

# TAJIKISTAN: EXPORTING THE WORKFORCE – AT WHAT PRICE?

## TAJIK MIGRANT WORKERS NEED INCREASED PROTECTION

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty. Article 3: Everyone has the right to life, liberty and security



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Cover photo: Tajik migrant workers arriving in Saint Petersburg, May 2011, ADC Memorial.

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*Once, when I was still in school, I was sitting with friends in the courtyard and an older kid came up to us. He said that we'd all be gone soon. I didn't understand why, but he explained that he also used to sit with his friends but now they had all left to find work in Russia. And he was right. None of my classmates are in Tajikistan; they've all gone to Russia for work.*

*Many of them would have accepted work in Tajikistan for a quarter of their monthly salary in Russia, but you can't even earn that here.*

F., from Khalton Province in Tajikistan, now works in St. Petersburg, Russia

## INTRODUCTION

From 2-9 May 2011, the International Federation for Human Rights (FIDH) and the Anti-Discrimination Centre "Memorial" (ADC Memorial) conducted an investigation mission in Tajikistan on the situation of Tajik migrant workers. Every year, hundreds of thousands of Tajiks go abroad to seek work. 90% of them go to Russia, where they face widespread exploitation and violations of their economic and social rights.

In 2002, Tajikistan ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). FIDH and ADC Memorial welcome the ratification of this key convention for the protection of migrants' human rights. The mission investigated and evaluated the measures that have since been adopted by the Tajik government to ensure implementation.

The mission was conducted within the framework of FIDH's project on migration in the post-Soviet region. The project studies human rights violations across migratory routes, from countries of origin to countries of destination. By involving national partners in all stages of investigations, the project seeks to strengthen collaboration between organisations working on migrants' rights in different countries and thereby to increase protection. During the course of the project FIDH has undertaken several investigations and organized a regional seminar bringing together partner organisations from throughout the region.<sup>1</sup>

The mission delegation was composed of Stephania Koulaeva, Program Director at ADC Memorial in St. Petersburg and Amandine Regamey, FIDH Deputy Secretary General and expert on migration issues.

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<sup>1</sup> See, for example, *FIDH report, Kazakhstan/ Kyrgyzstan: Exploitation of migrant workers, protection denied to asylum seekers and refugees*, November 2009, available at <http://www.fidh.org/FIDH-and-KIBHR-call-on-Kazakhstan-to-increase> and *FIDH Regional Seminar: International Migration: Migrant workers, asylum seekers and refugees in Eastern Europe, Central Asia and the South Caucasus*, Almaty, Kazakhstan, 28-30 November 2009, available at <http://www.fidh.org/IMG/pdf/kazakh536RUSversionweb.pdf>

Members of the joint mission met with government representatives, staff of non-governmental and international organisations, and experts (see Appendix for full list). The mission visited Dushanbe and nearby settlements, as well as the city of Qurghonteppa, the administrative centre of Khatlon Province.

A further meeting with Tajik officials took place at the Tajik consulate in Moscow in early June 2011, when Anne Le Huérou, FIDH expert, represented the delegation.

The Tajik International Bureau for Human Rights and Rule of Law took part in the joint mission and provided invaluable support and practical assistance. FIDH and ADC Memorial express their sincere thanks to the entire Bureau team.

FIDH and ADC Memorial would like to extend a special thanks to the Human Rights Centre, a Tajik NGO specialising in the protection of migrants' rights, for its support during the visit to Dushanbe and for the advice and information since shared with the delegation. The Human Rights Centre played an essential role in facilitating contact with civil society and public authorities. Close and productive interaction between Russian and Tajik human rights organisations was established following the mission with the Centre's assistance. In late June and late July 2011, representatives of ADC Memorial took part in a number of seminars and round tables organised in Dushanbe on the issue of migration. Topics discussed included the preparation of Tajikistan's shadow report on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, cooperation with the Ombudsman of the Republic of Tajikistan, risk assessment of migration policies of the Russian Federation, development of a framework to achieve gender equality and NGO cooperation in the protection of migrant workers' rights. Jointly with Tajik counterparts, ADC Memorial has developed and presented a number of recommendations on these issues to the government of Tajikistan.

This report evaluates steps taken by the Tajik authorities towards protecting citizens working in Russia. The report does not address the situation of foreign citizens living and working in Tajikistan, nor does it explore the problems faced by refugees in either country.

Part I briefly summarises the current political and economic situation in Tajikistan. Part II describes the difficulties encountered by Tajik migrant workers in Russia. Part III examines the economic and social consequences of migration and the acceptance of migration on such scale by both national authorities and international organisations. Part IV analyses the legal and institutional framework established in Tajikistan to regulate international migration. Finally, Part V assesses the response of the Tajik authorities to human rights violations against Tajik migrants in Russia.

# I. TAJIKISTAN: A BRIEF SUMMARY OF THE POLITICAL AND ECONOMIC SITUATION

The consequences of Tajikistan's 1992-1997 civil war, during which between 60,000 and 100,000 people were killed and the country's infrastructure was destroyed, can still be strongly felt. Many of those met by the mission referred to the war and to the fear that tensions could rise again, using this to explain a reluctance to confront the authorities directly, even on non-political issues and for the self-censorship that characterises the activity of numerous NGOs and civil society activists. However, several NGOs and independent observers raise a number of issues of concern.

## The political system and respect for human rights

According to many observers, President Emomali Rahmon, who has led the country since 1994, sits at the helm of a system based on personal and family ties and localism. During the February 2010 elections, government control led the OSCE to declare that, "parliamentary elections failed to meet many key OSCE commitments."<sup>2</sup> Serious violations were also observed during the May 2011 parliamentary elections, including family voting, proxy voting<sup>3</sup> and ballot box stuffing.<sup>4</sup>

Observers consider corruption to be a major problem and conclude that steps taken to combat corruption are insufficient. Further, those met by the mission delegation reported that bribery is necessary to hold a government position, to obtain documents or permits from the government administration, to enrol in some universities, to avoid military service and to access medical care and other social rights.

As regards media freedom, monitoring conducted by the National Association of Independent Mass-Media in Tajikistan (NANSMIT) shows that the situation deteriorated in 2010. The year saw an increase in informal and financial pressures, a rise in criminal cases for libel, as well as arbitrary arrests and against independent media after a failed anti-Islamist military operation in September 2010.<sup>5</sup>

The human rights activists met by the mission did not complain of administrative harassment, legal actions, or refusal to register their organisations, as is the case in numerous countries of the former Soviet Union. To all appearances, independent NGOs are recognized and accepted by the authorities as resource persons to be approached for

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<sup>2</sup> See OSCE Statement, <http://www.osce.org/ru/odihr/elections/tajikistan/41627>

<sup>3</sup> A practice, particularly widespread in rural areas, whereby a family member, usually male, votes for the entire family.

<sup>4</sup> See, for example, Radio Freen Europe/ Radio Liberty video at:

[http://www.rferl.org/content/whats\\_wrong\\_with\\_multiple\\_voting\\_tajikstan/24176417.html](http://www.rferl.org/content/whats_wrong_with_multiple_voting_tajikstan/24176417.html).

<sup>5</sup> See also Reporters Without Borders press releases, *Authorities urged to abandon campaign of harassment of independent media*, 25 February 2011, available at <http://en.rsf.org/tajikistan-authorities-urged-to-abandon-25-02-2011,39632.html>; and *After Using Civil War Spectre to Gag Media, Government Urged to Dialogue*, 15 October 2010, available at

<http://en.rsf.org/tajikistan-after-using-civil-war-spectre-to-15-10-2010,38552.html>.

accurate information when, for example, preparing submissions to United Nations treaty monitoring bodies.<sup>6</sup>

Tajikistan has ratified many core international human rights conventions, (see Appendix for complete list). Tajikistan participates in dialogue on human rights issues with the European Union as well as with Switzerland, which is conducting its own diplomatic policy on human rights protection in the country. While these dialogues have not led to noticeable changes, they have contributed to keeping human rights on the political agenda in the realm of external relations despite dominating security concerns.

Tajikistan occupies a strategically important position - possessing common borders with Afghanistan, Uzbekistan and China - as the presence of Russian and French military bases demonstrates. Tajikistan has signed the Shanghai Convention on Combating Terrorism, Separatism, and Extremism and has for many years opposed armed Islamists and the Hizb-ut-Tahrir party, whose members are regularly sentenced to prison terms of up to 20 years.<sup>7</sup>

The “battle against Islamism” takes various forms. At an anecdotal but significant level, those who grow bears tend to be ostracised. In August 2010, several young Tajik students who had enrolled in Islamic institutions abroad were forced to return home and their parents were threatened with prosecution. The “Law of the Federation of Tajikistan on the responsibility of parents for the education and upbringing of children,” adopted by the Tajik Parliament in July 2011, prohibits children from participating in religious organisations. In this context, the Party for Islamic Renewal, the only officially registered opposition political party, builds on public discontent in the face of economic and social problems to disseminate its ideas.

## The social and economic situation

The social and economic situation in Tajikistan is extremely difficult. The country is landlocked and aluminium and cotton remain the two main national resources, despite efforts to diversify agricultural production and promote a “business climate.”

In 2006, in its Concluding Observations on Tajikistan<sup>8</sup>, the Committee on Economic, Social and Cultural Rights noted with concern that “despite the efforts made by the State party, corruption and nepotism continue to be widespread,” “the current minimum wage is insufficient to provide an adequate standard of living for workers and their families,” and the “low level of social pensions and unemployment benefits are not sufficient to guarantee an adequate standard of living”. The Committee was particularly concerned about “forced child labour, mostly in cotton harvest in collective farms, which is generally tolerated by local authorities.” The latest data from the World Bank indicates that 47.2% of the population lived below the poverty line in 2009. While the overall number living in poverty declined slightly, the rate of extreme poverty did not, and large families with a low level of education experienced an increase in poverty.<sup>9</sup> Moreover, the collapse of the Soviet system, liberal economic policies and the civil war have led to the destruction of the social infrastructure, especially in education and health care, which has had a particularly strong impact on women and girls.

In 2006 the Committee on Economic, Social and Cultural Rights was “seriously concerned about the sharp decline in attendance rates at primary and secondary schools, especially

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<sup>6</sup> NGOs were consulted during the drafting of Tajikistan’s initial report submitted to the United Nations Committee on Migrant Workers in December 2010. For full report, see

[http://www2.ohchr.org/english/bodies/cmw/docs/CMW.C.TJK.1\\_en.pdf](http://www2.ohchr.org/english/bodies/cmw/docs/CMW.C.TJK.1_en.pdf).

<sup>7</sup> See ICG, Tajikistan, *The changing insurgent threat*, Asia Report N° 205, 24 May 2011.

<sup>8</sup> Concluding Observations of the Committee on Economic, Social and Cultural Rights, E/C.12/TJK/CO/1, 24 November 2006.

<sup>9</sup> World Bank Information Brief, *Tajik Poverty Update*, September 2010,

[http://siteresources.worldbank.org/INTTAJIKISTAN/Resources/TJ\\_Poverty\\_Note\\_SummarySept2010Eng.pdf](http://siteresources.worldbank.org/INTTAJIKISTAN/Resources/TJ_Poverty_Note_SummarySept2010Eng.pdf).



with regard to girls.”<sup>10</sup> Many of those interviewed by the mission emphasized insufficient school funding as a major problem and most regretted the cuts to the study of Russian at a time when so many Tajiks are leaving to work in Russia. Many highlighted education for girls as a particularly serious problem. Declining school attendance of girls has been accompanied by a rise in early marriages. One NGO emphasized the growing social pressure on unmarried women, the difficulties women encounter exercising their right to a divorce, and the problem of violence against women.<sup>11</sup>

In 2007 the United National Committee on the Elimination of Discrimination Against Women expressed its concern about “the resurgence of patriarchal attitudes subordinating women and of strong stereotypes regarding their roles and responsibilities in the family and society in the context of the breakdown of the previous political system, the civil war and rampant poverty. These attitudes and stereotypes present a significant impediment to the implementation of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and are a root cause of women’s disadvantaged position in the labour market, their difficulties in acquiring their rights to land, the continuing existence of polygamy, domestic violence and the high dropout rates of girls from school.”<sup>12</sup>

As regards health care, the NGO “Rushd”, in its 2009 report “Health Care in Tajikistan, Free or For-Fee?” documented poor conditions in hospitals, insufficient funding and lack of medical supplies. The report found that in August 2008 doctors’ salaries were on average 109 somoni per month, of which 104 somoni went to transportation costs, forcing doctors to conduct other remunerated activity (from private practice to horticulture). Many patients were forced to pay for medical services.

In recent years, major inflation has recently compounded these difficulties. The authorities have attempted to counteract it by capping prices on meat and flour.<sup>13</sup> Prices on these essentials have risen by up to 30% per month, in connection with the rise in fuel costs and consumption of imported goods, including agricultural produce.

Despite the fact that two-thirds of Tajikistan are rural, factors including high prices of seed and fertilizer, irrigation problems, soil erosion and flooding, make agriculture unprofitable.

While the country possesses hydroelectric resources, frequent interruptions in water and electricity, especially in the winter, provoke deep public discontent and are perceived as the government’s inability to manage its resources.

The results of the large Rogun hydroelectric plant, acclaimed by the government as the most powerful means of providing electricity to Tajikistan, as well as a means of job creation, have been less than impressive. NGOs are concerned about issues of forced relocation without adequate compensation and emphasize that a large loan was incurred for the project, which was raised in part through taking money from individuals’ salaries.

In view of these economic difficulties, many Tajiks view migration as the only means to find the sources of income necessary to feed their families. As a taxi driver met by the mission commented, “we have work here, just no salary.” Those in rural areas move to the cities, while those who manage to accumulate sufficient savings, or who take loans in the hope of being able to repay them once they find work, go abroad.

The numbers emigrating to find work, particularly to Russia, continue to grow and the 2008 economic crisis did not slow this process. According to various estimates, the number of workers from Tajikistan working abroad ranges from 520,000 to more than 1

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<sup>10</sup> Concluding Observations of the Committee on Economic, Social and Cultural Rights, E/C.12/TJK/CO/1, 24 November 2006.

<sup>11</sup> See also Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, Yakin Ertürk: Addendum: Mission to Tajikistan, April 2009 (A/HRC/11/6/Add.2).

<sup>12</sup> Concluding Observations of the Committee on the Elimination of Discrimination Against Women in Tajikistan, 2 February 2007, CEDAW /C/TJK/CO/3, paragraph 19.

<sup>13</sup> Farangis Najibulla, “Frustrations Grow In Tajikistan As Food Prices Spike,” 15 May 2011, available at [www.rferl.org](http://www.rferl.org).

million individuals (out of a population of seven million), and migrants' remittances are estimated at 40-50% of the country's GDP. More than 90% of these migrants work in Russia, mostly in construction, trade, housing and cleaning services, agriculture and maintenance.

## II. VIOLATION OF RIGHTS AND DISCRIMINATION AGAINST MIGRANT WORKERS IN RUSSIA

In numerous reports over the past 5 years, FIDH and its partners, the Civic Assistance Committee in Moscow and ADC Memorial in St. Petersburg, have documented and denounced serious human rights violations against migrants in Russia, especially migrants from Tajikistan.<sup>14</sup> The latest evidence collected by ADC Memorial shows that the situation remains critical.

### Administrative Obstacles

Russia and Tajikistan operate a visa-free regime. Once on Russian soil, however, citizens of Tajikistan must register on the migration registry within 7 days and are then authorised to remain in Russia for up to 3 months.<sup>15</sup> In order to register, they must name a host. This requirement often results in the use of intermediaries. According to the Sharq Research Centre, 10% of those surveyed were unable to complete the registration procedure, in part due to its cost.<sup>16</sup>

After the 3-month term has expired, migrants must obtain temporary residence authorisation, which is granted only upon compliance with specific conditions, including possession of a work permit. In order to circumvent these requirements, many migrants exit Russia at the end of the 3-month period to the nearest country



Tajik care-taker with his daughter. He cleans about 5-6 buildings a day and goes to work with the bike which he found in the garbage. July 2011, credit ADC Memorial. Photo: Anna Udyarova

<sup>14</sup> See, for example, FIDH/Civic Assistance Committee, *Migration in Russia, Vulnerable populations, the first victims of internal and external political crises*, April 2007, available in Russian at <http://www.fidh.org/IMG/pdf/Migranrusse472-4russe2007.pdf> and in French at <http://www.fidh.org/Migrations-en-Russie-Populations-fragilisees>; Civic Assistance Committee/FIDH, *Migrant Workers in the Russian Federation: the use of forced labour*, Joint Report to the UN Committee on the Elimination of Racial Discrimination (CERD), June 2008, available at <http://www.fidh.org/Migrant-Workers-in-the-Russian-Federation-The-Use>; ADC Memorial with the support of FIDH, *Discrimination in the Enjoyment of Social and Economic Rights by Ethnic Minorities and Migrants in Russia*, 2011, available at [http://www.fidh.org/IMG/pdf/ADC\\_ADCM\\_FIDH\\_RussianFederation\\_CESCR46.pdf](http://www.fidh.org/IMG/pdf/ADC_ADCM_FIDH_RussianFederation_CESCR46.pdf);

and Civic Assistance Committee, "Trudovye migrant v Moskve: mezhdru rabstvom i ksenofobie", April 2011, available in Russian at [http://refugee.ru/news/trudovye\\_migranty\\_v\\_moskve\\_mezhdru\\_rabstvom\\_i\\_ksenofobiej/2011-04-18-138](http://refugee.ru/news/trudovye_migranty_v_moskve_mezhdru_rabstvom_i_ksenofobiej/2011-04-18-138).

<sup>15</sup> Under a recent amendment on 25 March 2011, the previous 3-day limit for registration of foreign citizens entering Russia, was declared inadequate.

<sup>16</sup> The study was conducted from a sample of 350 former migrants throughout Tajikistan. Interview with Saodat and Muzafar Olimov of the Sharq Research Centre, Dushanbe, 6 May 2011.

(Belarus, Ukraine, Kazakhstan) and return immediately, often the same day. This practice often leads to problems at the border. In the city of Qurghontepa, in Tajikistan, Muhammadjon explained to the mission delegation: “You work for three months—May, June, July—then leave, then another three months—August, September, October—and back again.” He works in Orenburg and usually exits Russia to Aksaraisk, Kazakhstan before returning. In response to a question on how the Kazakh border guards viewed him crossing the border in both directions in the same day, Muhammadjon exclaimed, “Ah...but if you give them money, it’s ok. Not much, say 50 rubles. Anyway, I don’t have time to wait. I have to work.”<sup>17</sup>

Numerous firms offer their services to assist migrants in obtaining work permits, temporary residence permits and medical tests (required to obtain a work permit). These firms often provide false documents, exposing migrants to risk of detention and expulsion during police checks. Some provide genuine documents, which raises questions about links between these private firms and the Russian Federal Migration Service (FMS).

Many migrants who have sought help from human rights associations have lost the last of their savings to these firms, while attempting to obtain work and residence permits. Some do receive the sought-after documents and are actually entered into the FMS database. This would clearly be impossible if these firms were not cooperating directly with the FMS.

Firms such as “Inostranets,” “Zakonnoe pravo” and others openly advertise their services using government symbols and official-sounding names on the main streets of St. Petersburg. All attempts by ADC Memorial to have these firms investigated and prosecuted have so far been unsuccessful. At the time of writing, only one instance of prosecution of such firms was known.<sup>18</sup>

Since 2010 work permits are issued to migrant workers for a period of 3 months. Only those who have an employment agreement can obtain a 1-year work permit. Permits cannot be extended, even at an employer’s request, which forces migrants to leave the country after the expiry of their permit and then to re-enter. In 2010, a “patents” system was also introduced, allowing migrants to purchase a work permit for 1,000 rubles per month if they plan to work for individuals rather than companies. This system has caught on very quickly but remains expensive and does not address the problems of those migrant workers employed by companies.

According to the head of the local service of the Russian FMS administration in Tajikistan, V. V. Sebelev, over 200,000 Tajik citizens work for individuals in the Russian Federation and more than 130,000 patents were issued in the first six months after the system was introduced. “It’s a novelty, but a useful one! It has brought people out of the shadows and given them the opportunity to work legally.”

The patent system enables the Russian administration to tax those who would otherwise continue to work on the black market. A representative of the Russian FMS, who specialises in “helping migrants to integrate,” Dr. Tatiana Bazhan, provides an alternative explanation: “The idea of a patent is very humanitarian. It originated with the Head of the FMS, Konstantin Romodanovsky, a very creative individual. He sees the FMS also playing a humanitarian role.”<sup>19</sup>

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<sup>17</sup> Interview by FIDH and ADC Memorial with Muhammadjon, Qurghontepa, 7 May 2011.

<sup>18</sup> On 28 June 2011, during an investigation by the Operational Group of the Second Branch of the Organized Crime Unit, Economic Crimes Department, Municipal Department of the Ministry of Internal Affairs for St. Petersburg and Leningrad Province, together with the Russian FMS for St., Petersburg and Leningrad Province, a female citizen of Tajikistan (“S”) was detained on suspicion of fraud, see <http://www.ufms.spb.ru/news/idn-995.html>.

<sup>19</sup> Interview by FIDH and ADC Memorial in Dushanbe, May 2011

## Exploitation of Migrants by Employers and Intermediaries

Businesses wishing to hire migrants must receive permission almost a year in advance and request a specific “quota” from the FMS. In order to avoid this system, companies have been increasingly turning to the services of intermediary firms, which in turn contract with migrants, who are then sent to work for the initiating company. This practice of “outsourcing” makes it difficult to hold employers responsible for violations of the rights of migrant workers, since the connection between employer and employee is hard to prove in a court of law.

Problems with employers, especially regarding non-payment of wages, comprise more than 90% of the complaints received by the NGO “Tajikistan fund” based in Moscow.

In July 2011 the head of the FMS met with representatives of large grocery chains (X5 Retail Group, “Diksi” and others) to discuss issues relating to the employment of migrant workers. “It is not our intention to make things hard for you but to urge compliance with migration legislation. We do understand you need workers, but we are responsible for the law being followed,” Mr Romodanovsky told the retailers. “There’s no need for any sword-crossing, we all need to understand that any activity must abide by the law.”<sup>20</sup>

That the FMS has finally paid attention to the mass violations of labour law against migrants working for retail chains is to be welcomed. Yet the reaction remains inadequate. Language about “not making things hard,” and not “crossing swords” is woefully weak. In an open letter to Mr Romodanovsky, ADC Memorial urged the FMS to provide a stronger response to discrimination against migrants from CIS countries and to focus not only on retail chains but on jobs in housing and cleaning services and construction.

### Case documented by ADC Memorial

In June 2011 one of the St. Petersburg regional television stations broadcast an episode on workers in the housing service of the Nevsky District of St. Petersburg, who held a protest demanding payment of salaries for the previous 3 months.<sup>21</sup> ADC Memorial investigated the situation and offered legal assistance to representatives of migrant workers.

One of these representatives, a citizen of Tajikistan named Sevarhon Bozorboevna Mannonova, reported that she had worked as a street cleaner for Housing Service No. 2 of the Nevsky District, cleaning courtyards and playgrounds. Sevarhon and 60 Tajik co-workers had been working since 1 December 2010 but had not received their pay for more than three months, while continuing to work. The Tajik workers had been hired through “contractors” - in essence intermediary firms that specialize in providing workers for housing services. No documents had been provided and the foreign workers had no employment contracts or work permits.

In December and January Sevarhon had worked through the firm “Stroi profservis”. The contractor was Mr Tadjiev Mezrozhetdin. He had promised her a salary of 12,000 rubles per month but he disappeared 2 months later without making any payment. The intermediary firm was immediately disbanded. The housing service claimed that they had given all the money to the firm and had no intention of paying twice. The migrant workers were thus deprived of their salaries and were unable to obtain a remedy. Since March 2011, the intermediary firm is “Liuks-servis” (whose recorded address is Dobroliubov Street 7/2, 3H). In response to questioning, the contractor’s representative stated that he did not intend to pay since the street cleaners “work poorly.”

Faced with the contractor’s continued refusal to pay her salary, Sevarhon appealed to the television station, which broadcast a story on the workers’ protest. The housing service

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<sup>20</sup> See, aif.ru, <http://www.newsland.ru/News/Detail/id/735564/cat/42>.

<sup>21</sup> See, <http://www.tv100.ru/news/Peterburgskie-dvorniki-poterjali-terpenie-41685/>

refused to speak with the workers and journalists, saying they were not the direct employers and “do not hire migrant workers.”

Sevarhon and her relatives live in a room provided by the housing service. After the television report was broadcast, representatives of the contractor came to her apartment accompanied by the police and demanded that she leave the premises.

At the time of writing, no forcible actions had been taken, only acts of intimidation. The police are aware of the intermediary firms’ illegal activities but have taken no action; on the contrary, they have actually forced the workers to clean the territory of the police district without pay, threatening to prosecute them if they refuse.

Experts and attorneys from ADC Memorial gathered in June and July 2011 with workers and representatives of their employers. The workers expressed their prime concern as being the incomplete payment of wages and illegal and baseless “fines” (these fines, supposedly for work poorly performed, are assessed arbitrarily by representatives of contractor firms). Each worker is responsible for a territory of two to three buildings and a dumping ground. He or she also cleans the nearest police station for free so the police won’t “bother” the migrants (apparently a “natural form” of bribery). Many workers began



Room where a family of Tajik migrant workers lives. The building, which walls crumble, has neither electricity nor water. July 2011, credit ADC Memorial.

working as street cleaners more than 4 years ago but they have never had a work permit since those with irregular migration status are preferred for employment in the housing services sector. Intermediary agencies continually change, but the work and the housing services remain the same. Many of the workers live in families with children (one of the complainants has 7 children who live with her in a single room in a condemned building). ADC Memorial representatives were able to observe living conditions in a “dormitory” provided by the housing service. It consisted of several rooms in a condemned building, with no gas, hot water, or glass in the windows, and crumbling walls.

The contractor, Mikhail, described the street cleaners’ employment arrangement as follows: firms such as “Liuks-servis” enter into paid contracts with housing services for the cleaning of an area. Provided the service is carried out, the housing service is not concerned with how the cleaning company gets the job done. The intermediary firm hires the street cleaners, both Russian and migrant workers. Employment contracts are concluded with Russian citizens (according to Mikhail, this arrangement is used in the Lomonosov District where there are many “Russian retirees wanting to pick up a little cash”). No contracts are provided to foreign workers and work permits and migration cards are not even checked (all foreigners working at “Liuks-servis” have irregular migration status).

With migrant workers, the “brigade arrangement” is used. Under this arrangement a migrant is appointed “brigade leader” and the “manager” agrees with him on the scope of work and the payment, which will then be divided among all the workers in proportion to their work contribution. Interestingly, it is the workers themselves who act as recruiters. They bring their relatives and friends from Tajikistan and enrol them into their “brigades.” According to Mikhail, it was this practice that led to the conflict. He had agreed with the complainant and her husband, the brigade leader, that 50 people would work for a sum of 12,000 rubles per month. But 75 people ended up working on an area of the same size and each worker was therefore paid less.

At the end of the month the “manager” distributes payment, assessing fines for work poorly performed or for absences. Mikhail adds that this type of work is beneficial to the migrants: besides cleaning they can collect scrap metal from and they also receive free housing, which is unofficially provided by the housing service and paid for by the intermediary firm.

The existence of such arrangements in the cleaning business is only possible due to the corruption of supervisory state agencies. Thus, Mikhail did not conceal that his agency bribes the police and FMS employees. If one of the cleaners is picked up by the FMS, Mikhail “pays a fine.” There have also been instances in which migrants were deported but “protected” workers were not, although they had committed the same violations. The same thing goes for the police. District divisions know whom “their” street cleaners are and do not intervene as long as they “keep a low profile” (employers use threats from the police and the FMS to intimidate migrants). In addition, the migrants must perform unpaid cleaning work for the district police.

## Forced labour

Recent reports by FIDH, ADC Memorial and the Civic Assistance Committee have documented examples of practices that can be defined as forced labour<sup>22</sup>. Employers regularly confiscate passports, refuse to pay salaries in part or in full and detain migrants at the workplace. The reports document the involvement of intermediaries, “brigade leaders”, in these practices, used by Russian employers to assemble workers in their countries of origin. The Russian media regularly publishes information on cases of “slaves” being freed in Russia.

A recent case documented by ADC Memorial is typical. On 22 June 2011, Said Jafari Zaripzoda, born in 1989, of Tajik nationality, contacted ADC Memorial. Said explained that he and 2 Tajik friends, Dilovar Saripov, and Ahletdin Timurov, had been working at a sawmill in Sosnovy Bor, a town to the West of St. Petersburg, for Mr Boris Ivanovich for more than 2 months. Boris Ivanovich’s son, Andrei, had confiscated their passports and was refusing to pay their wages, on the grounds that they did not have work permits.

On 27 June, Said, Dilovar and Ahletdin left their employment at the sawmill without their passports. On 28 June, Said came to the ADC Memorial office for advice. He and his two friends had worked at the sawmill from 17 April - 27 June. 14 other men, from Uzbekistan and Ukraine, had also been working there. Boris Ivanovich’s son, Andrei, had taken everyone’s passports in order to “obtain a work permit,” for a fee of 23,000 rubles each. The passports were kept in the sawmill’s office by the secretary, Irina. Andrei Borisovich promised the migrants good wages, but after over 2 months of work he had not paid them anything; on the contrary, the migrants found themselves in debt to him for 14,000, 17,000 and 21,000 rubles respectively, in return for what he claimed to have spent on obtaining work permits. Said had tried many times to get his passport back but Andrei threatened to burn it if Said continued to “demand his rights”. At the time of writing, Said lives with another employer and works unloading freight cars.

On 29 June staff from ADC Memorial accompanied Said to Sosnovy Bor for negotiations. They were told that Boris Ivanovich had left work after a heart attack following a FMS audit of the sawmill and the imposition of a fine of 7 million rubles (Sosnovy Bor FMS did not confirm this information). ADC Memorial was unable to enter the office but did manage to photograph the territory of the sawmill and the migrants working there. In a telephone conversation, Andrei Borisovich confirmed that the passports had been taken “to

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<sup>22</sup> See for example, Civic Assistance Committee/FIDH, *Migrant Workers in the Russian Federation: the use of forced labour*, Joint Report to the UN Committee on the Elimination of Racial Discrimination (CERD), June 2008, available at <http://www.fidh.org/Migrant-Workers-in-the-Russian-Federation-The-Use>; and ADC Memorial with the support of FIDH, *Discrimination in the Enjoyment of Social and Economic Rights by Ethnic Minorities and Migrants in Russia*, 2011, available at [http://www.fidh.org/IMG/pdf/ADC\\_ADCM\\_FIDH\\_RussianFederation\\_CESCR46.pdf](http://www.fidh.org/IMG/pdf/ADC_ADCM_FIDH_RussianFederation_CESCR46.pdf).

obtain work permits” and stated that they were in the organisation’s office at OOO Sosnovy Bor, 69 A Revolution Highway, St. Petersburg. He offered to meet with ADC Memorial staff and to return the migrants personal documents.

However subsequently Andrei Borisovich refused a meeting, stating that the passports were not in the office since they had been given to the FMS with a report that the “workers had escaped”. ADC “Memorial” immediately filed a complaint for the use of forced labour and information on the case was given to Tajik NGO colleagues in Dushanbe. The Ombudsman of Tajikistan was also informed.

On 30 June ADC Memorial sent a fax to the organisation's office requesting the return of the complainant’s passport. At the same time the Human Rights Centre in Dushanbe made contact with Said’s and Dilovar’s relatives to ask them to start the procedure to get the men new passports. According to Said, on 1 July Andrei contacted him and promised to give the passports and the other documents to Said’s “new master” (with whom he lives and works unloading freight cars). Said immediately informed his parents of this, who then stopped proceedings in Dushanbe.

The decision not to pursue legal action in this case, as in many others, reveals a mistrust of the systems in both the Russian Federation and in Tajikistan. Workers and their family members prefer to find and trust a “good employer” who will help to recover documents and perhaps even salaries from former employers, most likely by illegal methods, than to pursue justice. Thus migrant workers escape a situation of bondage to one employer, only to recreate the same relationship with another.

## Violations of Social and Economic Rights

Working conditions for the large majority of Tajik migrants in Russia are very harsh, especially since they are frequently employed in jobs requiring hard physical labour such as construction work.

According to a survey conducted in 2010 by the Sharq Research Centre, 27% of those surveyed (out of a sample of 350) had only an “oral contract.” Working hours continue to exceed regulations, with the working day lasting from 9 to 10 hours and the working week from 6 to 7 days. When asked to name their principal concerns, migrant workers responded firstly, relationships with the police, followed by irregular status, housing problems and excessive workload, and accidents and illness.

Migrant workers are very poorly protected in case of accident; companies prefer to pay when a problem occurs or to call an ambulance that will render emergency assistance regardless of the victim’s status. According to the Sharq Research Centre survey, only 22% of those surveyed had medical insurance while they worked in Russia and 67% indicated they received no assistance from their employer in the event of illness or trauma. As one migrant worker explained: “doctors provide emergency assistance and then look at whether you have a residence permit. When there are accidents we collect money between ourselves to send the injured person home.”<sup>23</sup>

Access to housing for Tajik migrants remains extremely limited. The majority lives on construction sites or at other places of work. Generally rooms or apartments are rented illegally and rooms tend to be so overfilled that people often have to sleep in shifts.

Undoubted abuses exist both within housing services, with migrants generally being housed in non-residential buildings, often with no running water, gas, or even light, which do not even belong to those allocating them (basements, non-residential rooms, and

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<sup>23</sup> Interview by FIDH and ADC “Memorial” with Muhammadjon, Qurghonteppa, 7 May 2011.



dilapidated buildings). This leads not only to inadequate living conditions for workers but to conflicts with the buildings' residents.<sup>24</sup>

Such living conditions affect migrants' health and contribute to the rise in infectious and respiratory illnesses and even tuberculosis. A doctor working in a hospital in Dushanbe reported that, in general, migrants returning from the Russian Federation come with problems of prostatitis, nephritis and suffer from illnesses related to hypothermia. He also noted the rise of tuberculosis and HIV/AIDS. In his opinion migrants are often infected with tuberculosis in the Russian Federation, where the disease's development is facilitated by cold, poor food, overcrowding, and contact with migrants released from Russian jails in which the illness is widespread. Thus such fatal infectious diseases often "migrate" from the Russian Federation to Central Asian Republics, rather than the other way around, as is often believed in Russia.

The risk of HIV/AIDS among migrants is a focus of international organisations which are developing programs in this area. In this regard it should be emphasized that the risk of deportation from Russia for testing HIV positive renders both prevention and treatment difficult.

## Xenophobic attacks

Xenophobic attacks represent another danger for migrants. According to the SOVA Centre, preliminary data for 2010 show that a total of 37 people were killed and more than 368 were injured as a result of racially motivated violence.<sup>25</sup>

On 11 December 2010, on a day of mass demonstrations by nationalists in the Russian Federation, a Tajik worker, Mr Firdavs Yusupov, was attacked in Tauride Gardens in St. Petersburg. 3 young men and one woman, in typical skinhead dress (high black boots with white laces) insulted him, shouting nationalist slogans and attacked him with knives and a knuckle duster. Firdavs escaped with his life only because he was able use his cell phone to call his brothers, who fortunately close by and arrived in time to drive off his aggressors. Firdavs was quickly taken by his brothers to a clinic, where he received emergency medical assistance. According to a later medical opinion, his life was in danger. He received more than nine serious knife wounds (including to the spine, eyes, and chest) and the loss of blood could have led to his death or complete loss of vision.

Having been alerted by doctors, the police examined the scene of the incident and even identified the perpetrators but criminal charges for inflicting serious bodily harm were not filed against them. Instead criminal charges were filed against Firdavs' brother, Furkat Yusupov, who had saved his life, on the basis that one of Firdav's aggressors, Udal'tsov, had received a minor wound during the fight. Furkat was later beaten and placed in a cell at the police station and forced to confess. Only after the Yusupovs received legal assistance from ADC Memorial was a case instituted against those who attacked Firdavs. The case against Furkat was not dismissed, however, and as a defendant in a criminal case his movements remain restricted.

In June 2011 ADC Memorial submitted a complaint for lack of effective investigation of the crime against Firdavs Yusupov. The answer received from the Main Investigations Directorate stated that the criminal investigation was under continuing review by the head of the Investigative Directorate of the St. Petersburg Investigative Committee and that an "investigation is ongoing at the present time in order to determine all circumstances of the

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<sup>24</sup> In June 2011 Darina Shevchenko, a correspondent from "Moskovskie novosti," in her publication "Manor of the Illegals," tells how Moscow activists are combating the "colonisation" of historical buildings in the city centre by migrant workers. The harsh comments of the Moscow intelligentsia active in defending the historic city centre are striking. In general, while realizing it is not the migrants themselves who are to blame for the horrible living conditions in these houses, but those who house them there, the "city defenders" do not conceal their dislike of the unfortunate residents of the dilapidated mansions. [http://www.mn.ru/newspaper\\_city/20110620/302615034.html](http://www.mn.ru/newspaper_city/20110620/302615034.html)

<sup>25</sup> See, 2010: *The Year in Review*, <http://www.sova-center.ru/en/xenophobia/news-releases/2011/01/d20670>

crime committed against F. M. Yusupov.” More than a year and a half has passed since commission of the crime.

## Police brutality

Migrants regularly experience police raids at the workplace and at home. They are often stopped and detained on the street based on appearance and are victims of extortion. Migrants who are arrested and taken to police stations are sometimes subjected to violence and mistreatment.<sup>26</sup>

On 24 June 2011 sociologists from the Institute of Social Research and Civil Initiatives presented a publication entitled, “The Police and Ethnic Migrants: Experiences of Interaction”, at a roundtable held at the press club, Zelenaya lampa. The authors identify one of the main problems revealed by interactions between community safety police (such as the Patrol and Inspection Service and the Police Department for the Metro) and migrants, as insufficient police knowledge of the law. Furthermore, the police tend to apply a presumption that migrants are criminal. To the police all migrants are potential violators of migration legislation, which can be verified by checking their documents.

This tends to result in the police “taking the easy route.” It is ‘easier’ to blame the migrant, than to identify the real culprits. Police Major Zhilin, a representative of the Department of Community Policing of the Russian Ministry of Interior Affairs for St. Petersburg and Leningrad Province, who was invited to participate in the discussion on police-migrant relations, made no effort to hide his prejudice toward migrants in his presentation, asserting that they “are the fundamental reason for the high crime level” (an assertion contradicted by the statistics of the Municipal Department of the Ministry of Internal Affairs itself). He regretted having to spend time processing prosecution documents pertaining to detained migrants and stated it would be better to get by “without such procedures.” According to one police employee, the population of migrants in St Petersburg has changed. While five years ago migrants went unnoticed in the city and behaved “respectfully” toward the police, “today migrants have become bolder. They have no respect for the police, and don’t make way for them.”

The existence of this problem is recognized both by representatives of the Tajik Ministry of Interior Affairs, with whom the mission met, and the head of the Tajik Migration Service, who stated during a meeting with the mission: “although Russian law enforcement personnel are our colleagues, policemen of the Russian Federation often frame our citizens,” and emphasized the specific problem of fabricated cases against migrants.

Migrants met by the mission in Tajikistan stated that, “Russian police have now even started speaking Tajik.” According to “M”: “They say, “pansad sum te, khazor sum te, yakunim khazor sum me (give me 500, 1,000, or 1,500 rubles)”. M. went on to describe how “police patrols pick up people at work, even if they have registration, and take them into the forest and beat them. When I was working as a security guard for a Turkish firm I was attacked by some drunken young people who had been drinking in the park nearby. They were beating me and a police patrol passed by and paid no attention whatsoever. Guards from the Turkish firm beat them off. It took me three months to recover”.<sup>27</sup>

In early 2011 ADC Memorial was contacted by a group of Tajik citizens who complained of being subjected to arbitrary arrest, beating, and abuse by a police official while shopping at a discount store, the “Narodnyi” shopping centre. The culprit wore a uniform and presented identification as a police officer to them right in the store then took them in his vehicle to an auto repair shop, where they were viciously beaten and robbed.

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<sup>26</sup> B. Gladarev and Zh. Tsinman, *Millitsionery i gastarbaitery: ulichnye praktiki pereraspredeleniia resursov* // *Sotsiologicheskii zhurnal*, (Police and migrants, the practice of “redistribution of resources” in the streets), in Russian, 2010, S. 37-63

<sup>27</sup> Interview by FIDH and ADC Memorial with M., Dushanbe, 2 May 2011

Based on the complaints of 6 of the victims (there were a total of 10 victims), ADC Memorial filed a petition to the Internal Security Directorate (ISD) of the Municipal Department of Internal Affairs (MDIA). The ISD provided the victims with photographs of the employees of the Thirteenth Police Precinct of the Krasnogvardeisky District of St. Petersburg and the victims identified the man who detained and beat them, a Thirteenth Precinct officer named Artur Aleksandrovich Skiba.

In March, 2011 the Director of ADC Memorial, Olga Abramenko, who had signed the petition regarding the Tajik citizens, was summonsed to the St. Petersburg ISD of the MDIA; where she was required to explain why ADC Memorial had submitted a complaint about the policeman's actions, as well as to answer questions about the organisation's activity and sources of finance. After these "significant" investigative activities (which of course had nothing to do with the investigation of the crime itself), an additional investigation was scheduled, which was concluded in June 2011.

According to the results of the investigation, ADC Memorial's petition to institute a criminal case against the Thirteenth Precinct policeman, Artur Aleksandrovich Skiba, was denied. In his decision the investigator cited as grounds for denial the lack of reliable information confirming the petitioners' allegations, the lack of credibility of the information and explanations provided by the petitioners, the lack of grounds to disbelieve the explanations of A. A. Skiba, who denied participating in the beating (although the review given to him by his co-workers indicate he was acknowledged to be a "careless, lazy, and irresponsible worker who cannot be relied upon").

Thus according to the Investigative Division, the preliminary investigation had not revealed evidence of a crime. Yet no clarification of the victims' testimonies took place, no shoppers or employees of the "Narodnyi" centre or other potential witnesses were interviewed, the repair shop where the beatings were alleged to have been committed was not examined and the entire "investigation" was reduced to a conversation with the alleged criminal as well as the scathing review from his own superiors on the force.

Since the results of the "investigation" do not match the factual circumstances of the case, ADC Memorial has decided to appeal the refusal to institute a criminal case to the court.

## Migrant Detention Centres

Migrants with irregular status are at risk of being deported to Tajikistan and prohibited from re-entering Russia for 5 years if they are detained. According to data from the initial report presented by Tajikistan to the United Nations Committee on Migrant Workers in December 2010<sup>28</sup>, 131,265 citizens of Tajikistan were prosecuted for administrative offences in the first 6 months of 2010, including 45,907 who were prosecuted for violation of migration regulations and 2,022 deportation orders were issued.

Under the law, pending deportation, migrants are required to be held in temporary detention facilities for foreign nationals run by the Ministry of Internal Affairs. In practice, most Russian cities lack specialized centres and instead use ordinary prisons, pre-trial detention facilities, police cells or even a detoxification centre (ADC Memorial has documented one such instance in Murmansk).

In St. Petersburg migrants are detained in part of the Federal Security Service building on Zakhar'evskaya Street. The building is under the command of the Municipal Department of the Ministry of Internal Affairs, but according to Mr V. E. Shnitke, Chairman of the Public Oversight Committee on Incarceration in St. Petersburg, since they are not the official owners they claim that they cannot perform repairs on it. The Committee has denounced the conditions of detention at the Zakhar'evskaya centre, where initially only

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<sup>28</sup> Full report available at, [http://www2.ohchr.org/english/bodies/cmw/docs/CMW.C.TJK.1\\_en.pdf](http://www2.ohchr.org/english/bodies/cmw/docs/CMW.C.TJK.1_en.pdf).

persons detained for hooliganism were held for up to 15 days. In recent years migrants awaiting deportation have at times spent up to a year or more there.

The Public Oversight Committee in the city of Velikii Novgorod also recently expressed indignation at the detention conditions of those awaiting deportation in a similar centre, a facility intended for short-term prisoners, which is completely unsuitable for long periods of detention and lacks elementary sanitary conditions. A specialized centre was recently opened in St. Petersburg, in Krasnoe Selo, for those awaiting deportation, and its conditions are better but it is mostly empty, while dozens and sometimes hundreds of people continue to be housed in the Zakharev'skaya centre in inhuman conditions.

In 2010 ADC Memorial submitted a complaint to the European Court of Human Rights (ECHR) regarding the detention conditions in this facility (the case of Lakatos v. Russia), and in early 2011 the Russian Federation admitted all violations of the European Convention contained in the complaint and the petitioners were offered compensation in the amount of 30,000 Euros each. The petitioners' consent to an amicable settlement and monetary compensation meant it was impossible within the context of that incident to continue the fight for the immediate closing of this centre.

After admitting to all alleged human rights violations in the centre, the Russian government did not adopt any reforms and those detained there continue to suffer from cold, hunger, unsanitary conditions (no bedding or even mattresses are issued), harsh treatment, and lack of exercise for months at a time.

According to the testimony of Pavel Gabor, who spent more than a year there, including months in a room without windows, with a light that was permanently on, deprived of walks and visitors, he completely lost track of time and did not know whether days, weeks, or even months had passed.<sup>29</sup>

Foreign nationals continue to be held in such conditions in St. Petersburg. The majority of them are citizens of CIS countries, mostly from Tajikistan, Uzbekistan and Ukraine. There are also migrants from Africa, Asia, and Latin America.

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<sup>29</sup> See, *ADC Memorial Bulletin No. 34*, <http://www.memorial.spb.ru/www/1062.html?lang=ru>

# III. THE CONSEQUENCES OF MIGRATION FOR TAJIKISTAN AND THE OBJECTIVES OF MIGRATION POLICY

In its initial report on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Family, submitted in December 2010, the government of Tajikistan indicated that “In social terms, outward labour migration has promoted the acquisition of new skills (in construction, agriculture, etc.), increased the housing stock, and brought about the possibility of investing remitted funds into local infrastructure development (improving roads and means of communication, building mini-factories in the regions, etc.) [...] However, along with its positive aspects, a number of problems have also resulted, first and foremost the outflow of qualified staff and manual workers that the country needs for its recovery and in order to build an economically and politically stable state.”

The Tajik government is facing critical questions concerning the extent to which it should facilitate and encourage emigration and the measures that need to be taken to avoid the negative consequences of emigration. International organisations propose various models of migration policy, based largely on experience imported from other countries of departure of migrant workers. However, these models raise a number of concerns from a human rights perspective.

## The Economic and Social Consequences of Migration

The mission identified several issues of crucial economic and social significance for Tajikistan, including political and strategic orientation towards Russia and Russia’s cultural and social significance in the region; the consequences of migration for women and children of migrants; and the impact on the country’s economy of remittances received from abroad.

According to various estimates, between 90% and 97% of migrants from Tajikistan go to Russia to find work, despite the difficulties and risks involved. In 2009 the government signed an agreement with Saudi Arabia, which undertook to accept migrant workers from Tajikistan. This agreement, however, did not meet with general enthusiasm either on the part of the general public or within government itself. As the head of the Migration Service informed the mission delegation: “We are Europeans. Yes, Saudi Arabia is willing to accept our citizens with no restrictions, but that’s a problem for us. That will result in changes in ways of thinking and Russia will end up becoming a foreign country for Tajik people.”

The majority of those met by the mission supported the facilitation of emigration to Russia, for various reasons: the significance of historical ties, sharing of a single Eurasian territory and (as was mentioned several times) so that young people won’t fall under the influence of Islamists and can “become civilized” in a “civilized country.” In reality, it should be noted that it is in Russia that some groups of Tajik migrants have become

acquainted with religious practices and their more radical forms. Migrants faced with difficult psychological and material conditions, suffering ostracism and worse within a society that does not accept them, often turn to religion for support; in mosques and prayer houses they find places for conversation, social support, and even social integration (for instance, some mosques arrange courses in Russian for their compatriots).

Another important issue is the impact of migration to Russia on the qualifications of Tajik workers. According to the National Strategy on Labour Migration for 2011-2015, "It is important to note that along with the outflow of a qualified portion of the able-bodied population, LMA (labour migration abroad) has allowed a large number of migrants to improve their skills." In Tajikistan a "construction boom" can be seen and the majority of builders, highly qualified specialists, "received occupational skills (usually without any formal recognition) while working abroad." Therefore it "can be unequivocally stated that the construction sector in Tajikistan has been provided with specialists as a result of LMA". The report concludes, "This phenomenon is a positive influence on the Tajik labour market."

On the other hand, migrants educated in Tajikistan very often work outside their fields of specialism. The mission interviewed several people whose sons had degrees in law and pedagogy but work on construction sites in Russia because they cannot find work at home.

In any event the issue of education is key for Tajikistan. Studies by the Sharq Research Centre show that secondary and higher education is of low quality and occupational training is inadequate. Around 50% of the economically active population has secondary education, and only a third of those employed has received vocational training or higher education. Meanwhile migrants with a high level of education send money to the country more frequently and in greater amounts than migrants without an education.

Vocational courses are provided at a central and local level for those intending to emigrate. As the mission was informed at the city administration of Qurghonteppa, "The goal is not that people should stay but that they should leave as qualified workers." There is an obvious risk in this approach that the orientation toward Russia's work needs will become a priority in the short-term, while the long-term needs of Tajikistan will come last or will be ignored.

The National Strategy on Labour Migration for 2011-2015 includes among the negative consequences of migration, the fact that, "The migration of men abroad in search of work greatly increases the burden on women in the family, and childrearing in migrant families is deteriorating. Instances of child labour are higher in migrant families. Moreover, an increasing number of children are abandoned by their mothers."

While the proportion of women migrant workers is not very large (from 10 to 20% according to various estimates), the problem of women and children left behind in Tajikistan is becoming more and more acute.

Women often do not receive money directly from their husbands since they usually reside with their husband's family and money is distributed by the head of the household. In addition, there has been an increase in the number of long-distance divorces (a de facto termination of marriage sometimes accompanied by the - legally invalid - declaration of divorce by telephone or even via SMS on a mobile phone). "Abandoned wives" are left in a very vulnerable position since their fate often depends on the response of their husband's family. In Qurghonteppa the mission met a young woman left alone with a child, without financial support, after her husband went to work in Russia; she hoped to obtain support through the courts with the assistance of the Tajik International Bureau for Human Rights and Rule of Law, but in order to pursue legal action she has to wait for the possible return of her husband to Tajikistan.

Finally, the extent to which migration ultimately promotes the country's economy and development is a controversial issue. The ILO survey on remittances shows that Tajik

families depend heavily on remittances but that little of the money received is invested in the development of small or medium-sized businesses. “In 2008 the amount of remittances sent home by migrants from Tajikistan was estimated to be about US\$ 2.67 billion or 49% of GDP (National Bank); “For more than 60% of households in Tajikistan, remittances account for more than half of their income, 31% of them claim that 100% of their incomes are made up of remittances.” “On average, 57% of remittances are spent on immediate consumption needs, 12% are saved for less than six months (short-term savings) and 11% saved for more than six months (long-term savings).”<sup>30</sup>

Steps taken by the government to promote the country’s development have so far led only to declarative or even purely repressive measures, such as the official ban on large expenditures for weddings or other family celebrations (under the 2007 Law on regulation of traditions and rituals in Tajikistan). The 2008 economic crisis has further complicated the situation. Although a predicted mass return of migrants to Tajikistan did not materialise (migrant workers generally tried to “wait out” the crisis in Russia), the total amount of remittances has declined by 30%.<sup>31</sup>

## Labour Migration: Economic Reasons and Political Responsibility

Labour migration can be a strategic choice for a person in terms of social mobility; it may also be a means of avoiding a difficult social or family situation. However, in most cases labour migration occurs out of necessity, as the result situational pressure and the absence of economic opportunities at home.

It should be noted that the country’s economic situation is viewed as a given in the discourse of the Tajik authorities as well as that of international organisations, as a problem that Tajik authorities must face and not as a result of government policy<sup>32</sup>. The government has even acknowledged, not without a certain amount of cynicism, that migration is unavoidable since it relieves social tension resulting from unemployment. The External Labour Migration Program for 2006-2010 provides, “External Labour Migration is occasioned by necessity in order to ease the social climate driven by idleness of the workforce.” This Program also provides that “in view of the absence of legal means for increasing income and actual economic conditions to raise the population’s standard of living by employment inside Tajikistan, exporting the workforce is an important factor in resolving this issue.”<sup>33</sup>

Such policies, based on “exporting” the workforce as a means of solving the country’s economic problems, have been strongly criticised by the United Nations Committee on Migrant Workers (see the example of the Philippines below). In subsequent documents the government claims to reject such a policy: “In developing a balanced policy it will be taken into account that the work force and labour migrants are not goods but the country’s patrimony.”<sup>34</sup>

Economic difficulties largely result from the country’s economic dependence, which is in turn due to a lack of significant natural resources, the legacy the Soviet era, when Tajikistan was already one of the poorest republics, as well as the recent civil war.

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<sup>30</sup> ILO, Migrant Remittances to Tajikistan. The Potential for Savings, Economic Investment and Existing Financial Products to Attract Remittances, 2010.

<sup>31</sup> ICG, Central Asia: Migrants and the Economic Crisis, Asia Report N°183, 5 January 2010.

<sup>32</sup> See, for example, the IOM description of the situation in Tajikistan: “Tajikistan’s limited employment opportunities and mountainous terrain make it difficult for its inhabitants to make a living. As a result, in an attempt to escape poverty, almost every Tajik family has at least one member who is a migrant worker.” OSCE, IOM, ILO: “Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and of Destination,” Geneva, 2006, p.56.

<sup>33</sup> The External Labour Migration program for 2006-2010, available at [http://www.rec.tj/index.php?option=com\\_content&view=article&id=63:reg-ext-mig&catid=38:tj&Itemid=54](http://www.rec.tj/index.php?option=com_content&view=article&id=63:reg-ext-mig&catid=38:tj&Itemid=54).

<sup>34</sup> Draft of the National Strategy on Labour Migration for 2011-2015.

However, the economic policy established under the authority of the current President, who has already been in power for 15 years, as well as phenomena such as “string-pulling” (“blat”) and corruption, have also contributed to the poor economic situation.

There are additional social and political reasons for migration, as demonstrated by the number of migrants who leave to avoid military service. These factors require the adoption of distinct measures and decisions, rather than simply importing “solutions” applied in other countries, even if they are considered “best practices” by international organisations.

## The Filipino Model and its Deficiencies

Many of those met by the mission, in particular Safiallo Devonaev, leader of the Government Migration Service of Tajikistan, referred to the “Filipino model”, as the example for Tajikistan to follow. The situation in the Philippines, where 10% of the population works abroad, resembles the situation in Tajikistan and Filipino policy since 1970 has often been presented by international organisations as an example of “best practice”.

The OSCE, the IOM and the ILO frequently refer to the Philippines as an example of “best practice”.<sup>35</sup> In 2009 the World Bank organized a study visit to the Philippines for administrators and NGO representatives from Central Asia.<sup>36</sup> It should also be noted that the former Administrator of the Philippine Overseas Employment Administration, Tomas Achacoso, worked for many years as an IOM consultant for Central Asia and published a large number of materials presenting the Filipino model as an example for Central Asian countries.<sup>37</sup>

Among the “successful practices” introduced in the Philippines, international organisations particularly emphasize control over employment agencies abroad. Both state agencies and private agencies licensed by the state are kept under strict control so that the workers do not become victims of forced labour. Before leaving the country, migrants must attend information seminars on procedures to be followed and their rights. Embassies have a network of attachés for labour questions who deal with migrants’ problems. Finally, for the last few years special attention has been given to the question of participation by emigrants in the home country’s political life.<sup>38</sup>

However, the Filipino model also represents a system of extremely strict control over the movement of citizens, imposed in response to pressure from destination countries.<sup>39</sup> Many of the reports submitted by Filipino NGOs to the UN Committee on Migrant Workers emphasized the problems Filipino migrants continue to encounter.<sup>40</sup>

According to NGOs, the main problems include:

- Pre-departure seminars that are of little use because information provided is too general and often neither adapted to the destination country, nor to the type of migrant, who are rarely ready to assimilate the information;

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<sup>35</sup> ILO, IOM, Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and of Destination, Geneva 2006. ILO, IOM, Labour Migration and the emergence of private employment agencies in Tajikistan : a review of current law and practice, 2009.

<sup>36</sup> World Bank, Exchange of Experience Between Practising Specialists in the South-South Region: A Study Visit to the Philippines, 27 June – 1 July 2009, available on the World Bank website.

<sup>37</sup> Achacoso, Thomas, A long range perspective for strengthening the migration process of Tajikistan and Kyrgyzstan with implications for the Russian Federation, [http://www.iom.tj/pubs/Recommendations%20for%20Tajikistan\\_Eng.pdf](http://www.iom.tj/pubs/Recommendations%20for%20Tajikistan_Eng.pdf)

<sup>38</sup> Neil G. Ruiz, “Managing Migration: Lessons From the Philippines,” World Bank Migration and Development Brief, 11 August 2008.

<sup>39</sup> Labour migrants cannot officially leave the country without providing a certificate showing their attendance at the pre-departure courses.

<sup>40</sup> See the reports on the Committee’s website: <http://www2.ohchr.org/english/bodies/cmwc/cmws10.htm>, as well as the Concluding Remarks by the UN Committee Protection of the Rights of All Migrant Workers and Members of Their Families. PHILIPPINES, CMW/C/PHL/CO/1, 22 May 2009.



- Consulates do not provide sufficient protection. They discourage migrants from filing complaints in the event of exploitation or violence and encourage migrants to agree to amicable settlements. They do not support migrants who participate in legal proceedings, except to provide interpreters. They do not generally inform relatives of the problems faced;
- The lack of consulates in some key countries;
- The lack of free schooling for migrants' children;
- The issuance of only temporary documents to those migrants whose employers confiscate their passports;
- In some cases, the surrender by consulates of migrants to the police;
- The expenses incurred by migrants in order to leave the country, including a sum of up to a month's salary, which must be paid to private employment agencies, expenses for personal identity documents and other necessary documentation and for pre-departure education. Due to the size of these expenses migrants find themselves in debt which they have to reimburse over the course of months or even years;
- The requirement to return to the Philippines after an employment agreement expires; migrants are thus often unable to remain in their countries of employment if they seek to change job;
- Agreements signed with destination countries that have systems in place which routinely violate the rights of migrant workers, such as Gulf countries that apply the kafala system which binds a migrant to a particular employer or "sponsor";
- Difficulties in applying effective sanctions against private employment agencies for illegal hiring or other violations; often sanctions are limited to a fine or revocation of a license. Agencies forced to close often re-open under a different name;
- The high degree of vulnerability of Filipino migrants with irregular status (the situation in Malaysia is a particularly dramatic example of this). The situation is all the more concerning since these migrants often find themselves in an irregular situation not because of the destination country's policy but because of the policy of the Philippines itself which requires a number of different authorisations to be granted before departure;
- Finally, while the Filipino government denies that it relies on a strategy of exporting its workforce, their words and actions indicate the contrary. President Arroyo's Administrative Order No. 247 of 2008 calls upon the Philippines Overseas Employment Agency to adapt its strategy in order to conquer new labour markets and to increase the number of countries that receive Filipino workers in order to "pass the mark of 200 countries." The Committee on Migrant Workers has also noted with concern that policy "would seem to be aimed at the promotion of foreign employment of migrants."<sup>41</sup>

These criticisms are not only of concern for the Philippine system itself, but also reveal some of the many challenges and risks faced by the Tajik authorities in the process of developing migration policy.

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<sup>41</sup> Concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Philippines, CMW/C/PHL/CO/1, 22 May 2009.

# IV. THE LEGAL AND INSTITUTIONAL FRAMEWORK GOVERNING MIGRATION BETWEEN TAJIKISTAN AND RUSSIA

## Multilateral Agreements and Conventions

In 2002 Tajikistan ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In December 2010 the Tajik government presented its overdue initial report for review by the Committee on Migrant Workers.

Tajikistan has also ratified ILO Convention No. 97 on Migration for Employment and ILO Convention No. 143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

Tajikistan has also signed a number of agreements within the Commonwealth of Independent States (CIS), including the Agreement on Cooperating in Labour Migration and Social Protection for Migrant Workers of 1994, the Agreement Between CIS Countries on Cooperation in Combating Illegal Migration of 6 March 1998 and the Convention on the Legal Status of Migrant Workers and Their Family Members in the CIS of 14 November 2008. It should be noted that the latter instrument guarantees a significantly lower level of protection than the international convention and applies only to those migrant workers with regular status.

Tajikistan, along with China, Russia, Kazakhstan, Kyrgyzstan and Uzbekistan, is also a member state of the Shanghai Cooperation Organisation (SCO). In this framework, Tajikistan has signed the Treaty on Long-Term Good-Neighbourliness, Friendship and Cooperation Between the Member States of the Shanghai Cooperation Organisation, according to which states agree to control their borders, to cooperate in regulating labour migration and to combat illegal migration. It is worth noting, however, that none of the individuals met by the mission delegation in Tajikistan believed that the SCO influences migration policy, when they were asked that specific question.

## Bilateral Agreement With Russia

In 2004 Russia and Tajikistan signed an agreement on labour migration: the “Agreement Between the Government of the Russian Federation and the Government of the Republic of Tajikistan on Labour Activity and Protection of the Rights of Citizens of the Russian Federation in Tajikistan and of Citizens of Tajikistan in the Russian Federation.”

This agreement sets out a number of principles that are important for the protection of the rights of Tajik migrants in Russia, including:

- Employer's obligation to provide a written employment contract (Article 9) and a document containing information on working hours and monthly salary (Article 6);
- Prohibition on wage discrimination: migrants' salaries must not be lower than those of nationals for the same work (Article 9.4);
- Mutual recognition of diplomas (Article 11);
- Employer's obligation to cover expenses for medical insurance for migrant workers (Article 8); to pay compensation for work-related injuries or death (Article 15); to repatriate the body of workers who die (Article 15).
- State's obligation to take steps to combat the activity of those who hire migrants illegally or publish false information in the press regarding work opportunities abroad (Article 7).

However, the agreement is clearly unsatisfactory from a human rights perspective:

- It makes no reference to United Nations human rights conventions ratified by both states such as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The only international agreement mentioned in the Preamble is the 1995 Convention on Human Rights and Fundamental Freedoms of the Commonwealth of Independent States.
- It applies only to those engaging legally in a temporary employment activity on the territory of another party (Article 2).
- Work permits are to be issued by the authorities for a period of no longer than one year (Article 4). At the end of that period, the employer may request that permission be renewed for a worker; however permission cannot be granted for longer than 12 months at a time.
- Workers are prohibited from performing other paid work besides that for which they have a work permit (Article 12). A migrant who becomes unemployed is authorised to find another employer within one month, with the proviso that the employer must have permission to recruit foreign workers.

Under this agreement meetings are held several times a year between representatives of Tajikistan and Russia, which has resulted in positive steps being taken. For example, citizens of Tajikistan are authorised to enter Russia with identity document and are not required to have a foreign passport.

Numerous migrants met by the mission delegation stated that they hope to have the possibility to acquire Russian citizenship, in view of the fact that Tajikistan is one of the few countries that has an agreement with Russia permitting dual citizenship.<sup>42</sup>

Yet, experts studying negotiations between Russia and Tajikistan have emphasized that they are at an impasse. Tajikistan is attempting to push for agreements on recognition of diplomas and social benefits,<sup>43</sup> while Russia's priority is to conclude agreement on readmission.<sup>44</sup> Medical certificates issued in Tajikistan are not always accepted in Russia, which forces Tajik migrants to be re-examined in Russian centres in order to receive a work permit.

The Agreement between the two states is supplemented by agreements between ministries, including the December 2002 Memorandum on Collaboration in Labour and Social Protection, concluded between the Labour Ministries of both countries.

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<sup>42</sup> Treaty between the Russian Federation and the Republic of Tajikistan on regulating dual citizenship issues (Moscow, 7 September 1995).

<sup>43</sup> In its report to the United Nations Committee on Migrant Workers, the Tajik government noted the difficulties in concluding agreements on these issues.

<sup>44</sup> The readmission agreement proposed concerns not only the readmission of nationals but also of third country nationals who transit through Tajikistan. For Russia the question of readmission is critical in the context of relationships with the European Union. In 2007 Russia and the EU signed a readmission agreement. Under this agreement, following a transition period Russia accepted to readmit all migrants with irregular status who enter the EU from Russia. See Oleg Korneev, "Readmission in Russia's Relationships with Central Asian Countries," *Regard sur l'Est*, 15 December 2010. [http://www.regard-est.com/home/breve\\_contenu.php?id=1151](http://www.regard-est.com/home/breve_contenu.php?id=1151).

In 2007 several agreements were also signed at the regional level between the government of Tajikistan and the government of Moscow, between Khalton Province and the Orenburg and Volgograd regions, between Sughd Province and the city of Ivanovo and Altai and Krasnodar Territories. A representative of the city of Qurghonteppa explained to the mission delegation that Khalton Province also has a migration agreement with Altai Territory and Voronezh and that more than 20 contracts were signed between firms through the chamber of commerce. Altai Territory needs doctors (paediatric and primary care), nurses, and tractor drivers and sends vacancy announcements to Khalton Province. However, the administration had no data on the residents of Khalton Province who have found work in Russia thanks to these announcements, while mass labour migration from this region continues unabated.

## Tajikistan's Migration Policy: National Legislation

Since 1991 migration policy has been governed by the Law of the Republic of Tajikistan on Migration No. 881, amended in 2002. This law contains provisions on emigration and on foreign citizens residing on Tajik territory.<sup>45</sup> The latter aspect is not covered by this report.

The law provides for the protection of certain rights of migrants leaving Tajikistan. According to Article 2, "migration is based on the following principles: free choice of activity or profession, freedom of exit and freedom of movement". The law prohibits discrimination and "deportation or forced return of migrants to the countries they have come from" (Article 2).

Additionally, under Article 8, "The state shall assist the transport of migrant workers who are citizens of the Republic of Tajikistan in an organized fashion and upon their consent only to those countries where their rights are protected." The law thus requires that a state of employment has taken the following measures: social and labour laws guaranteeing rights; ratification of international conventions guaranteeing migrants' rights; adoption of bilateral agreements with Tajikistan; and adoption of concrete protection measures for migrant workers. The law also requires that labour migrants have an employment contract prior to departure.

This provision can be welcomed, though it has limited effect since citizens of Tajikistan continue leave the country for work independently under the visa-free regime of the CIS. The negotiations that recently took place between Tajikistan and Saudi Arabia (where serious violations and exploitation of migrant workers have been documented by many international organisations) show that the basic principles of the law are not always followed in practice.

Article 4 states that "persons legally resettling from the Republic of Tajikistan to other states for permanent residence of a period greater than six months shall acquire the status of emigrants," but does not explain what that status means. The concept of "illegal migrant" is also mentioned in Article 1, according to which international labour migration is defined as the voluntary legal exit of citizens and in Article 26 ("Responsibility for...illegal exit out of the Republic of Tajikistan").

Article 25 provides that persons subject to prosecution or already convicted, or those in possession of information constituting a state secret may not leave the country. Possible interpretations of this article, which to all appearances is a Soviet legacy, may lead to infringement of citizens' freedom of movement. In addition, the very concept of "illegal exit" is in contradiction with basic principles of international law: the Universal

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<sup>45</sup> This law contains the same provisions as the migration laws of Russia and Kazakhstan, the two major countries of destination for migrant workers in the region: employment quotas, mandatory registration, a policy of repatriating fellow citizens as a priority and denial of entry to persons with health problems. This law also addresses the issue of asylum without specifying guarantees that the procedure respects human rights.

Declaration of Human Rights provides, “Everyone has the right to leave any country, including his own, and to return to his country” (Article 13).

A new law on migration was under discussion at the time during the mission to Tajikistan (May 2011). International organisations including IOM, ILO and especially the World Bank, participated actively in developing the draft law, which has also been presented to several NGOs.

FIDH and ADC Memorial received a text of the draft law, dated 24 April 2011. This text contains several positive aspects: migration based on freedom of movement, choice of place of residence and work (Article 5), coordination of migration processes on the condition that migrants’ rights can be protected in the destination country (Article 12), prosecution for providing false information on employment opportunities (Article 25) and regulation of activities of recruitment agencies (Article 10 and subsequent articles). Two articles are specifically dedicated to the rights of migrants in Russia and provide that migrant workers must have access to consular representation or to the migration counsel to protect their rights (Article 22).

However the new law is also cause for concern. Firstly, it employs the concepts of “illegal migrant” and “illegal migrant worker,” contrary to international practice and United Nations recommendations (according to which the terms “undocumented” or “irregular” are to be preferred). Other main areas of concern relate to the limitations and prohibitions on leaving the country (for those with “access to state secrets”, Article 14) and to obligations imposed on migrants, for example the obligation to acquire greater professional qualifications, to represent Tajikistan in the state of employment and to provide material support to families and parents through remittances (Article 22).

Moreover, the reasons for adopting an entirely new law are unclear. Amendments could have been made to the 1999 law on migration (some of the provisions of the 1999 law will continue to apply following the adoption of the new law, since it also regulates internal migration). It seems reasonable to conclude that, in the face of problems of lack of compliance with the 1999 law, the adoption of a new law is intended to give the impression that steps are being taken toward that end.

Finally, the lack of transparency in the legislative drafting process is to be regretted. There have been insufficient opportunities for open and inclusive discussions of the law's provisions, while the issues addressed affect the lives of millions of citizens.

## The Migration Service

Until 2006 migration issues were considered to fall within the purview of the Migration Service within the Ministry of Labour and Social Protection. In 2007 migration issues were transferred to the Ministry of Internal Affairs (MIA). The person in charge of the MIA Migration Service is Police Colonel Safiallo Devonaev.

The MIA Migration Service deals with issues involving both Tajik migrants abroad and migrant workers in Tajikistan. It consists of several divisions, including the Office of Visa and Registration, the Office of Citizenship and Refugees, the Office of Work Permits, the Office of Passports, and the Office of Labour Migration.

Opinions on the quality of the work of the MIA Migration Service vary. Several of those met by the mission stated that in view of the overall public distrust of the police, migrants did not regard the MIA Migration Service as an agency that could protect them. In addition, responsibility for developing international migration programs for 2006-2010 now lies with the MIA, although the framework for such programs was designed for the Ministry of Labour and the MIA lacks the necessary expertise for its implementation. Others met by the mission considered that moving the Migration Service to the MIA was a logical step since both are concerned with regulating immigration and the presence of foreign citizens in Tajikistan. However, this choice is much harder to justify regarding

issues concerning emigration. The IOM has criticised the structure of the Migration Service, calling for a civilian to head this service under all circumstances.<sup>46</sup>

On the other hand, everyone we met with emphasized that the accountability of the Migration Service to the MIA simplified relations with the Russian Federal Migration Service, almost all of whose leadership positions are held by former members of the security ministries. In April 2010 President Emomali Rahmon announced the creation of a new structure: the Government Migration Service. An edict was adopted in January 2011 creating this service, which is to be headed by the former chief of the MIA Migration Service, Police Colonel Safiallo Devonaev.

At the time of the mission in May, 2011, the functioning and authority of this service were undetermined. The mission delegation was informed that a Regulation on the Migration Service had been adopted, but nobody knew its contents. In Qurghonteppa, according to those met by the mission at the city administration, migration services had been “disbanded”: “Now the staff don’t know where they work!”

The functions and authority of this new service give rise to numerous questions, such as whether it will be merged with the Office of Visa and Registration. There is also a risk of widening the service’s authority at the expense of other ministries such as the Ministry of Labour, the Ministry of Education and the MIA.

Since FIDH and ADC “Memorial” were unable to obtain a copy of the Regulation, even directly from the Migration Service, the mission analysed a draft dated February 2011. According to this text, the mandate of the Migration Service is very broad (much broader than envisioned within the new draft law on migration) since it will be responsible for issues relating to both immigration and emigration, for development, analysis and adoption of state policy, as well as for coordination of the work of various agencies related to migration. It will include staff from the MIA and from other ministries. The Government Migration Service will simultaneously fulfil police functions in Tajikistan, the functions of an official representative abroad and handle issues of education and employment for migrants.

According to the Regulation (February 2011 version), the Migration Service will also be responsible for:

- Foreign citizens present in Tajikistan: issuing necessary documents (residence permits, temporary residence permits, work permits), registering foreign citizens, establishing quotas, controlling compliance with residence rules [...] and protecting the rights of foreign citizens in Tajikistan;
- For refugees: granting refugee status and establishing reception centres throughout Tajikistan;
- For citizens of Tajikistan: issuing passports and granting citizenship;
- For Tajik migrant workers abroad: information and consultation; registration; assistance on organized recruitment; issuing and revoking licenses for individuals and organisations that provide employment abroad; developing a system of state agencies, participating in economic projects for migrants; coordinating the education system for migrants, determining needs and developing programs and protecting the rights of migrants;
- Combating human trafficking and illegal immigration and implementing readmission agreements;
- Working with diasporas and state agencies of other countries, particularly within the CIS;
- Protecting state secrets.

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<sup>46</sup> While not the main theme of this report, it should be noted that refugee issues were also transferred to the Migration Service. The dominant law enforcement approach gives rise to a large number of difficulties. Since 2009 there has been a Refugee Status Determination Committee, headed by the chief of the Migration Service, which includes representatives of the State Committee on National Security (SCNS) and the administration of the President, and within which a representative of the UNHCR has only an consultative role.

# V. PROTECTION OF MIGRANT WORKERS' RIGHTS BY THE TAJIK AUTHORITIES

## Obligations of the Tajik Authorities under the Migrant Workers' Convention

The Russian authorities have the primary responsibility for preventing violations of the rights of migrant workers on Russian territory and investigating and prosecuting those responsible.

The Tajik authorities are also required under international law to take measures to protect the rights of their citizens abroad. For example, under Article 7 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ('Migrant Workers' Convention'), "States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction, the rights provided for in the present Convention."

The Migrant Workers' Convention underlines that fundamental rights (freedom from torture, freedom of religion, access to the courts, access to emergency medical care, the right to education for children, the right to join unions, etc.) must be guaranteed regardless of the person's legal status in the country of employment.

The following provisions are particularly relevant to the situation of Tajik migrants in Russia:

- No migrant worker or member of his or her family shall be required to perform forced or compulsory labour (Article 11.2);
- No migrant worker or member of his or her family shall be arbitrarily deprived of property (Article 15);
- Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions (Article 16.2);
- Any verification by law enforcement officials of the identity of migrant workers or members of their families shall be carried out in accordance with procedures established by law (Article 16.3);
- Accused migrant workers and members of their families shall, save in exceptional circumstances, be separated from convicted persons (Article 17.2);
- It shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits. No authorized confiscation of such documents shall take place without delivery of a detailed receipt. In no case shall it be permitted to destroy the passport or equivalent document of a migrant worker or a member of his or her family (Article 21);

- Migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and (a) Other conditions of work (...) (b) Other terms of employment (Article 25).

The Migrant Workers' Convention clearly sets out several specific obligations relating to the state of origin. These include: the right of migrants to return to their State of origin (Article 8.2); the right to defence and assistance from consular authorities (Articles 16.7 and 23); the right to participate in public affairs and to vote and to be elected at elections of their State of origin (Article 41).<sup>47</sup> Finally, Article 1.2 provides: "The present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure (...) as well as return to the State of origin or the State of habitual residence."

The Tajik authorities have a clear responsibility under international law for facilitation of migrants' return home (without assessing taxes or demanding formalities, but on the contrary assisting return), as well for preparing migrants for migration, including creating favourable conditions for obtaining a passport and documents, disseminating information and supervising the activities of employment agencies and other intermediary organisations working in Tajikistan (see further below). Preparation also requires the dissemination of information on the rights contained in the Migrant Workers' Convention (Article 33).<sup>48</sup>

For many years, preparation for departure of migrants, including organisation of pre-departure information seminars, distribution of information, setting up hot-lines that answer questions from migrants, has been handled largely by international organisations (the IOM, which was financed by OSCE for several years, and human rights organisations). This leads to instability in these programs, which are often of short duration (no more than a few years) due to termination of funding. Only stable structures may gradually be recognized as genuine resource centres. Information on such centres must spread by word of mouth from migrants themselves, in order for them to be accepted as reliable.

Pre-departure preparation should also occur within the framework of state education. Since 2008 the Migration Service, the Ministry of Labour and the Ministry of Education have opened several study programs based at a technical school,<sup>49</sup> which also conducts evaluation of knowledge that may be useful in Russia.

According to the latest agreement between Tajik and Russian trade unions (Federation of Independent Trade Unions, FITU), if a person belongs to a construction union in Tajikistan, he automatically becomes a member of that union in the Russian Federation. Considering that 70% of migrants work in construction, this agreement is very important. At the same time it should be recognized that most migrants who work on construction sites in Russia were not protected in Tajikistan, lessening the significance of this agreement, which is nevertheless a step forward.

Without a doubt the issue of migration occupies a prominent place on the political agenda, judging by the number of draft laws in progress (Law on External Migration; Law on Private Employment Agencies). The recently formed Migration Service is directly accountable to the government. However it remains uncertain whether there is sufficient political will meet the commitments undertaken and whether there will be sufficient resources to implement the activities promised.

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<sup>47</sup> Although the Russian version of the Convention mentions the host country, the English and French versions specify the State of origin (État d'origine).

<sup>48</sup> In accordance with Article 33, "Migrant workers and members of their families shall have the right to be informed by the State of origin, the State of employment or the State of transit as the case may be concerning (a) Their rights arising out of the present Convention."

<sup>49</sup> Human Rights Centre, Analysis of the Implementation of the Program for External Labour Migration of Tajik Citizens Abroad for 2006-2010, 2010.



## Risks of Employment Abroad: The Need for Effective Application of Existing Laws

It is not only employers who violate the rights of Tajik migrant workers in Russia but those who play the role of “intermediaries”. Abuses committed by intermediaries include providing false information on location of jobs, working conditions and wages; and levying a significant percentage of the migrant worker's wages. These intermediaries can be both “brigade leaders”, usually Tajik nationals who recruit a workforce for a particular employer from their region of origin, or private employment agencies in Russia.

In this context, the Tajik government, encouraged by international organisations (ILO, IOM, and the World Bank) adopted a law on Private Employment Agencies (hereafter PEAs). The law was inspired by the ILO Private Employment Agencies Convention of 1997 (No. 181).<sup>50</sup>

This law is not aimed at making recourse to PEAs mandatory. In any case, besides infringing the right to freedom of movement, this would have been impossible, as the visa-free regime between Russia and Tajikistan means that citizens of Tajikistan are entitled to enter and legally reside in Russia for up to 90 days, using that time to search for work. An IOM representative explained the objective of the law as being to encourage the use of agencies as being more effective than using informal intermediaries. The IOM Information and Resource Centre also emphasized that migrants who contact them very often come in search of work.<sup>51</sup> In those cases the Centre advises migrants to contact existing agencies but to bring the agreement they are offered back to the Centre for review.

In June 2011 the United Nations Development Program Disaster Risk Management Programme (UNDP-DRMP) in Tajikistan organised a seminar on “Coordination of Humanitarian Activity and the Early Warning System in Tajikistan,” which specifically addressed the issue of PEAs. Muzafar Zaripov, the National Consultant on Migration for the UNDP-DRMP, presented a summary report on his visit to Moscow for the purpose of studying the situation of Tajik migrant workers and innovations in migration legislation. Muzafar Zaripov, a passionate supporter of the development of the system of PEAs believes that they should function free of charge for migrants; however the introduction of a number of for-fee services paid for on their behalf is also considered a possibility. He himself is the director of such an employment agency and plans future involvement in this business “in close cooperation with the IOM, the Migration Service, and the organisations ‘Opora Druzhby’ and ‘Opora Rossii’”.

Russian human rights activists from ADC Memorial presented concerns related to the system of organized recruitment and PEAs:

1. The principle of organized recruitment has been criticized by Russian experts as a bureaucratic and corrupt form of organizing labour.
2. The idea of a public-private partnership for organizing migration has potential for corruption, discrimination and criminality and places migrants in vulnerable positions in the labour market. While a citizen of the Russian Federation is able to seek work independently, migrants are recruited, delivered, settled somewhere, and controlled from A to Z by intermediaries. Dozens of incidents have been documented involving violations of the rights of migrants by firms and intermediaries;
3. The human rights impact of the control by intermediaries on migrants' movements, working conditions, and housing;

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<sup>50</sup> The ILO Private Employment Agencies Convention provides that the services of PrEAS should be free of charge for migrants; this condition became a cause for discussion on the Convention's adoption even among NGOs, since it risks destroying the stability of agencies, which are only just beginning to develop.

<sup>51</sup> Interview by FIDH and ADC “Memorial” with Z. Gadjeiev and the leader of the Resource Centre in Dushanbe, 3 May 2011.

4. So-called “diaspora leaders,” honorary consuls, and other individuals who are often involved in trafficking of the workforce will inevitably be drawn into the activity of PEAs.

The haste with which this law was adopted is also a concern, considering that only between 3% and 10% of migrants (by various estimates) go through an agency. Doubtless the aim of the Tajik authorities and international organisations is to facilitate “regulated” migration and make it more subject to state control. Centralisation and supervision of intermediaries is one means to supervise the significant financial transactions involved.

However existing laws already permit the establishment of private agencies and the investigation, prosecution and sanction of persons and legal entities for forced labour or other violations of migrant workers' rights; the main problem resides in ensuring implementation.

Besides the 1999 laws on migration and the law on licensing (“Law on Licensing Certain Types of Activity”), Article 335-2 of the Criminal Code establishes a criminal offence of “organising illegal migration”. An organisation can also be prosecuted for arranging “illegal transportation” and for job placement for migrants without a license to engage in that activity. This offence carries penalties ranging from fines, corrective work for periods of 6 months to 2 years and/or a prohibition on engaging in that activity for up to 3 years. However, this article is not rarely used as a basis for prosecution.

Cases concerning violations connected with job placement abroad rarely wind up in Tajik courts. The ILO and IOM state in a joint report: “Few cases relating to abusive practices in the context of employment abroad have been filed in courts. There are two reasons for this: Firstly, there is no special procedure for these types of cases. They are treated either as civil or criminal code cases and the militia and prosecutor’s offices are in charge of investigating alleged criminal activities. Secondly, court procedures are time consuming and expensive and migrants have little trust in law enforcement bodies of either source or destination countries.”<sup>52</sup> So preference is given to amicable settlement.

Laws prohibiting human trafficking could also be used to sanction such violations. In 2004 Tajikistan adopted a law “On combating human trafficking,” and the Criminal Code contains a number of relevant articles, especially Article 130 (kidnapping, including through deception), Article 130(1) (human trafficking for the purpose of exploitation), Article 131 (illegal confinement), Article 132 (illegal recruitment for exploitation) and Article 16 (child trafficking). These provisions generally provide for sentences of imprisonment from 5 to 8 years, or up to 20 years for serious crimes. Article 132 provides for a fine or imprisonment for up to 2 years.

The mission was unable to meet with representatives of the procuracy and could not obtain information about cases under investigation. However Tajikistan’s report on the implementation of the Migrant Workers' Convention contains information on 3 cases brought under Article 130 of the Criminal Code against the heads of firms that had deceived migrants with promises of work (OOO “Rustam,” “Vostok-Farm,” and “Poti AS”). However, only one of the 3 defendants was actually convicted; the other 2 cases were still under investigation as of September 2011.<sup>53</sup>

According to the state report on the implementation of the Migrant Workers' Convention, in the first 6 months of 2010, 13 people were criminally prosecuted under Articles 130, 130(1), 131, 132, and 167. In 2009 the number of persons prosecuted was 26; in 2008 it was 3, and in 2007 it was 53. In contrast, there are no data on the number of convicted persons nor the sentences received.

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<sup>52</sup> ILO, IOM, OSCE: Labour migration and the emergence of private employment agencies in Tajikistan: A review of current law and practice, p. 23

<sup>53</sup> Initial report on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 3 December 2010, CMWC/TJK/1

## Consulate network: Insufficient Protection

“When I have friends, what do I need the embassy for?” exclaimed Muhammadjon, with whom the mission met in Qurghonteppa, in response to the question of whether he had contacted the Tajik embassy in Moscow when he lived there. Migrants are generally sceptical about turning to the Tajik authorities for protection. This mistrust can be explained by the weak presence of consular authorities in Russia as well as by the way they work.

The presence of a chain of consular authorities across the territory of Russia is a necessary condition for the protection of migrants. In ADC Memorial’s experience, the lack of a consulate in St. Petersburg forces migrants from Tajikistan to go to Moscow for administrative issues. The situation becomes a Catch-22 if the migrant has lost his or her passport since in order to reach Moscow he or she must take a train or plane for which a passport is required.

Currently in Russia there is only a Tajik consulate in Moscow and a Consulate General in Ekaterinburg,<sup>54</sup> to which a representative of the MIA is posted to resolve migration issues. In St. Petersburg, as in other cities such as Kaliningrad, the functions of an honorary consul are performed by representatives of the Tajik diaspora, but they lack the authority to provide the necessary administrative services. The migrants in St. Petersburg are dissatisfied with the work of the so-called “honorary consul” in St. Petersburg, a not-quite official representative of the “Tajik diaspora,” who does not always help with obtaining documents. A lack of clarity concerning his legal status and mandate make it difficult to bring claims. Representatives of the Ministry of Foreign Affairs and the Migration Service with whom the mission met, mentioned the upcoming opening of a consulate in Ufa.<sup>55</sup> However, entire zones of Russia continue to be without access to Tajik consular services.

It is also necessary to improve the work of the consulates. Many divisions within the consulates handle the protection of migrants’ rights. Tajikistan’s report on the implementation of the Migrant Workers’ Convention states, “According to the Statute on the Representative Office of the Ministry of Interior Affairs for Migration to the Russian Federation, the Representative Office is responsible for protecting the rights and interests of migrants in the event those are violated by employers or members of the Federal Migration Service, the Ministry of Interior Affairs, or other relevant agencies of the Russian Federation.”<sup>56</sup> The same report states that representatives of the MIA and consular services have significant authority and that the “activity of the Representative Office of the MIA is more oriented toward assisting the consul in fulfilling his functions.” The Law on External Migration (see above) provides, moreover, for the creation of the position of a labour attaché at the embassy, who will be responsible for labour issues in the embassy and will have diplomatic status.

Tariffs for various services to Tajik citizens posted on the consulate sites in Moscow and St. Petersburg range from 100 to 500 rubles. However, many of those who spoke with the joint mission stated that consulate employees demanded bribes for prompt performance or to satisfy requests. M. relates difficulties with official representatives of Tajikistan in Russia. “My mother was murdered in Moscow in 28 February 2009. She worked at the market and had 15,000 or more on her. It’s possible it was a robbery. I was in Tajikistan at the time. We submitted an application to the police, but they demanded money from us. We also had problems with the body. The Tajik office wanted 15,000 rubles to expedite

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<sup>54</sup> See <http://www.tajgenconsul-eka.ru/main/>

<sup>55</sup> The opening of a consulate in Ufa has been announced since 2008 but has not yet occurred.

<sup>56</sup> Initial Report of the Republic of Tajikistan on the Implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 3 December 2010, CMW/C/TJK/1

repatriation. When I was at the Moscow airport the Tajik representative took 2,000 rubles from me and threatened to delay sending the body”.<sup>57</sup>

According to the advisor on political issues of the Tajik embassy in Moscow, with whom a representative of FIDH met in June 2011, the issue of migration is becoming an increasingly significant part of the embassy’s activity. According to the embassy representative, migrants may contact the embassy at any moment and the embassy provides support to migrants on legal questions (translation, attorneys) and acts as a contact person in cooperation with the police, the FMS, and the Ministry of Labour, or sends migrants in need of assistance to the appropriate NGO. It also tries to resolve problems with employers, even though the lack of employment contracts makes action problematic. It claims that it sends inquiries to the FMS and the Ministry of Labour but often receives no answer to these letters, which are simply ignored. Recently a council was created at the embassy, which included various NGOs that provide human rights protection to migrants from Tajikistan. Representatives of Russian NGOs, however, viewed the description of an active role by the embassy with great scepticism.

To all appearances, cooperation between NGOs and the embassy in Moscow does exist. For example, business cards with telephone numbers for emergency situations that are distributed to Tajik migrants include the numbers of 2 attorneys from NGOs, the number of the head of the embassy division for migration, and the representative of the Tajik Ministry of Internal Affairs. On the other hand this may represent a tendency by state agencies to attempt to discharge their duties onto the relevant NGOs.

In Dushanbe a representative of the Ministry of Foreign Affairs with whom the mission met noted that diplomatic notes are a very slow process and that civil society can react more quickly and effectively. However, while the Tajik authorities can and should work together with independent NGOs, they should under no circumstances rely on them to carry out the state's obligations, just as the Russian authorities should not ignore the requests of the Tajik authorities.

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<sup>57</sup> Interview by the joint mission of FIDH and ADC “Memorial” with M, Dushanbe, 2 May 2011

# VI. RECOMMENDATIONS

While existing legislation provides for mechanisms for protecting migrant workers, the government of Tajikistan should conduct a transparent policy of actively supporting its citizens abroad, with measurable results, and much greater focus is required on ensuring the implementation the measures announced.

The Russian government must simplify administrative procedures; effectively investigate; prosecute and sanction violations committed by employers, intermediaries and the police; simplify and humanize the system of supervision of migrants who find themselves in the Russian Federation without necessary documents; cease the practice of detaining migrants in “deportation centres” where conditions are comparable to prisons with the most severe regimes; provide opportunities to regularly employed migrants to extend their right to stay in the Russian Federation without having to leave and re-enter the country; and protect migrant workers from discrimination in the socio-economic sphere.

Protection of migrant workers from Tajikistan in Russia depends on cooperation between both governments. The significant degree of responsibility on the part of the Russian government in no way lessens the responsibility of the Tajik government, under international law, to ensure the protection of the rights of its citizens.

## Recommendations to the government of Tajikistan

- Provide help and support to Tajik migrant workers in Russia regardless of their legal status; refrain from using the expression “illegal migrant worker”;
- Provide increased access to consular assistance by extending consular representation;
- Enhance the capacity of labour departments of embassies and consulates to work with migrant workers, in particular by introducing into embassies at least one position for employment issues
- Severely curb the problem of corruption and extortion and do not permit denial of appropriate assistance in obtaining documents to migrant workers requesting assistance;
- Establish hotline assistance in the major areas of employment of Tajik migrant workers in Russia for migration and employment-related questions, and ensure that the hotline staff have training to provide relevant information and referrals to legal, social, and other services;
- Create shelter and crisis centres for migrant workers seeking refuge from violence and forced labour in their main regions of employment in Russia;
- Provide protection to Tajik migrant workers in their relations with the Russian police and justice system, in particular by observing trials or police interviews, offering translation services and ensuring contact with families;
- Provide migrants before departure with information on their rights and the resource mechanisms that exist in Russia through training centres, seminars, and disseminating information in railway stations, depots, and airports;
- Provide information to the population on the ICRMW and the rights set forth therein;
- Investigate and prosecute all agencies or individuals falsely using the symbol of the Tajik state to promote their services;

- Ensure the effective investigation, prosecution and punishment of employers, intermediaries and human traffickers responsible for violations of the rights of migrants; strengthen measures aimed at fighting forced labour and human trafficking; and provide regular information on the numbers of prosecutions and convictions for these crimes;
- Ensure that the process of drafting legislation is open and transparent and includes consultation with civil society and that draft laws can be readily accessed on institutional web sites;
- Ensure that training of migrants does not replace measures required to improve the general operation of the educational system; ensure that schools provide high quality training, including the learning of a foreign language;
- Within the new migration council, ensure that questions of asylum and refugees are separated from questions of labour migration and ensure the independence of the commission and its members;
- Make a declaration under article 77 of the ICRMW to allow the Committee on Migrant Workers to receive and consider individual complaints.

## Recommendations to the governments of Tajikistan and Russia

- Increase cooperation in the fight against forced labour and human trafficking;
- Make reference in all agreements signed to the UN Conventions ratified by the two States and ILO Conventions;
- Continue negotiations in order to reach agreement enabling migrant workers to have access to effective social protection and decent pensions;
- Implement existing legal agreements in order to ensure that persons working or resident in Russia pay support to their wives and families remaining in Tajikistan, in accordance with court orders in Tajikistan;
- Implement existing agreements in order to ensure that Tajik migrant workers benefit from fair working conditions and remuneration on an equal basis with Russian nationals;
- Develop collaboration between the Human Rights Ombudsmen of the two countries;
- Initiate negotiations in order to reduce the cost of administrative procedures for migrants in Russia, in particular for medical care and issuance of patents;

## Recommendations to the government of Russia

- Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Ratify ILO Convention No. 97 of 1949 concerning Migration for Employment and ILO Convention No. 143 of 1975 concerning Migrant Workers (Supplementary Provisions);
- Increase the flexibility of the registration and quota system, including by enabling migrants to legalize their stay on a declaratory basis and to obtain work permits for longer periods (three to five years) with the subsequent possibility of permanent regularization in the country;
- Abolish the necessity for employers to obtain special authorization to employ migrant workers;
- Ensure that migrant workers have access to effective appeals against deportation and that detention and deportation of migrant workers are conducted in full compliance with Russia's human rights obligations;

- Exercise strict control over private entities to ensure fair social and employment conditions, including remuneration, on an equal basis with nationals, for migrant workers;
- Prosecute all private agencies and individuals falsely using the symbols or names of the Federal Migration Service and other official Russian bodies to promote their services;
- Abolish the necessity for employers to get special authorization to employ migrant workers;
- Guarantee equal pay to migrant workers and Russian citizens;
- Rigorously enforce the legal requirement for employers to provide written employment contracts to workers, including migrant workers;
- Introduce mandatory medical insurance for employers of foreign workers and sanctions for avoiding this obligation;
- Ensure equal protection and access to redress mechanisms for all migrant workers, including those without employment contracts; ensure that national courts can review labour conflicts in the absence of an employment agreement;
- React promptly and effectively to all requests or diplomatic correspondence from the Tajik consulate, embassy and other state bodies;
- Train law enforcement agencies to effectively investigate complaints made by migrant workers, both criminal and labour law complaints;
- Rigorously investigate, prosecute, and sanction employers who confiscate passports, withhold wages, and force employees to work illegal overtime or commit other violations of Russian and international human rights law;
- Reform legislation in order to enable migrant workers to form trade unions;
- Cease to oppose the creation of trade unions of migrant workers and create legal mechanisms protecting the rights of foreign workers through the union movement;
- Effectively investigate all hate crimes; cease considering attacks on foreign workers as ordinary “brawls” and correctly identify the motive for the attacks and consider it to be an aggravating factor;
- Work to prevent xenophobia, including among law enforcement officials;
- Ensure that detention conditions are humane and in accordance with international law. Refrain from detaining those who violate migration laws in ordinary jails, isolators, or police precincts.

# APPENDICES

## List of International Conventions Ratified By Tajikistan

<b>Convention</b>	<b>Date of ratification</b>
International Convention on the Elimination of All Forms of Racial Discrimination	11 January 1995
International Covenant on Economic, Social and Cultural Rights	4 January 1999
International Covenant on Civil and Political Rights and Optional Protocol	4 January 1999
Convention on the Elimination of All Forms of Discrimination against Women	26 October 1993
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	11 January 1995
Convention on the Rights of the Child	26 October 1993
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in armed conflict	5 August 2002
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	5 August 2002
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	08 January 2002
ILO Convention 97	10 April 2007
ILO Convention 143	10 April 2007



## List of persons met by the mission

### National authorities

- Muzaffar K. Ashurov, Head of Department of the Constitutional warranties of citizen's rights, Executive office of the President of the Republic of Tajikistan
- Safialo Devonaev, Colonel, Chief of Migration Service of the Republic of Tajikistan
- M.A. Jalolov, Director General, International Organizations Department, Ministry of Foreign affairs
- Narzullo S. Narziev, Director, Department for Social Protection, Labour and Migration, Qurghonteppa

### Diplomatic missions

- Eduard Auer, Ambassador, Head of Delegation of the European Union to the Republic of Tajikistan
- Henri Zipper de Fabiani, French Ambassador to the Republic of Tajikistan
- Victor V. Sebelev, Head of Representation of the Federal Migration Department in the Republic of Tajikistan

### International organizations

- Zeynal Hajiyev, Chief of mission in Tajikistan, International Organization for Migration
- Sobir Aminov, National Coordinator in Tajikistan, International Labour Organization

### NGOs and Experts

- Nargis Zokirova, Director, International Bureau for Human Rights and Rule of Law, Dushanbe
- Tatiana Borzikova, expert on gender issues, “Panorama”, Dushanbe
- Asadullo Zirikhudoev, Chairman, Society of persons with disabilities, Dushanbe
- Sergey Romanov, Director, Independent Centre for Human Rights Protection, Dushanbe
- Gulchehra Rakhmanova, Legal Project Manager, Child Rights Centre, Dushanbe
- Kahramon Sanginov, Law Program Coordinator, Open Society Institute Assistance Foundation in Tajikistan, Dushanbe
- Mavliuda Teshabaeva, Association of Women Migrants, Dushanbe
- Zebo Sharifova, League of Women Lawyers, Dushanbe
- Nurmakhmad Khalilov, Director, and Nodira Abdullaeva, Head of analysis department, Human Rights Centre, Dushanbe
- Akram Aksakalov, Tajik International Bureau for Human Rights and the Rule of Law, Qurghonteppa
- Yusuf Makhmedov, “Rushd”, Qurghonteppa
- Muzafar Zaripov, Director, Migration and development, Dushanbe
- Muzaffar Olimov and Saodat Olimova, Sharq Research Centre, Dushanbe
- NGO Working Group on the United Nations Universal Periodic Review, Dushanbe

### Migrant Workers (anonymous) in Dushanbe and Qurghonteppa

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Anti-Discrimination Centre MEMORIAL

## ADC Memorial

**The NGO Anti-Discrimination Centre MEMORIAL was registered on May 14th, 2007 and continued work on a number of human rights and anti-discrimination projects that were previously coordinated by the Charitable Educational Human Rights NGO "MEMORIAL" of St. Petersburg.**

The Mission of ADC Memorial is the defense of the rights of people who are subject to discrimination (advocacy, legal assistance, research, and publications). For the last seven years Memorial has carried out monitoring of Roma rights, producing both human rights reports and recommendations, as well as providing direct legal and psychological assistance to the victims of racism

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**Anti-Discrimination Centre MEMORIAL** 25/14 7th Krasnoarmeyskaya St., Office 413 St. Petersburg, Russia 190005  
Tel. +7 (812) 317 89 30 - Tel./fax +7 (812) 575 90 50 - Email: stephania@memorial.spb.ru - Website: www.memorial.spb.ru

#### FIDH - International Federation for Human Rights

17, passage de la Main-d'Or - 75011 Paris - France  
CCP Paris: 76 76 Z  
Tel: (33-1) 43 55 25 18 / Fax: (33-1) 43 55 18 80  
www.fidh.org

Director of the publication: Souhayr Belhassen  
Editor: Antoine Bernard  
Authors: Amandine Regamey, Stephania Kulaeva  
Coordination: Alexandra Koulaeva, Vanessa Rizk, Katherine Booth  
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of person. Article 4: No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 6: Everyone has the right to recognition everywhere as a person before the law. Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination. Article 8: Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law. Article 9: No one shall be subjected to arbitrary arrest,

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