investigate cases.

Based on the interviews and interactions, there seems to be a widespread sense that there is pervasive corruption in the government. Officials we spoke to openly mentioned corruption as a major problem. We spoke to an official who had previously been posted in the Anti-Corruption Service.²¹ He explained to us,

“According to national statistics the first [most] corrupt agency in the country is the Ministry of Interior Affairs, and the second one is the Customs. This is from official sources... [The Anti-Corruption Service] is in 6th place in official statistics, and it is open information.” (Respondent 7, agent formerly posted in the Anti-Corruption Service)

The role of the police is one key area where corruption impacts the way people respond to migration risks (as well as other issues). There is a strong sense amongst some respondents that the police function as a corrupt institution. When asked to explain how people feel about the police and why there are low levels of trust, the same respondent explained, “First of all, this is due to corruption. For example, when you think about a police officer you immediately imagine the policeman asking for money from you. This is an established association” (Respondent 7, agent formerly posted in the Anti-Corruption Service).

Further, he elaborated on the issue of “capacity building” in relation to trust in state function:

“According to the state, what needs to be done is capacity building. More funding from international organizations. Training on raising awareness, and education of the state workers. Requiring more international participants in the question. In my opinion [what needs to be done is] to change the entire structure. [Specifically] to remove the idea of militia(police); to ensure that the image of the law enforcement body is trustable. That people will be protected, and it’s not only on paper. It’s more about trust.” (Respondent 7, agent formerly posted in the Anti-Corruption Service)

19 The systemic dynamic of not coming forward as a victim of trafficking because of social shame/stigma and distrusting authorities was identified as a common challenge to victim identification in our previous work, Kasper & Chiang, ‘Barriers and Opportunities for More Effective Identification of Victims of Human Trafficking’.

20 Of course, some victims must report their experiences to authorities, as a limited number of cases do get investigated. However, we did not speak with anyone who had personally reported their experiences or knew of anyone who had. Further investigations would be helpful in order to understand what went right in the limited cases that have been investigated and what might better support victims in coming forward.

21 From 2005 to 2010, there was a National Agency for the Prevention of Corruption. In 2011, a new institution was created, the Anti-Corruption Service, which sits within the State Committee on National Security, as explained in Maira Martini, ‘Overview of Corruption and Anti-Corruption in Kyrgyzstan’, U4 Expert Answer (Anti-Corruption Resource Centre, Transparency International, CMI, 9 January 2013), 7–8, https://knowledgehub.transparency.org/assets/uploads/helpdesk/363_Overview_of_Corruption_in_Kyrgyzstan.pdf.

In this way, we can see how both citizens and officials, especially those looking to genuinely protect people through good-faith public service, feel cynical about the prospect of change. They can see the “on paper” policies changing to bring the country in line with international standards, but things on the ground are not significantly improving. Multiple governments’ framing of the problem as one of building capacity rings false because, in citizens’ experiences, greater capacity in the current institutional arrangements will not stop corruption. It is understandable, then, that most citizens opt to conduct their affairs without engaging the state. In the case of migration, this means relying on informal connections who may feel more trustworthy than the state, but which carry a significant risk of deception and the potential to fall into trafficking.

ECONOMIC CONDITIONS AND RELATIONAL LIVELIHOOD STRATEGIES

In our interviews with both officials and citizens, we heard a consistent message that there are not enough jobs for people in Kyrgyzstan; that people struggle to earn a living; that there are few opportunities for advanced professional jobs; and that many, if not most, people feel they must migrate abroad to have good economic prospects. A review by the OECD notes that just before the fall of the Soviet Union (1990), the average wage in Kyrgyzstan was 74% of that in Russia, but afterwards, fell much lower such that in 2010, the average wage in Kyrgyzstan was only 20% of that in Russia (OECD, 2018). The pattern of emigration that has been going on since the end of the Soviet Union has become entrenched. The “brain drain” presumably makes it harder for the government to nurture more developed economic sectors, and this in turn reinforces people’s sense that they must leave.

An NGO worker explained in an interview that,

“The state itself pushes our citizens to emigrate. The institution of the family also pushes. Jobs are not created in the country, but on the contrary, jobs are offered abroad.” (Respondent 1, NGO migration advocacy worker)

These “push and pull” factors for migration operate through the strongly relational social and cultural norms of the society. As mentioned above, when people decide to migrate, they are more likely to seek advice and help from informal connections rather than the state: members of their family, then people with ties to their community and region, then other social contacts, and only formal state resources when abso-

lutely necessary (or in cases where they are connected to state resources by personal connections) (Schmidt & Sagynbekova, 2008; Murzakulova, 2020; Vinokurov, 2013).

These norms represent a reasonable strategy for mitigating one set of risks (e.g., the risk of not finding a livelihood, not finding a formal route for migration through state services, or facing state corruption) by doing something that, according to common sense based in prevailing social and cultural norms, is less risky (i.e., relying on personal connections). However, relying on personal connections can carry its own risks. For example, there are many cases of family members leading their relatives into trafficking. We have heard of traffickers exploiting personal and family connections in all of the countries from our previous studies.

One migration advocate explained,

“Because relatives invite, and there they already fall into slavery. Lots of [people] who went there, they call their relatives and friends. They say we will meet you, arrange everything normally. And there is a violation of rights from there.” (Respondent 14, civil society activist from a minority ethnic group.)

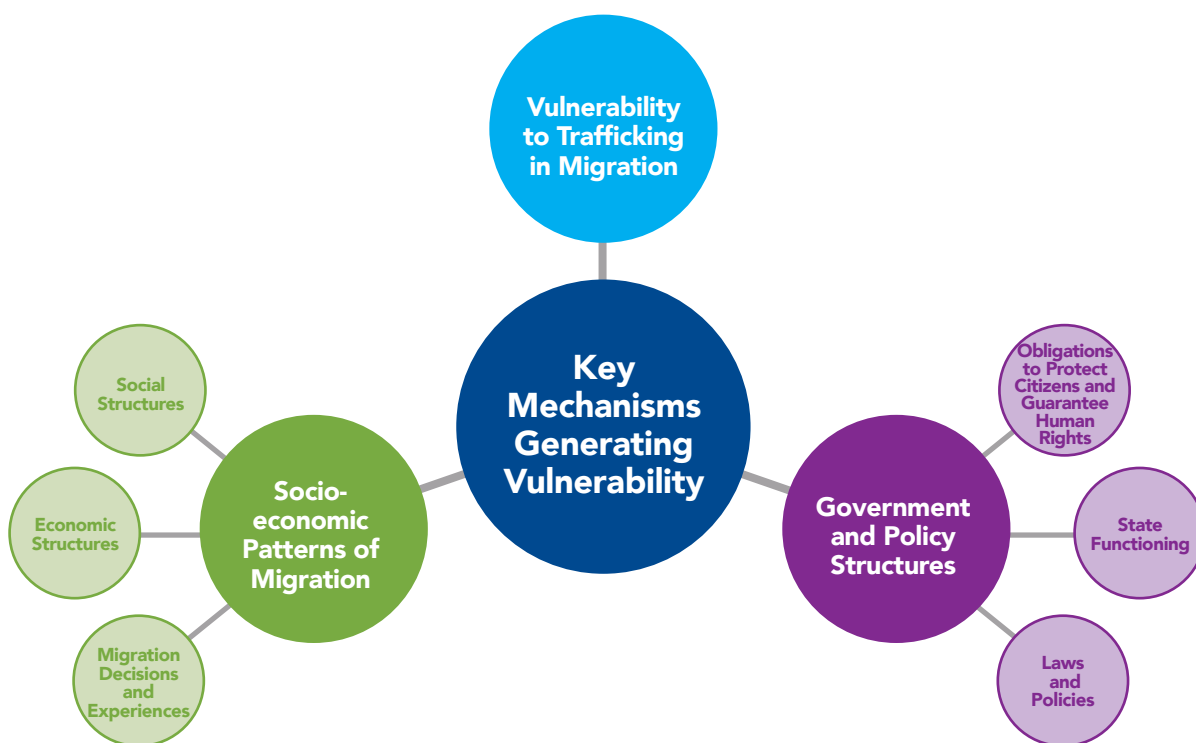
An activist with a long history of migration advocacy shared the following story:

“Her aunt came and spoke beautifully. The documents were prepared, the loan was taken, and she took away her and a group of girls. And then, in Turkey, she already had established sales... The girl herself was able to get through to me on the phone. She said, ‘[Auntie], they want to sell me, help.’ She was just a virgin and it saved her. Those 6 girls left immediately, and they wanted to sell her at a high price... [I threatened them] that if she does not arrive in Kyrgyzstan in 3 days, then we will open a criminal case.” (Respondent 15, NGO migration advocacy worker)²²

Following other migrants from your town or region may not lead to the best opportunities abroad, and it may, instead, create a risk of getting stuck in poor living conditions or exploitation. One dynamic that we heard about from multiple interviewees was that when Kyrgyz migrants go to Russia, they usually end up renting very poor quality and overcrowded accommo-

22 In the end, the girls reportedly made it back safely to Kyrgyzstan within the 3 days.

FIGURE 1. KEY SYSTEMS INVOLVED IN GENERATING VULNERABILITY TO TRAFFICKING IN MIGRATION.



dation from another Kyrgyz migrants. This can be explained by the combination of the social expectations to trust a connection, the social expectation to host a person from your area, and because once the dynamic gets set, Russian landlords avoid renting to Kyrgyz migrants because they assume they will end up with many Kyrgyz migrants living there in poor conditions.

One respondent had recently moved back to Kyrgyzstan after 20 years living in Russia. She explained,

"Because of expensive prices for rent, people have to live in those conditions. For example, per month per one place, two people pay. One sleeps at night; another one sleeps during the day. They are switching." (Respondent 6, recently returned migrant who lived in Russia for over 20 years, got Russian citizenship, but now lives in Kyrgyzstan)

She further stated that,

"Housing is very expensive. Not exactly in all Russian cities and villages, but mainly in Moscow. People rent apartments, and in one apartment live up to 10-12 people because one goes to work, and others come to rest. Especially in Moscow, they have a dormitory style." (Respondent 6)

Employers often rely on existing Kyrgyz employees to help recruit and manage other migrants from Kyrgyzstan. This strategy puts new migrants at risk of being exploited by earlier migrants and prevents them from gaining their own footing with employers. It helps employers maintain an advantage over the workers, since the workers are divided and must negotiate amongst themselves.

This same respondent, who had lived for many years in Russia, explained the disadvantage faced by people who follow relational connections rather than formal opportunities (which, in any case, are not plentiful or accessible enough for most migrants), saying,

"Those people who are getting their salary in a bank account are legal workers and they have transparent relationships and open communication. Mainly, those who work illegally at construction work, for example, if I'm the leader of the [migrant] group, I decide [what to do]. If they are not happy with the salary or if the salary is late, for example, I will decide whether I will hire [that fellow migrant] next time or not. That's why they are really dependent on that leader, and they agree on everything." (Respondent 6)

In fact, something similar happened to her own brother:

"My brother together with a group was invited through the agent Kyrgyz guy. To cut the big trees in the forest under the electricity lines. They were working in the forest for a month. That agent, a guy from Jalal-Abad, took the salary of the whole group, millions. They were upset and tried to find him, but they failed." (Respondent 6)

The following story from a former official illustrates another way relational recruitment can go wrong:

"We had an example in Krasnodar. The employer is quite an honest person. He asked one of his employees, a citizen of Kyrgyzstan, to bring him another 50 skilled builders. Our citizen travels to his homeland, recruits a group of 50 people, and through oral questioning, he determines their qualifications. A Russian employer fully pays for 50 seats on the bus, these people come quietly, he pays them for 50 blankets, 50 pillows, mattresses, and cups and buys everything for them. Arriving at the place, it turns out that only 10 people have the necessary qualifications, and the rest can only work as laborers and helpers. In this regard, the issue, they start to work and the employer comes and speaks. 'Guys, I spent 200 thousand conditionally on you. Until you work out [the expenses], I will have your passports, because every day you do not [complete] the amount of work that I needed.' He goes into the negative in his terms. He must additionally recruit qualified people. But he takes the passports. Of course, this is not right on his part. And we qualify it as forced labor because he took people's passports and does not let them go. And at the same time he also became a victim of the situation." (Respondent 13, former government official with experience as a migration authority)

These quotes describe a situation in which people acting in good faith and operating according to a common-sense strategy grounded in strong social and cultural norms find themselves in exploitation. The final story is of an "honest" employer who tries to help people in his network, but when push comes to shove, deploys forced labor practices in self-interest because, in his position within the system, he faces incentives to do so with few ramifications. Neither we nor our interviewee would justify this criminal behavior. However, it is important to recognize the pattern which is incentivized and reinforced by the current structures and dynamics of the systems in place.

In addition, we noticed some evidence for a new dynamic which appears to be particularly putting migrants from remote parts of Kyrgyzstan at additional risk of trafficking on their migration journeys. We noticed signs of new wealth in Bishkek in the form of expensive imported cars, bicycles, and more upscale cafes. This was corroborated in interviews which noted that rents in Bishkek have risen rapidly in recent years, without a corresponding increase in livelihood opportunities. It may be that, since the beginning of Russia's war in Ukraine, the subsequent sanctions on Russia and conscription of Russian men to fight, there has been a mass exodus of people and money out of Russia, with a significant number of people finding refuge in Kyrgyzstan (Higgins, 2022). The rise in costs of living in Bishkek appear to be making it less feasible for aspiring migrants from remote parts of Kyrgyzstan to first migrate to the capital before finding a migration pathway out of the country. These migrants may be more likely to follow weaker connections from their remote home areas directly to foreign countries, making it more difficult to vet connections and making it more likely that they end up in situations of trafficking or exploitation.

Through interviews and observations, we noted that people in Kyrgyzstan migrate at an unusually high rate; mostly to Russia; and according to patterns that are deeply relational, informal, and rooted in the specific socio-cultural context. People from less developed areas and facing the greatest economic hardships have the greatest desperation to migrate. This means that those who most need the opportunities that can come from migration are the least well positioned to access them, and they face the greatest risks of abuse, exploitation, and trafficking. It is not *only* the poorest or most desperate that face risks; all migrants experience the same set of structures that incentivize migrating through personal contacts or informal (illegal) recruitment agencies.

There are multiple overlapping layers of social and institutional structures that mean migrants systematically face excess risks, with the most desperate migrants systematically exposed to even greater risks. In this way, the systems in place – made up of legal and policy structures, but also the social and cultural patterns that prevail (for understandable reasons) in response to those structures – generate vulnerability for people through the process of migration. Regardless of the instinctive perceptions of both citizens and officials, risk of abuse, exploitation, and trafficking is not mainly about the status or characteristics of individual migrants. Risk is systematic and pervasive. It falls disproportionately on those least equipped to deal with it. And risk is generated and distributed by the everyday functioning of the systems of state and society in Kyrgyzstan.



6. POSSIBLE WAYS FORWARD: BREAKING SYSTEMIC PATTERNS THAT GENERATE VULNERABILITY

Through our interviews, we saw two key instances where active citizens have been able to change this dynamic by building relational bridges across local and state institutions to build both trust and capacity. The following two examples don't directly deal with vulnerabilities to trafficking, but they do deal with similar forms of vulnerability which arise domestically within the same legal and social conditions. The point of the examples is to see instances of how the systems which generate vulnerability can start to be changed through building relational structures of trust that can unlock new dynamics that better protect people. These examples can provide a sort of template for working toward systemic change.

Throughout section 4, we presented several diagrams depicting cycles through which the current systems in place generate vulnerability to trafficking for labor migrants. Given resource constraints and the entrenched nature of these challenges, they are not likely to be resolved through policy alone or through heroic one-off acts of leadership. Instead, the systemic mechanisms must be disrupted and, if possible, reversed into virtuous cycles that can build on and amplify incremental achievements. The examples discussed in this section show how this can be possible: making use of the highly relational nature of the existing system; intervening where opportunities can be found to break unhelpful patterns; and building trust, first between specific individuals, which can start to generate new constructive patterns that can propagate.

6.1 NGOs and police on the issue of domestic violence

In the first instance, a local NGO in the greater Is-syk-Kul area working to protect women from domestic violence (as well as to protect women migrants from all kinds of abuse and exploitation) has managed to transform their relationship with the local police into a mutually beneficial informal partnership. In her own

words, here is the story of how the director of the NGO found an area of overlapping interest with specific local police officers and built cooperation and trust:

"I think we are the first organization in the region actually working together with state stakeholders, because usually NGOs, or the civil society, they [stay] separate from the government structure. And one of our goals of this project is to show that for the sake of one [issue], we can come together.

We work with the police. We've been working [on these issues] since 2000. But we work with a certain group of prosecutors on cases of domestic violence. And in 2017, I was in [the] US. I was nominated by the US Embassy, and I actually got to see how these crisis centers work, where it's not enough to help just like on our side. But there needs to be work with perpetrators. And in our country, this side is a little bit avoided. There's no such thing like this. You can get a restraining order. But that doesn't really work. The perpetrator can just show up again, and if she tries the police again, she's just finds [there is nothing that can be done].

The American program on working with perpetrators is great, but there is actually legal power. So if the perpetrator does not attend these courses, if he is called three times, then he has to serve community work, or he serves jail time. Here there is only if he kills her, or, you know, if he severely injures her, only then he serves jail time. But again, there are a lot of [such] cases.

There was a case of a policeman several years ago. He injured his wife and she's now in a wheelchair, and nothing happened to him. He was not punished. And so on this side, we've been trying to work out how to do this program, because the police, on their side, they cannot force them. And they actually say that, 'the current legislation, it actually complicates our work because as much as we want to help, our hands are tied. We cannot keep him for longer than four hours the first time... After that we have to let them go.'

One of the [goals] is, once we work this out, we want to share this program and to try to bring together other NGOs so our voices can be heard. You know, it's not enough just for us to be like you know, it's so hard blah, blah, blah.

We have to have more people in order to try to be more influential." (Respondent 16, founder/director of a domestic violence advocacy NGO)

After working with police and prosecutors for a long time, both sides realized they could help each other. The NGO was trying to protect women, but the laws are not helpful for keeping women safe. It is not enough to only provide care to victims; they should be protected when they are facing particularly high risks. The police in the area recognized this and felt their hands were tied, since the law prevents them from effectively enforcing a restraining order. The fact that a fellow police officer had become a perpetrator of domestic violence, and there was nothing the other officers could do was a stain on the reputation of the force. It appears to have motivated some of the other officers to work for change.

While not spelled out in the quote, the NGO provides a safe place to stay for women who have faced abuse and/or are likely to face abuse. By helping women reside outside of their family home and by maintaining direct, personal, and informal connections to supportive police officers, the NGO has created an innovative solution without first achieving widespread legal or social changes. Firstly, we heard about multiple cases where police were able to prevent violent encounters between a husband and wife simply because the encounters would have had to happen outside the domestic home. Legally and culturally, police are not generally able to intervene in a private family home, but they can prevent a man from entering the new domicile, for example, through prohibitions on trespassing. Secondly, in the cases we heard about, the additional social support from peers and community members gave the women the social/cultural capital to resist returning "home." In this way, an unhelpful social norm pressuring women (for example through shame or stigma) to stay in their domestic home has been circumvented by a more helpful set of norms (for example, social acceptance of a new living arrangement and the shame that would befall a husband creating a public scene)."

In this way, the NGO and the local police officers were able to design a new way of doing things to achieve their goals. We find the key factor to be the direct interpersonal relationships between the NGO leaders and specific police officers who wanted to work with them in good faith. Once the relationship had been built, new possibilities opened up, including the possibility that the network of trust could be extended to other NGOs and other police officers in order to generate a critical mass so that legal and social change



could be achieved at scale. The risks of domestic violence can systematically be reduced within the new legal and social practices that these relationships enable. In this way, women in the community can be made less vulnerable –neither merely by providing better services nor by enacting better laws, but by breaking the systemic dynamics that disproportionately put them at risk and establishing new ones to systematically protect them.

6.2 Youth of Osh and the Ministry of Education

The second example is the organization Youth of Osh. The founders of the organization had participated in youth outreach and development projects run by UNDP, and after wrapping up the project, they decided to start their own organization to carry on addressing issues faced by young people. Osh is the “second capital” of the country; an ancient city that is the biggest cultural and economic center of southern Kyrgyzstan. Southern Kyrgyzstan is quite different from Bishkek and the north of the country. People tend to speak a different dialect, they tend to take pride in holding different

cultural values (i.e. less Russified, less Westernized, more traditional and more Islamic), and the region has much less developed infrastructure. There are far fewer Soviet-era buildings, and the economic development of the region is lagging the north of the country. In particular, young people face fewer prospects for good livelihoods in Osh, and people migrate at a higher rate than in the northern regions.

One challenge that Youth of Osh recognized and have responded to is that of “migration orphans.” It often happens that parents will migrate for work and leave their children in the care of other relatives. Sometimes, the children do not fit in or are poorly treated in the new home. These young people end up facing much greater risks of abuse in the home or end up as orphans in state care. Further, they are much more likely than others to migrate and to do so through more precarious, informal channels. Additionally, the Youth of Osh founders explained that youth facing these circumstances are at greater risk of self-harm, more susceptible to extremism, and more likely to get drawn into crime.

After 15 years of working with youth and working with

international donors, Youth of Osh developed some innovative approaches to youth organizing. By building networks of young people and providing them an opportunity to work together through life skills and professional training programs, the young people not only got access to useful skills and resources, they felt *empowered* through collective action. Further, Youth of Osh did not approach their organizing work as simply providing a service to at-risk youth; they found ways to link the young people with the government to integrate their approach to both relationship-building and training with the national school curriculum.

One of the founders explained how they realized some of the systemic challenges and developed their solution:

"I think it's more than 10 years of experience with the work with youth. We tried many approaches. A lot of youth centers were created in the country. But they don't exist. The projects failed. Close to 100 centers by different projects were established. Of course, some of them exist, like maybe 10%. They [the other 90%] all died. We were trying to rebuild the work of the centers. We were fighting with the UN agencies and other international organizations because they have – especially UN agencies – a strict rule that if they establish some infrastructure, it should be in a government building... When the projects end, after some time we are kicked out... [The government] says they need the building for other issues..."

We came to the idea of institutional sustainability. [Youth] centers don't work. Schools are the institutions that are sustainable. Even if the students change, the teachers stay there. So we decided to go to the schools.... The involvement of government is very important. When we develop some project, we go to the government, and we say, Okay, we are designing this project. What do you think? What are your needs. And we learn the plans of local government, in order to match the goals.

Networking is really important here. Youth of Osh has a very wide network in Kyrgyzstan. For example, the Rector of Osh State University is one of our trustees... We signed a memorandum of understanding with the Ministry of Education. And then we bring several people [from the Ministry] to the training. You give them a really good idea [of what we're doing], and they support." (Respondent 5, founder and director of Youth of Osh)

In this story, the founders realized that the way to truly address the vulnerabilities of young people would have to be to build relational bridges between that community of young people and the very institutions that were responsible for resisting change. When international donors tried to help by setting up youth centers, they failed because the spaces and resources would be hijacked by other parts of the government. So rather than trying to build an alternative set of resources, the Youth of Osh organized the relational power necessary to build the resources *within* the existing institutions.

After years of working directly with young people, they have honed the content of their programming and networked with government to position themselves within the power structures. As a result, they have been able to get their agenda established within the state education system. As of Summer 2022, they had trained over 2000 teachers on the special needs of at-risk young people (including the need to create spaces for youth organizing and civic engagement within schools) and were currently working in 41 schools across all 7 oblasts (regions), reaching more than 3500 students. The school-based programming seeks to address the challenges faced by young people by building up youth leadership capacities, giving them targeted job skills training, structuring opportunities for them to take action to solve social issues in their communities, and to providing them guidance on peacebuilding and resisting extremism. While we did not find independent evaluations of the impact of these programs on youth outcomes, by simply strengthening leadership capacities, social connections, social standing, and access to resources, it is likely that vulnerability is reduced.

"Migration orphans" face disproportionate risks, including risks of trafficking if they opt to eventually follow their parents as migrants. Under the prevailing systems, they are made vulnerable by the systematic lack of protections and inability to access care, support, and agency. The work of the Youth of Osh and their partners in government (specifically the Ministry of Education) are addressing vulnerabilities by breaking the structures and dynamics that systematically put young people at risk and replacing them with new ones that enable more effective protections. The value of the solution is not in providing more effective services for young people, per se. Nor is it in strengthening the capacities of teachers. The value is in changing the ways both youth and authorities engage with each other through the existing institutions – creating better protections for young people by changing the systems through which protections can and do happen.



7. DISCUSSION: RELATIONAL SOLUTIONS TO ENTRENCHED SYSTEMIC PROBLEMS

In this report, we have developed a conceptualization of vulnerability to trafficking as something that emerges through the everyday functioning of the social, economic, and political systems as they currently exist. Individuals face risks and fall victim to trafficking, but different individuals face different levels of risks based on their positioning within systems that fail to protect them. Trafficking is perpetrated by criminals, but criminals operate according to incentives and with protections afforded by the prevailing governance regimes.

7.1 Limitations of the traditional CTIP approach to protection and prosecution

A common-sense, intuitive approach to counter trafficking might suggest working with individual migrants to help them avoid taking risks. Our analysis shows how this will not be nearly enough, since individuals are usually well aware of risks and take actions they feel are the best of bad options. A common-sense, intuitive approach might suggest focusing on rooting out the “bad apples” and prosecuting trafficking criminals. Our analysis shows that this is necessary, but it will also not be nearly enough since the existing systemic conditions keep on creating incentives and opportunities for criminals. And traffickers are not always one-dimensional, overtly evil villains, especially when it comes to human trafficking in the form of forced labor in migration. Everyday people who might at times genuinely attempt to help members of their family and community can also turn to trafficking opportunistically or when put in a bind. We do not, by any means, excuse criminal behavior. But effective counter trafficking must account for the systemic nature of vulnerability in order to eradicate the conditions that incentivize and enable trafficking.

Much of our systemic analysis has focused on the nexus of policy, implementation, and state functioning because the state bears the greatest responsibility and has the most power to protect citizens when they migrate. Through tracing how promising policies fail to lead to effective protection in practice, we have developed a picture of a system struggling to perform basic functions. Significant efforts to put robust policies into place with the assistance of international organizations and significant good-faith efforts by many authorities to carry out their duties have been hampered by chaotic disruptions and entrenched ways of operating.

7.2 Entrenched patterns in government and society

Those entrenched ways of functioning are grounded in a combination of weak state capacities, pervasive corruption, patronage politics as well as social patronage systems of relational obligations, and pervasive lack of trust across state and society. The state has struggled to implement a cohesive nation-building project after the collapse of the Soviet Union, to grow its economy under difficult conditions and in relation to more powerful neighbors, and to work under largely informal conditions vis-à-vis society. Society, for its part, struggles to operate in parallel with the state because it has learned not to rely on the state to be a consistent or honest broker, and it struggles to critically examine traditional patterns grounded in family and local relationships.

Just as the government has its entrenched ways of functioning, society also has entrenched ways of functioning, especially around relationships of patronage and obligation. Many people feel obliged to care for elders in the family. Many people feel obliged to trust members of the family and members of the community, even if they don't know them. This, coupled with pervasive lack of trust in the government, leads to a regular pattern of people migrating through informal personal connections. Presumably this works well much of the time, and it may be a rational and effective strategy that has evolved over time under the prevailing conditions in the region. However, given the rest of the systemic context, this pattern of behavior can systematically put people at higher risk of trafficking.

Our analysis has highlighted several specific systemic mechanisms that lead to generating vulnerability to trafficking for migrants from Kyrgyzstan. Much more and better-quality data would be needed to make use of our findings to identify specific individuals or groups that are facing critical vulnerabilities. It was not the purpose of this research to identify specific target populations for counter trafficking interventions. Nor

has it been our goal to measure vulnerabilities (or resilience) to trafficking for the purposes of monitoring or evaluating the interventions. However, awareness of the mechanisms identified in this report can and should lead to efforts that can target and change those systemic drivers of vulnerability at various levels of the system.

For each mechanism discussed in our analysis (most of which are depicted in figures of vicious cycles), we have commented on what it might look like to disrupt the key drivers of vulnerability. We argue this may be done by changing the structures and dynamics at work. For example, the successes related to crafting better migration and counter trafficking *policies* can be understood as coming from the ways international institutions (such as IOM) engaged relationally with state actors – putting pressure on government to act, providing a way to act within wider constraints, and resulting in better policy outcomes even as Kyrgyzstan has not ratified the Compact on Safe Migration. Similarly, many state functions might be improved – even in the face of continued corruption and institutional inertia – by focusing on relational connections with particular good-faith actors and shifting, through “sticks” and “carrots,” the balance of power and the relative priorities of state action.

7.3 Relational approaches to breaking systemic drivers of vulnerability

However, we can point to promising examples we observed. Namely, even as the two cases we presented in Section 5 addressed systemic functions related to vulnerability that were only obliquely related to trafficking, they offer very clear insights into how relational approaches can work to dramatically shift system dynamics, even if initially only locally.

In neither case did success come from better policy, *per se*, or directly from better implementation of policy. In both cases, innovative advocates within their local organizations built *personal* and *direct* relationships to key *individuals* within *existing institutions*. We find it important that the key drivers in these successful cases were *local* actors deeply embedded within their local contexts. In neither case was support from external or international actors *directly* relevant. In fact, some of the international actors kept pushing for processes that were inappropriate and ineffective within the local political and relational ecosystems. Instead, the change agents were able to leverage the support they were receiving externally to strengthen their relational positionality vis-à-vis the more powerful authorities within existing institutions.

In greater Issyk-Kul, the NGO had to find an innovative way to translate what the director had observed to be an effective approach (to balancing work with both victims and perpetrators of domestic violence) in the US into a workable arrangement in Kyrgyzstan. This meant leveraging the international support into reconfigured personal relationships with specific and motivated police officers in her area. Rather than changing laws or social norms around domestic violence, she was able to institutionalize changes to the ways police operated to quickly and consistently start protecting women.

In Osh, the NGO had to find an innovative way to strengthen the agency of young people and address the lack of support for “migration orphans.” After years of ineffective work with international partners to start new youth centers, they found a way to leverage the international support into reconfigured personal relationships with specific and motivated authorities in the Ministry of Education. Rather than changing laws or

fighting to keep their youth centers from being taken over by government agencies hungry for their nice new office spaces, they were able to institutionalize changes to the ways at-risk young people get support through the existing institutions of schools. This resulted in dramatic and scalable changes that have reduced vulnerabilities for young people.

It is our hope that by identifying systemic mechanisms that keep on generating vulnerability to trafficking for Kyrgyz migrants, we might help local actors and the international organizations interested in supporting them to identify ways of disrupting those systemic patterns. We suspect it will involve highly relational interventions which will need to be led from the grass roots. But if counter trafficking interventions and programs can be designed to support and enable this kind of relational, locally-driven effort, we have seen that real and rapid change can be possible.





8. CONCLUSION

We set out to provide empirical clarity on the question of what makes people from Kyrgyzstan vulnerable to trafficking when they undertake labor migration. In our analysis, we identified a set of mechanisms through which the existing system functions to generate vulnerability. We have established that vulnerability to trafficking is the condition of being systematically exposed to trafficking risks because of one's (individual and/or collective) place and positionality within society, including the social and economic opportunities to survive, afforded by skills, tools, resources, and relationships. We have established that there are no single causes of vulnerability, that vulnerability is perpetually generated by the functioning of existing systems, and that key mechanisms that generate vulnerabilities at the intersections of different issues can be identified.

In Kyrgyzstan, the entrenched ways of state functioning are grounded in a combination of weak state capacities, pervasive corruption, patronage politics as well as social patronage systems of relational obligations, and a pervasive lack of trust across state and society. The state has struggled to implement a cohesive nation-building project after the collapse of the Soviet Union, to grow its economy under difficult conditions

and in relation to more powerful neighbors, and to work under largely informal conditions vis-à-vis society. Society, for its part, struggles to operate in parallel with the state because it has learned not to rely on the state to be a consistent or honest broker, and it struggles to critically examine traditional patterns grounded in family and local relationships.

Despite good policies on governing migration and countering trafficking, implementation is ineffective. There is an issue of state capacity, but we have identified an entrenched way of functioning at the state level which balances different priorities according to a prevailing political settlement amongst powerful actors. This leads to a kind of triage where only the most powerful and vocal are heard. Regular disruptions to state structure – in the form of multiple changes in government, a new constitution, and shuffling of responsibilities among ministries and state agencies – only exacerbate limitations.

In the case of state actors responsible for protecting migrants, we have shown that each actor that bears a particular responsibility faces other competing and conflicting incentives. To take one issue, we have identified a vicious cycle relating migration to domestic economic development. Poor economic development

means poor livelihood options which contributes to migration, which further hampers development (i.e., through “brain drain” and diminished work force). A major portion of this dynamic sits with the MLSSM, which has the responsibility to protect migrants abroad but also to generate better livelihoods at home and ensure social support to citizens in the country.

This could be turned into an advantage if remittances from “compatriots abroad” could be invested strategically into domestic industries. However, this has failed to materialize over the last two decades even as multiple policies have consistently called for it. A likely explanation is that remittances (or taxes on remittance income) are being systematically captured in other ways and the state is not either powerful enough or motivated enough to disrupt that process to implement a new strategy. Therefore, the cycle remains in place, both driving migration and limiting abilities to protect migrants.

In the end, no single state actor holds sole responsibility for protecting migrants, and no actor who holds responsibility for protecting migrants can do so without compromising on other priorities. Together, the different ministries and agencies contribute to a state apparatus in which the protection of migrants is pursued, but never well enough to be effective. The well-known challenges to effective implementation contribute to a disillusionment about what is possible, leading to an acceptance of the status quo.

The regular changes to responsibilities between state actors and the regular shuffling of officers between roles keeps both authorities and the institutions from developing and maintaining skills and capacities to do better. Instead, the ineffective functioning becomes a rather robust and entrenched way of operating which itself resists change even in the face of consistent chaotic disruptions.

Similar cycles around data, monitoring, and prosecution are also key mechanisms that generate and perpetuate vulnerability. Facing incentives to downplay the extent of trafficking vulnerabilities, the government has consistently failed to find ways of keeping robust and reliable data – both on migration itself as well as trafficking. Further disincentives for victims to come forward as well as disincentives for police and prosecutors to pursue cases when trafficking is reported lead to low levels of reported cases and even lower levels of investigations and prosecutions. With so few cases, authorities never get adequate experience with the process of identifying cases of trafficking, investigating them, and prosecuting them. All this further seems to validate the lack of data and further disincentivize more

robust efforts to understand the nature and extent of vulnerability to trafficking.

One of the major channels through which trafficking occurs is illegal and informal recruitment agencies. Again, a set of systemic dynamics has created a robust mechanism that continuously generates vulnerability. The state has a process for registering legal and formal agencies to help migrants find work abroad. However, these agencies are limited to formal sector opportunities for jobs abroad. Because there are not enough formal sector job opportunities, aspiring migrants look for other ways to find less formal work abroad. Informal agencies arise to help meet the demand, and even if most of those are operating in good faith, the difficulty in monitoring them introduces incentives to exploit migrants. Recognizing that demand for migration support cannot be met by the state and that the state struggles to effectively govern or regulate informal agencies, there is a general acceptance of the status quo.

This, of course, intersects with the other issues mentioned above, in terms of dispersed responsibilities for protection and entrenched patterns of state functioning. It's not necessarily the case that corrupt state actors directly benefit from the existing arrangements (though this may be the case). We can explain the pattern of failure to protect migrants via the failure to regulate recruitment agencies through the alignment of systemic incentives and (mis)functionings.

The perennial challenge of “wicked problems” such as trafficking in persons is that, because, they are so complex and because they seem impervious to simple solutions, a sense that nothing can be done can creep in and cause despair. It is our hope that by reframing the issue of vulnerability to trafficking as a systemic issue and identifying specific generative mechanisms in the everyday functioning of the system, we can demystify some of the root causes. Yes, the challenge posed by trafficking is immense, and it persists in the face of our best efforts to stop it. No one person or entity is to blame, and no one person or entity can solve it. But we can make a difference, particularly if we work strategically to subvert the key drivers that keep on generating the problem.

In order to improve our capacity in protecting migrants and countering trafficking in persons – as researchers, counter trafficking professionals, local advocates, good-faith government authorities, or whoever we may be – we must seek out relational pathways of transformation, innovative ways of working with and within the systems that exist so as to disrupt drivers of vulnerability, and reconfigure structures and dynamics to nurture protection and resilience.

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