

Features of International Legal Cooperation of the Republic of Uzbekistan in the Sphere of Regulating Labor Migration

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Annotation: This article is devoted to the specifics of international legal cooperation in the field of labor migration, ensuring the safety of labor migration, comparative analysis of the legislation of the Republic of Uzbekistan in the field of labor migration. The article analyzes international standards for the protection of the rights of migrant workers, as well as the norms of the CIS countries. Information on bilateral agreements in the field of labor migration between Uzbekistan and foreign countries is also briefly presented. The article also analyzes the legal nature of the main international treaties regulating international labor migration, the specifics of the consolidation of the concept of “migrant worker” in universal and regional international treaties. In addition, the article examines Uzbekistan's close ties with a number of leading international political, economic organizations and CIS countries, in particular, Uzbekistan's cooperation with the most important UN organization - the International Labor Organization. The results of the work done have shown that the standards for the protection of migrant workers are not sufficiently effective, which justifies the “fundamental rights” approach to the global management of international labor migration. Based on the analysis carried out, proposals and recommendations on existing problems concerning both bilateral and multilateral treaties of the Republic of Uzbekistan are put forward.

Keywords: migration, labor migration, cooperation, agreement, human rights, international legal protection

The migration process is one of the factors, in some cases, negatively affecting the security of the state and society, along with the development of international, interstate and interpersonal relations and international relations. With the development of the world economy and the intensification of international integration ties, labor migration is also increasing. The acceleration of these processes is strongly influenced by the growing gap between developed and economically backward countries.

Today, the issue of ensuring the safety of migrant workers is one of the priority tasks facing the States of the world. Because due to the constantly growing population of the Earth, labor migration is increasing every day, including the demand for labor. Migration promotes the exchange of work skills and experience, promotes personal development and affects the size and shape of families and the structure of the population [1].

At the present stage of human development, labor migration is a special type of migration aimed at finding decent work and high incomes, and has become one of the main tools for solving acute problems of employment and wages in less developed countries [2, p. 112].

According to the International Organization for Migration, the number of international migrants worldwide is 281 million people, which is 3.6 percent of the world's population. Of these, 164 million are international migrant workers [3].

A complete glossary of migration terms is published by the International Organization for Migration. According to him, "migration is the process of population movement across international borders or across the territory of a country" [4, p. 39].

Migrants are defined as persons engaged in, employed or engaged in paid activities in a State of which they are not a citizen [5, p. 89].

According to official data, about 1.7 million of our compatriots are working abroad. This figure is less than last year's by more than 780 thousand [6]. This number has decreased due to the global pandemic. Of these, there are about 1 million 192 thousand 800 people (71%) of migrant workers in the Russian Federation. Also, a large number of labor migrants leave for Kazakhstan and their number is 209.3 thousand (12%).

A group of Migrants from Uzbekistan is sent to South Korea, this quota is 62.3 thousand (4%). At the moment there are 43.2 thousand (3%) in Turkey, 5200 citizens in the UAE. In addition to them, Israel and Japan are also in demand countries for migration in the form of the working class. Thus, the main flow of migrants from Uzbekistan is directed to Russia, Kazakhstan, Turkey, South Korea, Japan, the Arab Emirates, Israel [7, p. 100].

First of all, we need to mention the agreement on cooperation of the member States of the Commonwealth of Independent States in the fight against illegal migration. This agreement was adopted on March 6, 1998 in Moscow. The Republic of Uzbekistan joined this agreement on April 10, 2013 with a reservation.

Also, by the decree of the Head of the Republic of Uzbekistan Shavkat Mirziyoyev, Uzbekistan joined the protocol on amendments to the agreement on the formation of the advisory council on labor, migration and social protection of the population of the CIS countries. The purpose of the amendments and additions to the agreement is to further develop cooperation in the field of labor migration in the CIS [8].

In the course of the study, normative legal acts of the Republic of Uzbekistan and bilateral agreements regulating labor migration, statistical data of official statistical agencies were used.

The study used system-structural, comparative-legal, formal-logical (analysis, synthesis, deduction and induction), statistical methods.

In order to regulate external migration, as well as to ensure decent protection, Uzbekistan has concluded several bilateral agreements with the countries to which the main flows of migrants are sent. At the same time, bilateral agreements at the government level have been concluded not only with CIS countries, such as Russia and Kazakhstan, but also with Korea, Japan and Turkey.

The international legal regulation of labor migration is a relatively new process, which in any case needs to be implemented in conjunction with internal state regulation. The handbook of terms of the International Organization for Migration notes that the migration processes of workers are regulated by the migration legislation of States and some States play an active role in creating favorable conditions for the implementation of external labor migration abroad [9, c. 130].

Since the main flow of migrants is in Russia, let's start with an agreement signed with the Government of the Russian Federation. For the first time, the agreement between these countries on migration issues was signed in 2007 on July 4 in Tashkent and was dedicated to combating illegal migration. The Governments agreed to cooperate in the field of border and immigration control, registration of persons illegally crossing the borders of states and illegally staying in their territories, on mutual exchange of information and analytical materials, on training and advanced

training of employees involved in combating illegal migration, on conducting joint scientific research, identifying channels of illegal migration [10, pp. 759-768].

In the same year, another Agreement was signed between the Governments of the Republic of Uzbekistan and the Russian Federation "On labor activity and protection of the rights of migrant workers". The agreement regulates the issues of labor activity and protection of the rights of migrant workers who are citizens of the Republic of Uzbekistan and citizens of the Russian Federation.

10 years later, during a state visit to Moscow on April 4-5, 2017, the issue of migration was discussed by Sh.Mirziyoyev to the Russian Federation, and the result of his visit was the signing of an agreement between the governments on the organized recruitment and involvement of citizens of Uzbekistan for temporary employment in the territory of the Russian Federation. The two Governments also signed an agreement on the mutual establishment of representative offices of competent authorities in the field of migration. The above agreements were approved by Presidential Decree No. PP-3069 dated June 19, 2017 "On approval of international treaties", and the text itself was published on June 20, the agreement entered into force for the Republic of Uzbekistan on December 21, 2017.

The agreement specifies the procedure and conditions for interaction between the governments of the two countries on the implementation of organized recruitment and involvement of citizens of the Republic of Uzbekistan for temporary employment in the Russian Federation. This Agreement was ratified by the State Duma of the Russian Federation on November 24, 2018. The document provides for the possibility of comprehensive training of Uzbek citizens to work in Russia in their country of residence. Thus, the competent authorities of the republic are entrusted with:

- the obligation to inform its citizens about the possibility of employment in the Russian Federation in the order of organized recruitment and attraction;
- to select Russian employers candidates for employment from among the citizens of Uzbekistan who have the required qualifications and work experience;
- coordinate candidates and texts of draft employment contracts with Russian employers;
- organize the travel of candidates for employment to the place of their temporary employment in Russia and their return to Uzbekistan;
- to check the Uzbeks intending to carry out temporary labor activity on the territory of the Russian Federation for their presence on the international or interstate wanted list, as well as for the presence of an outstanding or undelivered criminal record for committing a crime on the territory of Uzbekistan recognized as such in accordance with Russian legislation [11, p. 30].

In order to reduce the risk of candidates not passing a medical examination on the territory of Russia, this agreement provides for conducting an examination before leaving Uzbekistan to identify any infectious diseases that pose a danger to others in candidates. The Agreement also obliges employers to inform the competent authorities of the Russian Federation and the Agency for External Labor Migration under the Ministry of Labor of the Republic of Uzbekistan about the termination or termination (including early termination) of an employment contract with a migrant worker.

This agreement defines the basic rights of Uzbek citizens working in Russia. In particular, it provides for the right of migrants to work, rest and social insurance (except for compulsory medical insurance), pension provision in accordance with the legislation of the Russian Federation, as well

as to receive information from the competent authorities concerning the conditions and procedure for their stay in Russia. The agreement is the first international document signed by the Russian Federation on the issue of organized recruitment and attraction of foreign citizens to work in the territory of the Russian Federation and will become the basic one when working on similar agreements with other foreign states. This Agreement formed the basis of an interdepartmental agreement between the Federal Service for Labor and Employment of the Russian Federation and the Agency for External Labor Migration under the Ministry of Employment and Labor Relations of the Republic of Uzbekistan dated November 2, 2017.

An agreement was signed between the Government of the Republic of Uzbekistan and the Government of the Russian Federation *on the mutual establishment of representative offices of competent authorities in the field of migration* (done in Moscow on April 5, 2017). The document provides for the opening of representative offices of their competent authorities in the field of migration on the territories of both states: on the Uzbek side - the Ministry of Labor of the Republic of Uzbekistan and the Ministry of Internal Affairs of the Republic of Uzbekistan, on the Russian side - the Ministry of Internal Affairs of the Russian Federation. Thanks to this agreement, the agency's first office was opened on the territory of the Russian Federation in Moscow in February 2019. In 2020, the Agency for External Migration opened its representative offices in four more Russian cities - Yekaterinburg, Novosibirsk, Samara and Ufa.

As we noted earlier, a large number of migrant workers from Uzbekistan are leaving for Kazakhstan. In accordance with this, an agreement *on the protection of the rights of migrant workers* was signed between the Republic of Uzbekistan and the Republic of Kazakhstan. The document was signed April 15, 2019 in Tashkent. Kazakhstan ratified this agreement on March 26, 2020. The agreement is designed to regulate migration flows and prevent illegal labor activity on the territory of the two countries. According to the agreement, migrant workers have the right to rest in accordance with the legislation of the receiving State and the terms of the employment contract, to receive a guaranteed amount of free medical care for acute diseases that pose a danger to others, to receive information from the competent authorities of the receiving state concerning the conditions and procedure for staying and working on its territory, and others [12, pp. 83-99]. The issues of remuneration of migrant workers and taxation of their income, pension and social security, payments and compensation in cases of death or injury, as well as compensation for injury due to injury, occupational disease or other health damage related to the performance of work duties are also regulated.

On August 5, 2014, a Framework agreement on the allocation of grant assistance was signed between the Government of the Republic of Korea and the Republic of Uzbekistan. According to this agreement, the Government of the Republic of Korea provided a grant to the Government of the Republic of Uzbekistan for the implementation of the project "Creation of a Vocational training Center in Shakhrisabz and consulting to increase the potential of vocational training in Uzbekistan" [13, pp. 5-44]. This grant is aimed at improving the professional training of migrant workers, developing their work skills, as well as carrying out psychological trainings for easy adaptation in a foreign country.

On May 31, 2016, a *Memorandum of Understanding* was signed in Tashkent between the Ministry of Labor and Social Protection of the Population of the Republic of Uzbekistan and the Ministry of Employment and Labor of the Republic of Korea, which assumed the sending of workers to Korea under the employment permit system. This memorandum regulates the procedure for hiring and sending citizens of the Republic to South Korea according to the Employment Permit System, and also defines the subjects of the sending and receiving parties, regulates payment for services

rendered, develops the process of language and professional testing, recruitment of applicants, their contracting, issuance of visas, entry of employees, their placement, intergovernmental coordination of the employment management process [14, pp. 708-711].

Moreover, on November 8, 2017, another memorandum was signed between the Agency for External Labor Migration under the Ministry of Employment and Labor Relations of the Republic of Uzbekistan and the Korean Skills Development Institute. According to this document, it is planned to open Korean-Uzbek centers for learning the Korean language in the cities of Tashkent, Fergana and Nukus in order to successfully pass the EPS-TOPIC language exam. After all, for employment in Korea, it is necessary to pass a language exam, not have jurisdiction, respect the laws of Korea, have good health, not be colorblind. The database with those wishing to find a job in Korea is located on the official website of the Employment Center under the Ministry of Labor and Employment of the Republic of Korea. The employer chooses a suitable candidate and only after the contract is signed, migrants go to Korea to work, which in turn reduces the risk of illegal migration and helps to fully protect the rights of migrant workers [15].

In addition, on February 13, 2020, an agreement was signed by the representative office of the Agency for External Labor Migration and the Cheonan Foreign Workers Support Center on mutual support for the unhindered implementation of cultural, educational and consulting projects for citizens of the Republic of Uzbekistan engaged in temporary work in the Republic of Korea. This agreement provides for: the creation of a system for learning the Korean language and other educational courses for citizens of Uzbekistan; holding cultural events and solving mutually necessary tasks; consulting and practical support for citizens of the Republic of Uzbekistan and other issues on which the parties need to interact.

At the moment, the authorities of Uzbekistan and South Korea are preparing an agreement on cooperation in combating human trafficking and illegal migration. Representatives of the Embassy of Uzbekistan and the Ministry of Justice of South Korea discussed cooperation in the migration sphere in Seoul. The draft document drawn up by the Uzbek side is currently under consideration by the Ministry of Foreign Affairs. In the near future, the relevant comments and proposals of the South Korean side on the draft of this document will be developed [16].

The Republic of Uzbekistan began its cooperation with Japan on migration issues, with Japanese organizations in the field of labor migration and technical training of Uzbek citizens in Japan with the signing of a *Memorandum of Understanding between the Ministry of Employment and Labor Relations of the Republic of Uzbekistan and the Japanese International Organization for Cooperation in the Field of Training (JITCO)* on May 28, 2012.

In June 2015, an agreement was signed *on the program of technical training of interns between the Agency for External Labor Migration and the Association "Chuo Sangyo Shinko"*. Within the framework of the Agreement, citizens of Uzbekistan who have skills or work experience in the specialty required by the Japanese side, who speak Japanese at a level sufficient to complete a technical internship in Japan, will be able to complete a work internship in this country. Uzbek trainees have been selected to work in such campaigns as GRANAT Japan Co., Ltd., Maruko Food Co., Ltd., IIDA Sangyo Co., Ltd., SAIKONTAN Farm, Eastsun Co., Ltd and TakeruCo., Ltd [17, p. 96].

With the signing of a Memorandum with Japan on cooperation on the implementation of the program of technical training of trainees, cooperation on labor migration has strengthened. This memorandum was signed in 2019 between the Ministry of Employment and Labor Relations of Uzbekistan and the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Health,

Labor and Welfare of Japan. As part of the new immigration legislation, Japan has included Uzbekistan in the list of labor exporting countries.

During the State visit of Turkish President Recep Tayyip Erdogan to Uzbekistan on April 30 – May 1, 2018, an agreement *on the protection of the rights of migrant workers and members of their families* was signed. The document regulates issues related to the protection of the rights of migrant workers who are citizens of the Republic of Uzbekistan in Turkey and their family members and migrant workers who are citizens of the Republic of Turkey and their family members in Uzbekistan. Responsible for the implementation of this Agreement are: from the Republic of Uzbekistan - the Ministry of Employment and Labor Relations and the Ministry of Internal Affairs, as well as the Agency for External Labor Migration under the Ministry of Employment and Labor Relations; from the Republic of Turkey - the Ministry of Labor and Social Security and the Ministry of Internal Affairs [18, p. 100].

According to the Agreement, migrant workers can carry out labor activity on the territory of the receiving State on the basis of contracts concluded with employers, in accordance with the legislation of the receiving State. The parties will also contribute in every possible way to the regulation of migration flows in their countries and cooperate to curb illegal labor activity in their countries.

The 1990 UN International Convention is aimed at preventing and eliminating illegal labor migration. Article 68 of the Convention lists the measures to be taken by States to combat illegal migration. These include: a) measures aimed at spreading false information on immigration and immigration issues; b) measures to identify and prevent illegal or hidden migration of migrant workers and members of their families, as well as to establish effective sanctions against individuals and legal entities involved in the organization and implementation of such migration [19].

As a result, we can say that one of the most important factors affecting the international competitiveness of the national economy is the international migration of labor.

This is due to the fact that the regulation of labor migration is one of the main tasks of any government. Controlling and limiting the number of migrants will lead to a decrease in the unemployment rate and increase the competitiveness of national enterprises [20, p. 118].

In the course of studying this issue, we came across the fact that in some contracts there is no possibility for an organized recruitment of migrant workers and the establishment of separate quotas for migrant workers from sending countries with which such agreements have been concluded. These quotas are established only with the Republic of Korea and this experience has shown its effectiveness, reduces the number of illegal migration, and also increases legal protection.

Also, it is necessary to create a specialized register with the inclusion of foreign labor force wishing to work in the Republic of Uzbekistan. This register is a very effective tool for ensuring interaction between foreign workers and their potential employers. This resource allows employers to exclude the possibility of illegal labor activity in a timely manner and confirm the professional qualities of the employee.

At the same time, it should be noted that bilateral agreements in the field of regulation of labor migration are extremely important, but they should be backed up with a certain developed mechanism for their implementation in practice. And it is also necessary to expand bilateral

cooperation, including with other countries, it is advisable to sign bilateral agreements with the UAE, Israel, Latvia, Lithuania, given the huge flow of migrants sent from Uzbekistan.

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