



## PECULIARITIES OF INVESTIGATING CRIMINAL CASES RELATED TO NEWBORN TRAFFICKING

Ramazanov Sarvar Amonovich

Student of Criminal Law at the Higher School of Judges under the  
Supreme Judicial Council

<https://doi.org/10.5281/zenodo.14731634>

**Abstract.** This study examines the legal, organizational, and practical aspects of investigating criminal cases related to newborn trafficking. Newborn trafficking is a specific form of human trafficking that poses a serious threat to society's moral, legal, and social values.

The article analyzes the causes and conditions of this type of crime, legal issues, and shortcomings in international and national legislation. It also addresses the difficulties encountered during investigations.

The study examines international experience and offers insights on the practical implementation of documents adopted by the UN and other international organizations.

Additionally, recommendations have been developed for using modern technologies in investigating newborn trafficking crimes, implementing psychological approaches, and strengthening cooperation between relevant agencies.

This work is of significant importance for law enforcement officers, legal professionals, researchers in the field, and international organizations.

**Keywords:** "Human trafficking," "Newborn trafficking," "Investigation of newborn-related crimes."

In recent years, our country has been systematically working to strengthen the organizational and legal foundations for protecting citizens' rights, freedoms, and legitimate interests, combating human trafficking, comprehensively protecting trafficking victims, preventing and completely eliminating forced labor, coordinating the activities of state and non-governmental organizations in this area, as well as developing cooperation with international organizations working in these fields.

One of the manifestations of human trafficking, the trafficking of newborns, is one of the most serious crimes against humanity, posing significant social, legal, and moral problems for society and the state.

While crimes related to human trafficking have decreased to date, crimes related to infant trafficking remain high among all crimes committed in this area. In recent years, many infants and children have fallen victim to infant trafficking, with the majority being children under three years of age.

To prevent and combat infant trafficking and human trafficking in general, the Republic of Uzbekistan adopted a new edition of the Law "On Combating Human Trafficking" on August 17, 2020. Additionally, the President issued a decree "On Additional Measures to Combat Human Trafficking and Widely Implement the Principles of Decent Work" on December 21, 2023. Currently, the National Commission on Combating Human Trafficking, the Republican Rehabilitation Center for Victims of Human Trafficking, and its regional branches are actively operating.

In accordance with the Presidential Decree "On Additional Measures to Combat Human Trafficking and Widely Implement the Principles of Decent Work" dated December 21, 2023, the National Commission for Combating Human Trafficking and Forced Labor was reorganized into the National Commission for Combating Human Trafficking and Decent Work Issues. An analysis of existing regulatory legal acts in the field of preventing and eliminating newborn trafficking in the republic by the National Commission reveals that several factors contribute to the occurrence of newborn trafficking crimes. For example, the main reasons include the lack of social protection for the child's family, their need for financial support, or the sale of children by unmarried girls to conceal their pregnancy for material gain. There is also a significant demand in society for adopting newborn and healthy babies by childless families. Cases of organized baby trafficking by individuals seeking substantial financial gain from selling children continue to occur. Furthermore, the absence of an effective integrated interdepartmental state system and a comprehensive regulatory framework to prevent the sale of babies from the moment pregnancy is detected until the child is born and grows up remains a significant contributing factor.

Crimes related to trafficking in newborns are typically committed in the following forms:

- Obtaining material benefits through the sale of a child;
- Preparation of forged documents during the adoption of children;
- Exporting children abroad for the purpose of exploitation;
- Changing citizenship or falsifying the child's personal information.

Today, the fight against human trafficking, which has become a serious problem of our century, requires international, regional, multilateral, and bilateral relations. To date, in order to combat and prevent this type of crime, a number of international recommendatory and binding documents of the United Nations have been adopted, within the framework of which appropriate measures are being taken against this threat on a global scale.

The Convention on the Suppression of Trafficking in Persons and the Exploitation of Prostitution by Third Parties, the Additional Convention on the Abolition of Slavery and the Slave Trade, Slavery-like Institutions and Customs, and the Protocol on the Suppression, Prevention and Punishment of Trafficking in Persons, Especially Women and Children, supplementing the Convention on the Suppression of Transnational Organized Crime serve as policy documents in this regard.

In order to strengthen interstate cooperation in combating human trafficking, the Agreement "On Strengthening Cooperation in the Field of Combating Human Trafficking" was adopted in 2005 within the framework of the CIS, and the "Program for Combating Human Trafficking for 2007-2010" was adopted in 2006 within the framework of eight member states. According to the UN, approximately 3 million people become victims of human trafficking worldwide every year. According to international experts, the annual income from this crime has exceeded \$7 billion. It is alarming that almost 80% of victims of human trafficking are women and children. Trafficking in persons is the recruitment, transportation, transfer, concealment or receipt of persons for the purpose of their exploitation by means of threats of force or the use of force or other forms of coercion, theft, fraud, deception, abuse of power or the exploitation of a position of vulnerability or the obtaining of the consent of a person who controls another person in exchange for payment or interest. Human trafficking refers to the exploitation of the prostitution of other persons or other forms of their sexual

exploitation, forced labor or services, slavery or servitude-like practices, deprivation of liberty or the extraction of human organs or tissues.

The following can be cited as characteristics of the investigation of crimes related to the trafficking of newborns.

1. Social and psychological aspects of crime. Child trafficking crimes are usually associated with specific social and economic problems. Victims are often from families that suffer from poverty, lack of education, or social insecurity.

2. Preliminary investigation and information gathering. Preliminary information about the crime comes from various sources:

Medical institutions for pregnancy and childbirth;

Citizens' complaints;

News on social media.

3. Collection of documents and evidence. Cases involving the illegal trafficking of newborns are usually covered with forged documents. Therefore, it is important to conduct an expert review of the authenticity of documents.

4. Investigation of civil status acts. It is necessary to check the information about the birth of the child and identify cases of illegal registration.

5. Technical and expert examinations. To detect counterfeit documents:

Forensic biological examination;

Forensic psychological examination;

DNA tests are performed.

During the investigation of crimes related to the trafficking of newborns, difficulties arise due to the fact that such crimes are usually committed in secrecy, international cooperation in cross-border crimes is complicated due to the insufficiency of international legal mechanisms, and newborns and their families need moral and material support in the post-crime period.

Therefore, it is important to prevent such problems in the future, to conduct an explanation among the population, especially young people, about the dangers and consequences of this evil in the fight against this crime, to warn citizens about the situation and ensure their awareness. Currently, round tables, conferences, and scientific-practical conferences on this topic are being held, and educational and methodological manuals are being published and distributed, convenient for use in order to improve the legal literacy of the population in this area. In order to prevent human trafficking, it is necessary to further accelerate propaganda and propaganda work in cooperation with the general public, effectively use the capabilities of consultants working in mahallahs on issues of religious enlightenment and spiritual and moral education, as well as to strengthen the work to ensure the social protection of women and the protection of their rights. It should be noted that the legal framework for the organization of citizens' work abroad has been created in our republic, one of the main requirements of which is the provision of social protection for citizens who are to be sent abroad in the territory of a particular state, the availability of all social guarantees and medical insurance. Social rehabilitation of victims of human trafficking is one of the pressing tasks today. According to the Law of the Republic of Uzbekistan "On Combating Trafficking in Persons," victims of human trafficking are identified in order to provide necessary assistance and protection, as well as to prevent the risk of their re-engagement in human trafficking.

The law also defines the procedure for ensuring the social rehabilitation and adaptation of victims of human trafficking, which includes providing material assistance during the placement of victims in specialized institutions, providing temporary housing, food, sanitary and hygienic facilities, and, if necessary, clothing, shoes and other necessary equipment, assistance in employment, education, vocational guidance and training and retraining, assistance in social reintegration, including in the search for relatives. At the same time, it was decided not to disclose information about victims of human trafficking and cases committed against them, as well as information about the security measures taken. The main goal of all reforms being carried out in the Republic of Uzbekistan is to respect the human being, his life, freedom, honor, dignity and other inalienable rights as a supreme value. Therefore, it is an important task for all of us to resolutely combat human trafficking, a disgusting vice that has acquired a transnational character, that is, does not choose territory and borders.

### References:

1. Ўзбекистон Республикасининг Конституцияси. Қонунчилик маълумотлари миллий базаси, 01.05.2023 й. №03/23/837/0241. <https://lex.uz/docs/6445147>
2. Ўзбекистон Республикасининг Жиноят-процессуал кодекси. Қонунчилик маълумотлари миллий базаси, 01.04.1995 й. <https://lex.uz/docs/111460>
3. Ўзбекистон Республикасининг Жиноят кодекси. Қонунчилик маълумотлари миллий базаси, 01.04.1995 й. <https://lex.uz/docs/111460>
4. Ўзбекистон Республикаси Президенти Ш.Мирзиёевнинг “Одам савдосига қарши курашиш ва муносиб меҳнат тамойилларини кенг жорий этишга оид қўшимча чора тадбирлар тўғрисида”ги Фармони 21.12.2023 й. ПФ-210-сон, <https://lex.uz/docs/6703984>
5. Ўзбекистон Республикасининг «Одам савдосига қарши курашиш тўғрисида»ги ЎРҚ-154-сон Қонуни, 17.04.2008 й. <https://lex.uz/docs/4953314>