

INTERNATIONAL STANDARDS REGULATING LABOR MIGRATION

Nodirbek Sulstonov

Master's student at the International

Law Faculty of the University of World Economy and Diplomacy

nodir.sulstonov.99@gmail.com

Abstract. This article explores the international standards established to regulate labor migration and safeguard the rights of migrant workers. It focuses on key frameworks developed by the International Labour Organization (ILO) and the United Nations (UN), highlighting essential conventions and treaties such as the ILO Conventions No. 97 and No. 143, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

Key words: migrant, labor migration, international standart, convention, International Organization for Migration, International Labour Organization, rights and freedoms.

Аннотация. В статье рассматриваются международные стандарты, установленные для регулирования трудовой миграции и защиты прав трудящихся-мигрантов. Основное внимание уделяется ключевым структурам, разработанным Международной организацией труда (МОТ) и Организацией Объединенных Наций (ООН), с акцентом на важные конвенции и договоры, такие как Конвенции МОТ № 97 и № 143 и Международную конвенцию о защите прав всех трудящихся-мигрантов и членов их семей (1990 г.).

Ключевые слова: мигрант, трудовая миграция, международный стандарт, конвенция, Международная организация по миграции, Международная организация труда, права и свободы.

Annotatsiya. Ushbu maqolada mehnat migratsiyasini tartibga solish va mehnat migrantlarining huquqlarini himoya qilish uchun o'rnatilgan xalqaro standartlar o'rganiladi. Asosiy etibor Xalqaro Mehnat Tashkiloti (XMT) va Birlashgan Millatlar Tashkiloti (BMT) tomonidan ishlab chiqilgan muhim konvensiyalar va shartnomalarga, masalan, XMTning 97-sonli va 143-sonli konvensiyalari hamda Barcha mehnat migrantlari va ularning oila a'zolarining huquqlarini himoya qilish to'g'risidagi xalqaro konvensiyaga (1990) qaratilgan.

Kalit so'zlar: migrant, mehnat migratsiyasi, xalqaro standart, konvensiya, Xalqaro Migratsiya Tashkiloti, Xalqaro Mehnat Tashkiloti, huquqlar va erkinliklar.

Since migration processes, especially labor migration, mostly occur outside the countries, it is very important to regulate these processes, establish correct, orderly, and legal migration, and thereby prevent difficulties and problems that may arise as a result of migration through bilateral, regional, and international agreements between

states. The international standards established in these international agreements play a crucial role in resolving the complexities and problems associated with the movement of workers across borders. These standards, developed by organizations such as the International Labour Organization (ILO), the United Nations (UN), and the International Organization for Migration (IOM), provide a basis for countries to manage labor migration effectively and humanely. The benefits of these international standards are as follows:

1. Protecting the rights of labor migrants

International standards ensure that labor migrants are treated with respect and dignity, protecting their basic human rights regardless of their legal status. This includes protection against exploitation, abuse, and discrimination.

These standards promote fair wages, reasonable working hours, safe working conditions, and access to social protection. They help prevent the exploitation of labor migrants by ensuring that they receive the same labor rights as local workers.

2. Promoting Safe and Orderly Migration

International standards help reduce irregular migration by providing clear guidelines for legal pathways. This, in turn, reduces the risks associated with illegal border crossings and the exploitation of migrants by traffickers and smugglers.

Standards help create orderly migration processes, ensuring that migration is managed efficiently and predictably. This assists countries in better planning and allocating resources to manage migration flows.

3. Economic Benefits

International standards help match the supply of labor with demand by facilitating the movement of workers to where they are most needed. This helps address labor shortages in specific sectors and provides employment opportunities for workers from other regions.

Labor migrants often send remittances back to their home countries, which can significantly contribute to economic development and poverty reduction in those regions. Standards ensure that these financial transfers are safe and cost-effective.

4. Social Cohesion and Integration

International standards ensure the social inclusion of labor migrants by protecting their access to education, healthcare, and other essential services. This helps migrants integrate more comfortably into their host communities and promotes social cohesion.

Facilitating the movement of workers across borders encourages cultural exchange and mutual understanding between different communities, enriching societies both culturally and socially.

5. Enhanced International Cooperation

International standards foster cooperation and collaboration between countries, encouraging them to share responsibilities and best practices in managing labor

migration. This helps create a more coordinated and effective global approach to migration.

Standards provide a basis for developing bilateral and multilateral agreements that can address specific migration issues and strengthen cooperation between countries.

6. Legal and Policy Frameworks

International standards help align national laws and policies with best global practices, creating a more consistent and predictable legal environment for managing labor migration.

They provide valuable guidance for policymakers, helping them develop and implement effective migration policies that balance the needs of migrants, host communities, and countries of origin.

7. Preventing Exploitation and Abuse

International standards include measures to combat human trafficking and forced labor, ensuring that labor migrants are not subjected to such severe forms of exploitation.

They establish monitoring and accountability mechanisms to ensure that violations of labor migrants' rights are identified and addressed promptly.

International standards on labor migration offer numerous advantages for regulating migration issues. They protect the rights of labor migrants, promote safe and regular migration, enhance economic efficiency, support social cohesion, and strengthen international cooperation. By adopting and implementing these standards, countries can ensure the humane, orderly, and effective management of labor migration, benefiting both the migrants and the societies they join.

Examples of international standards regulating labor migration include:

International Labour Organization (ILO) Conventions and Recommendations:

- The International Labour Organization has established several conventions and recommendations aimed at protecting the rights of labor migrants. The Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) are among these. These conventions set standards for the treatment of labor migrants and their family members, aiming to protect their rights and ensure decent working conditions.

The International Labour Organization (ILO) is a specialized agency of the United Nations that sets international labor standards through its conventions and recommendations. These documents aim to promote labor rights, encourage decent employment opportunities, enhance social protection, and strengthen dialogue on work-related issues. Among its significant contributions are conventions and recommendations focused on labor migration, addressing the complexities and challenges faced by labor migrants globally.

The ILO was established in 1919 as part of the Treaty of Versailles that ended World War I. Its founding was based on the belief that universal and lasting peace can only be achieved if it is based on social justice. The ILO's conventions and recommendations provide the legal and moral foundation for labor rights worldwide, serving as evidence of this principle.

Conventions are legally binding international treaties that member states can ratify. Once ratified, these conventions obligate member states to align their national laws and practices with the standards set by the ILO. On the other hand, recommendations are non-binding guidelines that complement conventions and provide detailed instructions on how to implement the principles enshrined in the conventions.

Migration for Employment Convention (Revised), 1949 (No. 97):

This convention is a key document that defines the rights of labor migrants and the obligations of member states. It emphasizes equal treatment in employment, social security, and tax matters. The convention also highlights the necessity of disseminating accurate information about migration and the importance of intergovernmental cooperation for the effective regulation and management of labor migration.

Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143):

Convention No. 143 addresses issues of illegal employment and the rights of labor migrants. It is aimed at combating abuses and fraudulent practices in migration processes and emphasizes the need for measures to ensure that labor migrants are treated with respect for their basic human rights. This convention also promotes policies to facilitate the integration of labor migrants into the labor market and society of the host country.

Employment Service Recommendation (Revised), 1949 (No. 86):

This recommendation complements Convention No. 97, providing detailed guidelines on the conditions under which migration for employment should occur. It covers aspects such as recruitment procedures, medical examinations, the transfer of savings, and the role of employment services in assisting migrants.

Migrant Workers Recommendation, 1975 (No. 151):

This recommendation complements Convention No. 143 and aims to ensure the comprehensive protection of migrant workers. It includes guidelines on legal and social measures to prevent and eliminate discrimination against migrant workers, facilitate family reunification, and provide adequate information about their rights and obligations.

The ILO conventions and recommendations have significantly influenced national policies and international agreements on labor migration. They have provided a foundation for states to develop laws and practices that protect the rights of migrant workers and promote fair treatment. Moreover, these documents have fostered

international cooperation leading to the development of bilateral and multilateral agreements aimed at regulating labor migration.

However, there are challenges in the implementation and application of these standards. Many countries have yet to ratify key conventions, and there are discrepancies in the application of standards. Insufficient enforcement mechanisms, lack of awareness among migrant workers, and limited resources in some countries hinder the full realization of the ILO's objectives.

The ILO's conventions and recommendations on labor migration serve as a crucial foundation for ensuring the rights and well-being of migrant workers worldwide. These documents reflect the organization's commitment to social justice and decent work for all. While significant progress has been made, ongoing efforts are needed to ensure the widespread ratification and effective implementation of these standards. Only through coordinated global actions can the challenges of labor migration be effectively addressed, ensuring that migrant workers are treated with respect and dignity, regardless of their country of origin or destination.

List of used literature

1. Migration for Employment Convention (Revised), 1949 (No. 97)
2. Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
3. Migration for Employment Recommendation (Revised), 1949 (No. 86)
4. Migrant Workers Recommendation, 1975 (No. 151)
5. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990
6. Universal Declaration of Human Rights, 1948
7. International Covenant on Economic, Social and Cultural Rights, 1966