

# The Preventive Features of Trafficking in Persons in the Legislation of Uzbekistan

<sup>1</sup>Nurmukhammad Khamidov

**Abstract--***This article provides information on Uzbekistan's efforts to combat human trafficking. It also describes the characteristics and special features of trafficking in persons. In addition, due to the prevention of crime in this area is the main requirement of the day suggestions and conclusions were made on preventive measures.*

**Keywords--***inalienable rights, human trafficking, crime, trafficking in persons, danger, transnational crime, exploitation, transnationality.*

---

## I. INTRODUCTION

The global threat posed by human trafficking has been increasing in recent years, and the scale of efforts to combat this crime is expanding in a number of countries.

It is known how precious is man. In order to enjoy natural resources, to be healthy, strong and intelligent, it must be protected one's rights and freedoms. Human trafficking has become one of the global problems when it comes to creating a democratic legal state and civil society in a country that security and social and moral stability.

Necessary measures are being carried out by the government to fight against illegal labour migration, human trafficking and exploitation.

According to the information of US Embassy in Tashkent the Government of Uzbekistan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included taking substantive actions towards ending its use of forced adult labor during the annual cotton harvest, including by increasing remuneration to pickers, partially demobilizing some public sector workers, continuing to allow full unimpeded access to international third-party monitors, incorporating independent human rights activists into monitoring plans, and continuing to uphold the ban on child labor in the harvest. The ILO assessed a further decrease in the use of forced labor from the 2017 harvest. The government's high-level commitment to ending forced labor remained noteworthy; the President and Cabinet of Ministers called attention to government-compelled forced labor in public work projects and issued a decree against mobilization of civil servants for these projects. It increased support to vulnerable labor migrants, including trafficking victims, by creating a budget line item and allocating funds to provide assistance. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Government-compelled forced labor remained during the 2018 cotton harvest. The government did not consistently implement its ban on the mobilization of public sector employees. It identified fewer victims of trafficking and identified a disproportionately low number of transnational

---

<sup>1</sup>Tashkent State University of Law, Uzbekistan. E-mail: n.hamidov@tsul.uz  
Editor at editor at international journal portal [www.tadqiqot.uzlaw@tadqiqot.uz](http://www.tadqiqot.uzlaw@tadqiqot.uz)

trafficking victims compared to the estimated size of that population. The government investigated and prosecuted fewer suspected traffickers for the fifth consecutive year [1].

This problem is multifaceted and requires a multifaceted approach. Hiring people for international use, also known as human trafficking, is similar to high-profitable crimes such as weapons and drugs or psychotropic substances, and organized crime in this area is designed to make a profit and its implementation methods are confidential and dangerous.

In this case, we agree with lawyer Sharofutdinov that the commission of these crimes not only undermines the dignity and dignity of the individual, but also undermines the international image of our state. [2]

It is worth noting that human trafficking is one of the biggest global problems today. According to the lawyer M.A. Radjabova, the three most dangerous forms of transnational organized crime were “inherited” from the last century to the XXI century, that is, terrorism and religion related crimes, extremist, fundamentalist, separatist attacks. The next one is drug dealing and the last one is the organisations who deal with human trafficking [3].

Human trafficking is a common crime that occurs in all countries of the world. Because, this crime ranks third in the world in terms of income. Thus, the freedom of the so-called person is limited, and his dignity is violated in this crime. In this regard, it is necessary to identify the crime of human trafficking, to show the inevitability of punishment by prosecuting the perpetrators of this crime, to prevent it, to minimize its consequences and take preventive measures against victims of human trafficking.

Human trafficking is a particularly dangerous and offensive type of criminal activity. Outrage can be seen in this crime because when this crime is committed it is committed in the same way as slavery. Moreover, the exploitation of a person, selling a person as a “commodity” is derogatory, since it is associated with generating income by the human factor.

The name of this activity in the English language has remained unchanged in many languages of the world. In particular, in international criminal law, the term “trafficking” is used in relation to this type of criminal activity. In fact, “traffic” comes from the Latin word “traffiso”, originally introduced by Italians. “Traffico” is used in Italian as “commercial” and “trade” [4]. The term was originally used in the form of “tobacco trafficking” and was used to refer to the tobacco trade and the tobacco business. The Italians later called it as a “traffick”. Indeed, this word comes from the word “merchant”, that is, from the seller, [5].

The definition of human trafficking and responsibility for this crime is contained in article 135 of the Criminal Code of the Republic of Uzbekistan. With the adoption of the law of the Republic of Uzbekistan “On fighting against human trafficking” this article has been put forward as a new edition to the Criminal Code of the Republic.

The previous edition of Article 135 of the Criminal Code of the Republic of Uzbekistan provided liability for recruitment only for the purpose of exploitation, which did not cover the complex of criminal offenses referred to in international legal acts. In practice, this could not provide full protection for the freedom, honor and dignity of citizens.

Moreover, unlike the 1949 UN Convention on trafficking in persons for the exploitation of prostitutes, the new version of Article 135 of the Criminal Code of the Republic of Uzbekistan provides exact responsibility for exploiting people for any purpose [6]. The crime stipulated by article 135 of the Criminal Code of the Republic of Uzbekistan is one of the crimes against the freedom, honor and dignity of a person.

Moreover, the Government of the Republic of Uzbekistan increased prevention efforts. The government took steps to modify its agricultural policies that created pressure for the government to force people to work, including by increasing wages to pickers to 144 percent above 2017 rates for the first pass, fulfilling its commitment to not mobilize students, and partially implementing its commitment not to mobilize teachers and medical workers. [1]

Human trafficking, that is, hiring, transporting, transferring, hiding or accepting a person for the purpose of his exploitation or use is a social dangerous act. Which involves – committing a crime by a group of persons, using the form of abduction, violence or other forms of intimidation or coercion, taking the victim across the border of the Republic of Uzbekistan or illegal detention abroad, use of forged documents, receipt, concealment or concealment of the victim's identity documents; cutting the organs of a person and transplanting [7].

Human trafficking is a form of transnational organized crime that threatens a person, his honor, dignity, peaceful life and future, and is causing serious concern since this crime is involving teenagers and women. For instance, according to the United Nations, in 2014, 51% of women worldwide were victims of trafficking, 21% were men, 20% were minors and 8% were children [8].

The Convention on Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000 (ratified by the Republic of Uzbekistan (June 28, 2001), defines human trafficking as follows: "Trafficking is the use of force through recruitment, transportation, transfer, concealment or intimidation of people for use or other means of coercion, theft, extortion, deception or power. "[8].

Human trafficking is any action or purpose of hiring an individual person (or group of persons), related to moving them within or outside the state, including the sale, purchase, transfer, profit from such actions or simply the subsequent sale of such person. fraudulently or forcibly (violently or with the threat of violence), as well as retaining a position for the purpose of unlawful use, as well as paying or not paying a person for voluntary bonded labor, regardless of whether it involves carrying out [9].

The international community sees trafficking in persons as a threat to the well-being of individuals, families and communities. According to the above-mentioned definitions, trafficking in persons includes the following:

- a) Theft of people with the use of force, manipulation, deception or fraud with the aim of exploitation;
- b) Hiring, transporting, surrendering, concealing or accepting abducted or deceived persons;
- c) The capture of a person by using person's financial dependency;
- d) The abuse of authority power to create an enabling condition for human trafficking;
- (d) The use of prostitutes for human trafficking;

- f) Involving children and women's relatives (parents, guardians or guardians, husbands or wives or other close relatives) for trafficking in persons;
- (j) The separation of human organs or tissues; h) simplification of actions that entail the freedom or slavery of a person.

Human trafficking means hiring, transportation, surrender, concealment or acceptance for the purpose of trafficking or exploitation.

According to the Law of the Republic of Uzbekistan which was adopted in April 17, 2008 "On the fight against human trafficking", the term "human trafficking" is interpreted as "hiring", "transportation", "expansion", "concealment", "acceptance" (action).

Thus, article 3 of the law states that human trafficking is a threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or the use of risk of a situation or the consent of another controller hiring, transporting, surrendering, hiding or accepting persons for use in exchange for extortion.

Using people means exploiting the prostitution of others or other forms of sexual exploitation, forced labor or services, customs of slavery or slavery, isolation or separation of human organs or tissues.

When it comes to the terms that are used in human trafficking in the Uzbek language, they are not completely appropriate to the Russian language for instance, 'hiring people for exploitation'. In particular, the word "exploitation" in the Russian version is used in the Uzbek language as "using". The word 'using' in the dictionary means voluntary participation in some form of work. "Exploitation" is the use of force, the forced use of the means of production by the occupiers of another's labor [10].

Therefore, the word "exploitation" is completely different from the word "using" in both meaning and concept. Therefore, to describe this crime, it is advisable to use the word "exploitation" in the Uzbek language. Therefore, exploitation of persons is prescribed in the eighth section of the Criminal Code of the Republic of Uzbekistan which is "Legal meaning of terms", referring to the use of prostitution or other forms of sexual exploitation of others, forced labor or services, slavery, arbitrary status or segregation of human organs or tissues. "

Regarding the concept of "hiring," many scholars have used the notion of "human smuggling" when referring to this crime in many legal literatures [11].

In our opinion, the concept of "smuggling of people" is incorrect, since the subject of the crime is specifically mentioned in the 246th article of the Criminal Code of the Republic of Uzbekistan. These include toxic, poisonous, radioactive, explosive, explosive devices, weapons, firearms or ammunition, as well as drugs or psychotropic substances or religious extremism, separatism and fanaticism, which have a strong impact on smuggling. Therefore, we do not consider a person as a subject of this crime appropriate to include a person directly in the subject of this crime. In addition, human trafficking has a separate criminal structure.

Russian lawyers interpret the use of people differently. In particular, according to Shakin V.B the basis of such a crime is the legal or illegal removal of a person from the territory of the state for the purpose of further sale or

sexual exploitation [12]. However, we partially agree with this view that, in addition to the above cases, this type of crime is often misleading using the trust of the victim, and we believe that the deceived can be involved in any form of forced labor, not only for sexual purposes.

According to Evstifeev, “actions in the form of forced labor, sexual exploitation, physical and mental torture are a necessary indicator of human trafficking.” This definition is also incomplete, because, firstly, the prospect of future human trafficking is possible only after they are recruited for human exploitation. Secondly, recruiters do not always sell victims, but recruiters themselves can also use them.

Uzbek researcher I.Y. Fazilov also suggested filling out article 135 of the Criminal Code of the Republic of Uzbekistan with the words “Detention of a person for exploitation” [13]

As a precedent from judicial practice, in early April 2017, a resident of Samarkand - D along with nationals – N and B contacted national M, residing in Namangan region, Namangan city, house 25, through “Telegram” offering a babysitter position in Turkey, having a purpose of sexual exploitation of M. On 27 April, M arrived to Turkey and met N who revealed her/his true intentions by transmitting M to N and B for sexual exploitation. Afterwards, N took away M’s passport and flight ticket forcing M to work as a prostitute, otherwise to return 2200 USD. Then N forced M into prostitution where she was beaten insulted and threatened in Istanbul from 27 April to 19 May 2017.

## II. CONCLUSION

The commission of a socially dangerous act as a human trafficking is a complex, lengthy process. Given that crime is seen as a special form of organized crime at the international level, it is in a high social risk as terrorism, arms trafficking, aggression and genocide.

According to Buryak, human trafficking is often organized by organized criminal groups and is of international importance. They developed a mechanism for committing such a crime, which is as follows; 1) the recruitment of victims of crime; 2) preparation of the necessary documents for their exportation; 3) movement inside or outside the state; 4) application of the methods of victim exploitation.

These methods include: a) making victim economic dependent; b) seizure of a civil passport or identity card of the victim; c) prohibition of personal rights; d) a ban on medical examination; d) intimidation or pressure on family members; e) physical and psychological pressure; (j) Teaching him to drink or take drugs. 5) return them to their country or sell to another recruiter [14].

Thus, a number of factors, including the globalization of trade and economic relations, causes the increase in crime related to human trafficking and exploitation in the world. The deterioration of the social and economic situation of women and the “business” associated with this crime, which related to high income of it, sluggish socio-economic development of the state, and in some cases, officials involved in crime.

Another socially dangerous aspect of human trafficking is that these criminal actions increase the activity of not only criminal groups within the same state, but also international criminal associations. Human trafficking from

a small, fragmented community into a permanent criminal group is often subordinated to international criminal associations and criminal groups, and is associated with the growth of international organized crime.

## REFERENCES

1. 2019 Trafficking in Persons Report: Uzbekistan. [https://uz.usembassy.gov/2019-trafficking-in-persons-report-uzbekistan/?\\_ga=2.29212860.1264422172.1582111885-1038349352.1576662681](https://uz.usembassy.gov/2019-trafficking-in-persons-report-uzbekistan/?_ga=2.29212860.1264422172.1582111885-1038349352.1576662681)
2. Sharafutdinov A.O. On the work carried out by the Ministry of internal Affairs in the field of combating the recruitment of people for their sexual and other exploitation. Problems associated with the traffic of people // Materials of scientific and practical conference on the topic. "International legal problems of combating human trafficking". T., 2006. - p. 15
3. Bhaskar Kumawat, Dev Kumar. "A Research Study On Packet Forwarding Attacks In Mobile Ad-Hoc Networks." International Journal of Communication and Computer Technologies 1 (2012), 34-38. doi:10.31838/ijccts/01.01.05
4. Rajabova M. Human dignity. Under the protection of the law//. Xalqsuzi. March 28, 2008. - №62.(4472)
5. Rajabova M.A. Liberalization of criminal penalties: scientific practical analysis. - T.: Justice, 2005. P.89
6. Explanatory Dictionary of the German language. Translation of YuldoshParda. - Tashkent, 2002. P. 48
7. Rustamboev M.H. Human trafficking. - T.: TSILpublishing house, 2009. – p.14.
8. Rustamboev M.H. On the issue of responsibility for the sale of people. The treatise. - T.: TSIL publishing house, 2008. – p.6.
9. Yogender singh, himanshu deswal, harpreet singh grover, amit bhardwaj, shalu verma (2016) unrevealing la magie de cyanoacrylate: a review. Journal of Critical Reviews, 3 (2), 65-68.
10. Human Rights and Human Trafficking UNITED NATIONS New York and Geneva, 2014.
11. Sally W/ Stoeker. The Rise in Human Trafficking and the Role of Organized Crime // Demokratizatsiya. Vol. 8, – № 1. Winter 2000.
12. Collection of legislation of the Republic of Uzbekistan, 2008, 16-th, Article 118; 2017 y., 37, article 978; national database of legislation data, 24.05.2019 y., 03/19/542/3177
13. Лунев В.В. Преступность XX века. Российскаяакадемиянаук. Институтгосударства и права. Москва. – 2006. – С.596-601. (Lunev V. V. Crime of the XX century. Russian Academy of Sciences. Institute of state and law. Moscow. - 2006. - p. 596-601)
14. Prajapati ST, Patel LD, Patel CN. "Polymers for Floating Drug Delivery System." Systematic Reviews in Pharmacy 2.2 (2011), 1-7. Print. doi:10.4103/0975-8453.83431
15. Shakin V. B. the Concept of criminal exploitation of people. Criminal exploitation in the criminal legislation of Russia // Siberian legal Bulletin. - 2001.- № 3. - P. 74
16. I.Y. Fazilov. The criminal–legal and criminological aspects of the fight against trafficking in persons are the juridical ones. The DsC dis. - T., 2016. – p. 76
17. Buryak M. Y. human trafficking and the fight against it. Dis. Cand. sciences'. V.: - 2005. - P. 13
18. Tsai,C.I., & Lo, C.H., (2014). Integrating Phosphorylation and Catalytic Sites Information into AH-DB. *The SIJ Transactions on Computer Science Engineering & its Applications*, 2(4), 54-58.
19. Bhasker, B.,&Dr.Murali,S. (2019). Networks Flaws and Filtering Using KNOD Algorithms. *Bonfring International Journal of Software Engineering and Soft Computing*, 9(2), 36-39.
20. Ūmit Sayin, H. A bio-electrical tornado in the hippocampus: Mechanisms of temporal lobe epilepsy (2017) *NeuroQuantology*, 15 (1), pp. 92-103.
21. Song, D. Notes on information and choices (2017) *NeuroQuantology*, 15 (1), pp. 73-78.