

## Forms of Human Trafficking and Theoretical and Legal Basis of the Fight against It

**Dusmukhamedova Nargiza Noufarbekovna**

Doctor of Philosophy in Legal Sciences (PhD)

**ABSTRACT:** The article describes the concept of human trafficking and its main forms: forced labor, trafficking in women and children, the essence of child labor. The problems related to human trafficking and the theoretical and legal basis of combating human trafficking are covered. Also, the measures adopted and implemented within the framework of the Development Strategy of New Uzbekistan, issues related to the system of state bodies that carry out activities to fight against human trafficking are included.

**KEYWORD:** human trafficking, forms of human trafficking, trafficking of women and children, forced labor, identification, threat of punishment, criminal-legal struggle, social protection of victims.

Human trafficking is one of the urgent problems of our time. Human trafficking exists in all countries, is represented by the violation of fundamental human rights and freedoms, and has a transnational organized nature. Some countries act as origin, some as transit or final destination.

This crime is the third most profitable crime in the world after drug and arms trafficking [1]. According to international experts, the annual income from human trafficking is 150 billion. is US dollar [2]. According to UN data, 72% of victims of human trafficking are women and girls [3].

During the globalization of the 21st century, the scale of human trafficking, especially crimes related to women and children, is increasing all over the world. In this sense, the level of social danger of exploiting people for various purposes is increasing. The fact that human trafficking is committed by various organized criminal groups, women and children often suffer greatly from this crime, requires the strengthening of criminal-legal measures against it at various international, regional and national levels and the coordination of mutual actions.

In this regard, the UN Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on Combating Trafficking in Persons and the Exploitation of Prostitution by Others, the Convention on Slavery, the Convention on Slavery and the Slave Trade, Institutions Similar to Slavery and Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Status of Refugees, the Convention on the Rights of the Child and the Optional Protocol on Child Trafficking, Child Prostitution and Child Pornography, the Convention on the Elimination of All Forms of Discrimination against Women, The Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention against Transnational Organized Crime, as well as the UN Global Action Program to Combat Trafficking in Persons done

In combating human trafficking, recognized sources of international law - international customs, principles of international law, and decisions of international courts can also be used.

Human trafficking has different forms, it is a crime committed against a person, which directly affects the dignity of a person, humiliates a person at the level of a simple commodity in trade. The most common types of crimes related to human trafficking are direct sale and purchase of people, slavery, servitude and dependence, labor exploitation of men and women, sale of people for the purpose of using their organs, sale and purchase of children.

According to Article 3 of the Law of the Republic of Uzbekistan "On Combating Human Trafficking", human trafficking is the threat of force or the use of force or other forms of coercion, theft, fraud, deception, abuse of power or the use of the vagaries of the situation, or control over another person. Recruiting, transporting, transferring, harboring or receiving persons for the purpose of using them by extorting them in exchange for payments or favors to obtain the consent of the person concerned. Exploitation of persons refers to the use of prostitution or other forms of sexual exploitation of other persons, forced labor or services, slavery or slavery-like practices, state of involuntary servitude, or harvesting of human organs and (or) tissues [4].

S. Niyozova indicates the following as the main and most dangerous forms of human trafficking:

1. Trafficking in women as objects of sexual exploitation;
2. Child trafficking as an object of sexual exploitation;
3. Human trafficking as an object of forced labor;
4. Human trafficking for the purposes of extracting (transplantation) natural human organs [5].

According to D.M. Valeev, the group of human trafficking includes: people smuggling, slavery, sexual violence [6].

In the final report of the International Organization for Migration, the main forms of human trafficking are classified by sectors as follows:

1. Human trafficking as an object of sexual exploitation, especially trafficking of women and children.
2. Human trafficking for the purpose of using slave labor.
3. Trafficking of children and disabled persons for the purpose of begging.
4. Exploitative marriages.
5. Human trafficking for forced surrogate motherhood, reproductive functions.
6. Human trafficking for the purpose of forced extraction (transplantation) of human organs and tissues.
7. Trafficking in children for forced adoption of sons or daughters.
8. Human trafficking for use in armed military units.
9. Use of compulsory military service [7] .

This classification cannot be considered perfect, because new forms always appear.

The documents of the Global Alliance Against Trafficking in Women define trafficking in women as follows: Trafficking in women is the recruitment of women to work or provide services domestically or abroad through the use of force or the threat of force, indebtedness, deception or other forms of coercion, or are all

actions taken during the shipping process. Forced labor and slavery-like practice means forcing to perform such works or services by abuse of power or official position [8].

Studies show that violence against women is considered a problem in all countries of the world, regardless of their political, economic and cultural development. Such situations can be observed even in the most developed countries. For example, in Japan, 59 percent of women are victims of physical violence, in the United States, 40 percent, in Canada, 25 percent, etc. According to sociologists, 60 million women are victims of various forms of discrimination, humiliation and violence. In African countries (Tanzania 60 percent), South Asia (60 percent), Latin America (57 percent), we can see that violence against women is increasing [9].

In accordance with the Convention on the Rights of the Child, the participating states are obliged to take all necessary measures to combat the following acts: child exploitation, including sexual abuse against him (Article 19); economic exploitation of a child or involvement of a child in any activities that may endanger his health or hinder his education or harm his health, physical, mental, spiritual, moral and social development (Article 32); use of a child in the illegal production and sale of narcotic drugs and psychotropic substances (Article 33); use of a child for sexual purposes and all forms of sexual abuse, including attracting and forcing a child to engage in any illegal sexual activity or using him or her for the purposes of prostitution or other illegal sexual practices, pornography or the preparation of pornographic materials (Art. 34); sale of a child or smuggling for any purposes and forms (Article 35); consists in protecting the child from all other forms of use that harm his well-being (Article 36).

In accordance with Article 9(3) of the Additional Protocol to the Convention on the Rights of the Child, relating to the sale of children, child prostitution and child pornography (May 25, 2000), it is the duty of States Parties to provide victims of child trafficking with all appropriate assistance, including their reintegration into society. and is obliged to take all possible measures to ensure full physical and mental recovery [10].

The term forced labor means any work or service required under threat of any penalty from any person who has not offered his services voluntarily, under threat of any penalty [11].

According to the 29th Convention on Forced Labor, forced labor or service is defined as placing the victim in a situation where, at the discretion of the perpetrator, the victim is forced to engage in certain labor activities or to provide one or another type of service (except sexual service). It is worth noting that the term "forced or forced labor" used in international law means "labor or service demanded from a person who does not offer his services voluntarily, with the threat of punishment" [12].

According to the International Labor Organization (ILO), 40.3 million people in the world today live in modern slavery, including 24.9 million in forced labor and 15.4 million in forced marriage. One in four victims of modern slavery are children [13].

Today, 218 million children are victims of forced labor. 89 million of them work in dangerous and harmful jobs [14]. Violence against children is one of the serious problems in society. According to UNICEF, 6 out of 10 children between the ages of 2 and 14 are physically abused every day. Every 5 minutes a child dies from violence [15].

The Convention on Urgent Measures for the Prohibition and Elimination of Severe Forms of Child Labor (June 17, 1999) envisages taking the necessary measures to achieve the elimination of the worst forms of child labor, in particular, the introduction of criminal liability for the worst forms of child labor. According to it, the "worst forms of child labour" include: all forms of slavery or practices similar to slavery, such as the sale of children, debt-based dependence and subordination, as well as forced labour, including the use of children in armed conflicts. attract; use, hire or invite a child to engage in prostitution, prepare pornographic

products or participate in pornographic performances; use, hire or offer a child to engage in illegal activities (activities related to the preparation and sale of drugs, illegal transportation or use of firearms or other weapons); According to the characteristics or conditions of execution, activities that may harm the child's health, safety, and morale (Article 3) are prohibited [16].

The President of the Republic of Uzbekistan, Shavkat Mirziyoyev, admitted at the 72nd session of the UN General Assembly: "In cooperation with the International Labor Organization, effective measures were taken to eliminate child labor and forced labor" [17], in his speech at the 75th session of the United Nations General Assembly, in this matter, our republic It was noted that the situation in the field of human rights has changed, forced and child labor has been completely eliminated, and the National Strategy on Human Rights has been adopted [18]. Also, the leader of our country noted that at the 46th session of the United Nations Human Rights Council, in cooperation with the International Labor Organization and the World Bank, effective reforms were implemented to eliminate forced labor and child labor.

New norms on the regulation of labor relations were introduced into the newly revised Constitution and the Labor Code, in particular, it was established that any forms of forced labor, as well as child labor that endanger their health, safety, morals, mental and physical development, including hindering their education, are prohibited. .

The measures adopted and implemented within the framework of the Development Strategy of New Uzbekistan for 2022-2026 have a positive effect on the situation in the field of combating human trafficking and eliminating its negative consequences. By reducing the spread of this type of crime in the country, it helps to provide assistance to victims of human trafficking and protect their rights not only in the country, but also abroad. It also has an impact on overcoming the stereotypes formed in the society about crimes related to human trafficking and the citizens affected by them.

According to the Sustainable Development Goals of the UN until 2030, the tasks set to combat human trafficking in our country are being consistently implemented. It is especially noteworthy that in 2019, on the initiative of the President of Uzbekistan, the National Commission for Combating Human Trafficking and Forced Labor was established. It is a collegial body that coordinates the activities of state authorities and administrative bodies and other organizations in the field of combating human trafficking.

The Ministry of Internal Affairs of the Republic of Uzbekistan, the General Prosecutor's Office of the Republic of Uzbekistan, the Ministry of Employment and Labor Relations of the Republic of Uzbekistan, the Ministry of Foreign Affairs of the Republic of Uzbekistan, diplomatic missions and consular institutions of the Republic of Uzbekistan abroad, as state bodies carrying out activities related to combating human trafficking. We can cite the Ministry of Health.

In the National Strategy of the Republic of Uzbekistan on Human Rights and its "Road Map", approved by the Decree of the Head of State on June 22, 2020, the task of improving legal documents related to the protection of the rights of persons affected by human trafficking was defined. On this basis, on August 17, 2020, a new version of the Law "On Combating Human Trafficking" was adopted. The main directions of state policy in combating human trafficking were strengthened in the law. Elimination of the causes and conditions that enable human trafficking, implementation of legal, political, socio-economic, medical, preventive, informational and legal awareness and legal culture measures of the population were defined as the main directions. In any case, timely identification of human trafficking and putting an end to it, elimination of its consequences, ensuring the principle of inevitability of responsibility of persons engaged in such actions, at the same time, social protection of victims, most importantly, establishing international cooperation in combating human trafficking. is considered one of the main directions of its activities.

It is planned to strengthen the cooperation of state bodies with non-governmental organizations in the fight against human trafficking. Currently, there are more than 9,000 non-governmental non-profit organizations in the republic, and about 100 of them are engaged in the fight against human trafficking. In the law, non-governmental and non-commercial organizations were defined among the organizations assisting the state bodies performing activities in this direction, and their powers and duties were clearly strengthened.

This law establishes the procedure for identifying victims of human trafficking, regardless of whether a criminal case has been initiated. The initial identification [19] was determined to be carried out by the General Prosecutor's Office, the Ministries of Internal Affairs, Foreign Affairs, Health, and Employment and Labor Relations and their regional units.

In the fight against human trafficking, there are many problematic issues in the field, in addition to the ongoing work on compliance with the international and national legal system, their further improvement, and coordination of the cooperative action of state bodies.

In recent years, a total of 114 children have been victims of baby trafficking in Uzbekistan, and almost 89% of them are children under the age of 1. In 2018, the share of baby trafficking among human trafficking crimes was 38%, and in 2019, it was 44%.

According to the analysis of the cases in 2017-2020, 31% of the women who sold their babies were in a difficult social situation, 17% committed these crimes in order to hide the fetus, and 52% for financial gain [20], 20 boys and 27 girls during 2021 child is a victim of baby trafficking, related to baby trafficking 55 crimes were detected [21].

Consequently, child trafficking is contrary to the guaranteed international norms on children's rights, threatens children's survival and development, and violates their rights to education, health and protection.

According to the data, in many countries, the legal framework related to traffic has not been formed. In some countries, there is no such law at all. A number of countries have partial legislation covering specific categories of victims of trafficking or specific forms of exploitation. Some of these countries do not use the protection guaranteed by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which complements the Convention against Transnational Organized Crime. Even in developed countries, the problem of human trafficking has not been adequately researched. The lack of accurate data on child trafficking is explained by a number of reasons. This activity is shrouded in secrecy. It is also difficult to get accurate information because his victims often do not want to report themselves. Also, there is no uniform methodology for counting victims of human trafficking. Uniform criteria for characterizing persons who are objects of human trafficking are rarely used in accordance with international legal norms and concepts.

Therefore, in the fight against human trafficking, it is appropriate to observe the international and national legal system, to further improve them, to coordinate the cooperative action of state bodies, in particular, law enforcement agencies. Adoption of appropriate legal measures by parliaments will play an important role in changing such tragic trends. At the same time, the issue of combating human trafficking places great responsibility not only on state bodies, but also on institutions of civil society, mass media, and educational institutions. After all, the activities of civil society institutions and mass media are very important in conveying impartial and accurate information about the work being done to combat human trafficking to the general public and the international community.

**REFERENCES:**

1. Двенадцатый Конгресс Организации Объединенных Наций по предупреждению преступности и уголовному правосудию. Меры уголовного правосудия по борьбе с незаконным вводом мигрантов и торговлей людьми: связи с транснациональной организованной преступностью // А / CONF. 213/7.
2. Борьба с торговлей людьми. <https://www.diplomatie.gouv.fr/ru/politique-etrangere/droits-de-l-homme/lutte-contre-la-traite-des-etres-humains/2022>.
3. БМТ наркотик ва жиноятлар бўлимининг (UNODC) “2018 йили Глобал Одам савдоси ҳисоботи”дан. <https://googleweblight.com>.
4. Law of the Republic of Uzbekistan "On Combating Human Trafficking". August 17, 2020, ORQ-633.
5. S.S. Niyazova. Criminal responsibility for human trafficking: national and foreign experience. Monograph. // Editor-in-chief: M.Q. Orazaliev, Ph.D., acting professor. - Т.: TDUU, 2020. - В.28.
6. Предотвращение и противодействие распространению рабства и торговли людьми в Российской Федерации. Итоговый доклад по исследовательской части проекта Европейского союза, реализуемого Бюро Международной организации по миграции (МОМ) в РФ «Предотвращение торговли людьми в Российской Федерации» / Представительство Европейской комиссии в России, Бюро Международной организации по миграции в РФ, Международная организация труда. - М.: Импала, 2008. –С. 11.
7. Каршунов В. Рабы XXI века. Юридический мир – №6 (102) 2005. – С. 31-32.
8. S.S. Niyozova. Criminal responsibility for human trafficking: national and foreign experience. Monograph. // Editor-in-chief: M.Q. Orazaliev, Ph.D., acting professor. - Т.: TDUU, 2020. - P.35.
9. Валеев Д. М. Международно-правовые основы сотрудничества по борьбе с транснациональной организованной преступностью: дис. ... канд. юрид. наук. Казань, 2016. – С. 59, 82.
10. Optional Protocol to the Convention on the Rights of the Child on Child Trafficking, Child Prostitution and Child Pornography (May 25, 2000) // Convention on the Rights of the Child and its Optional Protocols. - Т.: National Center of the Republic of Uzbekistan for Human Rights, 2009. - В. 67.
11. Convention on Forced or Compulsory Labor (June 28, 1930) // Main Conventions and Recommendations of the International Labor Organization. - Т.: National Center of the Republic of Uzbekistan for Human Rights, 2008. - В. 41.
12. The 29th Convention on Forced Labor (Geneva, June 28, 1930) was ratified by the decision of the Oliy Majlis of the Republic of Uzbekistan on August 30, 1997, at the 14th session of the General Conference of the International Labor Organization..
13. Fundamental Principles and Rights at Work Branch (fundamentals) // <https://www.ilo.org/global/about-the-ilo/how-the-iloworks/departaments-and-jffices/gcvtmange/fprw/lang-en/index.htm>.; Хакимов Д.К. Одам савдосига қарши курашишда халқаро ва миллий тажрибалар. Talim fidozilari. ISSN 2180-2130. VOL.1, ISSUE 1, IYUN (2022).
14. “Child labor is prohibited.” The new norm on forced labor is being expanded in the changing constitution. <https://daryo.uz/k/2023/03/15/-child-labor-is-prohibited-in-the-changing-constitution-new-norm-on-compulsory-labor-is-being-expanded>.
15. If you want my child not to be abused... Instructions for parents. <https://kun.uz/news/2023/07/05.bolam-violencenka-uchramasin-desazang-ota-onalar-uchun-korsat-malar.>; N.N. Dusmukhamedova. Problems of

development and improvement of legislation on children's rights in Uzbekistan. Monograph. - Tashkent, 2023. -B.6.

16. Convention on urgent measures for the prohibition and elimination of severe forms of child labor (June 17, 1999) // Main conventions and recommendations of the International Labor Organization. - T.: National Center of the Republic of Uzbekistan for Human Rights, 2008. - B. 71-72.
17. Speech of the President of Uzbekistan Shavkat Mirziyoyev at the 72nd session of the United Nations General Assembly. (New York City, September 19, 2017). People's word. September 20, 2017.
18. Speech of the President of the Republic of Uzbekistan Shavkat Mirziyoyev at the 75th session of the United Nations General Assembly // People's speech. September 24, 2020.
19. Preliminary identification means measures aimed at obtaining, studying and evaluating information for the purpose of making a decision on recognizing an individual as a suspected victim of human trafficking.
20. Baby trafficking in Uzbekistan is increasing year by year. The reasons for such crimes have been announced. // Chairman of the Oliy Majlis Senate Tanzila Norboeva's speech at the meeting of the National Commission for Combating Human Trafficking and Forced Labor. <https://daryo.uz/2020/12/06>.
21. The Senate provided information on the main activities carried out in the field of combating human trafficking and forced labor in 2021. <https://kun.uz/news/2022/05/06/2021-yilda-20-nafar-ogil-va-27-nafar-qiz-bola-chaqaloqlar-savdosi-obektiga-aylangan>.