



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Distr.: General
8 April 2019

Original: English

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Thirtieth session

Summary record of the 416th meeting

Held at the Palais Wilson, Geneva, on Thursday, 4 April 2019, at 10 a.m.

Chair: Mr. Tall

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Second periodic report of Tajikistan (continued) ([CMW/C/TJK/2](#); [CMW/C/TJK/Q/2](#) and [CMW/C/TJK/Q/2/Add.1](#))

1. *At the invitation of the Chair, the delegation of Tajikistan took places at the Committee table.*
2. **Mr. Rahmon** (Tajikistan) said that foreign nationals resident in Tajikistan enjoyed the right to freedom of movement and expression on an equal basis with Tajik nationals. There had been no reports of discriminatory violations of those rights by law enforcement or other public agencies in the country. Tajik and foreign nationals also had equal rights to freedom of association. The authorities had received no reports of arbitrary detention of foreign migrant workers in Tajikistan. An appropriate response would be given to reports of any such conduct.
3. The Migration Service had representative offices throughout the country and was consulted by foreign and Tajik nationals alike. Complaints or inquiries submitted to the Ministry of Labour, Migration and Employment in recent years had concerned issues such as expulsion orders, travel bans and non-payment of wages. Nearly 6,600 work permits had been issued to foreign nationals in 2018. In 2018, 312 offences had been committed by foreign nationals in Tajikistan; 152 of the offenders had ultimately been expelled.
4. A bill on labour migration would provide for the licensing and oversight of the private agencies that recruited Tajik nationals for employment abroad. The persons responsible for two such agencies, which had been sending Tajik workers to Saudi Arabia illegally, had faced charges in 2018. Law enforcement agencies in Tajikistan, including the Prosecutor General's Office, cooperated with their counterparts abroad to investigate killings of Tajik migrant workers in their host countries. In 2018, there had been 27 such killings, a drop of more than 50 per cent since 2012. Investigations in the host countries were monitored by the Tajik diplomatic missions. Tajik officials, including the Prosecutor General and representatives of the Ministry of Internal Affairs, often discussed migration issues with their counterparts from the Russian Federation and other States with significant populations of Tajik migrant workers.
5. The Interdepartmental Commission to Combat Trafficking in Persons, which had been established in 2005, helped to formulate public policy, made recommendations geared towards enhancing the effectiveness of the steps public agencies took to combat trafficking, analysed the trafficking phenomenon, coordinated the anti-trafficking activities of the commissions that had been set up in the country's administrative regions and participated in the drafting of international instruments related to trafficking. The government institutions involved in combating trafficking in persons were the Prosecutor General's Office, the Ministry of Internal Affairs, the State Committee on National Security and the Customs Service. Representatives of non-governmental organizations (NGOs) attended the Commission's meetings. A national plan to combat trafficking in persons had been adopted in 2016 and, as a result of that plan and related efforts, the number of cases of trafficking in persons recorded had fallen.
6. Law enforcement agencies, in cooperation with NGOs, provided legal and material assistance to victims of trafficking in persons. Psychological support was also provided to aid their recovery. Victims could decide for themselves whether or not they wished to help the authorities to build a case against their suspected traffickers. Every year since 2013, small numbers of victims, always fewer than 20, had been helped to return to Tajikistan. In general, the number of returning victims had been falling. Between 2012 and 2018, 92 victims had been referred to the International Organization for Migration's rehabilitation centres in Tajikistan. Women and children who were victims of trafficking were given priority, and child victims were helped to continue their education, including in higher learning institutions.

7. Refugees from Afghanistan tended to be from northern Afghanistan. They spoke Dari, which was almost identical to Tajik. Their situation with respect to the law was determined by the Legal Status of Foreign Nationals Act. More information about Afghan refugees would be provided in writing in due course.

8. Tajikistan and the Russian Federation had entered into a number of agreements relating to cooperation in various areas related to labour migration, including, for example, pension rights.

9. **Ms. Taghoizoda** (Tajikistan) said that foreign nationals in Tajikistan had the same rights and obligations under labour law as Tajik nationals. Foreign nationals could have short- or long-term employment contracts, and the terms of the work permits issued to them were in line with the terms of their employment contracts. Nearly 4,000 Afghan nationals had been registered by the authorities. More than half had refugee status and, as a result, were not required to apply for work permits. There was a system of annual caps on the number of Afghan migrant workers authorized to work in Tajikistan. In 2018, 427 Afghan nationals had been issued work permits under the system. Eighteen had received work permits in early 2019, a year for which the cap had been raised to 550.

10. More than 200,000 Tajik nationals had been banned from readmission to the Russian Federation. Most had become subject to the ban after amendments to the migration laws of the Russian Federation made in 2015 and 2016. Although a 2018 amnesty had enabled more than 100,000 Tajik nationals to regularize their status in the Russian Federation, many still encountered problems, as there had been little time to inform potential beneficiaries of the steps that had to be taken to qualify for the amnesty. The Government was making every effort to ensure that the re-entry bans to which Tajik workers had been subjected were lifted. It never missed an opportunity to make its views on the matter known.

11. Efforts were also being made to help persons who had been banned from readmission to the Russian Federation to find work. Thousands of infrastructure projects would be launched in preparation for the commemoration of the thirtieth anniversary of the country's independence and work on many of those projects would be done by Tajik labourers who had been banned from re-entry to the Russian Federation and other neighbouring countries.

12. **Ms. Hasanzoda** (Tajikistan) said that women accounted for a much larger percentage of workers – indeed, large majorities – in the health and education sectors than they had in 1991, when Tajikistan had gained independence. Although polygamy had been prohibited by law, in a survey conducted in 2017 around 3 per cent of the female respondents had indicated that their husbands had second families. Tajik consulates could register the births of children born abroad to Tajik migrants and issue the corresponding birth certificates and other official documents.

13. Tajikistan was a mountainous country with a great deal of mineral wealth, including significant deposits of zinc, bismuth, tungsten, molybdenum, lead, silver, gold, mercury, antimony, aluminium and other minerals. Tajikistan produced approximately 100,000 tons of aluminium a year, equivalent to 0.2 per cent of world output. The country's cotton farmers could bring in as much as 450,000 tons of cotton a year, and the annual cotton harvests accounted for more than 2 per cent of gross domestic product. The country had plans to increase the small percentage of its cotton output that was ginned domestically. Market gardening was a common small-scale activity, and domestic producers grew all the fruit and vegetables consumed on the domestic market. Fruit and vegetables – in particular onions – were also exported.

14. **Mr. Sattorzoda** (Tajikistan) said that a policy was in place to ensure that international treaties were applied on a par with national legislation.

15. **Mr. Bobozoda** (Tajikistan) said that legislation concerning the Ombudsman's Office had been adopted in 2018. The Office had been accredited with B status under the Paris Principles; work towards achieving A status was under way. The Office produced annual reports on its activities and issued recommendations. A document on the protection of human rights had been prepared for the period 2016–2020 and included the rights of migrant workers among its eight priority areas. The data collected from the 179 specialized labour monitoring

missions and 24 monitoring exercises conducted by the Ombudsman's Office had enabled the authorities to identify gaps between legislation and practice.

16. **Mr. Khamidov** (Tajikistan) said that his country's consular offices provided a range of services to Tajik nationals and ensured that they were able to exercise their rights and address violations thereof in line with the legislation in force in their host country. Consular officials also engaged in negotiations with representatives of host countries on migration-related issues. In addition to issuing identity and civil registration documents, consular staff visited Tajik nationals in detention and assisted them in upholding their rights in court. During the reporting period, the Government had opened two additional consular offices in the Russian Federation and appointed three honorary consuls.

17. **Mr. El-Borai** asked whether the bilateral agreements concluded with Qatar and the United Arab Emirates accorded migrant workers the right to equal remuneration and social security on a par with citizens of those countries and the right to family reunification.

18. **Mr. Frasher** said that he wished to learn about the assistance returning migrants received to help them to reintegrate into Tajik society. He would appreciate information on the skill sets they brought to the State party and the types of businesses they established. He would also welcome further details of the action being taken by the relevant authorities in the State party and in the Russian Federation to give effect to the right to family life for migrant workers, and of the policies in place to guarantee the economic and social integration of family members who remained in the State party when workers migrated.

19. **Mr. Soualem** said that he would like to know whether the bilateral agreements the State party had concluded took into account family reunification issues. He invited the delegation to comment on any plans to open schools for the children of Tajik nationals working in other countries and on how pensions were calculated for Tajik migrant workers who returned to the State party upon retirement. It would be useful to learn how many consular offices the State party operated, particularly in the Russian Federation and Kazakhstan. He also wished to know how many readmission agreements the State party had concluded, both for nationals of other countries working in the State party and for Tajik workers abroad.

20. **Mr. Botero Navarro** said that he would be grateful to receive the most recent figures for the number of migrant workers present in the State party, including details of their nationalities and the proportion that were in an irregular situation. It would be useful to receive clarification on the procedures in place to deal with migrant workers from the former Soviet Union who had become stateless, including the administrative penalties that they might face.

21. He would be interested to hear about the main forms of trafficking in persons that occurred in the State party and the nationalities that were mainly affected. It would be helpful to receive disaggregated statistics for the previous five years on the number of victims of trafficking in persons, as well as the number of complaints received, investigations conducted and convictions handed down. The Committee would likewise appreciate information on the measures in place to protect victims of trafficking in need of international or subsidiary protection from expulsion.

22. He would be grateful to receive details of the steps the State party was taking to ensure that migrant workers were able to challenge court decisions on an equal footing with nationals of the State party, particularly with regard to access to interpretation and legal assistance.

23. The Committee would also like to be informed about the procedures under which asylum seekers could be detained or expelled from the State party. Further details would be welcome concerning the restrictions on freedom of movement that migrant workers present in the State party faced.

24. It would be useful to hear about the reintegration policies in place for migrant workers who were returning to the State party or had been prevented from returning to neighbouring countries.

25. Lastly, he wished to know whether the State party planned to make the declaration provided for in articles 76 and 77 of the Convention to recognize the competence of the Committee to receive communications from States parties and individuals.

26. **Mr. Ünver** (Country Rapporteur) said that he would be grateful for details of how the State party intended to prevent a repeat of events such as those that had occurred at Aksarayaskaya station in the Russian Federation in November 2017, when 150 migrant workers returning to Tajikistan had been detained and subjected to ill-treatment. He would also appreciate the delegation's comments on the case of Umarali Nazarov, a baby who had died after being forcibly separated from his mother in the Russian Federation in October 2015.

27. **Mr. Taghi-Zada** (Country Rapporteur) said that it would be helpful to receive details of the number of persons who had migrated from the State party to the Russian Federation in 2018, with or without having completed a migration card.

28. He would appreciate information on the relationship between the Ombudsman's Office and the authorities of large cities in the Russian Federation, including Moscow and Saint Petersburg.

29. The Committee would also be grateful for clarification of the number of Tajik migrants residing in the Russian Federation who had voted in the presidential elections at one of the State party's consular offices.

30. **The Chair** said that the Committee would welcome further information on the different ways in which the cooperation agreements that the State party had signed with the Russian Federation guaranteed the rights of Tajik citizens. For example, it would be useful to know whether the agreements were designed to ensure that migrant workers could access services such as education, vocational training, housing, health care and trade unions. In particular, details of any specific measures that had been taken to ensure that the children of migrant workers could access education in the Tajik language or to facilitate family reunification would be much appreciated.

The meeting was suspended at 11.20 a.m. and resumed at 11.45 a.m.

31. **Mr. Rahmon** (Tajikistan) said that, over the course of 2018 and the first quarter of 2019, a total of 13 criminal cases involving human trafficking had been opened against 15 individuals in Tajikistan. The 33 victims in the cases had all been women. So far, six of the cases had been referred to the courts, leading in each case to a successful conviction resulting in the perpetrators being handed prison sentences of between 4 and 10 years.

32. Over 90 per cent of registered Tajik citizens living in the Russian Federation had voted in the Tajik presidential elections in 2013.

33. **Ms. Taghoizoda** (Tajikistan) said that, under the bilateral agreements signed with Qatar, Tajik migrant workers would be entitled to the same levels of pay as Qatari citizens and would be free to return home at any time if they needed to be with their families. Their employers would provide them with housing and medical insurance and would cover the travel costs of one trip to Tajikistan per year for each employee. On the other hand, the bilateral agreements made no provision for pension rights to be accorded to migrant workers. The same was true of the agreements governing the rights of Tajik migrant workers in the Russian Federation, although for several years the State had been working with the Ministry of Labour and Social Protection of the Russian Federation to draft the provisions necessary to guarantee pension support for its citizens. Talks on the matter were scheduled to resume at the next meeting of the working group on the provisions of the intergovernmental agreement on the employment of citizens of the Russian Federation in Tajikistan and of Tajik citizens in the Russian Federation.

34. The Government was aware of the important role that bilateral coordination could play in promoting the rights and interests of Tajik citizens living in other countries. It had recently signed a new agreement on readmission with Kazakhstan and had renewed an existing agreement providing for an extension to the number of days that Tajik citizens were entitled to stay in the country without registering with the Kazakh authorities. With the Russian Federation, new agreements on readmission, the exchange of migrant data and the

organized recruitment of Tajik citizens had been drafted. In application of the latter, a pilot project involving the recruitment of Tajik citizens to work in Saint Petersburg and other Russian regions had been scheduled. The two countries were also close to reaching a bilateral agreement to establish an office of the Tajik Ministry of Labour, Migration and Employment in the Russian Federation and an office of the Russian Ministry of Internal Affairs in Tajikistan. Talks were under way on a proposal to extend the period that Tajik citizens were permitted to stay in the Russian Federation before registering with the authorities to 30 days – which was the length of time established under the renewed agreement with Kazakhstan – and to extend the amount of time that Tajik migrants with temporary residence status were permitted to spend annually in the Russian Federation to 180 days.

35. The Government had also requested another migration amnesty for Tajik citizens in the Russian Federation and a reduction in the cost of the short-term work permits issued to migrant workers that were known as “patents”. Its overarching goal in the bilateral negotiations with the Russian Federation was to protect the interests of its citizens in a country that served as the final destination for over 90 per cent of migrant workers leaving Tajikistan. At the request of the Tajik diaspora in that country, the Government had taken steps to establish schools where children would be taught in the Tajik language. The first such school had already opened in Moscow. Elsewhere in the country, there were Sunday schools that regularly hosted events celebrating Tajik culture.

36. The number of Tajik citizens leaving to work in other countries had decreased since 2014, in no small part thanks to measures taken to boost employment in the country. For example, the Government had launched a programme to help returnees who had been banned from re-entering another country to find employment. That task had been made easier by the State’s strong record on job creation: approximately 165,000 new posts had been created in the country in 2018, around half of which were permanent. Many of those jobs had been generated by the construction of a new power station and a series of other infrastructure projects that were scheduled to be completed in time for the celebrations to mark 30 years of independence in 2021. The Government recognized that returnees could play an important role in the development of the country. Migrant workers gained vocational skills abroad that they shared with colleagues and members of their families when they returned. The Labour and Employment Agency had issued loans at discounted rates to over a thousand returning migrants to enable them to set up their own businesses and thereby create more jobs.

37. One of the duties of the Ministry of Labour, Migration and Employment was to help migrant workers who had been expelled from their country of residence. The Ministry provided both legal assistance and the services of lawyers, and there had been cases where its interventions had led to the overturning of court decisions ruling deportation or expulsion or banning the individual from re-entry to the country in question. At the domestic level, operations were conducted twice a year to identify migrant workers in an irregular situation. In 2018, those operations had uncovered a total of 312 foreign nationals working in the State without the required documentation.

38. The delegation did not agree with the suggestion that the actual number of Tajik migrant workers living abroad was higher than the number given by the Statistics Agency. The Agency’s figures were based on the number of citizens both leaving and entering the country and took into account the fact that not everyone who left the country for work-related reasons was a migrant worker. Indeed, many Tajik citizens left on short-term assignments, for business visits or to do seasonal work, and therefore remained permanent residents of Tajikistan. The Russian Federation produced its own statistics on the number of Tajik citizens who had received permission to reside and work in its territory, on both a temporary and permanent basis. However, in all likelihood those figures were too high because they made no allowance for cases where individuals had left the Russian Federation and then returned, and had therefore been registered twice.

39. **Ms. Hasanzoda** (Tajikistan) said that data from the Russian Federation relating to migration in the period 2010–2018 indicated that just over 2.3 million Tajik nationals had entered the Russian Federation. Some 86,000 of those migrants had acquired permanent residence. Not all Tajik nationals entering the Russian Federation were migrant workers: a significant number had travelled in a private capacity, on business trips, as tourists or students, or for religious purposes. For those travelling to work in the Russian Federation,

standard work permits were issued for three years, while short-term work permits, or “patents”, were issued for a three-month period, after which migrants were obliged to leave before they could re-enter the country. Almost 500,000 persons had acquired patents. Because migrants leaving at the end of their three-month stay did not necessarily return to Tajikistan before re-entering the Russian Federation, their multiple entries might skew the statistics. Discrepancies in the statistics could also be due to changes to the migration card system in the Russian Federation. A significant number of migrants had been in the Russian Federation for more than a year and were therefore not included among the nearly 500,000 persons recorded as having left Tajikistan for the Russian Federation in 2018. The migration figures from a workforce survey conducted in 2016 indicated that some 700,000 Tajik nationals were migrants.

40. The fall in migration to the Russian Federation could be explained by the economic situation in the host country, the exchange rate and recent changes to migration policy in the Russian Federation, as well as rising costs. At the same time, the improved situation in Tajikistan could be encouraging people to stay, to benefit from increasing job creation, especially in the construction sector.

41. As far as migrants’ level of education was concerned, the vast majority – around 84 per cent – had completed secondary education, although only 6.5 per cent had completed vocational studies. A large proportion of migrant workers were employed in the service industry.

42. A recent survey that had examined the reintegration of migrant workers returning to Tajikistan had shown that 36 per cent returned voluntarily. The rest returned for family or health reasons or because their contracts had either expired or been terminated and they had been unable to find other work. A small percentage returned because their wages had not been paid or they had overstayed their permit period and had been deported.

43. Only a small percentage of labour migrants were women. Around 40 per cent of the female respondents in the survey had indicated that they were not aware of their rights. A little under a third had had access to medical insurance and just over 20 per cent had benefited from paid leave. Other rights mentioned included sick leave, paid maternity leave, compensation in case of injury and unemployment benefits. Just under half of the women surveyed had returned of their own accord. The rest had returned for family, health or contract-related reasons or because they had been deported.

44. The survey had also collected information on the exploitation of migrants. Of those surveyed, 29 per cent had been paid lower wages than nationals of the host country, 25 per cent had been paid late, and a small percentage had been exposed to hazardous working conditions or had been denied sick leave.

45. **Ms. Taghoizoda** (Tajikistan) said that although cases involving violations of migrants’ rights sometimes remained unsolved, all were properly investigated and the authorities of Tajikistan and the host State cooperated as required. The Nazarov case had been investigated thoroughly and had entailed cooperation between officials, experts and consultants in the Russian Federation and in Tajikistan. Experts had confirmed that the death was unavoidable and no fault had been found with the actions of the law enforcement officials or doctors.

46. The Government of Tajikistan and the authorities of the Russian Federation had also worked together to resolve the incident involving Tajik nationals who had been stranded at Aksaraykaya station in the Russian Federation with no money to get home, after being thrown off a train. The Tajik authorities had stressed that such incidents were unacceptable. Ultimately, the head of the railway company had used company funds to organize train travel back to Tajikistan for the stranded migrants. Cooperation between the Tajik authorities and their counterparts in the Russian Federation, including the Ministry of Internal Affairs, was guaranteed in all such cases pursuant to an agreement and protocol signed in 2014.

47. **Mr. Bobozoda** (Tajikistan) said that, between 2015 and 2016, a branch of the Ombudsman’s Office had operated in Sverdlovsk province in the Russian Federation on a pilot basis. The branch had examined some 3,500 complaints, including problems experienced by migrant workers, and had cooperated with offices in other regions of the

Russian Federation. There were plans to establish more such branches in order to provide better protection for the rights of Tajik citizens. The Ombudsman's Office had concluded cooperation agreements with the national human rights institution of the Russian Federation and with the ombudsmen of various Russian regions. Furthermore, a number of Central Asian States had recently entered into an agreement to create a council of central Asian human rights ombudsmen.

48. **Mr. Khamidov** (Tajikistan) said that there were consular offices in Kazakhstan and four consulates in the Russian Federation, including in Moscow, Saint Petersburg and Yekaterinburg. As the network of consulates could not cover all cities, an honorary consul system had been developed. There were currently three honorary consuls in the Russian Federation, including one in Kaliningrad, and additional appointments were planned.

49. For the previous presidential elections, 24 voting districts had been established in the Russian Federation and mobile polling stations had travelled to areas with a large Tajik community where there were no permanent polling stations. Those measures had facilitated participation in the elections for migrant workers and other Tajik citizens.

50. **Mr. Rahmon** (Tajikistan) said that there were currently around 6,800 foreign migrant workers in Tajikistan, the majority of them from the People's Republic of China. He wished to add that, in court cases related to human trafficking, victims always had access to interpretation services and documentation printed in their own language.

51. **Mr. Ünver** said that the Committee had appreciated the constructive dialogue with the State.

52. **Mr. Taghi-Zada** said that the State party had made great advances in protecting and promoting the rights of migrant workers and their families since the submission of its previous report, including through legislative measures and regulatory mechanisms. Nevertheless, room for improvements remained, particularly to address the significant discrepancies in statistical output, which could be attributed, inter alia, to the use of different definitions and categorizations. There was therefore a need to review terminology and legal definitions. While the Committee understood the challenges facing the State, reliable and accurate statistical data were essential to policy development. More detailed information on the electoral participation and voting rights of Tajik nationals residing abroad was also needed.

53. The Committee hoped that the State would take its comments on board and would implement its recommendations. It had particular concerns, for example, regarding the agreements signed with the authorities of Qatar and Saudi Arabia, which were based on the latter's more austere laws and could undermine the rights of Tajik nationals working in difficult situations in those countries.

The meeting rose at 1 p.m.