



IMPLEMENTATION OF OPERATIVE SEARCH MEASURES DURING THE INVESTIGATION OF TRAFFICKING OF INFANTS

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Annotation:

In this article, the author examines the main components of the investigator's actions to verify reports of trafficking in newborns, and the decision to initiate a criminal case from a forensic standpoint. In particular, the author indicates the most common sources of initial information, which serves as a reason for initiating a criminal case on the fact of trafficking in newborns. The issues of production and use of the results of operational investigative activities in the investigation of criminal cases of trafficking in newborns are also being investigated. The author presents practical conclusions and conclusions based on the results of the study.

Keywords: investigator / initiation of a criminal case / investigative action / source of information about the crime / investigative situation / operational investigative activities.

According to UN data for 2018, approximately 50,000 victims of human trafficking were identified and registered in 148 countries. Among them, women make up 46 percent, girls - 19. Sexual exploitation remains the most common form of exploitation (50%), followed by forced labor (38%). Globally, one in three detected victims of human trafficking is a child. Over the past 15 years, the share of children among identified victims has increased threefold, and the share of boys has increased fivefold. In 2022, 93 victims of human trafficking were identified in the Republic of Uzbekistan, compared to 175 victims in 2021. Of the 93 victims, 81 were victims of sex trafficking (80 women and one girl) and 12 victims of forced labor (all men), compared with 120 victims of sex trafficking, 33 victims of forced labor, and 22 victims of unknown form operation in 2021. This indicator indicates that to this day there are pressing issues in the context of timely detection and prevention of crimes related to human trafficking, requiring a systematic approach.

An analysis of the materials of criminal cases indicates that during the investigation of criminal cases other crimes are often revealed related to the concealment by doctors of maternity institutions of a woman's pregnancy for criminal purposes, the production of false documents about the alleged pregnancy of a woman who agreed



to purchase a baby, or the falsification of documents by maternity hospital workers. death of a newborn.

Based on the above problems, there are a number of systemic shortcomings in the effective functioning of mechanisms to prevent the sale of infants and adoption.

Firstly, there is no comprehensive system of interaction between government bodies and their work with public organizations in matters of preventing and combating the trafficking of infants.

Secondly, there is a lack of knowledge and experience of the relevant employees of internal affairs bodies in the early detection of crimes related to the trafficking of infants, consideration, investigation and referral of criminal case materials to the court.

Thirdly, the imposition of more lenient sentences on perpetrators of infant trafficking crimes, especially intermediaries, is responsible for the growing number of such crimes.

Fourthly, the development and maintenance in the prescribed manner of an automated information system for recording women of fertile (adult) age and maintaining records from early pregnancy until the birth of the baby has not been completed. There is also no way to identify pregnant women who did not go to a medical facility through such a system.

Fifthly, there is no effective system of joint work between general practitioners and patronage services operating in the regions, with employees of the mahalla citizens' gathering and a prevention inspector to identify pregnant women and organize their medical supervision.

Sixthly, there is no system of transparency in the activities of guardianship and trusteeship authorities related to the transfer of a child for adoption.

Seventh, insufficient propaganda work is being carried out in the direction of increasing the legal awareness of citizens and the negative consequences of trafficking in infants due to insufficient awareness of the population about the legal methods of issuing and adopting a child.

In this regard, it is necessary to simplify the adoption procedure and ensure transparency in this process. At the same time, it is necessary to develop and approve an interdepartmental procedure for interaction with public organizations with a clear indication of the tasks of each government agency in the field of combating trafficking in infants. It is considered appropriate to take effective punitive measures for those responsible for crimes related to the trafficking of infants, especially in relation to intermediaries, with a guaranteed guarantee of the inevitability of responsibility.



Today in the republic, operational employees of the Directorate for Combating Trafficking in Persons and Illegal Migration of the Main Directorate for Combating Organized Crime of the Ministry of Internal Affairs and its local divisions are carrying out the necessary operational investigative preventive measures in order to identify, prevent and solve crimes related to trafficking in persons, identify and eliminating the causes and conditions conducive to the commission of this crime.

In particular, human trafficking ring investigators also play an important role in verifying citizen allegations, reports, and prison and first responder initiated reports from first responders on a confidential basis. When identifying, preventing and solving crimes of human trafficking committed in connection with the sale of children, it is important to carry out operational search activities carried out by operational search units of internal affairs bodies in cooperation with the State Security Service, the prosecutor's office, customs and other law enforcement agencies.

In addition, operatives of internal affairs bodies, when promptly identifying and disclosing all members of criminal groups committing crimes related to child trafficking, are obliged to promptly and constantly monitor orphanages, medical institutions, perinatal centers and private clinics providing medical care to pregnant women. Effective results can be achieved by achieving cooperation with persons from among service workers and nurses who have expressed a desire to assist the authorities carrying out operational investigative activities.

When identifying crimes of human trafficking related to the sale of children, it is necessary to check the list of pregnant women in perinatal centers, documents that are the basis for issuing a birth certificate for a child by civil registry authorities, logs of treatment of pregnant women by obstetricians-gynecologists and other documents. Article 14 of the Law of the Republic of Uzbekistan "On operational investigative activities" It has been established that a controlled acquisition is an event consisting of committing an imaginary transaction, that is, the acquisition of goods, currency values, substances and other items without the purpose of consumption or sale in order to establish and document a violation of the law. As follows from this rule, a child or a newborn is not indicated in the subject of the event, however, if it is necessary to solve crimes related to child trafficking, it is required. Operatives of the operational search units of the internal affairs bodies, when receiving an application about persons wishing to sell their child, as a result of conducting a survey with the person who filed the application, it becomes clear who, when, where, to whom, for what money is going to sell their child, the circumstances are established, facilitating the taking under control of a person suspected of committing a crime by conducting operational search activities. Maybe. In such cases, the applicant may personally





participate in the controlled acquisition of a child or an employee of the internal affairs agency as a special buyer. A controlled purchase is aimed at identifying the criminal and apprehending him. In this case, the seller is detained, from whom an explanatory note must be requested, and the funds received in exchange for the child are withdrawn in the presence of a jury. The obtained material evidence and materials can serve as the basis for initiating a criminal case. A controlled acquisition is usually disclosed immediately after the transaction is completed. For example: when the buyer takes the child in his arms, he announces to the seller the purpose of his actions, presenting a document confirming his position, and hands the child over to medical personnel in the presence of witnesses. The results of a controlled acquisition are documented in a protocol in compliance with the requirements established by the departmental regulatory legal act. The decision to conduct an event must be approved by the head of the body carrying out operational investigative activities, necessarily in agreement with the prosecutor. When conducting a controlled seizure, special permitted technical means may be used to record the fact of the purchase being made, monitor its progress, and apply marks to cash and other means of accounting.

If we consider the legal nature of operational-search activities, then the information collected by them can be used as evidence in a criminal case. The main requirement is their compliance with the requirements of the Criminal Procedure Legislation. Operational search activities are of great importance for solving crimes related to child trafficking. The effectiveness of the investigation is also interconnected with the correct organization of preliminary investigative actions. When checking received statements and reports of a crime, explanatory statements received from the child's parents, persons who received guardianship or trusteeship must be properly checked and evaluated. During the investigation process, it is advisable to focus on the algorithm and methodology of procedural and investigative actions.

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