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THE PHENOMENON OF "HUMAN TRAFFICKING" IN UZBEKISTAN AND THE STAGES OF FORMATION OF THE SYSTEM TO COMBAT IT

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ABSTRACT

This article explores the phenomenon of human trafficking in Uzbekistan, examining the socio-economic and political factors contributing to its prevalence. It provides a comprehensive analysis of the stages in the formation of the national system designed to combat human trafficking, detailing the development of legal frameworks, institutional mechanisms, and preventive measures. The study highlights the challenges faced in implementing effective anti-trafficking strategies and the progress achieved over the years. By assessing the efficacy of current policies and practices, the article aims to offer recommendations for strengthening Uzbekistan's approach to combating human trafficking and improving the protection of victims.

KEYWORDS

Human trafficking, uzbekistan, anti-trafficking measure, legal, framework, institutional mechanisms, victim protection.

INTRODUCTION

Although the phenomenon of "human trafficking" is an ancient concept, it was not studied as a separate type of crime in the former Soviet Union or later in the Republic of Uzbekistan, which gained independence after separating from the Union. Despite the fact that it occurred in one form or another throughout the entire existence of the USSR, it was ideologically denied.

After gaining independence in 1991, the first Criminal Code of the Republic of Uzbekistan was adopted in 1995. This code did not specifically address the crime of "human trafficking." It only mentioned "recruitment of persons for exploitation" under Article 135. However, this does not mean that the phenomenon of human trafficking did not exist in Uzbekistan. Social and economic problems, a sharp decline in the standard of living, and a low level of legal awareness among the

population turned Uzbekistan into a source country in the global human trafficking network. This was especially influenced by the steady increase in the number of vulnerable citizens with low legal awareness, lack of protection, and poor economic conditions, who were seeking employment abroad.

By the beginning of the 21st century, the issue of human trafficking began to be recognized at the state and government levels in Uzbekistan as well. In 2008, amendments were made to the Criminal Code of the Republic of Uzbekistan, and for the first time, the concept of "human trafficking" was officially defined under the aforementioned Article 135. According to this definition, "human trafficking" in Uzbekistan is understood as "the buying and selling of a person or the recruitment, transportation, transfer, harboring, or receipt of a person for the purpose of exploitation."

Additionally, on April 17, 2008, the Law of the Republic of Uzbekistan "On Combating Human Trafficking" was adopted, which provided specific definitions for important concepts such as "combating human trafficking," "human trafficking," and "a person engaged in human trafficking." According to Article 3 of this Law, "human trafficking" is defined as the recruitment, transportation, transfer, harboring, or receipt of persons for the purpose of exploitation through the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, or exploitation of a position of vulnerability, or by giving or receiving payments or benefits to obtain the consent of a person having control over another person. Exploitation of persons includes the exploitation of others for prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs or tissues.

According to this law, institutions responsible for combating human trafficking, preventing it, and working with victims were designated in Uzbekistan, and the coordination of their activities was assigned to the Interdepartmental Commission. The National Commission was also required to regulate the activities of regional commissions established in the Republic of Karakalpakstan, the city of Tashkent, and the provinces.

To improve the activities of combating human trafficking in the Republic of Uzbekistan and in accordance with the Law "On Combating Human Trafficking," the President of the Republic of Uzbekistan issued Decree No. 911 "On Measures to Increase the Effectiveness of Combating Human Trafficking" on July 8, 2008. The decree approved the "National Action Plan for Increasing the Effectiveness of Combating Human Trafficking for 2008-2010," the "Composition of the Interdepartmental Commission of the Republic on Combating Human Trafficking," and the "Regulations on the Interdepartmental Commission of the Republic on Combating Human Trafficking."

The Resolution No. 240 of the Cabinet of Ministers of the Republic of Uzbekistan, adopted on November 5, 2008, "On the Establishment of the Republican Rehabilitation Center for Providing Assistance to Victims of Human Trafficking," finalized the system aimed at preventing human trafficking crimes, combating them, and eliminating their consequences in our country. Under this resolution, the "Republican Rehabilitation Center for Providing Assistance and Protection to Victims of Human Trafficking" was established under the Ministry of Labor and Social Protection of the Population, with the following tasks assigned to it:

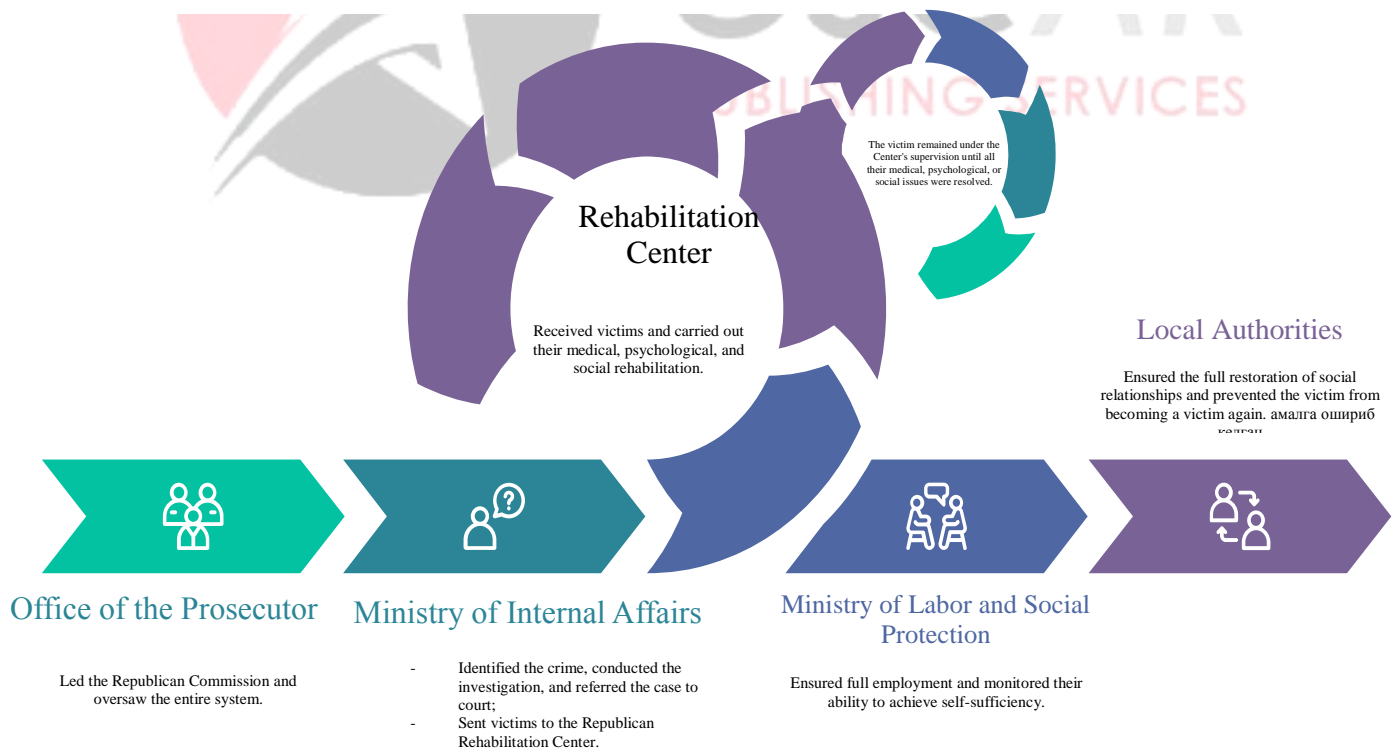
- providing victims of human trafficking with comfortable living conditions, personal hygiene facilities, as well as food, medicines, and medical supplies;
- providing urgent medical, psychological, social, legal, and other forms of assistance to victims of human trafficking;
- ensuring the safety of victims of human trafficking;
- assisting victims of human trafficking in establishing communication with their relatives;

- providing information to victims of human trafficking, their relatives, and guardians about the rights and legal interests of the victims;
- assisting in the social rehabilitation of victims of human trafficking.

During 2008, the system created in Uzbekistan for reducing human trafficking crimes, preventing them, and rehabilitating the victims took on the form of a comprehensive system, as depicted in Figure 1.

Figure 1

The System for Combating Human Trafficking, Preventing It, and Rehabilitating Victims in Uzbekistan



Over the 10 years following 2008, the Center rehabilitated 3,998 individuals, integrating them into social life.

On February 8, 2021, the Cabinet of Ministers of the Republic of Uzbekistan adopted a Resolution based on the "Law on Combating Human Trafficking" of the Republic of Uzbekistan, titled "On Approving the National Referral System for Persons Who Are Victims of Human Trafficking or Suspected to Be Victims of Human Trafficking."

According to this resolution, the roles and responsibilities of the bodies and organizations involved in the identification and referral of persons who are victims of human trafficking or suspected to be victims are specified. It also outlines the procedures for identification, referral, and ensuring the confidentiality of personal information for such individuals.

In addition, according to Appendix 2 of the resolution, a regulation on the social rehabilitation and integration of victims of human trafficking, including minors, was approved. This regulation also outlines the plan for individual work with these individuals, assistance with their adaptation, and the protection procedures for victims of human trafficking.

According to Appendix 1 of the resolution, the identification and referral activities for individuals who are victims of human trafficking or suspected to be victims will be carried out by state authorities and their regional divisions in cooperation with self-government bodies, non-governmental non-profit organizations, and other civil society institutions. All individuals will receive care regardless of their language, religion, nationality, or citizenship.

The Ministry of Internal Affairs of the Republic of Uzbekistan, the Office of the Prosecutor General, the State Security Service, the Ministry of Employment and Labor Relations, the Ministry of Foreign Affairs, diplomatic missions and consular institutions abroad, and the Ministry of Health are considered the state bodies and their regional divisions responsible for carrying out initial identification directly. These organizations will also...

- receives, registers, and reviews applications, reports, and other information related to human trafficking crimes and offenses;
- collects, analyzes, organizes identification, and refers individuals who are victims of human trafficking or suspected to be victims based on the received applications;

Final identification is carried out collegially by the Regional Commission on Combating Human Trafficking and Forced Labor.

In addition, the Ministry of Internal Affairs of the Republic of Uzbekistan, the State Security Service, and the Ministry of Employment and Labor Relations implement social programs and projects aimed at identifying individuals who are at risk of human trafficking and related crimes, including those suspected of being victims of human trafficking.

Furthermore, the Ministry of Internal Affairs of the Republic of Uzbekistan, within its authority:

- collaborates with organizations involved in financial transactions or other assets to conduct the initial identification of individuals suspected of being victims of human trafficking;
- organizes training seminars and workshops to enhance the skills of specialists from state authorities,

self-government bodies, non-governmental non-profit organizations, and other civil society institutions involved in the identification and referral processes. This training focuses on methods and criteria for identifying and confirming individuals suspected of being victims of human trafficking;

The Office of the Prosecutor General of the Republic of Uzbekistan, within its authority:

- monitors the implementation of laws by ministries, state committees, agencies, self-government bodies, public organizations, enterprises, institutions, organizations, local authorities, and other officials involved in the identification and referral activities of individuals suspected of being victims of human trafficking;
- oversees the execution of actions aimed at ensuring the rights and freedoms of individuals who are victims of human trafficking or suspected to be victims, as specified in the Law.

During the process of identification and referral, self-government bodies, non-governmental non-profit organizations, and other civil society institutions are responsible for:

- participating in and assisting with the initial and final identification and referral conducted by authorized state bodies;
- promptly notifying authorized state bodies when information about such individuals is received, and participating in initial and final identification and referral processes;
- carrying out public oversight during the identification and referral stages;

- participating in the implementation of social programs and projects aimed at identifying individuals who are at risk of human trafficking or suspected to be victims of human trafficking.

The initial identification process is carried out in a specially equipped room of the state body conducting this activity, individually with each person in a secure environment, and is performed with the individual's consent after their basic needs are met.

Additionally, an individual suspected of being a victim of human trafficking:

- receive medical assistance;
- receive psychological support;
- obtain legal advice;
- access temporary accommodation (shelter);
- establish contact with close relatives;
- have the right to use translation services free of charge.

At the end of the interview, the specialist analyzes the information obtained from the person presumed to be a victim of human trafficking and collects an application for the assistance specified in the Law.

A person identified as a victim of human trafficking has the right to social rehabilitation and adaptation.

The process of referral for a person presumed to be a victim of human trafficking is carried out to provide necessary assistance, protection, and rehabilitation.

In specialized institutions, the right to emergency medical assistance, psychological support, legal advice, social assistance, free translation services,

temporary accommodation, and assistance in establishing contact with close relatives is ensured.

When identifying a minor as a victim of human trafficking or presumed to be a victim, the specialist informs the Commission on Children's Affairs to ensure the rights specified in the Law of the Republic of Uzbekistan on "Guarantees of Children's Rights."

In the identification and referral of minors presumed to be victims of human trafficking or actual victims, the following are ensured:

- ensuring the safety, integrity, and confidentiality of the correspondence of minors;
- protection from all forms of exploitation and violence, including physical, psychological, and sexual violence, torture, or other forms of inhumane, cruel, or degrading treatment, as well as from being coerced into unlawful and antisocial activities;
- the involvement of a translator, educator or psychologist, social worker, and also a legal representative;
- the participation of the minor's parents or guardians.

Interviews with minors who are victims or suspected victims of human trafficking abroad are conducted via remote video communication channels and they are brought back to the Republic of Uzbekistan under government sponsorship.

The specialist who performs the initial identification, in cooperation with other competent state authorities, will take measures to search for the minor's family or establish guardianship or custody.

The interview is conducted by a specialist of the same gender, taking into account the minor's gender, age, and other specific characteristics.

If a minor refuses the participation of their parents or guardians, the presence of an inspector for the prevention of neglect and misconduct among minors and a psychologist is ensured.

Personal information about individuals suspected or confirmed to be victims of human trafficking is considered confidential, and the following entities are responsible for ensuring the confidentiality of this information:

- state Authorities Involved in Identification, Referrals, and Providing Social Assistance: Agencies responsible for identifying, referring, and providing social assistance to individuals who are victims of human trafficking during the identification and interview process.
- self-Governance Bodies, Non-Governmental Non-Profit Organizations, and Other Civil Society Institutions: Entities involved in the process, including self-governance bodies, NGOs, and other institutions within civil society.
- international Organizations: Organizations operating at an international level that may be involved in the process.
- specialized Institutions: Institutions specialized in this area, regardless of their organizational-legal form or departmental subordination.

Ensuring Confidentiality: From the moment the specialist begins the interview, they must ensure the confidentiality of personal information regarding individuals who are identified as victims of human trafficking or suspected victims.

Transfer of Personal Data: The transfer of personal data of individuals who are victims of human trafficking or suspected victims to countries that do not provide adequate protection for their rights and freedoms can only occur under the following circumstances:

- consent for Data Transfer: Personal data can be transferred only with the consent of the individuals who are victims of human trafficking.
- protection of Vital Interests: If the transfer of data is necessary to protect the vital interests of the victims of human trafficking.
- presence of Personal Data in Publicly Accessible Information: If personal data is contained within information that is publicly accessible.

During the identification process, if an individual is not satisfied with the decisions made regarding them, they have the right to appeal to the chairpersons of the Small Commission on Combating Human Trafficking and the Small Commission on Combating Forced Labor.

A risk assessment for individuals identified as victims of human trafficking, as well as a safety plan and a list of needs, will be developed by the responsible secretary and approved by the commission's decision.

If victims of human trafficking are identified along with their minor children, they will be provided with temporary shelter along with their children, and the children will also receive social rehabilitation and adjustment services.

Measures for social rehabilitation of victims of human trafficking will be suspended or terminated early in the following cases:

- when the goals of social rehabilitation have been achieved;

- when victims of human trafficking refuse social rehabilitation;
- when a substantiated decision is made that no incidents related to human trafficking have occurred.

The main responsibilities of the entities ensuring protection are as follows:

- assessing risk and approving the safety plan for persons who have been trafficked;
- approving the list of trafficked persons;
- assisting in the implementation of the parts of the personal plan related to the responsibilities of protection entities;
- providing support in resolving issues identified by a specialist from the competent state labor authority and monitoring the implementation of the personal plan.

In accordance with the Law of the Republic of Uzbekistan "On Combating Human Trafficking" No. YPK-633, dated August 17, 2020, a decision was made on November 22, 2021, by the Cabinet of Ministers on "Approval of the Regulations for Maintaining a Unified Information Database on Crimes in the Field of Human Trafficking" to improve the procedure for forming data related to the fight against human trafficking.

According to this, the Ministry of Internal Affairs of the Republic of Uzbekistan, the Ministry for the Development of Information Technologies and Communications, the Prosecutor General's Office, the National Security Service, the Ministry of Employment and Labor Relations, the Ministry of Health, and other interested ministries and agencies are tasked with implementing a unified information database on crimes in the field of human trafficking, which includes

the capability to enter information online into a centralized information base within two months.

The Ministry of Internal Affairs of the Republic of Uzbekistan, in collaboration with the Ministry for the Development of Information Technologies and Communications, will develop information security software to protect the data in the unified centralized information base from potential threats, accidental actions, and external attacks.

In this context, the information security software must meet the following requirements:

- protecting data from unauthorized access;
- maintaining a record of users accessing the centralized information database;
- protecting information from unauthorized modification during storage and processing;
- defending against viruses;

- identifying errors and vulnerabilities in the software configuration..

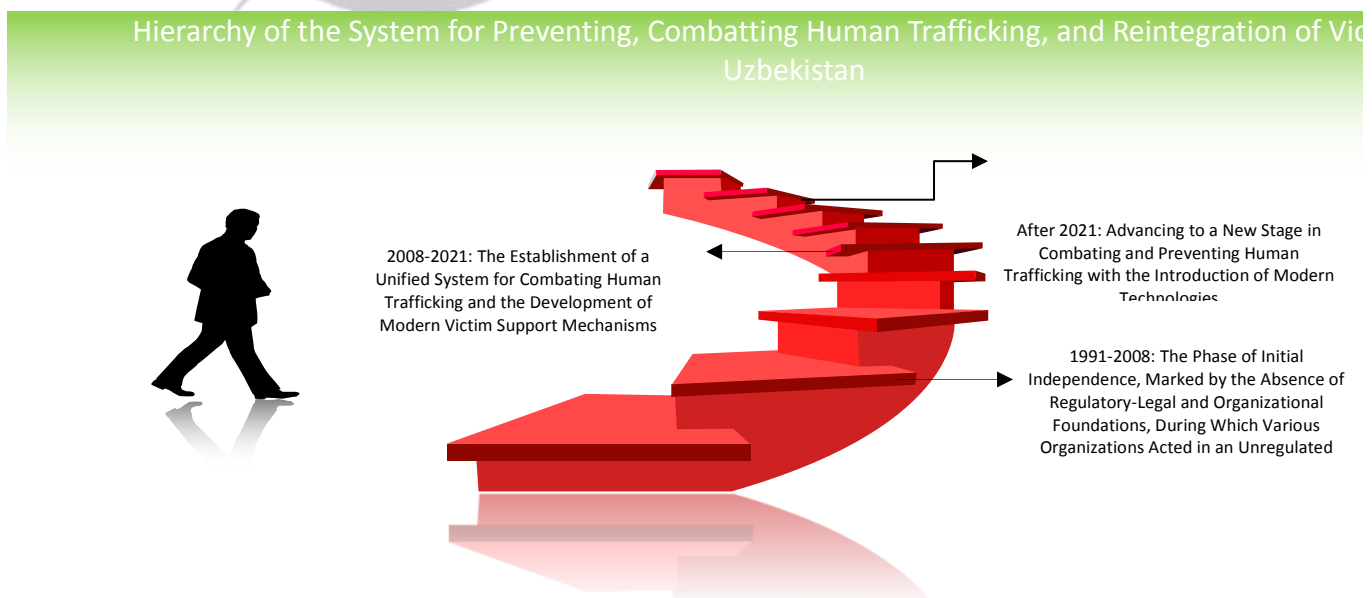
The Ministry of Internal Affairs of the Republic of Uzbekistan is responsible for managing the centralized information database.

The fundamental principles for recording information related to human trafficking in the centralized information database include legality, integrity, reliability, comparability, use within the scope defined by legislation, and the necessity and uniformity of record-keeping.

Information in the centralized database is considered restricted information, accessible only to authorized officials of relevant agencies, and it cannot be disclosed to unauthorized parties.

As seen from the above, the system for preventing human trafficking, combating it, and reintegrating victims in Uzbekistan has passed through three important stages, as depicted in Figure 2.

Figure 2.



CONCLUSION

In summary, the fight against the abhorrent crime of human trafficking, its prevention, and the reintegration of victims in Uzbekistan has undergone complex developmental stages. Today, this system has evolved into a sophisticated framework enriched with modern technologies and comprehensive organizational, legal, and financial foundations. Scientific research is also ongoing to further enhance the system for working with trafficking victims. Specifically, studies are focusing on which segments of the population are most affected by this crime, the gender characteristics of the victims, and their age and educational backgrounds. This research provides insights into what additional measures need to be taken to prevent future victimization within the population.

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