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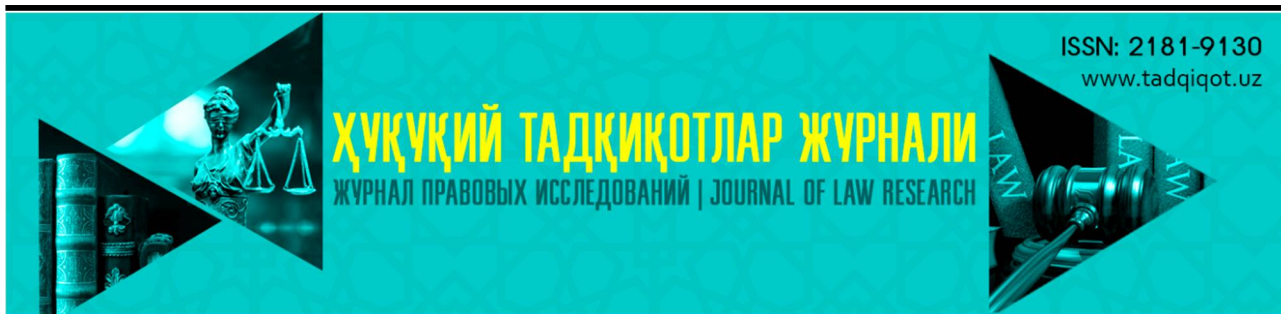
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12.00.10-МЕЖДУНАРОДНОЕ ПРАВО

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**LEGAL BASIS FOR THE PROTECTION OF MIGRANTS' RIGHTS IN THE
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ANNOTATION

This article provides a comprehensive legal analysis of the protection of migrants' rights, focusing on the intersection of international standards and the national legislation of the Republic of Uzbekistan. The study explores the theoretical definitions of migration and current global trends, noting that millions of individuals are compelled to migrate due to economic, social, and environmental factors. The authors examine Uzbekistan's role as a significant country of origin, highlighting the diversification of labor corridors beyond traditional destinations like Russia and Kazakhstan to include countries such as Japan, South Korea, and various European nations. Central to the discussion is the evaluation of Uzbekistan's adherence to international frameworks, specifically the UN International Convention on the Protection of the Rights of All Migrant Workers and ILO Conventions No. 97 and No. 143. The research identifies critical challenges, including irregular migration, insufficient migrant awareness of legal rights, and gaps in intergovernmental coordination. National legal instruments, such as the 2024 Presidential Decree on reforming migration management, are analyzed for their effectiveness in securing fair wages and safety. The article concludes by proposing strategic recommendations, such as establishing a unified preparation center for departing citizens and developing bilateral agreements to ensure safe and orderly migration.

Keywords: migrants' rights protection, labor migration, international legal framework, international human rights law, migrant workers, international conventions, national legislation, social protection of migrants, implementation of international standards, Republic of Uzbekistan, comparative legal analysis.

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О‘ЗБЕКИСТОН RESPUBLIKASI QONUNCHILIGIDA MIGRANTLAR HUQUQLARINI HIMOYA QILISHNING HUQUQIY ASOSLARI

ANNOTATSIYA

Ushbu maqolada xalqaro standartlar va O‘zbekiston Respublikasining milliy qonunchiligining o‘zaro munosabatiga e‘tibor qaratgan holda, migrantlar huquqlarini himoya qilishning har tomonlama huquqiy tahlili taqdim etiladi. Tadqiqot migratsiyaning nazariy ta‘riflari va hozirgi global tendensiyalarni o‘rganadi hamda millionlab shaxslar iqtisodiy, ijtimoiy va ekologik omillar tufayli migratsiya qilishga majbur bo‘layotganini qayd etadi. Mualliflar O‘zbekistonning migrantlarning katta oqimi mavjud mamlakat sifatidagi rolini ko‘rib chiqadilar va mehnat koridorlarining Rossiya hamda Qozog‘iston kabi an‘anaviy yo‘nalishlardan Yaponiya, Janubiy Koreya va turli Yevropa davlatlariga diversifikatsiya qilinayotganini ta‘kidlaydilar. Muhokamaning markaziy qismi – O‘zbekistonning xalqaro tuzilmalarga, xususan, BMTning Barcha mehnat migrantlari va ularning oila a‘zolari huquqlarini himoya qilish to‘g‘risidagi xalqaro konvensiyasi hamda XMTning 97 va 143-sonli konvensiyalariga muvofiqligini baholash tashkil etadi. Tadqiqot tartibsiz migratsiya, migrantlarning zarur axborot bilan yetarli ta‘minlanmaganligi va hukumatlararo muvofiqlashtirishdagi bo‘shliqlar ko‘rsatib beradi. Milliy qonunchilik hujjatlari tahlil qilinadi. Maqola yakunida bir qator muhim takliflar ilgari suriladi.

Kalit so‘zlar: migrantlar huquqlarini himoya qilish, mehnat migratsiyasi, xalqaro-huquqiy asoslar, inson huquqlari bo‘yicha xalqaro huquq, mehnat migrantlari, xalqaro konvensiyalar, milliy qonunchilik, migrantlarning ijtimoiy himoyasi, xalqaro standartlarning implementatsiyasi, O‘zbekiston Respublikasi, qiyosiy-huquqiy tahlil.

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ПРАВОВЫЕ ОСНОВЫ ЗАЩИТЫ ПРАВ МИГРАНТОВ В ЗАКОНОДАТЕЛЬСТВЕ РЕСПУБЛИКИ УЗБЕКИСТАН

АННОТАЦИЯ

В данной статье представлен комплексный правовой анализ защиты прав мигрантов с акцентом на пересечение международных стандартов и национального законодательства Республики Узбекистан. Исследование изучает теоретические определения миграции и текущие глобальные тенденции, отмечая, что миллионы людей вынуждены мигрировать вследствие экономических, социальных и экологических факторов. Авторы рассматривают роль Узбекистана как значимой страны происхождения мигрантов, подчеркивая диверсификацию трудовых коридоров за пределы традиционных направлений, таких как Россия и Казахстан, включая такие страны, как Япония, Южная Корея и различные европейские государства. Центральное место в дискуссии занимает оценка соблюдения Узбекистаном международных рамок, в частности, Международной конвенции ООН о защите прав всех трудящихся-мигрантов и членов их семей, а также конвенций МОТ № 97 и № 143. Исследование выявляет критические вызовы, включая нерегулярную миграцию,

недостаточную осведомленность мигрантов о законных правах и пробелы в межправительственной координации. Национальные правовые инструменты, такие как Указ Президента 2024 года о реформировании управления миграцией, анализируются на предмет их эффективности в обеспечении справедливой заработной платы и безопасности.

В завершение статьи предлагаются стратегические рекомендации, такие как создание единого центра подготовки выезжающих граждан и разработка двусторонних соглашений для обеспечения безопасной и упорядоченной миграции.

Ключевые слова: защита прав мигрантов, трудовая миграция, международно-правовая база, международное право в области прав человека, трудящиеся-мигранты, международные конвенции, национальное законодательство, социальная защита мигрантов, имплементация международных стандартов, Республика Узбекистан, сравнительно-правовой анализ.

Migration is as ancient a phenomenon as humanity itself. One of the earliest scientific definitions of migration is considered to have been given in the years 1885–1889. The English scholar E. Ravenstein emphasized that migration should be understood as a permanent or temporary change in a person's place of residence [1]. Translated from Latin, the word "migratio" means "movement" or "relocation." Population migration can be considered in both a narrow and a broad sense. In the narrow sense, population migration refers to the complete form of territorial movement that results in a change of permanent residence, that is, in the literal sense, it means "relocation." In the broad sense, population migration refers to any territorial movement that occurs between different settlements of one or several administrative-territorial units, regardless of its duration, regularity, or specific purpose.

Currently, about 281 million people, or approximately 3.6 percent of the world's population, live outside their country of origin, and for most of them migration is characterized by varying degrees of coercion [2]. Although many migrants choose to leave their countries each year, some are forced to leave their homes due to poverty, limited access to healthcare, education, water, food, housing, environmental degradation and the consequences of climate change, as well as more "traditional" factors of forced movement such as persecution and conflicts.

Uzbekistan, as an important country of origin for labor migrants—especially to the Middle East and Russia—has achieved significant progress in establishing legal mechanisms to safeguard its labor migrants. Nonetheless, these mechanisms encounter difficulties concerning effective implementation, migrants' ability to access justice, and the level of awareness among migrants regarding their rights.

Since independence, the Republic of Uzbekistan has paid special attention to the issues of legal regulation of the migration sphere and ensuring the rights of migrants. The country is implementing consistent reforms in this area by joining international agreements, improving national legislation, and introducing mechanisms for legal, social, and consular support for labor migrants. This necessitates a scientific analysis of the experience of Uzbekistan. The purpose of this article is to analyze the international legal framework for the protection of migrants' rights and to study the experience and problems in this area using the example of the legislation and practice of the Republic of Uzbekistan. The research results will serve to further improve the system of protection of migrants' rights and the effective implementation of international standards into the national legal system.

As of April 1, 2025, Uzbekistan's population reached approximately 37.6 million, representing a 2% increase compared to the previous year. Of this population, 49.6% were women (18.7 million) and 50.4% were men (18.9 million). Internal migration continues to be a significant phenomenon. During the first quarter of 2025, a total of 63,077 internal migrants were recorded, comprising 62,755 domestic migrants and 322 individuals who relocated to Uzbekistan from abroad for permanent residence. Conversely, 65,126 emigrants were registered, including 62,755 internal movers and 2,371 individuals who left the country for permanent residence abroad [3].

International labor migration is a critical component of Uzbekistan's migration dynamics. According to the Migration Agency under the Cabinet of Ministers, as of early 2025, approximately 1.35 million Uzbek nationals were registered abroad for employment.

The Migration Agency has provided coverage for 152,400 labor migrants engaged in temporary employment activities abroad [4].

While traditional destinations such as Russia and Kazakhstan remain prominent, new labor migration corridors have emerged, including Poland, Croatia, Belgium, Slovakia, Montenegro, Bulgaria, Saudi Arabia, Qatar, and Japan. Specifically, in Qatar, over 500 Uzbek citizens were employed legally as of January 2025, while the Japan Career Portal, launched in cooperation with JICA, provides comprehensive information for Uzbek citizens seeking employment or education in Japan.

Labor migration trends show diversification in comparison to the mid-2020s, when 57% of Uzbek labor migrants resided in Russia, 15% in Kazakhstan, and 10% in Ukraine (World Bank, 2024) [5]. In addition, as a result of the diversification of the labor migration market in recent years, the share of European Union countries in migration flows has increased. Germany, the United Kingdom, Japan, Italy, Sweden, Bulgaria, and Slovenia are emerging as strategic and long-term partner nations [6].

Bilateral agreements and institutional support, including preparatory programs for work abroad, are being developed to reduce dependence on traditional destinations. As of February 2025, an estimated 766,000 migrant children under 18 were residing in Russia, with 13.4% being Uzbek nationals. Russia plans to implement a digital migrant profile system from June 2025, which will replace paper-based work permits and enhance compliance monitoring. Approximately 640,000 irregular migrants remain in the country [7].

As of the first quarter of 2025, 2,614 Uzbek citizens relocated permanently, representing more than 50% of all foreign arrivals. Ethnic Kazakhs constituted approximately 60% of these migrants. Approximately 58,484 Uzbek citizens held residence permits, with short-term permits held by 21,114 individuals, family-based permits by 15,714, and student permits by 5,961.

As of March 2025, 97,899 Uzbek nationals resided in South Korea, representing 3.7% of the total foreign population. Of these, 63,403 held long-term residence permits, 5,573 short-term permits, and 24,966 work authorizations. Ethnic Koreans accounted for 42,365 individuals, reflecting 46% of all Uzbek migrants in the country. 3,746 Uzbek citizens were recorded as irregular migrants in January–April 2025, compared to 12,571 in 2024. 4,179 Uzbek citizens were intercepted at the border as irregular migrants in 2024, a 45% decrease from 2023. In 2024, 4,065 Uzbek citizens were detected as irregular migrants, representing a 15% increase from 2023. These figures highlight the persistence of irregular migration despite legislative and institutional measures [3].

The key legal instrument governing labor migration is Decree of the President of the Republic of Uzbekistan on Priority measures for reforming the migration process management system (2024), which defines the rights and responsibilities of both labor migrants and employers [8]. This Decree emphasizes the protection of migrant workers' rights to fair wages, safety, and decent working conditions. It also establishes the framework for cooperation between the government and foreign employers, aiming to reduce human trafficking and exploitation.

In addition, the Decree of the President of the Republic of Uzbekistan on Further Measures to Protect the Rights and Legal Interests of Citizens Working Abroad (2020) was introduced to safeguard migrants, enhance their legal support, and combat illegal labor migration channels [9]. The decree established the Agency for External Labor Migration, which plays a central role in advising migrant workers and ensuring their contracts are fair.

Subsequently, the primary activities of the Migration Agency have been approved by the Decree of the President of the Republic of Uzbekistan No. PF-162 dated October 17, 2024 following as [8]:

- comprehensive regulation and oversight: to ensure the complex regulation of external labor migration processes, exercise control over the organized recruitment and deployment of citizens for temporary employment abroad, and maintain a centralized registry of such individuals.
- licensing and compliance: to manage the licensing of private employment agencies involved in the placement of individuals seeking work outside the Republic of Uzbekistan, and to monitor their strict adherence to licensing requirements and operational conditions.

- international cooperation and project development: to develop and implement international projects within the migration sector and collaborate with the competent authorities of foreign nations regarding the temporary placement of citizens and the protection of their labor rights.

- vocational training and certification: to organize vocational training and foreign language instruction for citizens based on the specific requirements of foreign employers, and to implement qualification assessment and certification systems recognized in developed countries.

- legal and social protection: to provide legal and social protection, in accordance with established legislation, to citizens whose rights have been violated or who find themselves in precarious financial or otherwise difficult circumstances while employed abroad, and to facilitate their repatriation to the Republic of Uzbekistan.

- diplomatic and diaspora engagement: to maintain continuous cooperation with Uzbekistan’s diplomatic missions abroad and foreign diplomatic missions within the republic, while expanding engagement with the Uzbek diaspora and compatriots living overseas.

Migrants often lack sufficient awareness of their rights, especially in countries where they are working. Furthermore, the protection mechanisms, such as legal aid, remain underdeveloped, and corruption can sometimes undermine the enforcement of existing laws. The lack of coordination between Uzbek authorities and foreign governments, particularly in labor-sending and labor-receiving countries, has led to situations where migrants are subjected to exploitation without adequate recourse to legal protection [10].

It should be emphasized that the allocation of funds from the Migration Fund has been criticized by Members of Parliament due to the following systemic issues [6]:

- lack of service verification: in certain regions, there is no available data to confirm that relevant services were rendered to citizens in accordance with the allocated funding;

- incomplete reintegration records: databases concerning the reintegration of returning labor migrants specifically regarding their subsequent employment, entrepreneurial initiatives, and vocational training—are not fully developed;

- absence of systematic operations: the failure to establish structured and consistent engagement with returning migrants has been a primary point of parliamentary censure.

The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and ILO Conventions No. 97 and No. 143, as well as their incorporation into Uzbekistan’s national legislation. National legal acts, including laws on labor migration, employment, and labor relations, presidential decrees, and governmental resolutions, are examined to assess the degree of compliance with international standards. The UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families establishes comprehensive guarantees related to equality of treatment, access to justice, social security, and protection against exploitation [11]. ILO Conventions No. 97 and No. 143 further reinforce these principles by addressing fair recruitment, working conditions, and measures against abusive migration practices [12, 13].

The draft Law of the Republic of Uzbekistan ‘On External Labor Migration’ was developed and subsequently submitted to the Senate of the Oliy Majlis. The draft law was rejected by the Senate of the Oliy Majlis on June 25, 2025; consequently, following a re-examination by the Legislative Chamber of the Oliy Majlis, the Law was ultimately removed from the Legislative Chamber's agenda for further consideration [14].

Statistical data indicate that labor migration remains a large-scale and dynamic process involving more than one million Uzbek citizens abroad. While diversification of destination countries and digital employment platforms represent positive trends, irregular migration persists, highlighting gaps in legal pathways and international coordination.

Moreover, incomplete migration statistics and limited disaggregated data hinder evidence-based policymaking. Environmental factors, internal migration imbalances, and the social impact of migration on families and children further complicate migration governance. These findings underscore the need for an integrated legal approach that combines labor rights protection, social policy, and international cooperation.

Based on the challenges identified in the management of migration and the protection of labor migrants, the following priority measures are proposed:

- Establish a unified Center for preparation and deployment of citizens traveling abroad for employment or study, including the creation of a comprehensive database of all departing citizens. Conduct informational campaigns to educate citizens on entry-exit procedures, labor regulations, and rights in destination countries;

- Develop and implement intergovernmental agreements on organized labor migration, similar to existing agreements with Russia, South Korea, and Turkey. This will ensure legal protection for Uzbek citizens abroad and prevent problems related to individual departures, such as violations of local laws and exploitation;

- Provide practical support to deported citizens, including legal and financial assistance. Apply measures based on the reasons for deportation, such as restricting departure from the country or offering deductions on deportation expenses;

- Development of bilateral intergovernmental agreements on the organized mobilization of labor. If such agreements are concluded with foreign countries that accept labor migrants from Uzbekistan, such as Russia, South Korea, Turkey, it will be possible to prevent many problems arising in the individual exit of citizens of Uzbekistan for labor activity (violation of the law, enslavement, etc.);

- Development of a mechanism for citizens of Uzbekistan to receive assistance when they are left homeless abroad (including the development of free legal services).

Implementing these measures will strengthen the management of migration processes in Uzbekistan, enhance the protection of citizens' rights and lawful interests, provide practical assistance to deported individuals, and ensure the integration of international standards into the national legal system. These steps collectively aim to promote safe, orderly, and rights-based migration while fostering sustainable development.

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ҲУҚУҚИЙ ТАДҚИҚОТЛАР ЖУРНАЛИ

ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ

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