# SLAVERY AND HUMAN TRAFFICKING: HISTORICAL CONNECTION WITHOUT LEGAL CONTINUITY

**Muminova Nazokat Jasur qizi**

**3rd year student of International law faculty of the University of World Economy and Diplomacy**

**e-mail**:muminovanazokat171@gmail.com

**Scientific supervisor:**

**Doctor of Law, Firuza Khamdamova**

**Annotation:**

*Slave society was performed in the early Archaic period approximately in 594 BCE. In this period the basic human rights were violated, slaveries did not consider as human being, dehumanized them, aristocrats have treated them as cheap labor. However, from the 19th and 20th centuries, these concepts have evolved. States started to abolish slavery, began to grant freedom and liberty to slaves and placing them on an equal footing with "higher-status citizens" and providing equal rights and obligations for "all". Although the period of slavery was formally abolished, human trafficking emerged as one of its consequences. While human trafficking has its roots in slavery, there are considerable differences between them. The distinction between human trafficking and slavery can be identified through their different forms, types and the varying elements required to constitute them as crimes.*

**Key words:** *human trafficking, slave society, slavery, abolition of slavery, emancipation, compensation, forced labor, sexual exploitation, child labor, rights, violation, slavery period, slave trade, exploitation, transportation, debt bondage, chattel slavery, descent-based slavery.*

# QULLIK VA ODAM SAVDOSI: HUQUQIY DAVOMIYLIKSIZ TARIXIY BOG'LIQLIK

**Muminova Nazokat Jasur qizi**

**Jahon iqtisodiyoti va diplomatiya universiteti Xalqaro huquq fakultetining 3-kurs talabasi**

**e-mail:muminovanazokat171@gmail.com**

**Ilmiy rahbar:**

**yuridik fanlar doktori Firuza Hamdamova**

**Annotatsiya**

*Qullik jamiyati miloddan avvalgi 594-yilda boshlang‘ich Arxaik davrning boshlarida shakllangan. Bu davrda asosiy inson huquqlari poymon qilingan, yuqori tabaqa vakillari bo‘lgan aristokratlar uchun qullar inson sifatida emas, balki arzon ishchi kuchi sifatida ko‘rilgan. Ammo XIX va XX asrlarda ushbu tushunchalar yo‘qolib bordi. Davlatlar qullikni bekor qila boshladi, qullarni ham jamiyatning boshqa yuqori qatlamidagi aholi bilan teng ko‘ra boshladi. Ularning huquq va majburiyatlarini tenglashtirdi. Qullik davri butunlay tugatilganiga qaramasdan, odam savdosi ushbu jamiyat tugatilganidan so‘ng yuzaga kelgan oqibatlaridan biridir. Odam savdosining kelib chiqishi qullik jamiyatiga borib taqalsada, ushbu ikki tushuncha bir biridan tubdan farq qiladi. Ular o‘rtasidagi farqni ularning shakllangani, turlari, shuningdek, qullik va odam savdosini jinoyat deb topish uchun muhim bo‘lgan jinoyat tarkibining turliligidan bilib olish mumkin.*

**Kalit so‘zlar:** *odam savdosi, qullar jamiyati, qullik, qullikni bekor qilish, emansipatsiya, kompensatsiya, majburiy mehnat, bolalar mehnati, huquqlar, qonunbuzrlik, qullik davri, qullar savdosi, ekspluatatsiya, yetkazib berish, qarzga bog‘liqlik, mulkiy qullik, davomiy qullik.*

## РАБСТВО И ТОРГОВЛЯ ЛЮДЬМИ: ИСТОРИЧЕСКАЯ СВЯЗЬ БЕЗ ПРАВОВОЙ ПРЕЕМСТВЕННОСТИ

**Муминова Назокат Жасур қизи**

**студент 3-курса Университета мировой экономики и дипломатии факультета Международное право**

**e-mail:muminovanazokat171@gmail.com**

**Научный руководитель:доктор юридических наук Фируза Хамдамова**

**Аннотация:**

*Рабство возникло в 594 году до нашей эры, в начале раннего Архаического периода. В этот период нарушались основные права человека, и рабы рассматривались не как люди, а как дешевая рабочая сила для аристократов, представителей высшего класса. Однако в XIX и XX веках эти концепции исчезли. Государства начали отменять рабство, уравнивая права и обязанности рабов с правами и обязанностями других представителей высшего класса. Несмотря на то, что эпоха рабства была полностью упразднена, торговля людьми является одним из последствий, возникших после отмены рабства. Хотя истоки торговли людьми можно проследить до рабовладельческого общества, эти два понятия принципиально отличаются друг от друга. Разница между ними видна в их формировании, видах, а также в различиях уголовного кодекса, что важно для признания рабства и торговли людьми преступлениями.*

**Ключевые слова:** *торговля людьми, рабовладельческое общество, рабство, отмена рабства, эмансипация, компенсация, принудительный труд, сексуальная эксплуатация, детский труд, права, нарушение, период рабства, работорговля, эксплуатация, транспортировка, долговая кабала, рабство как собственность, рабство по происхождению.*

Human trafficking is the restriction of freedom, human rights; giving people more responsibilities then they need and to pay less than usual when performing duties. Human trafficking involves the recruitment, transportation, transfer, harbouring, or receipt of individuals. This is achieved through exploitative means such as force, coercion, fraud, or deception. Common forms of exploitation include forced labor, sexual exploitation, forced marriage, forced begging, organ removal, and other mixed and emerging threats.

How human trafficking has performed? Human trafficking existed before, but in those times, this term was used during the slave society and was called slavery. The first known major slave society was that of Athens. In the early Archaic period the elite worked its estates with the labor of fellow citizens in bondage (often for debt). After the lawgiver Solon abolished citizen slavery about 594 BCE, wealthy Athenians came to rely on enslaved peoples from outside Attica. The prolonged wars with the Persians and other peoples provided many slaves, but the majority of slaves were acquired through regular trade with non-Greek peoples around the Aegean. At the time of Classical Athens (the 5th through the 3rd century BCE) slaves constituted about a third of the population. A particularly noteworthy locus of slave employment was the Laurium silver mines, where private individuals could pick out a lode and put their slaves to mining it. As in all other slave societies, it was the profitability of slavery that determined its preeminence in Athens. (Also important were political conditions that made the gross exploitation of citizens impossible.) Slaves were responsible for the prosperity of Athens and the leisure of the aristocrats, who had time to create the high culture now considered the beginning of Western civilization. The existence of large-scale slavery was also responsible, it seems logical to believe, for the Athenians' thoughts on freedom that are considered a central part of the Western heritage. Athenian slave society was finally destroyed by Philip II of Macedonia at the battle of Chaeronea (338 BCE), when, on the motion of Lycurgus, many (but not all) slaves were freed. Some lesser Islamic slave societies are also of interest. One is the Baghdad caliphate founded in the 7th and lasting through the 10th century. Many tens of thousands of military captives were imported from Sogdiana, Khazaria, and other Central Asian locales. In the 9th and 10th centuries several tens of thousands of Black Zanj slaves were imported from Zanzibar to Lower Iraq, where they constituted more than half the total population and were put to work to clear saline lands for irrigation and to cultivate sugar. More long-term was the slavery practiced in the Crimean Khanate between roughly 1475 and

its liquidation by the Russian empress Catherine the Great in 1783. The Crimean Tatar society was based on raiding the neighboring Slavic and Caucasian sedentary societies and selling the captives into the slave markets of Eurasia. Approximately 75 percent of the Crimean population consisted of slaves or freedmen, and much of the free population was highly predatory, engaged either in the gathering of slaves or in the selling of them. It is known that for every slave the Crimeans sold in the market, they killed outright several other people during their raids, and a couple more died on the way to the slave market.1 We can cite many similar examples of human rights violations and trampling on human dignity.

Slavery was gradually abolished in all countries in the 19th and 20th centuries. On August 28, 1833, the British Parliament passed the Slavery Abolition Act, which came into effect on August 1, 1834. This law not only outlawed slavery but also established a compensation scheme for slave owners. Initially, it mandated a system of apprenticeship for formerly enslaved individuals, which continued until full emancipation was achieved in 1838. The passage of this act marked a crucial turning point in British history and contributed to broader discussions about human rights and justice in subsequent years.2 In 1863 President Lincoln issued the Emancipation Proclamation declaring “all persons held as slaves within any State, or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free.” Nonetheless, the Emancipation Proclamation did not end slavery in the nation since it only applied to areas of the Confederacy currently in a state of rebellion (and not even to the loyal “border states” that remained in the Union). Lincoln recognized that the Emancipation Proclamation would have to be followed by a

1 Encyclopaedia Britannica. Slave societies [Электронный ресурс]. — Режим доступа: Britannica — Slave Societies (дата обращения: 14.05.2026).

2 EBSCO Research Starters — 1833 Act for the Abolition of Slavery in the British Empire (дата обращения: 14.05.2026).

constitutional amendment in order to guarantee the abolishment of slavery. The 13th Amendment was passed at the end of the Civil War before the Southern states had been restored to the Union, and should have easily passed in Congress. However, though the Senate passed it in April 1864, the House initially did not. At that point, Lincoln took an active role to ensure passage through Congress. He insisted that passage of the 13th Amendment be added to the Republican Party platform for the upcoming 1864 Presidential election. His efforts met with success when the House passed the bill in January 1865 with a vote of 119–56. Thus, the 13th Amendment abolished slavery in the United States, a law passed by Congress on January 31, 1865, and ratified on December 6, 1865. 3 The Lei Áurea (Golden Law), officially Law No. 3,353 of 13 May 1888, is the law that abolished slavery in Brazil. Part of the delay in declaring the total abolition of slavery came from within the royal family. By the 1870s, Pedro II had only one surviving child the princess Isabel, who had difficulty gaining legitimacy not only because of her gender, but because she was married to a foreigner, a French nobleman. Isabel served as regent twice during her father's reign, making steps to abolish slavery both times. However, in order to push through the "Golden Law" completely abolishing slavery, she had to appoint a completely new cabinet, the men in power when she began her second regency being unwilling to engage in any discussion of policy with a woman. The new cabinet appointed by Princess Isabel passed the new bill in seven days, carrying it through on a wave of popular support. For three days following her signing of the bill, work was suspended and people of all classes celebrated. The Lei Aurea (Golden Law) of 1888 had only two articles:

*Article 1*: From this date, slavery is declared abolished in Brazil.

*Article 2*: All dispositions to the contrary are revoked.4

3 U.S. National Archives — 13th Amendment to the U.S. Constitution (дата обращения: 14.05.2026).

4 Brown University Library — Abolition (дата обращения: 14.05.2026)

These two articles restored rights lost over the years and became a firm norm. Slavery was officially abolished by Crown Prince Faisal as Saudi Premier on November 7, 1962. The reform was precipitated by the revolution that overthrew the Imamate in neighboring Yemen the previous September. The Saudis, fearing that revolutionary fervor might spread to their own country, moved to put their house in order. The Anti-Slavery Society of Britain estimated at the time that there were 350,000 slaves in Saudi Arabia. In the opinion of some close students of the country, the estimate was high, considering that the whole population probably did not exceed four million. Their estimate was about 100,000. The 1962 Saudi decree offered to compensate owners. Females, at about $2,000 each, were deemed slightly more valuable than males. Several months later the Saudi government announced that it had paid the equivalent of $4,760,000 for the emancipation of slaves, which would suggest that about 2,500 had been liberated. 5

Also, Slavery Convention was signed at Geneva on 25 September 1926. Entry into force: 9 March 1927, in accordance with Article 12. The Convention was amended by the Protocol done at the Headquarters of the United Nations, New York, on 7 December 1953; the amended Convention entered into force on 7 July 1955, the date on which the amendments, set forth in the annex to the Protocol of 7 December 1953, entered into force in accordance with article III of the Protocol. 6 Universal Declaration of Human Rights is main document in the defending and promoting human rights around the world. In Article 4 written that:

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

5 Saudi Arabian Slavery Persists Despite Ban by Faisal in 1962 // The New York Times [Электронный ресурс]. — Режим доступа: The New York Times — Saudi Arabian Slavery Persists Despite Ban by Faisal in 1962 (дата обращения: 14.05.2026).

6United Nations. Slavery Convention, 1926 [Электронный ресурс]. — Режим доступа: UN Slavery Convention 1926 PDF (дата обращения: 14.05.2026).

Based on the above information, human trafficking is a form of slavery today, but there are also several differences. According to Article 1 of the Slavery Convention 1926, Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves. Pursuant to Article 3 of Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000, "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. Also the types of human trafficking and slavery are not similar.

Slavery includes following types:

- **Debt bondage**- is the pledge of a person's services as security for the repayment for a debt or other obligations.
- **Forced labor and domestic servitude**- slavers forced to work in households and in the fields without the freedom.
- **Child labor**- children forced into labor.
- **Sexual slavery**- victims forced into sexual exploitation continuously.
- **Slave soldiers**- slaves used in wars.

Human trafficking is divided into following types:

- **Forced labor**- victims forced to work in farms, factories, domestic work. Also, debt bondage is one of the categories of human trafficking. Debt Bondage is a type of forced labor, involving a debt that must be paid off through work.
- **Child labor**- children forced to work.
- **Sex trafficking**- people are forced or deceived into prostitution or sexual exploitation.
- **Forced marriage**- people are trafficked and forced into marriage without consent.
- **Organ trafficking**- body parts and organs of deceived or stolen people are illegally removed and sold.
- **Forced criminality**- victims are forced to commit crimes (drug trafficking, theft, scams).
- **Forced begging-** victims, often children, are forced to beg on the streets.

In the ancient world, a form of slavery known as chattel slavery existed, under which enslaved individuals were treated as the property of their owners. In such systems, slaves could be bought, sold, or transferred in a manner similar to material property. Another form of slavery is descent-based slavery, where individuals are considered slaves by virtue of their birth into families belonging to a slave class. In this system, the status of slavery is inherited and passed from one generation to another. In a slave society, the status and condition of slaves are generally predetermined and known: individuals are treated as property and are aware of their social position and the treatment they may receive. In contrast, in situations of human trafficking, victims are often unaware of what awaits them. They are frequently recruited through deception, coercion, or abduction, and only later discover the exploitative conditions into which they have been placed.

Despite these differences, both slavery and human trafficking involve a severe restriction or complete deprivation of a person's freedom and fundamental rights. Nowadays, human trafficking is often referred to as a form of modern slavery. This term is used because both phenomena involve the severe exploitation of individuals and the deprivation of their freedom and dignity. However, human trafficking and modern slavery are not identical concepts. Because in ancient times slave trafficking was legal and concept of slavery was understood in narrower sense. It was mainly associated with the exploitation of people as cheap labor. But, the concept of human trafficking is much broader. It involves the severe restriction of a person's fundamental rights and freedoms, while imposing excessive obligations upon them. Victims are often subjected to exploitation and are forced to work or act under conditions they cannot refuse or escape. In earlier periods, the concept of begging was not recognized as a form of exploitation within the framework of slave trafficking. However, in contemporary discussions, forced begging has emerged as one of the developing forms of exploitation, particularly involving children. In such cases, children are compelled to beg in public places, and the money they collect is taken by traffickers or those who control them. Another alarming development is the growing concern over organ trafficking. In such cases, traffickers exploit victims by removing their organs and selling them illegally on the black market for profit. Reports and investigations have also highlighted disturbing allegations that biological materials obtained from vulnerable individuals, including children, may be misused in various industries. These developments demonstrate the increasingly complex and dangerous nature of human trafficking in the modern world. Similarly, during the period of slavery, it is known that enslaved individuals were sometimes subjected to medical experiments without their consent. These experiments were often conducted in the name of advancing medical knowledge or preserving the lives of others. Such practices represent a tragic and deeply unethical aspect of the history of slavery, demonstrating the extreme disregard for the dignity and rights of enslaved persons.

Despite the numerous tragic events in history that have severely undermined human dignity, and notwithstanding the adoption of various international conventions and legal instruments aimed at protecting human rights, such crimes have not been completely eliminated. Even today, acts related to human trafficking and exploitation continue to occur in many parts of the world, demonstrating that the protection of human dignity remains a significant challenge for the international community. According to the Report, the most common form of human trafficking (79%) is sexual exploitation. The victims of sexual exploitation are predominantly women and girls. Surprisingly, in 30% of the countries which provided information on the gender of traffickers, women make up the largest proportion of traffickers. In some parts of the world, women trafficking is the norm. The second most common form of human trafficking is forced labour (18%), although this may be a misrepresentation because forced labour is less frequently detected and reported than trafficking for sexual exploitation. Worldwide, almost 20% of all trafficking victims are children. However, in some parts of Africa and the Mekong region, children are the majority (up to 100% in parts of West Africa). Although trafficking seems to imply people moving across continents, most exploitation takes place close to home. Data show intra-regional and domestic trafficking are the major forms of trafficking in persons.7 Perhaps the persistence and even increase of such cases can be explained by the fact that the concept of human trafficking has not always been clearly recognized as an international crime at the global level. Although a number of international conventions and legal instruments address human trafficking and related forms of exploitation, the issue has not been uniformly framed as an international crime in all foundational human rights documents. For example, even the Universal Declaration of Human Rights

7United Nations Office on Drugs and Crime. Global Report on Trafficking in Persons [Электронный ресурс]. — Режим доступа: UNODC Global Report on Trafficking in Persons (дата обращения: 14.05.2026).

does not explicitly define human trafficking as an international crime, although it strongly condemns slavery, servitude, and practices that violate human dignity.

In order to be considered a crime in the Roman-Germanic legal system, it must consist of four components: object, objective side, subject, subjective side. Also in Anglo-Saxon family law system, it is called mens rea (equal to the subjective side) and actus reus (equal to the objective side). The object of a crime is social relations, and the subject is the person who committed the crime. The objective side is understood as an act or omission, while the subjective side is understood as intent or negligence. Human trafficking and slave trade differ in their objective and subjective elements. Additionally, in slavery, the rights and freedoms of a specific group, namely a social minority are violated, whereas in human trafficking, the rights and freedoms of all individuals can be considered as the object and may be violated. Related to objective side, in slavery, individuals were openly bought and sold in markets or used as cheap labor, and they were aware of their status. However, in human trafficking victims are often unaware of where they are being taken, as they are typically transported through deception. If in slavery unlawful acts are committed solely through direct intent, in human trafficking they may be carried out through both direct and indirect intent. This indicates that slavery was typically directed at a specific social group, whereas human trafficking is not concerned with the identity of the victim but rather with the exploitation of human beings as a source of cheap labor. Furthermore, one of the most significant distinctions between slavery and human trafficking lies in their legal characterization: slavery was not regarded as a crime in its historical context and was considered a normal practice at the time, whereas human trafficking is recognized as a criminal offense. Taking into account all the above, although slavery and human trafficking are closely related, but they are distinct phenomena; therefore, each should be regulated separately.

**Bibliography:**

1. Universal Declaration of Human Rights, 1948.

2. Slavery Convention, 1926.

3. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000.

4. Encyclopaedia Britannica. *Slave societies* [Электронный ресурс]. — Режим доступа: Britannica — Slave Societies (дата обращения: 14.05.2026).

5. EBSCO Research Starters — 1833 Act for the Abolition of Slavery in the British Empire (дата обращения: 14.05.2026).

6. U.S. National Archives — 13th Amendment to the U.S. Constitution (дата обращения: 14.05.2026).

7. Brown University Library — Abolition (дата обращения: 14.05.2026).

8. *Saudi Arabian Slavery Persists Despite Ban by Faisal in 1962* // The New York Times [Электронный ресурс]. — Режим доступа: The New York Times — Saudi Arabian Slavery Persists Despite Ban by Faisal in 1962 (дата обращения: 14.05.2026).

9. United Nations. *Slavery Convention, 1926* [Электронный ресурс]. — Режим доступа: UN Slavery Convention 1926 PDF (дата обращения: 14.05.2026).

10. United Nations Office on Drugs and Crime. *Global Report on Trafficking in Persons* [Электронный ресурс]. — Режим доступа: UNODC Global Report on Trafficking in Persons (дата обращения: 14.05.2026).