

Legal bases of labor migration in Central Asia.

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Annotation. *In this article, the countries of Central Asia in the years of independence, the emergence of migration processes, their legal basis and integration with world labor legislation.*

Keywords. *Central Asia, Migration, Eurasian Economic Union (EEU), Voluntary Return and Reintegration Assistance (IQRY).*

Introduction. The scale of migration in Central Asia is enormous: 2.7 million to 4.2 million people (10% to 16% of the economically active population) work abroad - in the Russian Federation, Kazakhstan, Turkey, the Republic of Korea and many other countries. More and more people are returning to their homelands because of different situations, bringing with them knowledge, experience, skills, money and of course good lessons. The above labor migrants form the basis of them, and migrants make a significant contribution to the development of human capital and economic resources of Central Asian countries.

From the point of view of national migration legislation in Central Asia, we will consider it in more detail.

1. Numerous international instruments defining human rights and freedoms, establishing mechanisms for their promulgation and protection have been adopted and are in force in international law. Most of these documents apply to migrants, including labor migrants. The countries of Central Asia are parties to the Universal Declaration of Human Rights, adopted on December 10, 1948, which states that»everyone shall have the right to freedom of movement and residence within the borders of each State."

The right to leave the country and return to one's own country is enshrined. The signing of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 18 December 1990 plays an important role in regulating return migration in the countries of the region. According to the document,»States Parties are obliged, in accordance with international human rights instruments, to respect and ensure the rights of all migrant workers and their families in their territory or in their jurisdiction" (7-article), as well as»migrant workers and members of their families have the right to leave any State, including the State of their origin. except those necessary to protect public order, public health or morals.

Migrant workers and their families have the right to come and stay in their home country at any time" (8-article).

Central Asian countries have signed major international human rights instruments: the International Covenant on Civil and Political Rights (New York, December 16, 1966), the International Covenant on Economic, Social and Cultural Rights, Children Convention on the Rights of the Child (New York,

November 20, 1989); Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979), the United Nations Convention Relating to the Status of Refugees (Geneva, 28 July 1951) and others.

In addition to the main international documents to which all Central Asian states participate, it is worth noting some international documents signed by some of them.

Kazakhstan is one of the signatories to the Global Compact on Safe, Orderly and Legal Migration, which was approved by the UN Intergovernmental Conference on December 12, 2018 in Morocco. Kazakhstan, Tajikistan and Turkmenistan ratified the Convention on Slavery, signed in Geneva on September 25, 1926, amended by the Protocol of December 7, 1953, according to which the Parties ... they must prevent and put an end to it; they must continue to achieve the complete abolition of all forms of slavery gradually and as soon as possible»(Article 2)," transportation of slaves from one country to another or any transport carrying or attempting to do so shall be considered a crime under the laws of the States Parties to this Convention, and those found guilty of such crimes shall be severely punished "(Article 3).

Kyrgyzstan has ratified the UN Convention against Transnational Organized Crime of 15 November 2000, and Uzbekistan has ratified the Convention for the Protection of All Persons from Enforced Disappearance, adopted on 20 December 2006.

Turkmenistan signed ILO conventions: No. 29 on Forced or Conditional Labor (Geneva, 28 June 1930); No. 105 on the Prohibition of Forced Labor (Geneva, June 25, 1957); No. 182»On the Prohibition of the Worst Forms of Child Labor and Rapid Response" (Geneva, 1 June 1999); No. 138»On the Minimum Age for Recruitment" (Geneva, June 26, 1973).

Bilateral and multilateral agreements in the interests of the countries of the region play an important role in the legal regulation of migration in Central Asia as a basis for further development of the Voluntary Return and Reintegration Assistance (IQRY) plays. The set of international agreements concluded between the Central Asian countries has a different meaning, but in general reflects the desire of states to address important political and legal issues related to migration processes.

The main agreements that determine the migration policy of the Central Asian countries are as follows.

First, the Treaty on the Eurasian Economic Union (EEU) of May 29, 2014 (Belarus, Kazakhstan, the Russian Federation, Armenia, Kyrgyzstan), which provides for freedom of movement of goods, services, capital and labor.and the implementation of coordinated, agreed or unified policies in the areas of the economy. The Union is an international regional economic integration organization with an international legal entity. Article 4 of the Treaty states that "the main tasks of the Union are: to create conditions for the sustainable development of the economies of the member states in order to improve the living standards of their populations; striving to form a single market for goods, services, capital and labor resources within the union; comprehensive modernization of the national economy in the context of the world economy, cooperation and The Union has created favorable conditions for migrants to work in a single economic space. For example, after Kyrgyzstan became a member of the Eurasian Economic Union, workers will have a number of benefits in working in the Russian Federation. Idilar, for example:

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- workers and their families can be in the territory of the Russian Federation for up to 30 days without registration;
- registration is carried out during the term of the employment contract or civil law contract;
- work permit (patent) and examination is not required;
- When hiring, an employment contract or civil contract is concluded with the employee;
- Recruitment is based on the information and qualification documents provided in the countries of the Soviet Union, etc. Second, the Agreement on Long-Term Neighborhood, Friendship and Cooperation of the SCO Member States of August 16, 2007 (Kazakhstan, China, Kyrgyzstan, Russian Federation, Tajikistan, O 'zbekiston). The main tasks of the organization are to strengthen stability and security, economic cooperation, energy cooperation, development of scientific and cultural cooperation, fight against terrorism, separatism, extremism and drug trafficking.

Third, the Agreement on the Establishment of the Commonwealth of Independent States (Minsk, December 8, 1991) covers all Central Asian countries, among other participants. The following documents on the regulation of migration within the CIS have been developed and are in force: Agreement of 9 October 1992 on the Restoration of the Rights of Deported Persons, Minorities and Peoples; Agreement on Cooperation between the CIS Member States on the Return of Minors to Their Permanent Residence, October 7, 2002; Declaration on the agreed migration policy of the CIS member states (2007).

2003-year august 1 Agreement of the CIS member states on combating illegal migration. At the CIS level, the issues of forced migration and the status of refugees and internally displaced persons, optimization of the legal regulation of labor migration and the fight against illegal migration are the most pressing issues that need to be addressed.

As an associate member of the CIS, Turkmenistan participates in certain agreements and treaties in the field of migration, including: Agreement on guarantees of the rights of citizens of the Commonwealth of Independent States in the field of pensions (Moscow, March 13, 1992).); Agreement on Assistance to Refugees and Internally Displaced Persons (Moscow, 24 September 1993); Agreement on cooperation in the field of labor migration and social protection of labor migrants (Moscow, April 15, 1994). Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan are actively involved in the Almaty process, a regional consultative platform for dialogue and cooperation in the field of migration and refugee protection.

Uzbekistan is taking measures to cooperate with countries that receive migrant workers from these countries. In December 2017, the Agreement on cooperation in the field of external migration with the Russian Federation -»On the organized recruitment and involvement of citizens of Uzbekistan to work in Russia" was adopted. A detailed roadmap for the implementation of planned work in the field of labor migration in cooperation with the Russian Federation was approved. Today, the Agency for External Labor Migration has signed agreements with the Russian Federation, some European countries, Japan and the Republic of Korea.

Uzbekistan has signed a number of bilateral international agreements governing cooperation in the provision of legal assistance in various categories of cases: with the Republic of Turkey (June 23,

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1994); with the Republic of Latvia (May 23, 1996); With the Republic of Lithuania (February 20, 1997); With the People's Republic of China (December 11, 1997); With the Republic of India (May 2, 2000); With the Czech Republic (January 18, 2002); With the Republic of Korea (April 25, 2004); With the Republic of Bulgaria (April 30, 2004); Between the Prosecutor General's Offices of the Republic of Uzbekistan and the Kyrgyz Republic (October 3, 2006) and others.

Among the international agreements in the field of migration concluded by Kyrgyzstan should be noted: - Law of the Kyrgyz Republic»On the Legal Status of the Representation of the Ministry of Labor, Migration and Youth of the Kyrgyz Republic in the Russian Federation between the Government of the Kyrgyz Republic and the Government of the Russian Federation" of July 27, 2015 No. 197 Law»On Ratification of the Treaty signed in Moscow on April 15".

- Resolution of the Government of the Kyrgyz Republic of May 11, 2004 No. 65»On labor activity and social protection of labor migrants between the Government of the Kyrgyz Republic and the Government of the Russian Federation" of March 28, 1996, 2003 Law»On Ratification of the Protocol on Amendments and Addenda to the Agreement, signed in Moscow on September 22, 2006".

- Resolution of the Government of the Kyrgyz Republic of August 1, 2003 No. 186»On labor activity and social protection of migrant workers engaged in agriculture in the border areas between the Government of the Kyrgyz Republic and the Government of the Republic of Kazakhstan" Law on Ratification of the Agreement signed in Bishkek on July 9, 2006.

- Ratification of the Protocol of the Kyrgyz Republic dated September 19, 2004 No. 30»On Assistance to Refugees and Internally Displaced Persons" signed on February 10, 1995 in Almaty, September 24, 1993 on the»Law.

Tajikistan has signed a number of intergovernmental agreements in the field of migration regulation, in particular the agreement of May 8, 2012»On the establishment of the Council of Heads of Migration Authorities of the Commonwealth of Independent States"; These include the Agreement between the Republic of Tajikistan and the Russian Federation on the Procedure for Staying of Citizens of the Republic of Tajikistan in the Territory of the Russian Federation, signed on February 8, 2013.

Turkmenistan's international legal framework in the field of migration consists of bilateral and multilateral agreements and treaties, including cooperation with specialized international organizations. Agreement between the two countries on the settlement of civil matters (Ashgabat, December 23, 1993); Protocol on the Abolition of the Agreement on the Settlement of Dual Citizenship Issues between Turkmenistan and the Russian Federation (Moscow, April 10, 2003); Agreement between Turkmenistan and the Russian Federation on the legal status of Russian Federation-political citizens permanently residing in the territory of Turkmenistan and citizens of Turkmenistan permanently residing in the territory of the Russian Federation (Moscow, May 18, 1995). Agreement on Cooperation with International Organizations, Agreement on Cooperation between the Government of Turkmenistan and the Office of the United Nations High Commissioner for Refugees (Ashgabat, March 4, 1998) and the Agreement between the Government of Turkmenistan and the United Nations High Commissioner for Refugees Agreement (Ashgabat, June

10, 1998) was signed between the migration organizations. In accordance with these agreements, the relevant offices of these international organizations have been opened in Turkmenistan.

All of the following Central Asian countries are equal in migration law and international legal relations. Now the further development of the migration process depends on the extent to which the ratified laws of the country's governments are confirmed in practice. In particular, ensuring the rights of migrant workers in migration, and protecting them from modern slavery, should be a top priority for the government.

In conclusion, it can be said that the labor laws of the Central Asian states are well-designed in all respects. We must now make the available legislation available to the general public and make a worthy contribution to raising the legal literacy of our people.

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