



## HUMAN TRAFFICKING AND MODERN SLAVERY IN UZBEKISTAN: COMPLIANCE WITH INTERNATIONAL LEGAL STANDARDS

**Makhmudjonova Khamidakhon Khasan kizi**  
University of World Economy and Diplomacy  
Master's Student, Faculty of International Law  
khamidamakhmudova@gmail.com, +998 97 775 20 20  
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### ABSTRACT

*This article examines the national legislation of the Republic of Uzbekistan on human trafficking and modern forms of slavery - including forced labour, debt bondage, forced marriage, and digital exploitation - through the lens of compliance with international legal standards. Applying comparative legal and systemic methodology, the study identifies structural gaps in criminal and migration law, analyses enforcement and judicial practice, and evaluates prospects for legislative reform. Drawing on Russian, Kazakhstani, and Uzbek legal scholarship alongside global anti-trafficking frameworks, the article argues that Uzbekistan's legal architecture, while formally oriented toward international norms, requires comprehensive reform to close persistent definitional, institutional, and procedural deficits..*

### Introduction

Human trafficking and modern slavery - encompassing forced labour, debt bondage, forced marriage, and digital exploitation - represent among the gravest violations of human dignity in contemporary international law. According to the ILO et al. (2022), approximately 50 million people worldwide live in conditions of modern slavery, with labour migrants from Central Asia constituting one of the most exposed populations. The Republic of Uzbekistan, as a country of origin for an estimated two to three million labour migrants working principally in Russia, Kazakhstan, and the UAE, occupies a significant position in this landscape, compounded by the legacy of state-organised forced labour in the cotton sector documented by Yusupova (2022) and international observers.

Against this background, the article investigates the following research question: to what extent does Uzbekistan's national legislation on human trafficking and modern slavery comply with international legal standards, and what reforms are required to close the identified gaps? The significance of this inquiry lies both in its contribution to the comparative legal analysis of anti-trafficking systems in Central Asia - a region underrepresented in international legal scholarship - and in its direct policy relevance for ongoing legislative reform processes in Uzbekistan. Following this introduction, Section 2 reviews the relevant literature and methodology; Section 3 presents and discusses findings across three thematic areas; the

conclusion summarises key findings and their implications.

### **Literature Review and Methodology**

The foundational scholarship on international anti-trafficking law is anchored in Gallagher's (2010) comprehensive doctrinal analysis of the Palermo Protocol, which remains the authoritative account of the instrument's strengths and implementation gaps. Bales (2004) provides the sociological framework of modern slavery as a global economic system, demonstrating that exploitation is embedded in supply chains and labour markets rather than confined to discrete criminal episodes. Milano (2020) advances a human rights-centred approach that prioritises victim protection over criminalisation, while O'Brien (2017) critically examines the construction of victimhood in anti-trafficking discourse. Kiss and Zimmerman (2019) further inform the victim-centred dimension of the inquiry by identifying critical gaps in victim identification and referral systems that this article examines in the Uzbek context.

Russian and Kazakhstani legal scholarship provides essential comparative perspectives. Bogdanov and Khazov (2019) and Volkov (2021) examine the incorporation of the Palermo Protocol into Russian criminal law and the challenges of digital exploitation, identifying qualification problems directly mirrored in Uzbek enforcement practice. Abashidze and Bekyashev (2016) offer authoritative analysis of international human rights obligations in the post-Soviet space. From Kazakhstan, Nurgaliev (2021) examines the measurable impact of the landmark 2012 anti-trafficking reform, while Maulenov (2020) addresses debt bondage within organised crime frameworks - both providing directly applicable comparative models given shared legal traditions. Uzbek scholarship is represented by Rakhimov's (2020) systematic analysis of Article 135 of the Criminal Code and Yusupova's (2022) field research on labour migrant vulnerability.

Methodologically, the study applies comparative legal analysis across universal, regional, and national levels, combined with systemic analysis of the interaction between criminal law, migration law, and institutional frameworks. Primary sources include legislative texts, prosecutorial statistics, and international monitoring body reports; secondary sources comprise the scholarly works identified above.

### **Results and Discussion**

#### **3.1. Criminal and Migration Legislation: Compliance with International Standards**

##### **3.1.1. Trafficking and Modern Slavery Offences**

The cornerstone of Uzbekistan's criminal response to human trafficking is Article 135 of the Criminal Code (CC RUz), introduced in 2008 following ratification of the Palermo Protocol. The provision broadly follows the Protocol's three-element structure - act, means, and purpose - but contains significant divergences from the international standard. The concept of exploitation omits debt bondage as an independent form, despite its prevalence in Uzbek labour migration contexts: Rakhimov (2020, pp. 38–40) documents that debt bondage imposed through recruitment fees is the primary mechanism of exploitation for Uzbek migrants in Russia and the Gulf states, yet these cases are not consistently prosecuted under Article 135. The CC RUz also fails to codify the irrelevance of victim consent where coercion or deception has been applied - a requirement of Article 3(b) of the Palermo Protocol - generating systematic judicial misinterpretation that Bogdanov and Khazov (2019, p. 74) identify as endemic to post-Soviet criminal codes sharing this structural omission.

Beyond trafficking, modern slavery receives fragmentary criminal law treatment. Forced labour is addressed as an enumerated form of exploitation within Article 135 CC RUz and, in the administrative sphere, through Article 148.2 CC RUz (administrative coercion to labour), following sustained international pressure over the cotton sector, but criminal prosecutions of forced labour as a distinct wrong remain rare. Debt bondage lacks any dedicated criminal offence - a gap Maulenov (2020, pp. 51–53) contrasts with Kazakhstan's 2012 reform, which expressly criminalised debt bondage in migration recruitment contexts and generated measurable enforcement improvement. Forced marriage is partially addressed by Article 136 CC RUz (coercion of a woman into marriage or obstruction of marriage) and Article 125-1 CC RUz (violation of marriage-age legislation or marriage procedure), but these provisions do not capture the full international law definition under the 1956 Supplementary Convention, leaving child marriage - documented by Yusupova (2022, p. 118) as prevalent in certain rural regions - inadequately addressed. Most acutely, digital forms of exploitation are not expressly covered by any CC RUz provision, a gap Volkov (2021, p. 58) identifies as the defining contemporary legislative challenge for post-Soviet criminal codes, a concern reinforced by UNODC's (2022, p. 47) finding that online recruitment has become the primary victim-targeting method in post-COVID trafficking networks.

### **3.1.2. Specialised and Migration Legislation**

The Law 'On Combating Trafficking in Persons' (No. ZRU-154, originally 2008; new edition adopted 2020 as No. ZRU-633, in force from 17 February 2021) established Uzbekistan's institutional framework - the National Commission, regional rehabilitation centres, and a victim rights regime - making it the first Central Asian state to adopt such specialised legislation. However, the Law does not extend its protections to victims of modern slavery beyond trafficking: persons subjected to forced labour, debt bondage, or forced marriage fall outside the Law's victim status and support guarantees, creating a structural exclusion of the majority of modern slavery victims from formal state protection. The National Commission functions primarily as an advisory inter-agency body without effective implementation monitoring, independent performance assessment, or dedicated budgetary authority - limitations that OSCE/ODIHR (2020) has identified as constraining its operational effectiveness.

Migration law - principally the Law 'On Employment of the Population' (No. ZRU-642, 2020, which regulates labour migration), together with the Law 'On the Legal Status of Foreign Nationals' (2023) and Presidential Decree No. UP-59 of 4 April 2024 on Additional Measures to Improve Labour Migration Processes - focuses on controlling migration flows without establishing specialised screening for trafficking or modern slavery victims. It should be noted that a dedicated Law 'On External Labour Migration' was still in draft form and returned by the Senate for revision as of mid-2025. Deportation of undocumented persons without victimisation screening remains the default practice, in tension with the non-refoulement obligations of the international anti-trafficking framework. Uzbekistan's non-accession to the 1951 Refugee Convention creates an additional structural gap for exploitation victims seeking asylum.

## **3.2. Law Enforcement and Judicial Practice: Current Problems and Gaps**

### **3.2.1. Prosecution and Identification Failures**

Official statistics record between 40 and 80 cases annually under Article 135 CC RUz - a figure that the U.S. Department of State (2023) and OSCE/ODIHR (2020, pp. 43–48) regard as substantially understating actual prevalence, consistent with the high degree of latency characteristic of trafficking and modern slavery offences globally. Prosecutions for forced labour under Article 148.2 CC RUz and for forced marriage under Articles 136 and 125-1 CC RUz are even scarcer, confirming that law enforcement has not developed the capacity to address the full modern slavery spectrum. The practical conflation of trafficking with migrant smuggling results in victims being prosecuted for immigration violations rather than their exploiters being charged under anti-trafficking provisions - a pattern Bogdanov and Khazov (2019, p. 74) identify as systemic across post-Soviet enforcement cultures. These failures are compounded by victim distrust of law enforcement and the absence of effective witness protection, factors that Abashidze and Bekyashev (2016, pp. 143–147) analyse as structural determinants of anti-trafficking enforcement effectiveness across the post-Soviet space.

Uzbekistan lacks a formalised victim identification mechanism. Frontline officials - border officers, police, and labour inspectors - lack statutory mandates and standardised indicators for screening. Yusupova (2022, p. 120) documents multiple cases of returned labour migrants subjected to conditions meeting the legal definition of forced labour or trafficking who were processed as irregular migrants without screening. Victims of debt bondage, forced marriage, and digital exploitation face an even more pronounced identification deficit, as these forms are not consistently recognised as modern slavery. Nurgaliev (2021, p. 91) demonstrates that Kazakhstan's 2013 standardised identification procedures - developed jointly with specialised NGOs — produced a measurable increase in identification rates within two years, providing a directly applicable model.

### **3.2.2. Judicial Practice and Institutional Gaps**

Judicial analysis reveals prosecutions concentrated on lower-level perpetrators, with sentences frequently at the statutory minimum, suggesting limited deterrent effect. Courts rely primarily on victim testimony while underutilising financial evidence and electronic communications data. Asset confiscation is not systematically applied in Uzbek courts; Maulenov (2020, pp. 53–55) demonstrates that express statutory confiscation provisions specific to trafficking proceeds substantially increase judicial confiscation rates in Kazakhstan, where the 2012 reform introduced such provisions alongside enhanced asset recovery powers. The absence of specialised investigative units - comparable to Kazakhstan's dedicated anti-trafficking divisions or the UK National Crime Agency's Human Trafficking Command - is a principal institutional cause of enforcement underperformance, a finding Nurgaliev (2021, pp. 95–98) identifies as consistent across Central Asian comparators that have not undertaken such specialisation.

### **3.3. Prospects for Legal Reform: Foreign Experience and Priority Directions**

#### **3.3.1. Comparative Models**

Kazakhstan's 2012 legislative reform provides the most directly relevant model for Uzbekistan. It introduced a consolidated trafficking definition encompassing debt bondage, codified the irrelevance of victim consent, established mandatory standardised operating procedures (SOPs) for victim identification jointly with NGOs, created a state victim support fund, and enhanced penalties for trafficking of migrant workers. Nurgaliev (2021, pp. 95–98) records a significant increase in prosecutorial activity and victim identification following the

reform, while noting persistent challenges in asset confiscation - a lesson directly applicable to Uzbek reform design.

The UK Modern Slavery Act (2015) offers additional innovations: consolidation of trafficking, forced labour, slavery, and servitude into a single statute; Section 45's statutory defence for victims who commit offences as a direct consequence of their exploitation - directly addressing Uzbekistan's non-criminalisation gap; and Section 54's mandatory supply chain transparency obligations, relevant to Uzbekistan's cotton and textile sectors. Germany's Strafgesetzbuch (2016), Sections 232–233b, incorporates forced marriage, digital exploitation, and debt bondage within the trafficking framework, providing a more detailed exploitation taxonomy. The Council of Europe Convention on Action against Trafficking in Human Beings (2005), Article 13, establishes a 30-day recovery and reflection period applicable as a domestic standard without formal treaty accession.

### **3.3.2. Priority Reform Directions**

Six priority directions emerge from the foregoing analysis. First, criminal law reform: Article 135 CC RUz requires alignment with the Palermo Protocol - express irrelevance of victim consent, exhaustive enumeration of exploitation forms including debt bondage, forced marriage, and digital exploitation - supported by the introduction of a standalone forced-labour offence and strengthened provisions on forced marriage (Articles 136 and 125-1 CC RUz). Notably, Law No. ZRU-1065 of 19 May 2025 introduced enhanced penalties under Article 135, representing a positive but partial step; structural definitional reform remains outstanding. Second, victim identification: a statutory instrument establishing standardised victim indicators and mandatory screening protocols for all frontline agencies, incorporating a non-criminalisation guarantee consistent with the Council of Europe Convention on Action against Trafficking in Human Beings (2005), modelled on Kazakhstan's 2013 SOPs (Nurgaliev, 2021). Third, migration law reform: temporary protective status for foreign victims, a 30-day recovery period, prohibition on automatic deportation prior to identification screening, and express debt bondage provisions within the labour migration framework.

Fourth, institutional reform: a specialised anti-trafficking and modern slavery investigative unit within the Ministry of Internal Affairs, and an independent monitoring mechanism with parliamentary reporting obligations - modelled on the UK's Independent Anti-Slavery Commissioner established under the Modern Slavery Act (2015) and the Dutch National Rapporteur. Fifth, digital adaptation: express criminal liability for online recruitment, cyber-coercion, and platform-based exploitation, with statutory cooperation obligations for digital service providers - consistent with the direction identified by Volkov (2021, p. 61). Sixth, international treaty engagement: accession to the 1951 Refugee Convention, ILO Convention No. 189 on Domestic Workers, and updated bilateral agreements with Russia, Kazakhstan, the UAE, and Turkey incorporating modern slavery-specific victim protection provisions.

### **Conclusion**

This article has demonstrated that Uzbekistan's national legal framework on human trafficking and modern slavery, while formally oriented toward international standards, suffers from structural deficits - an incomplete trafficking definition, the absence of adequate criminalisation of debt bondage and digital exploitation, the lack of a formalised victim identification mechanism, and weak institutional coordination - that substantially limit its practical effectiveness. These deficits are not unique to Uzbekistan but characterise a broader

pattern of incomplete norm transplantation in post-Soviet legal systems, analysed from complementary perspectives by Bogdanov and Khazov (2019), Nurgaliev (2021), Rakhimov (2020), and Volkov (2021).

Kazakhstan's post-2012 legislative trajectory demonstrates that comprehensive reform is achievable within a comparable legal context when pursued systematically - combining criminal law revision, institutional restructuring, victim identification mechanisms, and bilateral cooperation - rather than through incremental amendments (Nurgaliev, 2021, pp. 95–98). The six-direction reform agenda identified in Section 3.3, grounded in international standards and calibrated to Uzbekistan's institutional context, provides a normatively coherent and practically achievable roadmap. Addressing human trafficking and modern slavery effectively ultimately requires not only strong legislation but the political commitment, institutional investment, and civil society engagement that translate formal norms into genuine protection for the most vulnerable.

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