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COMPARATIVE ANALYSIS OF THE PROVISIONS ON THE PROHIBITION AND NON-DISCRIMINATION OF FORCED LABOR

***Annotation:** this article contains a comparative analysis of the norms of the labor legislation of the Republic of Uzbekistan and foreign countries on the prohibition of forced labor and non-discrimination. National legislative acts of the states are also among the sources of international labor law, as they also contain special norms aimed at regulating labor relations complicated by a foreign element.*

***Keywords:** forced labor, discrimination, convention, constitution, code, force majeure, employment.*

СРАВНИТЕЛЬНЫЙ АНАЛИЗ ПОЛОЖЕНИЙ, КАСАЮЩИХСЯ ЗАПРЕЩЕНИЯ И НЕДИСКРИМИНАЦИИ ПРИНЯТОГО ТРУДА

***Аннотация:** В данной статье приведен сравнительный анализ норм трудового законодательства Республики Узбекистан и зарубежных стран о запрете принудительного труда и недискриминации. Национальные законодательные акты государств также являются одними из источников международного трудового права, поскольку они также содержат специальные нормы, направленные на регулирование трудовых отношений, осложненных иностранным элементом.*

***Ключевые слова:** принудительный труд, дискриминация, конвенция, конституция, кодекс, форс-мажор, занятость..*

At present, the state policy aimed at banning forced labor and its elimination in all countries of the world has been consistently implemented and is being implemented. At the same time, systematic measures are being taken to further improve national legislation in line with the pace of modern development

in this area, as well as the expansion of world civilization and the interaction of national and foreign countries.

Article 2 of the 29th Convention on Forced Labor of 28 June 1930 defines the concept of "forced labor" as follows:

For the purposes of this Convention, the term "forced or compulsory labor" means any work or service that is required of any person who does not voluntarily offer his or her services through various forms of punishment.

Prohibition of forced labor is considered to be the most common form of violation of human rights and freedoms. Many ILO conventions apply not only to employees, but also to free labor (entrepreneurs, freelancers). The Conventions adopted by the ILO include:

- Convention 87 on Freedom of Association and Protection of the Right to Organize;
- Convention 98 on Collective Debates and Trade Unions;
- Convention No. 29 on Forced Labor;
- Convention on the Elimination of Forced Labor No. 100;
- Convention 105 on Equal Remuneration for Equal Labor;
- Convention 111 on Discrimination in Labor and Employment;
- Convention No. 138 "On the minimum age for employment" [5].

In this regard, it is important to study and analyze the laws of the world on these issues, in particular, the CIS and other countries, as a legal practice.

In particular, Article 24 of the Constitution of the Republic of Kazakhstan states, "Everyone has the right to work, to free choice of occupation. A court order allows forced labor in emergencies or military situations. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. "[1]

Article 106 of the Latvian Constitution states, "Everyone has the right to work, to free choice of employment and occupation. A court order allows forced labor in emergencies or military situations.

Article 48 of the Lithuanian Constitution states that everyone has the right to work, to free choice of occupation. A court order allows forced labor in emergencies or military situations. Labor in the Republic of Lithuania is regulated by law. Forced labor is prohibited.

Force majeure cases, i.e., a natural disaster (or under threat of a natural disaster) such as war, fire, flood, a serious epidemic spreading to humans or animals, an attack by animals, worms or agricultural pests, and the population or part of the country as a whole any work or service to be performed by citizens in cases of damage to sustainable living conditions and the work of prisoners is not considered forced labor [2].

Article 44 of the Constitution of the State of Moldova prohibits forced labor. The following are not considered forced labor:

1. Any work and services that are considered a military obligation and are of a military nature only in accordance with the Law on Military Service and by-laws
2. Any work and services related to the performance of civic duties performed in the manner prescribed by law and by-laws.
3. Any kind of work or service that is required to be performed by a convict in accordance with a court judgment.
4. A natural disaster (or under threat of a natural disaster), such as force majeure, fire, floods, a serious epidemic among humans or animals, an attack by animals, insects or agricultural pests, and the population of the country as a whole or one of its any work or service that must be performed by citizens in cases where part of them is detrimental to sustainable living conditions [3;48, 51].

The national legislative acts of the states are also among the sources of international labor law, as they also contain special norms aimed at regulating labor relations complicated by a foreign element.

A number of developed countries around the world have adopted special laws on private law, which regulate issues related to the application of national and international legal norms.

In some other countries, national labor codes and other labor legislation provide for special legal institutions aimed at regulating labor relations complicated by a foreign element.

The Constitution of the Republic of Uzbekistan and the laws and by-laws adopted on its basis strengthen the guarantees of the right of citizens to work, including the right to work, the right to choose a place of work, including the right to work abroad.

According to the Labor Code of the Republic of Uzbekistan, "forced labor is coercion to work by threatening to impose any punishment" (including as a means of maintaining labor discipline) [4].

The Labor Code of the Republic of Uzbekistan establishes general rules governing labor relations complicated by a foreign element and provides for the ratio of national and international norms.

Articles 11 and 12 of the Labor Code address the issue of law applicable to foreign individuals and legal entities, and according to these articles, labor legislation also applies to foreign citizens and stateless persons working in the territory of the Republic of Uzbekistan under an employment contract with an employer.

The universal rules for regulating private international legal relations through national law are set out in the Civil Code of the Republic of Uzbekistan. Section 6, Chapter 70 of this Code (section entitled "Application of the norms of private international law in relation to civil law relations") is devoted to this issue.

According to Article 1158 of this Code, the law applicable to civil relations involving foreign citizens or foreign legal entities or complicated by a foreign element is determined by this Code, other laws, international treaties and

recognized international principles, as well as by agreement of the parties. The agreement of the parties on the choice of law must be clearly stated or arise directly from the terms of the contract and all the circumstances of the case under consideration.

Special laws in the field of labor, including the Law of May 1, 1998 "On Employment", the Law of May 6, 1993 "On Labor Protection", the Law of April 30, 1998 "On Foreign Investment and Protection of Investors' Rights" and others. It should also be noted that laws are also important as a source of international labor law.

Citizens of the Republic of Uzbekistan have the right to travel abroad under private employment contracts only on the basis of permits issued by the Agency for External Labor Migration under the Ministry of Employment and Labor Relations of the Republic of Uzbekistan. At the same time, the legislation of the Republic of Uzbekistan provides for liability for violation of the legislation in the field of combating forced labor.

In short, the expansion of world civilization and the interaction of national and foreign countries, in line with the pace of modern development in this area, should be one of our main tasks to further improve our national legislation and identify areas for systemic action.

We also need to timely implement significant work on the implementation of laws and regulations against forced labor and discrimination in our country, thereby contributing to building a society with human rights and legitimate interests for the younger generation.

References:

1. Национальное законодательство Республики Казахстан. // zakon.kz. // National legislation of the Republic of Kazakhstan. // zakon.kz.
2. <http://www.ilo.org>

3. Конституция стран мира. –М.:. 2015. // Constitution of the world. –М.:. 2015.
4. Трудовой кодекс Республики Узбекистан. // Вестник Олий Мажлиса Республики Узбекистан, 1996 г., Приложение 1. // Labor Code of the Republic of Uzbekistan. // Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1996, Appendix 1.
5. Ochilov A. Collection of conventions of the International Labor Organization ratified by the Republic of Uzbekistan. Ministry of Justice of the Republic of Uzbekistan. –Т.: “Justice”, 2014.