

## Uzbekistan takes strides in combating human trafficking: Establishing a legal framework for victim protection

*Speaking at the 78th session of the UN General Assembly, President Sh. Mirziyoyev of the Republic of Uzbekistan emphasized the country's commitment to building a New Uzbekistan—a legal, secular, democratic, and social state. The Basic Law underscores dedication to human rights, freedom of speech and conscience, and the equality of all citizens, regardless of nationality, language, or religion. Aligned with the United Nations Sustainable Development Goals, Uzbekistan strictly adheres to its commitments as outlined in the Development Strategy "Uzbekistan – 2030."*

Today, one of the most serious problems in the whole world is human trafficking. Every year thousands of people in the world, mostly women and children, become victims of human trafficking. Today, all indicators indicate an increase in the number of victims of human trafficking. In this regard, this problem attracts the attention of all countries of the world, since human trafficking poses a threat to fundamental human rights and the values of a democratic society.

Essentially, human trafficking with victims caught in its trap is a modern form of the global slave trade, in which a person becomes only an object of purchase and sale, he is forced to work, as a rule, in the sex industry, agricultural production, and other hard legal and illegal work, for meager payment or simply for nothing. The majority of identified victims of trafficking are women, but men can also become victims of trafficking. In addition, many victims are young people and often children.

As for the international legal framework for the protection of victims of trafficking in persons, it began to take shape at the beginning of the 20th century, when awareness began to arise of the need to protect victims, along with the criminalization and penalization of the act. Even when preparing the first international agreements to combat the trade of white

slaves at the beginning of the 20th century, the issue of protecting victims of human trafficking was raised.

Moreover, de jure in international law: a three-pronged approach, including the prevention of the crime in question, the punishment of perpetrators, and the protection of victims; was finally formalized with the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 2000 (hereinafter referred to as the Palermo Protocol).

As a result, the implementation of the norms of the Palermo Protocol into the national legislation of states (which came into force for the Republic of Uzbekistan on September 11, 2008) is carried out in most cases fragmentarily. Therefore, the trafficking of persons had been considered a crime under the legislation of less than half of the countries in the world by the time this international treaty came into force. After 10 years after its adoption, such states became more than 90%. At the same time, such positive dynamics are not observed about the rules on protecting the rights of victims. In many countries, there is still no special legislation to protect the rights of victims or even legal recognition of the concept of "victim of trafficking in persons."

Regarding the issues of preventing and protecting victims of human trafficking in the Republic of Uzbekistan, it should be noted that the problem of human trafficking threatens the national security of the state, and its development, disables economic foundations, and causes serious harm to human rights and interests. The fight against human trafficking in the Republic of Uzbekistan remains one of the priority areas of state policy.

Analysis of the legal framework for the protection of victims of human trafficking in the Republic of Uzbekistan made it possible to divide the legal framework into the following



Courtesy of Embassy of Uzbekistan in Japan

### The Independence Monument with Uzbekistan national flags

two groups: international legal framework and national legal framework.

International legal frameworks, in turn, can be divided into the following types: universal, regional, and bilateral international legal frameworks.

To date, the Republic of Uzbekistan, to coordinate its actions in the field of combating human trafficking, has ratified the following 10 universal international documents.

The second group of international legal frameworks in the field of combating trafficking in persons of the Republic of Uzbekistan consists of international documents adopted at the regional level, among which the following important international legal documents can be noted.

The third group of international legal frameworks in the field of combating trafficking in persons of the Republic of Uzbekistan consists of international legal documents and interdepartmental agreements adopted at the bilateral level with the following countries: Azerbaijan, Afghanistan, Georgia, UAE, Pakistan, Russian Federation, China, Kazakhstan, Kyrgyzstan, Republic of Korea, Latvia, Lithuania, Turkey, and Turkmenistan.

Furthermore, as for the national legal framework for combating trafficking in persons, it should be noted that in Uzbekistan, to prevent crimes of trafficking in persons, protect victims, and eliminate the consequences of these crimes, several legislative and regulatory acts have been developed and adopted.

One of the important national legal

frameworks for combating trafficking in persons is the Law of the Republic of Uzbekistan "On Combating Trafficking in Persons" dated August 17, 2020, as amended. The law introduces new concepts such as "victim of human trafficking", "person suspected of being a victim of human trafficking", and "identification of victims of human trafficking", and defines their rights. By this, a victim of human trafficking or a person suspected of being one has the right to temporary asylum, medical, psychological, legal assistance, and other necessary assistance, including practical assistance in returning to the country of origin or state of permanent residence.

In addition, by this Law, identification of victims of human trafficking is carried out in two stages. During initial identification, information is obtained, studied, and assessed to decide on recognizing a person as an alleged victim of human trafficking. In the final case, decisions are made to recognize or refuse to recognize a person as a victim of human trafficking.

The alleged victim has the right to temporary shelter, medical, psychological, legal, and other necessary assistance, as well as the services of a free translator. The alleged victim is given at least 30 days to recover physically and psychologically and decide to cooperate with law enforcement in connection with the crime committed against him.

It should be noted that paragraph 5.1 Appendix No. 1 of the draft Decree of the President of the Republic of Uzbekistan On the strategy "Uzbekistan-2030" provides for the improvement of the system of external labor migration, provision of all possible assistance to citizens working abroad, as well as the further development of international cooperation in the field of combating illegal labor migration and human trafficking.

Also, to increase the effectiveness of the fight against trafficking in persons, further implementation of the

ILO conventions ratified by the Republic of Uzbekistan, improvement of legislation, and adoption of additional measures to prevent forced and compulsory labor, as well as to prevent the use of the worst forms of child labor, based on the Decree of the President of the Republic of Uzbekistan dated July 30, 2019 "On additional measures to further improve the system for combating trafficking in persons and forced labor", the National Commission for Combating Trafficking in Persons and Forced Labor was created, which adopted several national plans and comprehensive measures.

In Uzbekistan in 2020, based on Article 135 of the Criminal Code of the Republic of Uzbekistan (Human Trafficking), 93 crimes related to human trafficking were initiated. Infant trafficking accounted for 40 percent of human trafficking crimes (37), with 15 boys and 22 girls being victims of child trafficking. In 2020, 81 cases against 100 people were considered in court, of which 93 people were convicted.

The Republican Rehabilitation Center for Victims of Human Trafficking, operating in Tashkent, provides comprehensive assistance and social rehabilitation to victims of human trafficking. In 2020, 92 people, including 38 men and 54 women (3 minor girls and 9 boys), used the services of the Republican Rehabilitation Center for Victims of Human Trafficking.

In 2020, the Public Fund under the Oliy Majlis of the Republic of Uzbekistan and other government funds provided government grants totaling 461 million Uzbek soums to 15 non-governmental non-profit organizations. In addition, 981.6 million Uzbek soums were allocated for financial support of social adaptation centers for victims of violence in the regions. In addition, NGOs provided grants in the amount of 369.5 thousand US dollars for the implementation of projects to combat human trafficking and forced labor, as well

as to prevent illegal migration.

In 2022, the Republican Social Information Center "Istiqbolli Avlod" (NGO) provided legal assistance to 2,469 people, as well as practical assistance in the repatriation of 264 people.

The U.S. Department of State, in its 2023 Annual Trafficking in Persons Report, notes that the Government of Uzbekistan is making significant efforts to meet standards to eliminate trafficking in persons. The government demonstrated overall increased efforts compared to the previous reporting period. These efforts included investigating, prosecuting, and convicting more traffickers; strengthening support for migrant workers abroad; and increasing funding for the only shelter in Uzbekistan for victims of human trafficking.

In conclusion, it should be noted that in recent years, Uzbekistan has achieved significant results in the field of human rights protection.

Firstly, several national legal frameworks have been developed and adopted in Uzbekistan in the field of combating human trafficking and protecting its victims;

Secondly, national mechanisms for the protection of victims of human trafficking have been created and are constantly being improved;

Thirdly, international cooperation of the Republic of Uzbekistan with international organizations and states to combat human trafficking and protect their victims is being carried out and improved.

All this contributes to a further coordinated approach between law enforcement agencies and government authorities, and close interaction between the competent authorities of the country with international organizations and neighboring countries, which will ensure positive results in the protection of victims of human trafficking.

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