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COMBATING TRAFFICKING IN HUMAN BEINGS: A VICTIM-CENTRED LEGAL APPROACH AND THE EXPERIENCE OF UZBEKISTAN

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Abstract

Background: Trafficking in human beings is a global crime and a grave violation of human rights that disproportionately affects women and children. Modern forms of exploitation, including forced labour, sexual exploitation, forced marriage and online recruitment, require legal responses that combine effective prosecution with the protection of victims.

Aim: The article analyses the international standards of a victim-centred approach to trafficking and evaluates the legal framework and practice of Uzbekistan in this light.

Methods: The study uses doctrinal analysis of the Law of the Republic of Uzbekistan “On Combating Trafficking in Persons” of 17 August 2020 and Article 135 of the Criminal Code; comparative analysis against the UN Trafficking in Persons Protocol and international guidance; and descriptive analysis of reports of UNODC, the ILO and the US Department of State.

Results: Uzbekistan has moved from Tier 3 in the US Trafficking in Persons Report in 2017 to Tier 2 since 2021, adopted a new edition of the anti-trafficking law in 2020, established a National Commission and a National Rapporteur, and, according to the ILO, eliminated systemic child and forced labour in the cotton harvest. The 2025 report recorded 186 identified victims, most of them in sexual exploitation. Remaining challenges include online recruitment, the low share of convictions for labour trafficking, the protection of victims abroad, the non-punishment principle and compensation.

Conclusion: The article proposes an explicit statutory non-punishment principle, a guaranteed compensation mechanism, automatic access to state-funded legal aid for victims, specialised units for online trafficking and stronger cooperation with destination countries.

Keywords: trafficking in human beings; forced labour; sexual exploitation; victim-centred approach; non-punishment principle; Palermo Protocol; women and children; Uzbekistan.

Introduction

Trafficking in human beings is often described as a modern form of slavery. According to the Global Estimates of Modern Slavery published by the ILO, Walk Free and IOM in 2022, about 50 million people were living in modern slavery on any given day in 2021: 28 million in forced labour and 22 million in forced marriage.[1] Women and girls account for the majority of detected trafficking victims, and children for a large share of them, according to UNODC global reports.[2]

[1] International Labour Organization, Walk Free, International Organization for Migration. Global Estimates of Modern Slavery: Forced Labour and Forced Marriage. Geneva: ILO, 2022.
[2] United Nations Office on Drugs and Crime. Global Report on Trafficking in Persons 2024. Vienna: UNODC, 2024.

Trafficking is driven by poverty, unemployment, irregular migration, discrimination and, increasingly, by the use of digital technologies for recruitment and control.

The core international instrument is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (Palermo Protocol, 2000).[3] It defines trafficking through three elements: an act (recruitment, transportation, transfer, harbouring or receipt of persons), a means (threat, use of force, coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or giving payments) and a purpose of exploitation. For children, the means element is not required. The Protocol obliges states not only to criminalise trafficking but also to protect and assist victims and to prevent trafficking.

Over the past two decades, international law has increasingly recognised that the effectiveness of anti-trafficking measures depends on a victim-centred and human rights-based approach. The UN Recommended Principles and Guidelines on Human Rights and Human Trafficking state that the human rights of trafficked persons shall be at the centre of all efforts and that trafficked persons shall not be detained, charged or prosecuted for their involvement in unlawful activities that are a direct consequence of their situation as trafficked persons.[4] Scholars have shown that a narrow, purely criminal-justice approach leaves many victims unidentified and unprotected.[5] Uzbekistan, as a major country of origin of labour migrants, faces this problem directly. Its anti-trafficking framework has undergone significant reform since 2019. The aim of this article is to analyse the international standards of a victim-centred approach and to evaluate the Uzbek legal framework and practice in this light. The objectives are: (1) to identify the key elements of a victim-centred approach; (2) to analyse the Uzbek framework; (3) to assess the results achieved; and (4) to formulate recommendations. The research question is whether the Uzbek framework ensures not only the prosecution of traffickers but also the identification, protection and recovery of victims.

Methods

The study is a qualitative legal analysis based on three methods.

Doctrinal analysis: The Law of the Republic of Uzbekistan “On Combating Trafficking in Persons” of 17 August 2020 (new edition), Article 135 of the Criminal Code and the acts establishing the National Commission were analysed.

[3] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Adopted by UN General Assembly resolution 55/25, 15 November 2000.

[4] Office of the United Nations High Commissioner for Human Rights. Recommended Principles and Guidelines on Human Rights and Human Trafficking. UN Doc. E/2002/68/Add.1, 20 May 2002.

[5] Gallagher A.T. The International Law of Human Trafficking. Cambridge: Cambridge University Press, 2010.

Comparative analysis: The framework was compared with the Palermo Protocol,[6] the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking[7] and the scholarly analysis of international trafficking law.[8,9]

Analysis of reports: The annual Trafficking in Persons Reports of the US Department of State, the ILO Global Estimates of Modern Slavery and UNODC global reports were used as secondary sources of comparative data, taking into account their methodological limitations.

Limitations: Trafficking is a hidden crime; official data reflect identified cases rather than prevalence. The US reports are the assessments of a foreign government and are used here as one of several sources, not as an authoritative standard.

Results

Institutional and legislative reforms: By Decree of the President of 30 July 2019 "On Additional Measures to Further Improve the System for Combating Trafficking in Persons and Forced Labour", the National Commission on Combating Trafficking in Persons and Forced Labour was established to coordinate state bodies, civil society institutions and non-governmental organisations, and the institution of the National Rapporteur on combating trafficking in persons and forced labour was introduced.[10] In 2020 more than 20 legal acts were adopted in this field, including five laws.[11]

The new edition of the Law "On Combating Trafficking in Persons" of 17 August 2020 defined trafficking in persons and forced labour, defined who is a victim and who can refer victims to assistance, and provided that the costs associated with employment of applicants outside Uzbekistan are borne by employers.[12,13] Criminal liability for trafficking is established by Article 135 of the Criminal Code. In 2020, 93 criminal cases related to trafficking were initiated under this article.[14]

Forced labour in the cotton sector: The most visible result of the reforms is the elimination of systemic forced labour in the cotton harvest. For many years international monitoring had documented the mobilisation of students, teachers and public sector workers. Following monitoring by the ILO, the international Cotton Campaign ended its call for a boycott of Uzbek

[6] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Adopted by UN General Assembly resolution 55/25, 15 November 2000.

[7] Office of the United Nations High Commissioner for Human Rights. Recommended Principles and Guidelines on Human Rights and Human Trafficking. UN Doc. E/2002/68/Add.1, 20 May 2002.

[8] Gallagher A.T. The International Law of Human Trafficking. Cambridge: Cambridge University Press, 2010.

[9] Chuang J.A. Exploitation creep and the unmaking of human trafficking law // American Journal of International Law. 2014. Vol. 108, No. 4. P. 609–649.

[10] Uzbekistan's efforts to combat human trafficking // Embassy of the Republic of Uzbekistan in India. URL: https://www.uzbekembassy.in/?p=27685.

[11] Uzbekistan's efforts to combat human trafficking // Embassy of the Republic of Uzbekistan in India. URL: https://www.uzbekembassy.in/?p=27685.

[12] Uzbekistan's efforts to combat human trafficking // Embassy of the Republic of Uzbekistan in India. URL: https://www.uzbekembassy.in/?p=27685.

[13] Winrock International. Dedicated leaders advance Central Asia's efforts to combat human trafficking. URL: https://winrock.org/dedicated-leaders-advance-central-asias-efforts-to-combat-human-trafficking.

[14] Uzbekistan: legal framework for protection of victims of trafficking in human beings is created // Embassy of the Republic of Uzbekistan in Malaysia. URL: https://uzbekembassy.com.my/eng/news_press/uzbekistan_legal_framework_for_protection_of_victims_of_trafficking_in_human_beings_is_created.html.

cotton in March 2022, recognising that systemic forced labour had been eliminated.[15] Uzbekistan adopted the Decent Work Country Programme for 2021–2025 in cooperation with the ILO.[16]

International assessment and identified cases: In the US Trafficking in Persons Report, Uzbekistan was placed on Tier 3 in 2017, on the Tier 2 Watch List in 2018–2020 and on Tier 2 since 2021.[17] The 2025 report kept Uzbekistan on Tier 2, noting that the government does not fully meet the minimum standards but is making significant efforts and demonstrated overall increasing efforts compared with the previous period.[18] According to the report, 186 victims were identified during the year, most of them in sexual exploitation.[19] The 2024 report noted that the National Commission had designed an action plan to combat online trafficking, while recommending stronger prosecution, including of complicit officials, and training of law enforcement.[20]

Table 1. Evolution of Uzbekistan's anti-trafficking framework

Period	Key developments	International assessment (US TIP Report)
2008–2018	First anti-trafficking law (2008); Article 135 of the Criminal Code; systemic forced labour in cotton documented	Tier 3 (2017)
2019–2020	National Commission and National Rapporteur (2019); new edition of the law (17 August 2020); more than 20 legal acts in 2020	Tier 2 Watch List (2018–2020)
2021–2025	End of systemic forced labour in cotton recognised (2022); action plan on online trafficking; Decent Work Country Programme	Tier 2 (2021–2025)

Source: compiled by the author.

[15] Eradication of forced labor — striking example of political will. 11 October 2022. URL: https://v.daum.net/v/20221011233550396; International Labour Organization. Third-party monitoring of child labour and forced labour during the 2021 cotton harvest in Uzbekistan. Geneva: ILO, 2022.

[16] Eradication of forced labor — striking example of political will. 11 October 2022. URL: https://v.daum.net/v/20221011233550396; International Labour Organization. Third-party monitoring of child labour and forced labour during the 2021 cotton harvest in Uzbekistan. Geneva: ILO, 2022.

[17] US Department of State. Trafficking in Persons Report 2021: Uzbekistan; see: US Department of State positively assesses Uzbekistan's efforts to eradicate human trafficking // Kun.uz. 3 July 2021. URL: https://kun.uz/en/news/2021/07/03/us-department-of-state-positively-assesses-uzbekistans-efforts-to-eradicate-human-trafficking.

[18] US Department of State. 2025 Trafficking in Persons Report: Uzbekistan. URL: https://www.ecoi.net/en/document/2130547.html.

[19] Gosdep SShA: v Uzbekistane za god vyyavleno 186 zhertv torgovli lyudmi // Anhor.uz. 2025. URL: https://anhor.uz/news/human-traffic-7/.

[20] US Department of State. 2024 Trafficking in Persons Report: Uzbekistan. URL: https://www.ecoi.net/en/document/2111789.html.

Discussion

Achievements: The reforms show that political will, legislative change and independent monitoring can eliminate even deeply rooted forms of state-imposed forced labour. The new edition of the anti-trafficking law brought national definitions closer to the Palermo Protocol, and the National Commission created a coordination mechanism that includes civil society. The recognition that employers must bear the costs of overseas recruitment addresses one of the main mechanisms of debt bondage among labour migrants.

Gaps in a victim-centred approach: (1) Identification: The number of identified victims (186 in the 2025 reporting period) is small compared with the scale of labour migration from Uzbekistan. Identification depends on the ability of police, consular officials, border guards, labour inspectors and social workers to recognise indicators of trafficking. Many victims, especially of labour exploitation abroad, do not self-identify and fear punishment for irregular migration status or document violations.

(2) The non-punishment principle: The Recommended Principles require that victims not be punished for offences committed as a direct consequence of being trafficked.[21] An explicit statutory non-punishment clause, covering criminal and administrative offences, would encourage victims to cooperate and would bring the law fully in line with international standards.

(3) Compensation: Victims have the right to effective remedies, including compensation. In practice, compensation through criminal proceedings depends on the confiscation of traffickers' assets. A state compensation fund financed in part by confiscated proceeds of trafficking would guarantee that victims receive redress even when traffickers have no assets.

(4) Online recruitment: Traffickers increasingly use social networks and messaging applications to advertise false jobs abroad and to control victims. The action plan on online trafficking is an important step,[22] but it requires specialised cyber units, cooperation with platforms and preventive information for young people, especially young women.

(5) Women and forced marriage: The ILO estimates that 22 million people were living in forced marriage in 2021.[23] Forced and child marriage can be both a form and a means of trafficking. Uzbekistan's strengthened liability for child marriage in 2026 complements the anti-trafficking framework, but the link between the two areas should be reflected in victim identification and support.[24]

(6) Legal aid: Victims need legal assistance in criminal proceedings, in claims for compensation and in restoring documents, employment rights and family matters. Including victims of

[21] Office of the United Nations High Commissioner for Human Rights. Recommended Principles and Guidelines on Human Rights and Human Trafficking. UN Doc. E/2002/68/Add.1, 20 May 2002.

[22] US Department of State. 2024 Trafficking in Persons Report: Uzbekistan. URL: https://www.ecoi.net/en/document/2111789.html.

[23] International Labour Organization, Walk Free, International Organization for Migration. Global Estimates of Modern Slavery: Forced Labour and Forced Marriage. Geneva: ILO, 2022.

[24] Strict measures against early marriages and illegal unions: New fines come into force // Zamin.uz. October 2026. URL: https://zamin.uz/en/society/224652-strict-measures-against-early-marriages-and-illegal-unions-new-fines-come-into-force.html.

trafficking among the categories automatically entitled to state-funded legal aid under the Law No. ZRU-848 would strengthen their access to justice.[25]

Interpretation: The experience of Uzbekistan confirms a broader conclusion of the literature: the most visible progress is usually achieved in the criminal-justice and state-policy dimensions, while victim protection develops more slowly.[26,27] Chuang has warned that the expansion of the trafficking label to all forms of labour exploitation risks diverting attention from structural causes such as precarious migration and labour rights.[28] For Uzbekistan, this means that anti-trafficking policy should be integrated with labour migration governance, labour inspection and social protection.

Conclusion and recommendations

Uzbekistan has achieved considerable progress in combating trafficking in human beings: a new legislative framework, a coordinating National Commission, a National Rapporteur, the elimination of systemic forced labour in the cotton sector and an improved international assessment. The answer to the research question is, however, only partly positive: the framework is stronger in prosecution and policy coordination than in the identification, protection and compensation of victims. The following measures are proposed:

1. Include an explicit non-punishment provision in the Law "On Combating Trafficking in Persons" covering criminal and administrative offences committed by victims as a direct consequence of their trafficking.
2. Establish a state compensation fund for victims, financed in part by the confiscated proceeds of trafficking.
3. Grant victims of trafficking automatic entitlement to state-funded legal aid in criminal, civil and administrative proceedings.
4. Create specialised units for online trafficking, cooperate with digital platforms and conduct preventive campaigns targeting young job seekers, especially women.
5. Train consular officials, labour inspectors, social workers and mahalla actors on victim identification, and strengthen cooperation with destination countries on joint investigations and safe return.
6. Integrate anti-trafficking measures with policies on forced and child marriage and publish annual data disaggregated by sex, age and form of exploitation.

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