

Problems In Providing The Rights Of Labor Migrants Foreign In Uzbekistan And Their Solutions

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Abstract: The article analyzes the problems arising in the field of ensuring the rights and freedoms of Uzbek labor migrants abroad, the causes and conditions of their occurrence, and puts forward scientific proposals and recommendations aimed at their solutions.

Keywords: labor migration, migrant, law, social and legal protection, reintegration.

INTRODUCTION

Today, the Republic of Uzbekistan is rapidly integrating into the world economy and the international labor market. This is caused by a number of factors related to improving the state economy and increasing the income of the population. According to the data of the State Statistics Committee, in 2021, 66.9 percent of the working population will be employed. A certain part of the population, trying to improve their lifestyle, is naturally destined to rush to labor migration. In the past years, the share of working-age population in the economically active population increased from 49.1% to 57.1%, and the demand for jobs increased by 1.2 times. In addition, the increase of the total population by 1.5 times, the fact that about seven hundred thousand young people enter the labor market every year shows a strong pressure on the labor market. According to data, as of April 2021, the number of citizens engaged in

work outside Uzbekistan has exceeded 1.8 million. This naturally increases the relevance and importance of the issue of guaranteeing the rights of Uzbek labor migrants abroad.

RESEARCH AND METHODS

The above cases showed that the state policy in the field of labor migration should be radically changed. Therefore, in recent years, labor migration relations began to take on a new form. Paragraph 204 of the State Program on the Implementation of the Action Strategy in the "Year of Communication with the People and Human Interests" approved by the Decree of the President of the Republic of Uzbekistan No. PF-4947 dated February 7, 2017 contains the main directions of the state policy in the field of labor migration, the mechanism of employment of citizens abroad and forms, the task of developing and adopting the draft law of the Republic of Uzbekistan "On Labor Migration"

covering the main areas of activity of diplomatic missions in the field of working with labor migrants, ensuring the personal safety of citizens of Uzbekistan abroad and measures for their social protection. Adoption of this law ensures regulation of relations in the field of labor migration. Resolution No. PQ-4829 of the President of the Republic of Uzbekistan dated September 15, 2020 "On measures to introduce a system of safe, orderly and legal labor migration" to improve the skills of labor migrants, protect their rights abroad, expand cooperation with diasporas and returnees from labor migration formed the basis for the creation of legal mechanisms for the reintegration of individuals. Decision No. PQ-4829 "On measures to introduce a system of safe, orderly and legal labor migration" is the basis for the creation of legal mechanisms for improving the skills of labor migrants, protecting their rights abroad, expanding cooperation with diasporas, and reintegrating persons who have returned from labor migration. it has been.

RESULTS AND DISCUSSION

On December 18, 2020, at the summit of the leaders of the CIS countries organized in the form of a video conference, the President of the Republic of Uzbekistan put forward the proposal that "the time has come to create a single mechanism for the mutual recognition of the documents of labor migrants, and for this purpose, to develop and adopt a cooperation program of the CIS countries on the issues of labor migration." clearly demonstrated the position of our republic in the field of organizational and legal regulation and management of labor migration. At this point, it should be recognized that migration relations have been regulated at the level of legal documents in our country over the past years. Therefore, it can be seen that in the past period some laws have been adopted to guarantee the

rights of migrants. Laws of the Republic of Uzbekistan "On Private Employment Agencies" (August 13, 2020), "On Employment of the Population" (November 20, 2020) and "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Uzbekistan" (June 4, 2021) laws include. However, the fact that the law directly regulating foreign labor relations has not been adopted does not allow to fill the legal gap in this regard.

Also, the 86th goal of the "Development Strategy of New Uzbekistan for 2022-2026" and the 86th goal of the State Program on its implementation in the "Year of Human Dignity and Active Neighborhood" are directly focused on the issues of labor migration, safe, orderly and legal provides for solving a number of priority tasks related to ensuring labor migration and conducting an effective migration policy.

At the same time, it should be noted that currently there are a number of factors (problems) that do not allow fully guaranteeing the rights and freedoms of migrants, and without their elimination, it is impossible to achieve high results in this area. These factors are objectively and subjectively important. We will try to analyze some of them below:

1. Absence of the state concept of the Republic of Uzbekistan in the field of migration and the strategy (road map) developed on its basis. The absence of the concept of migration policy in Uzbekistan does not allow determining the state and prospects of the modern migration situation and regional strategies for regulating migration processes. The reason is that this concept is an important form of state management in the field of migration. The fact that the main directions, principles, goals and tasks of the state policy in the field of migration are not legally established has a negative effect on the effectiveness of fighting against events that threaten the state's security, such as illegal migration, human trafficking, the intensification

of the demographic crisis, and the departure of skilled labor.

As a strategic direction for solving migration issues, first of all, it is necessary to have a regulatory framework that allows ensuring the rational distribution of the population in all regions, guaranteeing the rights and legal interests of labor migrants abroad, as well as a road map of the state that defines these directions.

The experience of some countries with effective state management in the field of migration shows that such programs and projects have been implemented in them. In particular, it can be seen that Azerbaijan (2004), Kazakhstan (2017), and Russia (2018) have adopted concepts defining the country's unified migration policy.

Taking into account that population migration remains one of the most acute issues of our time, there was a need to study the views of the general public regarding the road map of the state analyzed above. In particular, in a questionnaire survey conducted among public representatives, they were asked: "How do you personally feel about the prospect of developing a Migration Policy concept that will help manage and facilitate migration processes?" when asked the question, 60.0 percent of the respondents (positive, 6.7 percent satisfactory, 0.0 percent negative, 33.3 percent answered that they are not familiar with the content of this document).

Taking into account the above, we believe that it is necessary to adopt the concept of the state policy of the Republic of Uzbekistan in the field of migration, which defines the goals, tasks, principles and main directions of the state policy in the field of migration. This administrative act defines the priorities, tasks, development stages of the development of internal and external migration in the future, and serves as a basis for the development of targeted programs and complex measures related to the sector.

2. Lack of widespread use of modern information and communication tools in labor relations, lack of creation and effective implementation of the virtual (digital) labor migration system. In the current period of economic development, there is a dynamic change in the geography of work on a global scale, an increase in the need for a workforce operating through electronic platforms and mobile phone applications. In particular, it is observed that the development of the virtual labor market has increased somewhat in the context of COVID-19. In particular, according to the data of the International Labor Organization, the number of people working remotely (online) around the world is 17 percent. In Japan and the United States, this figure has reached almost 40 percent. As a result, online businesses and services have expanded. The level of digitization of the economy has increased. New forms of virtual migration and virtual tourism have emerged.

In this process, problems in the field of organizational and legal regulation of labor migration relations are gaining special importance in Uzbekistan. In particular, one of the main problems is the lack of a sufficient regulatory framework guaranteeing the rights of citizens engaged in temporary work abroad to receive pensions and other social guarantees, as well as regulating cross-border labor migration in the Republic of Uzbekistan.

The lack of creation of an electronic platform of centralized and digitized information about all diplomatic missions, consular institutions and international organizations operating in our republic, the creation of the "labor-migration" software complex within the framework of the "Uniform National Labor System" information system developed by the Ministry of Employment and Labor Relations based on the demand of citizens, the need to expand online services is of particular importance in the context of the pandemic. The

analysis of legal frameworks regulating labor migration relations of the Republic of Uzbekistan shows that the issue of virtual labor migration remains open in the processes of information technology development. The fact that the national mechanisms of digitalization of the process of labor migration and the application of artificial intelligence to it do not meet the requirements of the modern world also hinder the development of the relations under consideration to a certain extent.

Our opinion is reflected in the current legal documents (Laws of the Republic of Uzbekistan "On Private Employment Agencies" (2018), "On Employment of the Population" (2020), the President of the Republic of Uzbekistan "Additional measures to further improve the external labor migration system of the Republic of Uzbekistan on" (2018), "On measures to introduce a system of safe, orderly and legal labor migration" (2020) decisions) related to labor migration, in particular, with the lack of observation of terms such as "virtual labor migration", "digital labor migration" can also be justified to a certain extent.

At this point, the problems of state guarantee of the relations between the employer and the employee in the virtual world are of special importance. Therefore, it is desirable for the state to create and implement an online electronic platform that provides representation in the creation and implementation of short-term (one-time) labor contracts between the employer and the employee. In order to solve the above problems, to provide citizens of the republic with temporary employment abroad, to improve the legal framework in accordance with international legal norms for their social and legal protection, especially to create legal norms guaranteeing virtual labor relations, as well as to collect and analyze information on foreign labor markets, " It is necessary to integrate the labormigration.uz electronic platform into the information systems of the countries where

Uzbek labor migrants go, and to expand the possibilities of its system of providing assistance to migrants.

3. The level of informal departure of our citizens to visa-free countries remains high. As of June 1, 2022, the total number of citizens sent abroad for temporary work from Uzbekistan in an organized manner is 6,676. 54.5 percent of them (Russia, 37.6 percent (Korea, 4.9 percent) (Serbia, 0.7 percent (Kazakhstan, 0.4 percent (Germany), 0.7 percent (UAE), 0.3 percent (Latvia, 0.2 percent is contributed by the Qatari countries. As you can see, these figures are not very encouraging in the context of a large migration flow. Also, most of the citizens who are sent abroad in an organized manner are directed to countries that require visas.

Today, it is observed that citizens go to countries that do not require a visa on the basis of risk and become victims of fraudsters and fraud of various prohibited streams due to their desire to improve living and food conditions and increase their income as a result of being involved in hard work that does not require professional qualifications and low wages. Not knowing the language of communication in the destination country is the reason for situations where they cannot choose a job, communicate and demand their rights.

For example, during 2020, a total of 141,302 migrants were provided with material and legal assistance, of which 617 were brought back to their homeland with their bodies, 627 were brought back from the detention centers of the Ministry of Internal Affairs of the Russian Federation, and 119 were returned due to a difficult life situation. Although these indicators (practical actions) are certainly considered a gratifying situation, it should not be forgotten that their share in the total number of labor migrants is small. Therefore, the socio-legal protection of the majority of migrants engaged in informal (without employment contract) work is still under threat.

In such a situation, large-scale and systematic negotiations on cooperation in the field of migration with major employers and recruiting agencies in the foreign labor market and achieving clear results are required by the representative offices of the competent bodies (Foreign Labor Migration Agency) abroad.

4. The lack of medical and social insurance of informal labor migrants. One of the positive aspects of officially going abroad to work is that social guarantees of migrants' rights are provided to a certain extent. In particular, in accordance with the decision of the Cabinet of Ministers of the Republic of Uzbekistan dated September 12, 2018 No. 725 "On measures to further improve and fundamentally revise the system of organized employment of citizens of the Republic of Uzbekistan abroad", the organization sending a person abroad based on the specific aspects of the countries to which they are sent, to increase the competitiveness of labor migrants, it is necessary to ensure their initial training and adaptation, including the process of life and health insurance of applicants. Within the framework of the implementation of this requirement, the medical and social insurance guarantees of labor migrants will be obtained, and in the future these obligations will be assigned to the employer.

However, today, most of the informal labor migrants are facing various difficulties due to the lack of medical and social insurance, in need of medical assistance and lack of sufficient funds. Losing social security in the event of accidents at work or outside of work. For example, during 2020, a total of 8,779 Uzbek labor migrants were insured, and they are also the result of the activities of the Agency for Foreign Labor Migration Issues. At the same time, it should be noted that cooperation agreements on social protection (insurance) of labor migrants from Uzbekistan were signed only with the Republics of Russia and Korea. This shows that it is necessary to further

accelerate the work in this direction, to reach such agreements with the countries where many Uzbek migrants go (Kazakhstan, Turkey, UAE).

5. Insufficient communication of labor migrants with consular institutions of the Republic of Uzbekistan abroad. In this case, it is about the possibility of the state providing citizens with the right to diplomatic protection. In accordance with paragraph 2 of the Instruction "On the procedure for maintaining the consular list of citizens and stateless persons of the Republic of Uzbekistan who are (staying) abroad" approved by the order of the Ministry of Foreign Affairs of the Republic of Uzbekistan No. 46 of December 30, 2019, Uzbeks living abroad permanently or temporarily citizens and stateless persons must be permanently or temporarily registered in consular institutions. However, the results of practice show that the majority of migrants engaged in informal labor activities are not interested in fulfilling this obligation for various reasons (the possibility of being sent back to the country or being prosecuted). This, in turn, naturally makes it difficult to provide assistance (repatriation, temporary asylum, medical and legal assistance) to our citizens (stateless persons) who are in a difficult situation abroad. In particular, during 2020, the Foreign Labor Migration Agency received a total of 2,060 appeals on the issue of ensuring the rights and legal interests of labor migrants, of which 1,848 were verbal appeals received through the "Call center" and the "1282" trust number introduced for labor migrants abroad. 212 are written appeals.

6. Migrant workers remain at high risk of becoming victims of human trafficking and international cross-border crime. According to the studies, human trafficking has a significant place in the share of crimes committed with (with their participation) labor migrants who have returned from abroad and shows 27.0 percent. Factors such as the constant harassment and lack of freedom of victims of human

trafficking, failure to report their victim status to law enforcement agencies in time, and the fact that they are left without identity documents make it difficult to expose this type of crime and bring the perpetrators to justice. The fact that most of the perpetrators are foreigners makes the situation even worse. Moreover, there are no representative offices of the Foreign Labor Migration Agency in all countries where Uzbek labor migrants operate. For information, such representative offices are currently operating in Gwangju (South Korea), Moscow, St. Petersburg, Yekaterinburg, Novosibirsk, Ufa and Samara (Russian Federation). Therefore, further development of international cooperation in combating illegal foreign labor migration and human trafficking has become one of the main issues. Therefore, the issues of reaching cooperation agreements on the organized employment of citizens of Uzbekistan in the countries where the main flow of migration is directed (for example, Finland, Malaysia, Latvia, Belgium, Israel) and signing the Agreement "On Combating Human Trafficking and Illegal Migration" between them is important.

7. Incomplete implementation of the system of reintegration of citizens returning from labor migration. Within the framework of the system of safe, orderly and legal labor migration introduced in our country, we are consistent in training the citizens going abroad in professions and foreign languages, protecting their rights and interests abroad, providing the necessary social and informational support, and providing all-round support to their family members. things are being done. At the same time, there is a need to increase the scope of legal protection of labor migrants abroad, to systematically study their problems in the workplace and provide necessary practical assistance in solving them, to inform about the reforms and positive changes implemented in Uzbekistan.

CONCLUSION

Currently, there are a number of problems in the field of reintegration of citizens who have returned from labor migration, among which the following can be included: a) incomplete maintenance of the database on labor migrants who have returned from abroad; b) insufficient analysis of the problems of reintegration of labor migrants who returned to the country into the domestic labor market; c) the lack of proper implementation of the system of helping migrants to direct their incomes, providing them with social support and giving preferences.

Based on the analysis of the above problems, we believe that the following will serve to ensure the rights and legal interests of Uzbek labor migrants abroad in the future:

1) in order to send Uzbek labor migrants abroad in an organized manner, to launch the activities of monocenters in the Republic of Karakalpakstan and all regions, aimed at developing their professional and language skills;

2) to establish the practice of training citizens going abroad for organized labor migration in vocational and foreign languages in state and non-state educational organizations, issuing them internationally recognized certificates confirming their professional qualifications;

3) Signing cooperation agreements with economically developed countries (such as the USA, Germany, Finland, Latvia, Belgium) on the organized employment of citizens of Uzbekistan and achieving the following:

obtaining a guarantee of issuance of work visas;

to introduce a system of compulsory insurance for persons participating in labor migration when leaving the republic and to achieve the implementation of this compulsory insurance policy in these countries by concluding contracts with authorized insurance companies of foreign countries;

implementation of evaluation processes and provision of certificates by legal entities

engaged in the assessment of professional qualifications and language skills of citizens who wish to work abroad, and to ensure that these certificates are valid in the countries where the agreement is concluded;

4) introduction of a mutual electronic information exchange system with internal affairs bodies, regional branches of the External Labor Migration Agency, district (city) employment assistance centers and citizens' self-government bodies;

attract them to entrepreneurship and types of activities that self-employed persons can engage in, provide them with loans and subsidies for entrepreneurial activities;

In order to provide social, economic, legal and psychological support to women who have returned from foreign countries, including temporary labor migration, as well as victims of human trafficking, it is necessary to include them in the "Women's Register" database.

We believe that the consistent implementation of the migration policy in our country will serve to increase the image of Uzbekistan in the international arena and strengthen its cooperation with other countries. A careful and stable migration policy serves to increase the confidence of the state in front of other countries, foreign and international organizations, and foreign citizens, as well as investment.

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