

EXTERNAL EVALUATION REPORT

CTSKG/1035: Technical Assistance to the Government of Kyrgyzstan in the Implementation of the Plan of Action – Combating Trafficking and Smuggling in Human Beings

Implementing Agency: International Organization for Migration

Project Start/End Dates: March 2002 – June 2003

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July 2003

TABLE OF CONTENTS

TABLE OF CONTENTS 2

GLOSSARY 3

ABBREVIATIONS 3

1. INTRODUCTION 4

 1.1 Evaluation Rational 4

 1.2 Methodology 4

2. PROJECT DESCRIPTION 5

 2.1 Background and Justification 5

 2.2 Target Groups 5

 2.3 Project Overall Objective, Purposes, Activities and Expected Results 5

 2.4 Project Duration and Geographic Coverage 7

 2.5 Project Stakeholders 7

3. PROJECT IMPLEMENTATION 9

 3.1 Contribution of IOM 9

 3.2 Contribution of Project Partners 9

 3.3 Project Activities, Expected Results, Achieved Results 11

 3.4 Achieved Results: Overview 12

 3.5 Project Implementation: Difficulties Encountered 16

4. PROJECT EVALUATION 17

 4.1 Project Relevance 17

 4.2 Project Effectiveness 17

 4.3 Changes in Project Strategy, Objectives and Activities 18

 4.4 Project Impact 18

 4.5 Project Sustainability 18

 4.6 Recommendations 19

ANNEX 1: List of Interviewed Persons 20

GLOSSARY

- Oblast – Geographical Administrative Division
(as e.g. region)
- The Jogorku Kenesh (JK) – The Parliament

ABBREVIATIONS

- CIS – Commonwealth of Independent States
- IOM – International Organization for Migration
- IOM CT – IOM Counter – Trafficking
- NGO – Non – Governmental Organization
- OSCE – Organization for Security and Cooperation in Europe
- USAID – United States Agency for International Development

1. INTRODUCTION

The evaluation of the project CTSKG/1035: Technical Assistance to the Government of the Kyrgyz Republic in the Implementation of the Plan of Action – Combating Trafficking in and Smuggling of Human Beings of the International Organization for Migration (IOM) Mission in the Kyrgyz Republic formally started on 08 July 2003 and ended 28 July 2003.

This is a terminal external evaluation of a building local capacity type project implemented nationwide. The external evaluator was responsible for organizing and managing the evaluation of the project according to the objectives set by IOM Bishkek.

1.1 Evaluation Rational

The purpose of the evaluation is to examine the project's efficiency, the quality of implementation and its impact on the local environment. With this regard the evaluation focused on addressing the following issues: project implementation, project relevance, project efficiency, input of the project partners and impact of the project's results.

1.2 Methodology

The methodology applied consisted first of all of an **inventory and analysis** of project documents and other materials relevant to the matter. Secondly, the external evaluator conducted **personal meetings** and, where the meetings were not possible, **interviews by phone** with key project partners, beneficiaries and the representatives of the implementing agency. Both standardised and tailored questions were employed to evaluate the implementation process and the results achieved by the project (Annex 1). Thirdly, the collected data was synthesised, analysed, used to develop pertinent recommendations, and compiled into the final report.

With the permission of IOM, the findings of interviews conducted by the external evaluator for the IOM project “Analysis of Institutional and Legal Frameworks and Overview of Cooperation Patterns in the Field of Counter-Trafficking in the Eastern European and Central Asian Region – The Kyrgyz Republic (March 2003 – May 2003)” were also taken into account as they are of great relevance to this project evaluation exercise.

The external evaluator would like to acknowledge the kind cooperation of the counter-trafficking team of IOM Kyrgyzstan, the Coordinating Office of the National Council on Counter-Trafficking and Counter – Smuggling of the Kyrgyz Republic, and all the people who have taken part in the interview process. Thanks to their cooperation in sharing relevant information timely, the external evaluator encountered no obstacles in achieving the objectives of the evaluation.

2. PROJECT DESCRIPTION

2.1 Background and Justification

The first comprehensive report into the problem of trafficking in persons in the Kyrgyz Republic was published by IOM in November 2000. It presented an invaluable insight into the causes and the scale of the problem, and, most importantly, identified the areas in need of urgent attention of the Kyrgyz Government. The subsequent IOM counter – trafficking project “Building Capacity to Combat Trafficking of Migrants in the Kyrgyz Republic (January 2001 – August 2001)” further stressed the need for a project focused on the anti-trafficking legislative reform and assistance to the Kyrgyz governmental agencies.

In April 2001, the Secretary of State of the Kyrgyz Republic passed a decree to form an expert group to develop the National Plan of Action against Smuggling of and Trafficking in Persons. In the beginning of 2002 the Government started the process of forming the National Council on Counter-Trafficking and Counter – Smuggling, which was going to be in charge of the implementation of the National Plan of Action against Smuggling of and Trafficking in Persons for 2002 –2005.

The Technical Assistance to the Government of the Kyrgyz Republic in the Implementation of the Plan of Action – Combating Trafficking in and Smuggling of Human Beings project aimed to build on this favourable political and social environment, on the existing intervention of IOM Mission in the field of counter – trafficking in the Kyrgyz Republic, and on the support of other international organizations represented in Kyrgyzstan.

2.2 Target Groups

- relevant governmental agencies and non- governmental organizations dealing with issues of migration, social policy, anti-corruption, anti-organized crime, human rights, education and gender issues i.e. all members of the National Council on Counter Trafficking and Counter Trafficking of the Kyrgyz Republic.
- potential and actual victims of migrant trafficking

2.3 Project Overall Objective, Purposes, Activities and Expected Results

2.3.1 Overall Objective

The overall objective of the *Technical Assistance to the Government of Kyrgyzstan in the Implementation of the Plan of Action* project was to support the efforts of the Kyrgyz authorities in combating trafficking in and smuggling of persons. The project’s goal was to bring together the members of the National Council on Counter – Trafficking, to facilitate and to coordinate their actions against trafficking in persons. The project was designed to focus, in particular, on anti-trafficking legislation reform, training and awareness – raising.

2.3.2 Project Purposes, Activities and Expected Results

	Purposes	Planned Activities	Expected Results
Legislative Reform	<ul style="list-style-type: none"> ▪ Establish the National Council on Counter - Trafficking ▪ Increase capacity of the National Council and other key actors in implementing the Plan of Action ▪ Review the existing legislative framework and draft, as appropriate, laws and legal provisions imposing penalties on all aspects of trafficking ▪ Promote / facilitate ratification of the UN Convention against Transnational Organised Crime and its two protocols ▪ Ensure that the trafficking legislation of the Kyrgyz Republic is in line with the international standards ▪ Strengthen the ability of relevant authorities and the civil society to provide protection and reintegration assistance to victims of trafficking 	<ul style="list-style-type: none"> ▪ Assist in establishing the Coordinating Unit of the National Council on Counter Trafficking ▪ Promote ratification of the UN Convention and its protocols ▪ Form a group of four legal experts to examine the need for and draft, as appropriate, laws and other legal provisions imposing penalties on all aspects of trafficking ▪ Facilitate regular weekly meetings of the inter-ministerial working group tasked to elaborate further the counter trafficking policy ▪ Identify and recruit an international legal consultant to ensure the developed laws and provisions are in line with the international standards ▪ Adopt the legislation on counter – trafficking 	<ul style="list-style-type: none"> ▪ The Coordinating Unit of the National Council is established ▪ UN Convention against Transnational Organized Crime is ratified ▪ New laws and provisions imposing penalties on all aspects of trafficking are developed ▪ Newly developed legislation on counter – trafficking is adopted to prosecute cases of trafficking and to provide victims with safe and dignified repatriation home
Training	<ul style="list-style-type: none"> ▪ Give support to regional organizations and institutions in their efforts to combat trafficking via workshops, training and regional meetings as well as encourage the cooperation between the law enforcement authorities, immigration services, social and health workers in the exchange of investigative information ▪ Encourage a gender and child sensitive attitude among law enforcement officers, prosecutors 	<ul style="list-style-type: none"> ▪ Provide training for law enforcement officers, judges, prosecutors, and militia ▪ Sensitize key agencies and officials for tolerant treatment of trafficking and smuggling in human beings 	<ul style="list-style-type: none"> ▪ Professionals are able to recognize and treat trafficked persons appropriately ▪ Appropriate, effective assistance to victims of trafficking
Awareness - Raising	<ul style="list-style-type: none"> ▪ Develop specific means of prevention that will reach the target groups in order to influence their perception of trafficking and smuggling (e.g. skits and plays) ▪ Increase capacity of NGOs in gathering critical data from real and potential victims, as well as informing potential victims of the dangers of being trafficked ▪ Provide target audiences with unbiased information on the mechanisms of trafficking, on individual means of self – protection, on assistance resources and fundamental human rights 	<ul style="list-style-type: none"> ▪ <i>In partnership with UNV</i> distribute counter – trafficking brochures and develop specific means of prevention of trafficking such as skits, plays and discussions tours to reach the grass-roots ▪ <i>In partnership with OSCE and Internews</i> disseminate two counter-trafficking public services announcements TV and radio ▪ <i>In partnership with local NGO Women Support Center</i> and later Sezim NGO support counter trafficking hotline in Bishkek for potential and actual victims 	<ul style="list-style-type: none"> ▪ Targeted population is empowered with the tools and mechanisms to resist trafficking ▪ Simple and advanced preventive and protective steps that ought to be taken to avoid trafficking in persons are introduced and presented to the audience ▪ Collect data on trafficking ▪ Reduce the number of cases of trafficking

2.4 Project Duration and Geographic Coverage

Initially, the *Technical Assistance to the Government of Kyrgyzstan in the Implementation of the Plan of Action* project was planned to last only 12 months from 1 March 2002 until 28 February 2003. However, due to the change of the Kyrgyz Government in June 2002, the implementation phase of the project was delayed. Hence, the non-cost extension of the project was requested and approved in March 2002 on the grounds of this delay.

The *Technical Assistance to the Government of Kyrgyzstan in the Implementation of the Plan of Action* project was designed to cover the Kyrgyz Republic.

2.5 Project Stakeholders

2.5.1 Project Donors

The funds for the implementation of the Technical Assistance to the Government of Kyrgyzstan in the Implementation of the Plan of Action project were obtained from the **IOM 1035 Fund**.

2.5.2 Project Implementing Agency

The **International Organization for Migration** Mission in Kyrgyzstan, which initiated and developed the project proposal was appointed to execute the project. IOM Bishkek was responsible for organising, supervising and monitoring the implementation of the project from the management, administration and financial perspectives, as well as for reporting the interim and final results of the project to the donor.

2.5.3 Project Partners

Project Partner Agencies present from the start of the project:

- **Social Policy Department of President's Administration** – in charge of the development, coordination and supervision of social policy implementing process in the Kyrgyz Republic
- **United Nations Development Programme (UNDP) and United Nations Volunteers (UNV)** are in the Kyrgyz Republic since 1990s. These programmes have good knowledge of the needs and problems of rural people, well established rural infrastructure and good presence in those areas.
- **Organization for Security and Cooperation in Europe (OSCE)** has been actively involved in the promotion and funding of counter – trafficking activities in the Kyrgyz Republic since 1996 –1997, when the first cases of trafficking of human beings from the Kyrgyz Republic came to light.
- **Internews @ Network Agency in Kyrgyzstan** – an international non-profit organization that supports open media worldwide. The organization fosters independent media in emerging democracies, produces innovative television and radio programmes and internet content, and uses the media to reduce conflict within and between countries.
- **Education Centre for Prosecutors under the General Prosecutors Office** is responsible for organizing and providing professional training to the prosecutors of the Kyrgyz Republic aimed to update and increase their level of qualification.

- **Women Support Centre NGO** – local non – governmental organisation working in the field of domestic violence and trafficking in persons prevention

Project Partner Agencies joined during the implementation phase of the project:

- **The National Council on Counter – Trafficking and Counter – Smuggling under the President of the Kyrgyz Republic** was created by a presidential decree in April 2002. It is the governmental agency responsible for coordinating and supervising activities performed by the assigned governmental agencies in the field of counter – trafficking in the Kyrgyz Republic. It consists of a chairman, two deputies and sixteen members. These are: The Prime Ministry of the Kyrgyz Republic as the chairman, the representatives from the Office of the Prime Minister and the General Prosecutors Office as the deputies, and the representatives from the Ministry of Justice, Ministry of Foreign Affairs, Ministry of Education and Culture, Ministry of Healthcare, Ministry of Labour and Social Protection, The President’s Administration, Ministry of Interior, Ministry of Finance, National Security Service, State Commission for Tourism, Sport and Youth Policy, Representatives of the Legislative Assembly of Jogorku Kenesh of the Kyrgyz Republic and NGOs.
- **NGO Sezim** – local non – governmental organisation working in the field of domestic violence and trafficking in persons prevention
- **National Democratic Institute (NDI)** – non-profit organization working to strengthen and expand democracy worldwide. NDI has conducted democracy assistance projects in Kyrgyzstan since 1996
- **Association Diamond** – local – non governmental organisation working in the field of gender issues, education, health and protection from violence

2.5.4 Project Beneficiaries

- Potential and Actual Victims of Trafficking
- National Council on Counter – Trafficking and Counter – Smuggling under the President of the Kyrgyz Republic
- Law enforcement officers, prosecutors, judges, militia
- Kyrgyz Government via the Coordinating Unit supporting the work of the National Council

3. PROJECT IMPLEMENTATION

3.1 Contribution of IOM

As the initiator of the project, IOM Bishkek bore the responsibility for the overall project implementation. In particular, IOM contributed to the project by:

- identifying and recruiting the staff of the Coordinating Office of the National Council; monitoring and supervising of the work of the Coordinating Office; facilitating/promoting the ratification of the UN Convention and its protocols
- identifying, recruiting and forming the legal expert group; facilitating and coordinating the work of the legal expert group; coordinating the activities between the legal expert group and the National Council
- identifying and recruiting international legal consultants; organising and facilitating the visit of international legal consultants; coordinating the activities of the legal consultants and the National Council
- taking part in the enhancement of the draft law on counter – trafficking and, as a member of the National Council, lobbying the quick adoption of the new counter – trafficking legislation
- organising, developing the Training Syllabus and delivering training to law enforcement officers, prosecutors and militia
- cooperating with other project partners, in particular with UNDP/UNV, OSCE and Internews to produce and disseminate brochures and public service announcements via TV and Radio in the urban and rural areas of the Kyrgyz Republic
- conducting discussion tours on the phenomenon of trafficking, causes and prevention mechanisms around the country
- organising the continued operation of “STOP! TRAFFIC” Hotline in Bishkek; organizing and coordinating the hand over of the Hotline operation from one NGO to another; supervising Hotline operation on a monthly basis
- supervising and monitoring of the implementation of the project from the management, administration and financial perspectives, and reporting the results the IOM HQ.

3.2 Contribution of Project Partners

3.2.1 National Council on Counter – Trafficking

The National Council and its members, contributed to the implementation of the project by:

- conducting regular meetings
- encouraging and demanding from the relevant governmental agencies the timely implementation of the activities outlined in the National Plan of Action
- lobbying the ratification of the UN Convention and its protocols
- lobbying for the smooth and fast adoption by the Legislative Assembly of Jogorku Kenesh of the Kyrgyz Republic of the developed counter-trafficking legislation

- cooperating closely with IOM in achieving the objectives set by 1035 project
- providing IOM with the required government backing to implement 1035 activities speedily and without bureaucratic impediments .

3.2.2 UNDP / UNV

- participated in the design of the content of preventive programmes in rural areas
- assisted in distributing the brochures in the rural areas of the Kyrgyz Republic

3.2.3 OSCE

- funded the design and the production and distribution of two public service announcements

3.2.4 Internews Agency

- assisted in dissemination of the OSCE funded public service announcements via TV

3.2.5 Education Centre for Prosecutors under the General Prosecutors Office

- provided IOM with 64 academic hours to conduct training on counter – trafficking for prosecutors¹

3.2.6 Women Support Center NGO

- contracted in August 2001 to run the counter – trafficking “STOP! TRAFFIC” Hotline in Bishkek

3.2.7 Sezim NGO

- in December 2002 took over the operation of the the counter – trafficking “STOP! TRAFFIC” Hotline in Bishkek from Women Support Center NGO
- took active part in organizing and conducting discussion tours on counter – trafficking in rural areas across the country

3.2.8 National Democratic Institute

- on its own initiative approached IOM and offered to assist voluntarily in conducting discussion tours and informative seminars on counter – trafficking in the rural areas of the Kyrgyz Republic

3.2.9 Association Diamond

- provided time slots during their own events to IOM representatives in the South for informative lectures and discussions on counter – trafficking

¹ Four courses on increasing the level of qualification of prosecutors, each containing 16 academic hours of counter-trafficking training (Source: Interview with the Director of the Education Center for Prosecutors)

3.3 Project Activities, Expected Results, Achieved Results

	Planned Activities	Expected Results	Achieved Results
Legislative Reform	<ul style="list-style-type: none"> ▪ Assist in establishing the Coordinating Office of the National Council on Counter Trafficking ▪ Promote ratification of the UN Convention and its protocols ▪ Form a group of four legal experts to examine the need for and draft, as appropriate, laws and other legal provisions imposing penalties on all aspects of trafficking ▪ Facilitate regular weekly meetings of the inter-ministerial working group tasked to elaborate further the counter trafficking policy ▪ Identify and recruit an international legal consultant to ensure the developed laws and provisions are in line with the international standards ▪ Adopt the legislation on counter – trafficking 	<ul style="list-style-type: none"> ▪ The Coordinating Office of the National Council is established ▪ UN Convention against Transnational Organised Crime is ratified ▪ New laws and provisions imposing penalties on all aspects of trafficking are developed ▪ Newly developed legislation on counter – trafficking is adopted to prosecute cases of trafficking and to provide victims with safe and dignified repatriation home 	<ul style="list-style-type: none"> ▪ The National Council on Counter – Trafficking under the President of the Kyrgyz Republic and the National Plan of Action against Smuggling and Trafficking in Persons for 2002 – 2003 were established by a presidential decree in April 2002. The Coordinating Unit of the National Council was formed in May and stated its work in June 2002. ▪ UN Convention against Organized Crime and its two protocols on Trafficking and Smuggling respectively were ratified by the Kyrgyz Republic on 15 April 2003 ▪ The Law on “Amendments and Addenda to Certain Legal Acts of the Kyrgyz Republic” introducing counter – trafficking mechanisms was presented by the legal expert group to the National Council in December 2002. Having undergone the amendments process from the members of the National Council and the international experts, on 27 June 2003 the law was approved by the Legislative Assembly of the Kyrgyz Government.
Training	<ul style="list-style-type: none"> ▪ Provide training for law enforcement officers, judges, prosecutors, and militia ▪ Sensitise key agencies and officials for humane treatment of victims trafficking and smuggling in human beings 	<ul style="list-style-type: none"> ▪ Professionals are able to recognize and treat trafficked persons appropriately ▪ Appropriate, effective assistance to victims of trafficking 	<ul style="list-style-type: none"> ▪ In total 1607 law enforcement officers, prosecutors, and militia personnel received counter – trafficking training from IOM experts from September 2002 - May 2003 ▪ Training covered six out of seven oblasts of the Kyrgyz Republic ▪ Questionnaires were used to evaluate the need and effectiveness of training
Awareness - Raising	<ul style="list-style-type: none"> ▪ <i>In partnership with UNV</i> distribute counter – trafficking brochures and develop specific means of prevention of trafficking such as skits, plays and discussions tours to reach the grass-roots ▪ <i>In partnership with OSCE and Internews</i> disseminate two counter-trafficking public services announcements TV and radio ▪ In partnership with local <i>NGO Women Support Center and later Sezim NGO</i> support counter trafficking hotline in Bishkek for potential and actual victims 	<ul style="list-style-type: none"> ▪ Targeted population is empowered with the tools and mechanisms to resist trafficking ▪ Simple and advanced preventive and protective steps that ought to be taken to avoid trafficking in persons are introduced and presented to the audience ▪ Collect data on trafficking ▪ Reduce the number of cases of trafficking 	<ul style="list-style-type: none"> ▪ <i>In partnership with UNDP/UNV</i> 5000 brochures were distributed to the vulnerable groups throughout the Kyrgyz Republic. ▪ In conjunction with the mobile theatre awareness – raising activity of the USAID Public Information Campaign project, discussion tours, funded by the CTSKG/1035, on the phenomenon of trafficking, causes and prevention were conducted throughout the country ▪ <i>In partnership with OSCE and Internews</i> two counter-trafficking public announcements on TV and radio were broadcasted ▪ The total number of consultations given for the total duration of the HOTLINE service from August 2001 until June 2003 is 1766

3.4 Achieved Results: Overview

3.4.1 The Coordinating Office of the National Council on Counter – Trafficking

- The Coordinating Office was established by the National Council and IOM in June 2002. It was designed to serve as the focal point for the work of the National Council and to coordinate the activities of the National Council members and other relevant governmental bodies in the implementation of the National Plan of Action against Smuggling of and Trafficking in Persons for 2002 – 2005 endorsed by the Presidential Decree №94 in April 2002.
- The staff of the Coordinating Office, the Coordinator and the Assistant were selected and recruited by IOM in May 2002. The selection criteria for the Coordinator were previous senior level work experience with the Government, knowledge of the problem, good management and public relations skills. The recruited Coordinator, Altynai Sulaimanova, was one of the members of the working group tasked to develop the National Plan of Action against Counter – Trafficking. Previous to this, she worked as the Deputy Minister on Tourism, Sport and Youth Policy. The selection criteria for the Assistant were previous work experience with the Government, good organisation and administration skills. The Assistant, Zamira Ajigulova, also had previous knowledge of the problem and valuable senior management and administration work experience within a number of governmental structures.
- During the 13 months from June 2002 – June 2003, the Office successfully organized four meetings of the National Council members, produced and regularly updated monitoring reports on the Implementation of the National Plan of Action, created and regularly updated the list of focal points directly responsible for the implementation of the National Plan of Action in the relevant state agencies, successfully organized the lobbying campaign for the adoption of the newly developed counter-trafficking legislation. Also, during this period, the Coordinating Office represented the National Council at a number of events abroad:
 - Central Asian Seminar on Using Legal Instruments to Combat Trafficking in Women and Children organized by the United Nations Economic and Social Commission for Asia and the Pacific, May 2002, Uzbekistan
 - Counter – Trafficking International Visitors Programme, 21 September – 6 October 2002, United States of America
 - The 11th OSCE Economic Forum on Trafficking in Human Beings, drugs, small arms and light weapons: National and International Economic Impact, 20-23 May 2003, Czech Republic

3.4.2 Ratification of the UN Convention Against Transnational Organized Crime

- The Kyrgyz Republic signed the UN Convention and the two of its supplementing Protocols I and II in December 2000. The UN Convention and the two Protocols were ratified by the Kyrgyz Government on 15 April 2003

3.4.3 Counter – Trafficking Legislation

3.4.3.1 Legal Expert Group

- The legal expert group was formed and approved by the Chairman and the members of the National Council in July 2002. According to the IOM representative, the members of the legal expert group were identified and selected by IOM on the grounds of legal work experience, drafting experience and the area of law they represented. Four relevant governmental structures, the Ministry of Justice, the Ministry of Foreign Affairs, the Department of Migration Services under the Ministry of Foreign Affairs and the General Prosecutor’s Office, assigned their experts to form a team of four legal experts. Two independent experts, one a Chairperson of the Kyrgyz Bar Association and another an administrative law expert from the Legislative Department of the Presidential Administration, were also invited to consult the legal expert group as independent experts. In total, the legal expert group consisted of six members practitioners in Criminal, Administrative and International Law, all with the extensive and renowned legal work record and drafting experience according to their CVs.
- IOM legal consultant was in charge of the organisation, facilitation and coordination of the work of the legal expert group.
- The legal expert group accomplished its tasks of the review of the existing Kyrgyz legislation in the field of counter – trafficking and drafting of the amendments and addenda to the Criminal and Administrative Codes in December 2002. In addition, to the Criminal and Administrative amendments and addenda the group also developed amendments to the Law on Tourism, Law on Advertising and Law on Licensing.

3.4.3.2 International Legal Consultants

- Two international experts from Ukraine, Irina Zaretskaya and Irina Bisyarina, were selected and invited by IOM to review and comment on the newly developed counter – trafficking legislation, with an aim to align it with the international standards. According to IOM, the selection criteria were the international and CIS legal experience in the field of counter – trafficking, expertise in the criminal and / or administrative law, and preferably the Russian language skills. Both Irina Zaretskaya and Irina Bisyarina hold an extensive international and CIS counter – trafficking legislation development and review experience due to the participation in a number of legislative reform projects. In particular, since 1996 they were involved in the development and drafting of the counter – trafficking legislation in Ukraine, and in the introduction of amendments process after. Irina Zaretskaya undertook trainings at the Ministry of Justice of Germany, the Prosecutor’s Office, the Bavarian State Ministry of Justice, and the Bavarian Landesgerichtshof (High Court of Bavaria), used to work as a Legal Consultant at IOM Ukraine and currently she is the head of the Department of International Relations and Programmes at the Academy of the General Prosecutor’s Office of Ukraine. Irina Bisyarina currently holds the post of a Senior Investigator of the Central Investigation Department of the Ministry of Interior of Ukraine. She has worked on CT legislative issues with experts from the UK, Holland, Belgium, Turkey, Albania, Rumania, Bulgaria, Moldova, Byelorussia, Germany, Slovenia, Austria and Sweden.
- IOM organized the visit and prior to the arrival of the experts supplied them with all the relevant documents with regard to the draft law on counter trafficking.

- The legal experts arrived in May 2003 for a week already with the drafted comments to the Kyrgyz counter – trafficking law. Besides that, they participated in the “sharing of experience” round table with the members of the National Council and invited parliamentarians, gave training on counter – trafficking to the lecturing staff of the Academy of the Ministry of Interior, participated in the one-day workshop for the governmental officials and parliamentarians.

3.4.3.3 Counter – Trafficking Law

- The first draft of the law was presented to the National Council by the legal expert group on 18 December 2002. It contained counter trafficking provisions for the Criminal Code, Administration Code, Law on Tourism, Law on Advertising and Law on Licensing
- Having undergone comments of the relevant ministries, the international legal experts and the approval of the Government, the counter – trafficking law was directed to the Committee on Human Rights of the Legislative Assembly of Jogorku Kenesh. The Committee members rejected the draft law in the format it was presented and requested for further improvement and National Council and the IOM urgently called working group to redraft the law successfully. In particular, changes were made in the Criminal Code provisions. The amendments suggested to the Tourism, Advertising and Licensing Laws were also taken out of this draft and transferred to other relevant draft law documents.
- The Law of the Kyrgyz Republic on Amendments and Addenda to Certain Legal Acts of the Kyrgyz Republic, in particular to the Criminal and Administrative Codes, was approved by the Legislative Assembly of Jogorku Kenesh on 27 June 2003. At present, the law is awaiting for the president’s signature, to come into force.

3.4.4 Training

- From September 2002 until May 2003 in total 1607 representatives of the law enforcement structures of the Kyrgyz Republic received IOM training on counter-trafficking issues. These are: the National Security Service personnel, prosecutors, assistants of prosecutors with 3 to 10 years experience, criminal investigators with 10 years experience, representatives of city and regional police stations of the seven oblasts of the country. Trainings were also conducted for the regional government officials and the lecturing staff of the Academy of the Ministry of Interior.
- The curricular of training sessions was developed by IOM and comprised of the following topics: the phenomenon of trafficking, its causes and preventing mechanisms available, the existing Kyrgyz legislation and decrees in this field, comparative information on other countries and their practices, issues related to victims and the treatment of victims.
- In the majority of cases the IOM staff gave the lectures, seminars and training. However, the invited international legal experts from Ukraine were also involved in a number of training sessions, as well as some oblast government officials and the senior law enforcement officers when training sessions were given in their locations.
- The mass media throughout the country was also actively involved by providing the information coverage of the training sessions conducted

3.4.5 Awareness-Raising

3.4.5.1 Brochures

- In total 5000 brochures were distributed to the vulnerable groups around the country. In rural areas the United Nations Volunteers were the main source and the channel of distribution of the brochures and the counter – trafficking information.

3.4.5.2 Discussion Tours

- In conjunction with the mobile theatre awareness – raising activity of the USAID Public Information Campaign project, discussion tours, funded by the 1035 project, on the phenomenon of trafficking, causes and prevention were conducted throughout the country. The synergy of those two activities, the play – the dramatic true life story of a girl who became a victim of trafficking and the discussion sessions after on the content, the message and the lessons that ought to be learned from the play, had an incredible success with the general public in all locations where the mobile theatre had been. The total number of people who had seen the play is 17790. In the North it is 8310 people, in the South 9480.

3.4.5.3 Public Service Announcements

- In partnership with OSCE and Internews, the “Save Freedom!” counter-trafficking public service announcements (PSAs) were produced and disseminated on TV and radio from March 2002 until May 2002. In Bishkek the PSAs were broadcasted at the prime time by “Pyramid”, KOORT and “Independent Bishkek Television” channels. PSAs were broadcasted by Ayan TV (Naryn) Antenn TV (Karakol), EMTV (Karakol), Tatina (Kara – Balta) and Osh TV (Osh).

3.4.5.4 Hotline

- The “STOP! TRAFFICKING!” Hotline started operating in Bishkek in August 2001. It was designed to provide information and consultations services on counter – trafficking to potential and actual victims, and their families. The Hotline also serves as a tool for the effective data collection on the perceptions and the awareness level of the population about the trafficking issues in the Kyrgyz Republic.
- Hotline operates from 8 am – 8pm seven days a week. 1035 funds provided the hotline operator with necessary financial resources to set up the phone line, multimedia equipment for the phone, to pay symbolic stipends to the phone operators. IOM staff conducted introductory training for the phone operators, supplied regularly with the updated counter – trafficking information and assisted in dealing with complicated calls/requests.
- Until December 2002 the Women Support Center NGO was the operator of the Hotline. IOM decided not to extend the Women Support Center contract in December due to the technical difficulties associated with the facilities of the Women Support Center.
- In December 2002 the Hotline operation was transferred to Sezim NGO. Sezim NGO has 5 years of Hotline operation experience and competent hotline staff, which includes professional psychologists, social workers and a sociologist.

- The total number of consultations given for the total duration of the HOTLINE service from August 2001 until June 2003 is approximately 1760.

3.5 Project Implementation: Difficulties Encountered

- In total three events can be identified as having been challenging for the implementing agency, project partners and beneficiaries during the project implementation phase. First, it is the change of the Kyrgyz Government in July 2002. This event delayed the start date of the implementation of the project. Secondly, it is the temporary leave of the Coordinator of the Coordinating Office of the National Council. The Coordinator had to step off her duties for 5 months due to the family – related reasons. During her absence the large bulk of the work fell on the shoulders of the Assistant. Later, a person was recruited to work as the Coordinator on a temporary basis until the return of the actual Coordinator. Thirdly, it is the transfer of the Hotline operation from one NGO to another.
- The interviews with the **Coordinating Office** Staff, the legal experts, the institutions where training was conducted, the Hotline operator and the IOM staff revealed no work-related or communication – related difficulties.
- The interviews with members of the legal expert group revealed no major obstacles or difficulties encountered during the work process apart from the novelty of the subject matter and the lack of the representatives of the law enforcement structures in the group directly dealing with the cases of trafficking.
- The interviews with regard to the training and the awareness-raising campaign indicated the lack of the funds as the main difficulty, for it would have been possible to implement more activities if they were available.

4. PROJECT EVALUATION

4.1 Project Relevance

- The project proposal was submitted at the same time as major institutional changes were taking place in the field of counter – trafficking in the Kyrgyz Republic. The objectives of the project, furthermore, demonstrate that the goal of the 1035 project was to assist the Kyrgyz Government with the relevant activities at the most relevant time.
- The objectives set by the project were well identified and closely tailored to the needs of the counter – trafficking environment in the Kyrgyz Republic and the parties involved.
- The project via its main objectives such as the Coordinating Office, the anti-trafficking legislative reform, the training and the awareness – raising activities practically set the presidential decree on the National Council and the National Plan of Action into force.

4.2 Project Effectiveness

- The 1035 project achieved all its main objectives within the contracted period and within the budget allocated. Moreover, as the chapter on project implementation indicates, the ratio between the activities done and the budget allocated is clearly greater on the activities' side. As it was planned, the project activities and events covered the Kyrgyz Republic entirely.
- The evaluation uncovered no major difficulties encountered by any of the parties of the project with regard to the understanding of the goals of the project, communication or cooperation. No major obstacles were also encountered with regard to the ratification of the UN Convention on Transnational Organized Crime or the adoption of the counter – trafficking law.
- The implementing agency, IOM, had the expertise and the experience to implement this project in the Kyrgyz Republic. The IOM staff had not only the substantial knowledge on the issue but also the extensive experience of dealing with the governmental officials, lobbying the Government, involving international organisations, developing and conducting seminars, training and awareness – raising campaigns. The project partners and beneficiaries during the interviews often marked the excellent organizational and management skills of IOM staff.
- Project Partners were well chosen. Those who signed up at the beginning fulfilled their responsibilities until the end, apart from UNICEF. The project also attracted other organizations and institutions during the implementation phase willing to participate and assist. Good selection was further made with regard to the Coordinating Office staff, the legal expert group members, the international legal consultants and the new Hotline operator.
- IOM achieved effective cooperation and coordination of activities with both the governmental agencies and the non – governmental organisations. The project actively encouraged the participation of local NGOs in its activities.
- **Coordinating Office** of the National Council not only successfully achieved the status of the national organ but also managed to network internationally. The **Legal Expert Group**, thanks to well selected members, managed to produce the anti-trafficking provisions not only to the Criminal and Administrative Codes, but to other relevant laws as well. IOM advance arrangements made with regard to the visit of the **International Legal Consultants** allowed for more activities to be included in their time schedule.

- The interviews with the agencies where IOM conducted training revealed positive attitude and the evaluation with regard to the **training** organisation, content, quality, and delivery. The director of Sezim NGO also positively marked IOM's assistance, monitoring and supervision of the **Hotline** operation.

4.3 Changes in Project Strategy, Objectives and Activities

- The comparison between the project proposal and the project implementation uncovered no major changes in the project strategy or the objectives. However, a number of changes in the implementation of activities did take place.
- Unfortunately due to the objectives of the project which mainly focused on the administrative and law enforcement reforms, it was not possible to involve UNICEF at this stage of counter – trafficking developments.
- In the early phase of the implementation it was decided not to form the **inter-ministerial working group** to assess the work of the legal expert group and to further develop the counter – trafficking policy. Instead it was decided to transfer those activities to the National Council, which already existed and in the essence was the best organ for these duties.
- **Training for judges** was also cancelled, hence the training development process revealed that there was, at that time, no new information to deliver to judges on the counter – trafficking legislative developments in the Kyrgyz Republic.

4.4 Project Impact

- At this stage, when the project has just ended, it is difficult to assess the total project impact on the local environment of the Kyrgyz Republic. However, the project successful results indicate that the project strategies set at the beginning were best for the developments taking place in the field of counter – trafficking in the Kyrgyz Republic.
- The project impact on the potential and actual victims of trafficking can be ascertained by the availability now in the Kyrgyz Republic of the laws that can protect them, by the start of the active institutional work in the field of the counter – trafficking, by the change in the attitude of both the general public and the government officials in relation to the problem of trafficking and the victims.
- The project legacy to the government officials is the establishment of the cooperation and coordination of activities network in practice, the better understanding of the problem of trafficking and the ways it can be resolved.

4.5 Project Sustainability

- The interviews with the National Council revealed the readiness and the willingness of the members to continue the started progress in the field of counter – trafficking in the Kyrgyz Republic.
- The interviews with the implementing agency, project partners and the beneficiaries expressed the need for other similar projects further developing the established infrastructure. The parties to the project also indicated willingness and readiness to participate and contribute.

4.6 Recommendations

This section presents the recommendations put forward both by the interviews parties to the project and by the external evaluator.

- **Legal Expert Group:**
 - include in the future representatives from the law enforcement structures dealing with the cases of trafficking and individuals with the practical experience of lobbying and passing the laws through the Jogorku Kenesh.
 - recruit people on the full time basis even if for a short – period of time, to ensure no distraction from the matter
- **Training:**
 - incorporate more practical exercises and case studies in to the training curricular for law enforcement structures i.e. move from informative training to the problem solving training
 - training must be focused on the correct application of the available counter – trafficking legislation
 - conduct future training for the judges, border control, criminal investigation, tax and customs personnel.
- **Awareness – raising:**
 - design public awareness material for the South focused more on the forced labor type of trafficking, for the North treating more sexual related trafficking.
 - produce the brochures and other printed material primarily in Kyrgyz language.
 - build capacity of the hotline operators via knowledge and experience raising programmes, encourage their relations and networking with their international colleagues.
 - in the future similar projects allocate funds for the security equipment for the Hotline operator’s office.

ANNEX 1: List of Interviewed Persons

Interviews (09 July 2003 – 18 July 2003)

1. K. ABDIEV Deputy of the General Prosecutor of the Kyrgyz Republic, Deputy Chairman of the National Council on Counter – Trafficking
2. A. SULAIMANOVA Coordinator of the National Council Coordinating Office
3. Z. ADJIGULOVA Assistant of the National Council Coordinating Office
4. C. MEDETBEKOVA Legal Consultant, Corporate Governance and Judicial Reform Project, Asian Development Bank
5. N. DOLINSKAYA Legal Consultant, Corporate Governance and Judicial Reform Project, Asian Development Bank
6. B. RYSKULOVA Head, Sezim NGO
7. C. MUSABEKOVA Director of the Education Center for Prosecutors under the General Prosecutor’s Office
8. A. TYNYSTANOVA Program Manager, IOM Bishkek
9. T. ZLOBINA Project Lawyer
10. K. KARIMOV IOM Representative in Osh

Interviews (17 March 2003 – 24 March 2003)

1. S. BARAKANOVA Temporary Coordinator of the Coordinating Office of the National Council on Counter – Trafficking
2. Z. ADJIGULOVA Assistant of the National Council Coordinating Office
3. T. BORONBAEVA Deputy, Legislative Assembly, Jogorku Kenesh
4. R. DENISOV Head, Department of Coordination of the Legislative Activity of the Government of Kyrgyzstan, Ministry of Justice
5. E. MARTUSHEVA Head, Department of International Agreements, Ministry of Foreign Affairs
6. Z.HAKIMOV Head, Department of Migration Services, Ministry of Foreign Affairs
7. M. SUTALINOV Head, Department of Criminal Investigation, Ministry of Interior
8. T. KOJYNYZAROV First Deputy, Department of Passport and Visa Issue, Ministry of Interior
9. A. TOROBAEV Head, Department of Passport Control, Boarder Control Service
10. A. SHAGIVALIEV Head, Department of Human Rights and Personal Freedom, General Prosecutors Office