



E-ISSN: 2790-068  
P-ISSN: 2790-0673  
[www.lawjournal.info](http://www.lawjournal.info)  
IJLJJ 2024; 4(2): 287-290  
Received: 14-09-2024  
Accepted: 19-10-2024

**Maftuna Tosheva**  
Tashkent State University of  
Law 100047, Tashkent,  
Uzbekistan

## Legal aspects of pimping and brothel-keeping in Uzbekistan: Comparative analysis and legislative development proposals

**Maftuna Tosheva**

DOI: <https://doi.org/10.22271/2790-0673.2024.v4.i2d.149>

### Abstract

Pimping and brothel-keeping are crimes that undermine social morality, disrupt public order, and perpetuate the exploitation of vulnerable individuals, especially women and minors. In Uzbekistan, these offenses are criminalized under Article 131 of the Criminal Code. However, current legislation may lack comprehensive measures to effectively deter such crimes and protect victims. This article analyzes the existing legal framework in Uzbekistan, explores international practices from countries like the United States, United Kingdom, Germany, France, Japan, and CIS nations, and proposes targeted legislative amendments. The analysis highlights the importance of incorporating additional aggravating circumstances, such as committing crimes using an official position, at educational or public event venues, and involving financially or otherwise dependent persons. Drawing from global experiences, the study suggests enhancing legal and victim protection measures, including holding clients accountable for purchasing sexual services as seen in France. These proposals aim to bolster Uzbekistan's legislative approach to combating pimping and brothel-keeping, aligning it with international best practices to safeguard human rights, protect vulnerable groups, and maintain societal values.

**Keywords:** Pimping, brothel-keeping, Uzbekistan, Article 131, criminal law, legislative amendments, human trafficking, exploitation, international comparison, aggravating circumstances, victim protection

### Introduction

Pimping and brothel-keeping are serious offenses that violate societal norms, disrupt public order, and threaten the moral fabric of communities worldwide. These activities, driven by complex economic, social, and psychological factors, pose significant challenges to societies and legal systems. The exploitation inherent in pimping and brothel-keeping often extends beyond mere economic gain, contributing to human trafficking and perpetuating the abuse of vulnerable populations, particularly women and minors. Recognizing the profound implications of these offenses, many nations have developed stringent legal frameworks to deter and punish those involved.

In Uzbekistan, efforts to address these crimes have centered around specific provisions within the Criminal Code, most notably Article 131, which outlines the penalties for pimping and the maintenance of brothels. While current legislation incorporates certain aggravating circumstances, it remains essential to explore ways to enhance these laws to ensure comprehensive protection for victims and reinforce public confidence in the justice system. An examination of international practices provides valuable insights into how other countries combat these crimes, emphasizing preventive measures and victim support initiatives.

This article aims to analyze the existing legal framework in Uzbekistan concerning pimping and brothel-keeping, assess international legislative practices, and propose targeted amendments for more effective regulation. By understanding global experiences and incorporating best practices, Uzbekistan can strengthen its legal mechanisms to protect at-risk groups, uphold human rights, and safeguard societal values.

### Materials and methods

In this research, an attempt was made to answer three key questions: first, how effective is the current legislation of Uzbekistan in combating pimping and brothel-keeping; second, how have the practices of applying the law in this area been developed; and third, is there a

**Correspondence Author:**  
**Maftuna Tosheva**  
Tashkent State University of  
Law 100047, Tashkent,  
Uzbekistan

need to strengthen legislative measures based on international experience? To address these questions, the research develops the author's perspective and puts forth proposals to amend and enhance Uzbekistan's legal framework. The study is both conceptual and analytical, aiming to explore the criminal-legal aspects of pimping and brothel-keeping and focusing on practical implications for policy and enforcement.

To achieve these objectives, methods of analysis, generalization, comparative-legal, logical, statistical, systematic structural, formal-legal study of scientific knowledge were used.

## Results

Pimping and brothel-keeping are types of criminal activities that disrupt social morality and public order, constituting serious issues on a global scale. These activities are typically driven by economic, social, and psychological factors and result in numerous negative consequences for society.

According to the United Nations Office on Drugs and Crime (UNODC) Global Report on Trafficking in Persons 2022, approximately 27.6 million people globally were affected by human trafficking, with sexual exploitation being a significant proportion of these cases.<sup>[1]</sup>

The International Labour Organization (ILO) reported that 71% of trafficking victims worldwide are women and girls, most of whom are trafficked for sexual exploitation (ILO, 2017). This finding underscores the predominance of women and girls in sexual exploitation crimes.<sup>[2]</sup>

The National Human Trafficking Hotline reported that there were over 10,500 cases of human trafficking in the U.S. in 2023, with sexual exploitation and pimping being a significant focus (Polaris Project Annual Report 2023)<sup>[3]</sup>. According to the UK National Crime Agency's (NCA) 2023 annual report, 1,947 cases related to modern slavery and human trafficking were referred for investigation, many involving brothel-keeping and sexual exploitation.<sup>[4]</sup>

The UNODC's Central Asia Report (2022) identified a significant presence of criminal networks engaged in sexual exploitation across CIS countries, with Russia alone documenting over 3,200 cases of sexual exploitation-related crimes.

## Discussion

Describing these offenses in detail, "pimping" refers to a crime where profit is gained by acting as an intermediary or organizer of sexual services. "Brothel-keeping", on the other hand, involves establishing or managing places where sexual services are provided. Such activities often involve large criminal structures or individuals and may be linked to human trafficking or other serious crimes.

Pimping and brothel-keeping are crimes related to exploiting individuals by organizing or profiting from sexual services. These offenses violate the rights of individuals, particularly women and vulnerable groups, and are considered serious crimes in many countries.

1. Pimping-involves obtaining financial benefit from or controlling individuals engaged in sexual services. The person committing this crime, often referred to as a "pimp," takes a share of the earnings from the sex worker, manages them, or organizes their activities.

### Key elements of pimping include

**Financial gain:** Pimping is carried out by taking a share of the income earned from another individual's sexual services.

**Control or organization:** Pimping involves managing sex workers, providing them with space and security, and overseeing their operations.

2. Brothel-keeping or Pandering-refers to the act of inducing a person to engage in sexual services. Unlike pimping, pandering involves encouraging or facilitating the participation of a person in such activities.

Pimping and brothel-keeping lead to significant violations of human rights, especially among youth and vulnerable groups, as they are exploited. The social consequences of these crimes include:

**Psychological trauma:** These crimes result in severe psychological harm, including post-traumatic stress disorder (PTSD), anxiety, and depression. A study published in the Journal of Human Trafficking in 2023 found that 85% of coerced sex workers suffer from PTSD and severe anxiety.

**Socio-economic impact:** Vulnerable and impoverished groups are at a higher risk of exploitation.

**Health issues:** Victims of exploitation face increased risks of infectious diseases and other health problems.

Crimes involving pimping and brothel-keeping are often linked to factors such as economic difficulties, challenges in finding employment, illiteracy and lack of education, psychological or physical abuse, and sexual exploitation. These crimes can disrupt moral values in society, harm the institution of the family, and contribute to increased drug abuse, criminal activity, and crime rates.

International experience with crimes related to pimping and brothel-keeping varies significantly between countries, shaped by legal, cultural, and economic factors. The approaches and legislative frameworks of countries like the United States, the United Kingdom, Germany, France, Japan, and the CIS countries can be described as follows:

Examining the criminal-legal aspects of these crimes under foreign laws, in the United States, pimping and pandering are considered criminal offenses in most states. Efforts to combat pimping and brothel-keeping are carried out at the state level rather than nationwide. Each state's legislation has its unique characteristics. In most states, pimping and brothel-keeping are classified as crimes and are subject to severe penalties, including imprisonment and significant fines. However, in certain districts of Nevada, for instance, prostitution is legal and operates under strict state regulation<sup>[5]</sup>. Additionally, due to the frequent connection between

<sup>1</sup> Global Report on Trafficking in Persons. [https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP\\_2022\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf)

<sup>2</sup> ILO Forced Labour, Modern Slavery, and Human Trafficking. <https://www.ilo.org/topics-and-sectors/forced-labour-modern-slavery-and-trafficking-persons>

<sup>3</sup> National Human Trafficking Hotline Statistics. <https://humantraffickinghotline.org/en/statistics>

<sup>4</sup> Modern Slavery and Human Trafficking Report. <https://www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/modern-slavery-and-human-trafficking>

<sup>5</sup><https://www.findlaw.com/criminal/criminal-charges/pimping-and-pandering->

crimes of pimping and brothel-keeping and human trafficking, these offenses are often considered alongside anti-human trafficking measures.

In the United Kingdom, crimes of pimping and brothel-keeping are strictly prohibited under the "Sexual Offences Act 2003<sup>[6]</sup>," with additional penalties applied in cases involving the exploitation of minors. The primary goal of stringent legislation on pimping and brothel-keeping in the UK is to reduce sexual exploitation and prevent human trafficking. While prostitution itself is legal in the UK, activities such as running a brothel, pimping, and advertising sexual services are illegal. If the crime involves minors or coercive conditions, these are considered aggravating circumstances, leading to harsher penalties proportionate to the offense.

"Legislation on Pimping and Brothel-Keeping in Various Countries"

In Germany, prostitution is legal, but there are specific laws regulating illegal pimping and brothel-keeping<sup>[7]</sup>. The "Prostitution Act"<sup>[8]</sup> of 2002 was enacted to regulate the sex industry and ensure the protection of workers' rights. Certain conditions characterize criminal activity, such as operating brothels without state authorization, which is considered unlawful. Brothel owners must pay taxes and comply with sanitary and hygiene regulations. Additionally, exploitation and forced labor are prohibited under German law; if these practices are discovered, criminal liability is increased. Thus, pimping is considered illegal if conducted without permits or through coercion. A notable difference in Germany compared to other countries is the existence of medical services and legal advisory systems for sex workers.

In France, pimping and brothel-keeping are strictly prohibited. Although prostitution itself is legal, under a law passed in 2016, pimping and maintaining brothels are considered crimes, and the state enforces stringent measures against such offenses. This law also holds clients who purchase sexual services accountable<sup>[9]</sup>, aiming to reduce sexual exploitation.

Japan has strong protective measures in place to safeguard youth from sexual exploitation. Recruiting youth through pimping or pandering is strictly prohibited. Although Japan has traditionally maintained strict legislation against pimping and brothel-keeping<sup>[10]</sup>, there are exceptions for other types of sexual services. Under Japanese law, paid sexual intercourse is illegal, but other services (such as massage services) are lawful, leading to many forms of "hidden" activities.

CIS countries have varied approaches to combating pimping and brothel-keeping, though most regard such activities as illegal. For instance, in Russia, pimping and brothel-keeping

are defined as crimes and are unlawful<sup>[11]</sup>. In Kazakhstan, prostitution is not legal, and brothel-keeping and pimping are strictly prohibited<sup>[12]</sup>. The country enforces stringent measures against exploitation.

Drawing from the experiences of these countries, the following recommendations could be proposed for enhancing and strengthening legislation in Uzbekistan regarding pimping and brothel-keeping:

Introduce additional aggravating circumstances to protect youth and vulnerable groups from exploitation;

Expand social assistance and reintegration programs for victims of exploitation;

Consider holding clients of sexual services accountable, as demonstrated in France.

These approaches could aid in modernizing Uzbekistan's legislation and implementing effective measures based on international experience. Global practices show that approaches to regulating pimping and brothel-keeping differ significantly across countries. In Uzbekistan, proposals to improve legislation based on international practices and modern approaches are of great importance in combating pimping and brothel-keeping.

In the Republic of Uzbekistan, prostitution is subject to administrative liability, while the Criminal Code provides criminal liability for pimping and maintaining brothels. The main legal provisions for these activities are outlined in Article 131 of the Criminal Code. Aggravating circumstances for the crimes of pimping and brothel-keeping include: a) involving a minor; b) committing the act repeatedly, as a dangerous recidivist, or by someone previously convicted under Articles 135 or 137 of the Criminal Code; and c) committing the act by an organized group or for the benefit of such a group, resulting in more severe penalties.

Currently, there are several proposals to strengthen measures against pimping and brothel-keeping in Uzbekistan's Criminal Code<sup>[13]</sup>. For instance, it has been proposed to add to Article 131 the aggravating circumstances of "committing the crime using an official position" and "involving a person who is financially, service-wise, or otherwise dependent" on the offender. These proposals are aimed at more accurately assessing the methods and means used in committing these crimes and ensuring fair accountability. Below is a broader explanation of the significance of these proposals.

### 1. Committing a Crime Using an Official Position

**(Addition to Part 3):** This refers to instances where pimping or brothel-keeping is carried out using one's official capacity, meaning that the individual leverages their professional opportunities for criminal purposes. Such conduct harms not only the victims but also erodes public trust. Recognizing this as an aggravating circumstance is necessary for ensuring legal justice. Crimes committed using official capacity can have widespread negative consequences for society, affecting not only individual victims but the entire community.

laws.html#:~:text=Even%20in%20Nevada%2C%20the%20only,from%20the%20prostitution%20of%20others.

<sup>6</sup> "Sexual Offences Act 2003".  
<https://www.legislation.gov.uk/ukpga/2003/42/contents>

<sup>7</sup> [https://www.gesetze-im-internet.de/englisch\\_stgb/englisch\\_stgb.html](https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html)

<sup>8</sup> The Prostitute Protection Act. The Prostitute Protection Act has been in force since 1 July 2017.  
<https://www.prostituiertenschutzgesetz.info/en/>

<sup>9</sup> France: New Law to Punish Prostitution Clients.  
<https://www.loc.gov/item/global-legal-monitor/2016-04-28/france-new-law-to-punish-prostitution-clients/>

<sup>10</sup> Eibun Hōreisha (2003). *Prostitution Prevention Law: (Law No. 118, May 24, 1956)*. Eibun-Horei-Sha

<sup>11</sup> "Уголовный кодекс Российской Федерации" от 13.06.1996 N 63-ФЗ (ред. от 09.11.2024).

[https://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/](https://www.consultant.ru/document/cons_doc_LAW_10699/)

<sup>12</sup> Уголовный кодекс Республики Казахстан. Кодекс Республики Казахстан от 3 июля 2014 года № 226-V ЗРК.  
<https://adilet.zan.kz/rus/docs/K1400000226>

<sup>13</sup> Criminal Code of Republic of Uzbekistan. <https://lex.uz/docs/-111453>



**2. Committing a Crime at Educational or Public Event Venues (Addition to Part 3):** Including this as an aggravating circumstance would help protect educational institutions and public places, as crimes committed in these locations pose a particular danger to youth and other vulnerable groups. These places are intended for education and upbringing, and crimes committed there undermine their social functions. Additionally, this measure would act as a deterrent to crime in public places, as heightened liability would apply when offenses occur in such locations.

**3. Involving a person who is financially, service-wise, or otherwise dependent:** Proposing this type of aggravating circumstance aims to better protect victims in cases where the offender manipulates individuals who are financially or otherwise dependent. Such individuals are often easy targets for criminals. Including this addition would classify the involvement of dependent persons in crimes as an aggravated offense and strengthen their legal protection. Victims subjected to crime through financial or service-related dependence often suffer additional psychological and social harm. Including this in the legislation would enhance their protection and help reduce coercive practices. International practice shows that involving dependent persons or using an official position is recognized as an aggravating circumstance in many countries' criminal codes. For example, German legislation considers involving dependent persons in crimes as an aggravating factor to protect victims' rights.

The above-mentioned circumstances and changes aim to improve Uzbekistan's current legal stance in combating pimping and brothel-keeping and help protect the moral fabric of society. Furthermore, applying stricter measures based on global experience in Uzbekistan's legislation would align the penalties and liability with the nature of these crimes. Another proposed change is to increase criminal penalties for involving minors in such activities.

It should be noted that holding clients accountable can help reduce demand in the market for sexual services. France's experience shows that enforcing client liability has significantly decreased exploitation and human trafficking cases.

The proposed amendments to Article 131 of the Criminal Code of Uzbekistan, taking into account international experience, are designed to strengthen the fight against sexual exploitation and protect moral standards in society. If adopted, these proposals would allow for stricter punishment measures and enhance the effectiveness of preventing these crimes in Uzbekistan.

In conclusion, addressing the crimes of pimping and brothel-keeping requires a multifaceted approach that incorporates robust legal frameworks, comprehensive victim protection measures, and alignment with international best practices. Uzbekistan's current legislation under Article 131 of the Criminal Code provides a foundational basis for combating these offenses, yet there are significant opportunities for legislative enhancement. By adopting the proposed amendments-such as recognizing the use of an official position, offenses committed in educational or public venues, and the involvement of financially dependent individuals as aggravating circumstances-Uzbekistan can better reflect the severity of these crimes and their impact on vulnerable groups.

International experiences, particularly those from the United States, United Kingdom, Germany, France, Japan, and CIS

countries, offer valuable insights that highlight the importance of preventive strategies, stricter penalties, and client accountability. The inclusion of these elements can reduce exploitation, support victims' rights, and restore public confidence in the justice system. Notably, holding clients accountable, as seen in France, has proven to be an effective measure to diminish the demand for sexual services, ultimately reducing the prevalence of such crimes. Adopting these legislative improvements would align Uzbekistan's criminal law with progressive global practices and demonstrate the country's commitment to upholding human rights, protecting the dignity of all individuals, and preserving societal values. Enhanced enforcement, coupled with comprehensive social support for victims, would not only deter criminal activity but also foster a more just and moral society.

## References

1. United Nations Office on Drugs and Crime (UNODC). Global Report on Trafficking in Persons; c2022. Available from: [https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP\\_2022\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf)
2. International Labour Organization (ILO). Forced Labour, Modern Slavery, and Human Trafficking. Available from: <https://www.ilo.org/topics-and-sectors/forced-labour-modern-slavery-and-trafficking-persons>
3. National Human Trafficking Hotline. Statistics. Available from: <https://humantraffickinghotline.org/en/statistics>
4. National Crime Agency. Modern Slavery and Human Trafficking Report. Available from: <https://www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/modern-slavery-and-human-trafficking>
5. FindLaw. Pimping and Pandering Laws. Available from: <https://www.findlaw.com/criminal/criminal-charges/pimping-and-pandering-laws.html#:~:text=Even%20in%20Nevada%2C%20the%20only,from%20the%20prostitution%20of%20others>
6. Sexual Offences Act 2003. Legislation.gov.uk. Available from: <https://www.legislation.gov.uk/ukpga/2003/42/contents>
7. German Penal Code (Strafgesetzbuch, StGB). Available from: [https://www.gesetze-im-internet.de/englisch\\_stgb/englisch\\_stgb.html](https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html)
8. The Prostitute Protection Act. Prostituiertenschutzgesetz.info. Available from: <https://www.prostituiertenschutzgesetz.info/en/>
9. Library of Congress. France: New Law to Punish Prostitution Clients. Available from: <https://www.loc.gov/item/global-legal-monitor/2016-04-28/france-new-law-to-punish-prostitution-clients/>
10. Eibun Hōreisha. Prostitution Prevention Law (Law No. 118, May 24, 1956). Eibun-Horei-Sha; c2003.
11. Russian Federation. Criminal Code of the Russian Federation (13.06.1996 N 63-Φ3, as amended 09.11.2024). Available from: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/](https://www.consultant.ru/document/cons_doc_LAW_10699/)
12. Republic of Kazakhstan. Criminal Code of the Republic of Kazakhstan (Code of the Republic of Kazakhstan, 3 July 2014, No. 226-V 3PK). Available from: <https://adilet.zan.kz/rus/docs/K1400000226>
13. Republic of Uzbekistan. Criminal Code of the Republic of Uzbekistan. Available from: <https://lex.uz/docs/-111453>.