



ISSUES FOR IMPROVING NATIONAL LEGISLATION AGAINST HUMAN TRAFFICKING

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Anotation

In this article, the social danger of human trafficking, international legal documents on combating human trafficking, issues of implementing foreign experience in combating human trafficking in national legislation, in particular, comments on improving the legal norms to prevent and combat human trafficking.

Keywords: human trafficking, national legislation, rule of law, democracy, Crime Prevention, Criminal Code, international legal instruments, human exploitation, Forced labor, International Labor Organization.

Introduction

As a result of the acceleration of the processes of globalization in the world, the increase of illegal migration processes, the difference in the economic development of the countries, the growth of unemployment and poverty, the increase of the influence of "mass culture", and the activation of transnational criminal organizations, the scope of human trafficking is expanding, threatening the development and security of humanity. Therefore, improving the international and national mechanisms of combating it has become an objective necessity.

Over the past years, a unique national system of combating human trafficking has been created in our country. In particular, national legislative norms have been improved, republican and regional interdepartmental commissions for combating human trafficking, a republican rehabilitation center for assisting and protecting victims of human trafficking, structures related to combating human trafficking and its prevention have been established within internal affairs bodies. As a result of this, a significant reduction in crimes related to human trafficking was achieved in our country. However, in the fight against this crime, it is important to establish responsibility for new forms of human trafficking, such as the implementation of illegal transactions against people, forcing them to engage in illegal activities, and to strengthen the protection of the interests of vulnerable victims, pregnant women and children through criminal legal means. , to alleviate the punishment of those who actively cooperated in the detection of crime, to release from punishment the victims who participated in illegal activities under coercion, to recover the damage caused, to





find a scientific solution to the problems related to the mechanisms of crime prevention, the legislation of foreign countries, norms of international law, national legislation and the practice of law enforcement is gaining actual importance.

Main Part

On December 12, 2003, the Republic of Uzbekistan joined the Convention on Combating Trafficking in Persons and the Exploitation of Prostitution by Third Parties, adopted by the UN General Assembly in 1950.

The Convention on Combating Transnational Organized Crime adopted by the resolution of the General Assembly of the United Nations on November 15, 2000, as well as the additional protocol on preventing, suppressing and punishing trafficking in persons, women and children, were also ratified.[9, pp 23]

Also, during the years of independence, a number of treaties and agreements were signed with foreign countries on the fight against organized crime, including the dangerous forms of human trafficking.

In addition, the laws "On combating human trafficking" (2008) [7], "On the prevention of delinquency and delinquency among minors" (2010) [5], and "On the prevention of delinquency" (2014) [6] in our country are other relevant laws. serves to a certain extent for the implementation of the tasks specified in the documents.

Based on the noble ideas of President Sh. Mirziyoyev that "we should pay special attention to ensuring the rule of law, order, human rights and freedoms" [10, pp 15], it is necessary to pay attention to the following issues when analyzing the issues of combating human trafficking in the Republic of Uzbekistan based on the experience of foreign countries:

- the concept of human trafficking, the legal status of victims of this crime is comprehensively researched on the basis of criminal law and other areas of law;
- in the implementation of institutional mechanisms related to the fight against human trafficking, the existing legal norms, guarantees and the procedure for their practical application are analyzed in the national legislation;
- in the fight against human trafficking, projects are proposed for the development of normative legal documents that reflect the guarantees of the rights and interests of special categories of victims, women and minors.

In this regard, it can be considered urgent to study the foreign experience in the fight against human trafficking and the issues of improving the national legislation in this field and conduct research on this topic.

As we know, Article 13 of the Constitution of the Republic of Uzbekistan states: "Democracy in the Republic of Uzbekistan is based on universal principles, according





to which a person's life, freedom, honor, dignity and other inviolable rights are the highest value." [2, pp 6] It is determined that their rights and freedoms are protected by the state.

In fact, in recent years, in the Republic of Uzbekistan, reforms have been rapidly implemented in the judicial and legal sphere, as well as in all spheres. The main goal is to protect the constitutional rights of citizens.

In Uzbekistan, our state is taking gradual and specific measures to combat the illegal use of people, their illegal labor migration and human trafficking. Human trafficking is a widespread crime and is committed in every country in the world. This is because this crime is the third most profitable crime in the world. Through this, the freedom of the so-called human being is limited, and the dignity and worth of the human being is reduced. Therefore, it is necessary to identify the crime of human trafficking, to show the inevitability of punishment by bringing the perpetrators of this crime to justice, to prevent it, to reduce its consequences as much as possible, and to take preventive measures against the victims of human trafficking.

As just one example, according to the United Nations, 51% of victims of human trafficking in the world are women, 21% are men, 20% are minor girls, and 8% are children. [4]

The issue of human recruitment and human trafficking is assessed by the international community as an act that threatens the well-being of a person, family and society, and therefore its solution is one of the first tasks of building a legally developed and democratic society. [1, pp 227] It should be noted that a lot of work is being done on the international scale to fight against this crime and to eliminate it, prevent it, as well as bring the perpetrators to justice.

Article 1 of the Criminal Code of the Republic of Uzbekistan establishes that the criminal legislation of the Republic of Uzbekistan is based on the Constitution and generally recognized norms of international law. [3] Today, foreign experience in the fight against human trafficking and its implementation into national legislation are of urgent importance.

As a result of the analysis, the following international legal documents related to issues of responsibility for human trafficking were identified:

1. Norms establishing responsibility for human exploitation;
2. Norms regarding the liability of persons who actively helped to expose human trafficking;
3. Norms establishing responsibility for child trafficking and child exploitation.

The responsibility for the exploitation of a person is to further harmonize the established norms with the requirements of international legal documents, that is, to



implement them. As a result of the analysis, responsibility for human exploitation (its specific forms) is provided for in about twenty international legal documents.

In particular, Italy has ratified the Conventions of the UN and the International Labor Organization "On the elimination of all forms of discrimination against women", "On slavery", "On the fight against human trafficking and the use of prostitution by third parties" and many other international documents. [8, pp 68]

The need to apply advanced practices in the legislation of developed foreign countries to the legislation of our country also requires that norms defining responsibility for child trafficking be formulated in a separate article as an independent norm. In addition, it is necessary to harmonize the norms of responsibility of the persons who actively helped to expose human trafficking with the requirements of international legal documents.

Article 26 of the UN Convention against Transnational Organized Crime (November 15, 2000) stipulates, in necessary cases, the reduction of the punishment of the accused who has seriously cooperated in the investigation or prosecution of a crime covered by this convention.

Conclusion

In conclusion, it should be noted that the legislation of most foreign countries has incorporated international standards and principles into their legislation, which makes it possible to effectively organize the fight against human trafficking. However, sometimes proactive measures taken at the national level can lead to the migration of human trafficking to other areas. Therefore, when using foreign experience, it is advisable to consider all aspects and then make a decision.

In the process of preparing this study, the criminal-legal basis of the legal situation of combating human trafficking in the Republic of Uzbekistan was scientifically and practically researched, and suggestions and comments aimed at finding a scientific solution to the issues related to the topic were developed:

1. International documents related to employment, protection from unemployment, creation of favorable working conditions, first of all the Conventions of the International Labor Organization, by achieving ratification by countries with excess labor force, to achieve compliance of their national legislation with international standards in this field;
2. To introduce the procedure of receiving reports from the companies that sent them to foreign countries about the return of citizens to their place of residence in order to prevent them from staying in foreign countries through tourism companies;





3. To strengthen interstate cooperation in the field of combating illegal (illegal) labor migration, to achieve unification, homogenization and harmonization of national legislative instruments in this matter;
4. To carry out extensive propaganda and clarification work about human trafficking and its serious consequences among citizens, to achieve the rise of people's legal knowledge and culture;
5. Further development of the infrastructure of labor bodies that ensure employment of citizens abroad, in particular, the organization of agencies engaged in assisting citizens in finding employment in countries where citizens are increasingly employed (Russia, Kazakhstan, etc.).

References

1. "Convention on Combating Trafficking in Persons and the Exploitation of Prostitution by Third Parties". International agreements on human rights. Collection. -Tashkent: Adolat, 2004.
2. Constitution of the Republic of Uzbekistan. - Т.: "Uzbekistan", 2014
3. Criminal Code of the Republic of Uzbekistan. - Т.: - "Adolat". 2017
4. Human Rights and Human Trafficking UNITED NATIONS New York and Geneva, 2014.
5. NATIONAL DATABASE OF LEGISLATION OF THE REPUBLIC OF UZBEKISTAN <https://lex.uz/acts/1685726>
6. NATIONAL DATABASE OF LEGISLATION OF THE REPUBLIC OF UZBEKISTAN <https://lex.uz/acts/2387357>
7. NATIONAL DATABASE OF LEGISLATION OF THE REPUBLIC OF UZBEKISTAN. <https://lex.uz/docs/4953314>
8. Кодекс о наказаниях Итальянской Республики: Выдержки // Борьба с торговлей людьми и перспективы современного развития России: Инф.бюлетень. –.2003.
9. Қурбонов Н. .Одам савдоси жиноятига қарши курашиш муаммолари. Одам савдосига қарши кураш, уни олдини олишнинг ҳуқуқий муаммолари. Илмий-амалий конференция материаллари тўплами. –Т.: ТДЮИ нашриёти, 2009.
10. Мирзиёев Ш.М. Қонун устуворлиги ва инсон манфаатларини таъминлаш – юрт тараққиёти ва халқ фаровонлигининг гарови. – Т.: “Ўзбекистон” 2017.

