



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

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

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

Second periodic reports of States parties due in 2017

Tajikistan*

[Date received: 2 May 2017]

* The present document is being issued without formal editing.



I. Introduction

1. This report is the second periodic report of Tajikistan to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families concerning the country's observance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
2. The report has been drawn up in accordance with the general guidelines on the form and content of periodic reports and covers the period from 2012 to 2017.
3. The periodic report includes responses to the concluding observations of the Committee on the initial report of Tajikistan, adopted by the Committee at its 201st meeting on 26 April 2012 ([CMW/C/TJK/CO/1](#)).
4. The report is based on the results of analysis of the progress made in realizing the National Action Plan for 2013-2017 to implement the recommendations of the Committee, approved by the Chair of the Government Commission on International Human Rights Obligations on 28 June 2013. Updates on the implementation of the Plan are prepared every six months and sent to State bodies and civil society representatives.
5. The report was drawn up by a working group of the Government Commission on International Human Rights Obligations.
6. During the preparation of the report, the working group consulted widely with representatives of State bodies and civil society institutions. The draft report was presented on 14 April 2017, with the participation of representatives of the executive and judicial branches, law enforcement agencies, the Office of the Commissioner for Human Rights, academic circles, international organizations and civil society organizations. The recommendations of stakeholders were taken into account in the preparation of the final version of the State party report.

II. Information of a general nature

General economic and sociopolitical situation in the field of labour migration

7. The Government is carrying out measures in the field of labour migration, in accordance with the Migration Act and the National Development Strategy 2016-2030. The National Strategy establishes that these measures are aimed primarily at streamlining labour migration processes, optimizing the advantages of organized labour migration, and improving social and legal support for migrant workers in Tajikistan and abroad.
8. According to data on the entry and exit of citizens across the State border in the first quarter of 2017, 112,810 Tajik migrant workers departed for other countries, a decrease of 31,509 people (22 per cent) compared with the same period in 2016. Of the total number of migrant workers, 110,193 people departed for the Russian Federation and 2,617 for Kazakhstan. During this period, 84,297 Tajik migrant workers returned to Tajikistan, an increase of 16,920 people (25 per cent) compared with the same period the previous year.
9. Recognizing the scale of female labour migration from Tajikistan, the Government has also begun to consider developing a gender-based approach to the issue. Research in Tajikistan on respect for the rights of female migrant workers in their countries of origin and destination has helped to produce more reliable data on the problems they encounter. The results have highlighted an increase in female labour migration in Tajikistan in recent years. In this connection, a number of donor organizations working with the Government and relevant State agencies have set up a labour migration programme that has components on improving legislation to take account of gender specificities and providing a wider range of services for migrant

workers and members of their families, giving regard to gender at all stages of the migration cycle.

10. Increased attention is being paid to establishing cooperation between Tajikistan and the Russian Federation in the field of labour migration. Work is currently being carried out on the following projects:

- An agreement between the Government of the Russian Federation and the Government of Tajikistan on cooperation in the field of migration
- An agreement between the Government of the Russian Federation and the Government of Tajikistan on readmission and an executive protocol on the procedure for its implementation
- An agreement between the Government of the Russian Federation and the Government of Tajikistan on the organized recruitment of Tajik citizens for temporary employment in the territory of the Russian Federation
- A treaty between the Russian Federation and Tajikistan on cooperation in pension provision

11. With a view to strengthening cooperation in the exchange of information on labour market conditions, including on the demand for labour in the Russian Federation, and other collaborative efforts, an agreement on labour and employment was signed on 27 February 2017 between the Ministry of Labour, Migration and Employment of Tajikistan and the Ministry of Labour and Social Protection of the Russian Federation.

12. The leaders of both States agreed to assist Tajik citizens who had committed minor administrative offences in the Russian Federation and had been temporarily denied entry to that country by removing them from the list of banned persons. Agreement was also reached on legalizing the status of Tajik citizens currently in the Russian Federation who have exceeded their permitted length of stay. Pursuant to these agreements between the leaders of the two States, the General Directorate for Migration of the Ministry of Internal Affairs of the Russian Federation decided to hold a migration amnesty for Tajik citizens from 25 March to 24 April 2017.

13. A joint working group has been set up to implement the provisions of the Agreement between the Government of Tajikistan and the Government of the Russian Federation on employment of citizens of the Russian Federation in Tajikistan and of Tajik citizens in the Russian Federation and protection of their rights, of 16 October 2004; the group meets every six months.

14. The Ministry of Labour, Migration and Employment of Tajikistan has signed a number of inter-institutional agreements on cooperation with State institutions in the Russian Federation. In order to develop a skilled workforce, close cooperation has been established at the interregional level between educational institutions in Tajikistan and the Russian Federation. There are currently Tajik citizens studying in the primary and secondary vocational education system in Tomsk and Penza provinces in the Russian Federation. In cooperation with the administration of Saint Petersburg, joint centres have been opened in Saint Petersburg and Leningrad provinces to organize the recruitment of migrant workers for industrial enterprises.

15. The curricula and programmes of primary and secondary vocational education institutions include classes on the Russian language and the history and basic legislation of the Russian Federation. In addition, short courses in the Russian language are organized for migrant workers at all educational institutions under the Ministry of Labour, Migration and Employment. In close cooperation with institutes of higher education in the Russian Federation, testing centres for migrant workers departing for work in the Russian Federation have been opened and are operating successfully.

16. The Migration Service has four State institutions in the regions that provide guidance and prepare migrant workers before they leave the country. During the

first quarter of 2017, these centres held 150 meetings for migrant workers in which 15,207 citizens participated. Over this period, questionnaires completed by 162 migrant workers wishing to work abroad were processed. On the basis of interviews with migrant workers carried out by employers as part of organized recruitment efforts, 85 citizens were employed by enterprises in the Russian Federation.

17. Within the framework of cooperation between Tajikistan and the Russian Federation in the field of labour migration, representative offices of the migration authorities of the two States are in operation in both countries. The activities of the office on migration of the Ministry of Labour, Migration and Employment of Tajikistan in the Russian Federation are aimed at protecting the rights and interests of Tajik citizens in the Russian Federation, in cooperation with the Embassy and consulates of Tajikistan.

18. Employees of the Ministry's office on migration in the Russian Federation, together with national civil society associations and the Tajik diaspora, carry out significant outreach work in the Russian Federation among migrant workers from Tajikistan on legal stay and gainful employment in the Russian Federation.

Labour migration by foreign citizens to Tajikistan

19. The Migration Service carries out its activities relating to labour migration by foreign citizens to Tajikistan in accordance with the Act on the Licensing of Designated Types of Activities and the annual Presidential Decree establishing quotas for immigration and recruitment of foreign workers, as well as relevant government resolutions. Investment by foreign companies in the national economy is increasing every year. A number of industrial enterprises are being established, and road-building and related engineering projects are being developed. This work involves the recruitment of foreign specialists.

20. In order to regulate labour migration by foreign citizens to Tajikistan, the demand for foreign specialists is determined annually on the basis of requests from Ministries, institutions and employers. In 2017, the quota for foreign workers was set at 7,500. In the first quarter of 2017, 1,398 people with foreign citizenship (compared to 2,279 in the first quarter of 2016) were granted work permits. Foreign citizens with work permits generally work in construction, geology, communications and industry.

21. With a view to preventing illegal migration by foreign citizens to Tajikistan, employees of the Migration Service periodically carry out spot-checks. During the first quarter of 2017, in accordance with articles 138, 470 and 499 of the Administrative Offences Code, administrative reports were drawn up in relation to 93 foreign nationals, 35 of whom were deported from Tajikistan pursuant to court orders.

22. Tajikistan actively cooperates with international organizations to protect and promote the rights of migrant workers and implement the provisions of the Convention. Tajikistan has been a member of the International Labour Organization (ILO) since 1993 and a member of the International Organization for Migration (IOM) since 1994. Tajikistan also actively cooperates with non-governmental organizations (NGOs) on the promotion and protection of the rights of migrant workers. The Convention is a legal instrument to protect the rights of all migrant workers and members of their families. For Tajikistan, ratification of the Convention was a serious step on the path to recognizing and respecting the rights of migrant workers. To raise public awareness, publicize the Convention and disseminate knowledge in the area of migrant workers' rights, the text of the Convention has been translated into the State language, published in national newspapers, printed in brochures and compilations, and provided free of charge to libraries, educational establishments and State structures to make it available to broad segments of the population. Tajikistan also participates in all meetings

organized within the framework of the Council of Leaders of Migration Agencies of the States Members of the Commonwealth of Independent States (CIS), the Coordinating Council of leaders of bodies of the States members of the Collective Security Treaty Organization (CSTO) that deal with combating illegal migration, the Council on Migration Policy of the Committee for Integration of the Eurasian Economic Community (EURASEC) and the joint commission of States parties to the CIS member States' Agreement on cooperation in combating illegal migration.

Constitutional, legislative and judicial framework governing the implementation of the Convention

23. In accordance with the Constitution, Tajikistan, as a social State, must create the conditions necessary to guarantee a life of dignity and free development for every individual. Foreign citizens and stateless persons enjoy the rights and freedoms proclaimed, on an equal footing with Tajik citizens in socioeconomic and cultural areas.

24. Tajikistan recognizes the primacy of international law over national legislation. In the years since independence, Tajikistan has recognized all the main international legal human rights instruments and continues to actively give effect to their norms in national legislation. After ratification of the Convention, amendments were made to the Migration Act, the Legal Status of Foreign Nationals Act and other legal instruments to bring national legislation into line with it.

25. Tajikistan has ratified 46 ILO conventions and 20 recommendations, including the Migration for Employment Convention, 1939 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Worst Forms of Child Labour Convention, 1999 (No. 182), and the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189); it has also ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

26. Tajikistan has concluded the following multilateral and bilateral agreements concerning migrant workers:

(a) Agreement on cooperation in the field of labour migration and social protection for migrant workers in the CIS countries (15 April 1994);

(b) Decision of the Inter-Parliamentary Assembly of the CIS Member States on labour migration in the CIS countries (13 May 1995);

(c) Agreement on cooperation between CIS member States in combating illegal migration (6 March 1998);

(d) Framework policy on the gradual establishment of a common labour market and regulated labour migration in the CIS member States (15 December 2000);

(e) Framework policy on collaboration between CIS member States in combating illegal migration (16 September 2004);

(f) Declaration on a coordinated CIS migration policy (5 October 2007);

(g) CIS member States' programme of cooperation on combating illegal migration, 2009-2011 (10 October 2008);

(h) Convention on the legal status of migrant workers and their families, adopted by the CIS member States (14 November 2008);

(i) Agreement between the Government of Tajikistan and the Government of Kyrgyzstan on employment and social protection for migrant workers (6 May 1998);

(j) Agreement between the Government of Tajikistan and the Government of the Russian Federation on employment of Tajik citizens in the Russian Federation

and of citizens of the Russian Federation in Tajikistan and protection of their rights (16 October 2004);

(k) Agreement between the Government of Tajikistan and the Government of Kazakhstan on employment of Tajik citizens working temporarily in Kazakhstan and of Kazakh citizens working temporarily in Tajikistan and protection of their rights (5 May 2006);

(l) Programme of collaboration on labour exchange between the Government of Tajikistan and the government of Moscow, Russian Federation (17 September 2007);

(m) Memorandum of collaboration on social protection between the Ministry of Labour and Social Protection of Tajikistan and the Ministry of Labour and Social Development of the Russian Federation (9 December 2002);

(n) Memorandum between the executive authorities of Khatlon province, Tajikistan, and the municipal regions of Orenburg and Volgograd, Russian Federation, on labour migration (18 September 2007);

(o) Memorandum between the executive authorities of Sughd province, Tajikistan, and the city of Ivanovo, Russian Federation, on labour migration (18 September 2007);

(p) Memorandum between the executive authorities of Sughd province, Tajikistan, and Altai and Krasnodar territories, Russian Federation, on labour migration (18 September 2007);

(q) Memorandum between the Migration Service of the Ministry of Internal Affairs of Tajikistan and the National Employment Commission of the Chamber of Commerce and Industry of Saudi Arabia (24 August 2009).

III. Information in relation to the Committee's previous recommendations

Paragraph 10 of the concluding observations

27. A bill on migrant workers has been prepared further to directives and instructions set out in the Message of the President of the Republic, the Government Decision of 4 October 2011 approving the National Strategy on Tajik Labour Migration for 2011-2015 and the Plan of Action on Tajik Labour Migration, adopted by the Security Council of Tajikistan on 4 May 2013 and ratified by the President. An interdepartmental working group composed of specialists from relevant ministries and departments was set up to draft the bill, pursuant to item 2 in the record of the 12 February 2015 meeting of the Government's Interdepartmental Commission for the Regulation of Migration Processes. The group includes representatives of the Office of the President and relevant ministries and departments, ILO and other international organizations. The bill has been submitted for public consultation three times. In addition, on instructions from the Public Council on Labour Migration, on 5 June 2015 representatives of political parties, civil society and relevant ministries and departments met in the relevant ministry to fine-tune the bill.

28. The bill is aimed at strengthening the laws and regulations on national labour migration, ensuring the efficient and targeted use of the labour force both within the country and beyond its borders, strengthening the protection of national interests and also of the rights and freedoms of migrant workers, preventing illegal labour migration, protecting the internal labour market and reducing the tensions to which labour migration can give rise. The bill consists of eight sections and 26 articles covering the main terms and their definitions, national policy on labour migration, principles for the regulation of labour migration, the powers of the Government of Tajikistan, the competent authorities in this area, the competent State authorities

with regard to foreign policy, the relevant local agencies of the State, the procedure for migration by Tajik citizens abroad, the rights and responsibilities of migrant workers, the protection of the rights and interests of migrant workers and members of their families abroad, measures to secure work for Tajik citizens both within the country and beyond its borders, the activities of employment agencies, the repatriation and reintegration of migrant workers, labour migration by foreign citizens to Tajikistan and migration by frontier workers; these provisions will facilitate the comprehensive regulation of labour migration issues. The bill includes a separate section on private employment agencies, which are among the key actors with regard to labour migration and also act as intermediaries in the labour market. The requirements of international instruments in the field of migration that are recognized by Tajikistan are being taken into account in work on the bill.

Paragraph 12 of the concluding observations

29. The National Strategy on Tajik Labour Migration for 2011-2015 was approved pursuant to the Government Decision of 4 October 2011. In 2014, hearings took place in the parliament on the execution of the budget allocated by the State for the decision's implementation. As at 2014, 23 of the 40 items contained in the plan of action to implement the Strategy had been carried out in full, while 17 items were in the process of being carried out. In 2015, the Strategy came to an end.

30. The Government is continuing to monitor issues relating to the reintegration of Tajik migrant workers denied entry to the Russian Federation for a given period. Taking into account the situation that has arisen and in order to ensure that this category of citizens have work, the Ministry of Labour, Migration and Employment, by an order of 7 April 2015, approved a special programme to secure employment for Tajik migrant workers prohibited from entering the Russian Federation and other countries. In addition, a State employment promotion programme for Tajik migrant workers was incorporated into the National Development Strategy for the period up to 2030, which was adopted pursuant to a government decision of 1 October 2016. The Strategy emphasizes that the country's productive employment policy will pursue the following priorities: (1) stimulating the creation of productive jobs; (2) creating a competitive internal labour market; (3) expanding vocational education; (4) increasing the share of formal employment in the economy; and (5) diversifying external labour migration.

Paragraphs 14 and 16 of the concluding observations

31. The possibility of ratifying the ILO Private Employment Agencies Convention, 1997 (No. 181), and the ILO Domestic Workers Convention, 2011 (No. 189), is being studied by the relevant ministries and departments. Certain legislative amendments have already been made in order to implement their provisions, notably to the new Labour Code.

Paragraph 18 of the concluding observations

32. Pursuant to the Government Decision of 1 August 2008 on reporting the migration abroad and return of Tajik citizens, records are kept of the entry into and exit from the country of Tajik citizens. For example, the figures for the first quarter of 2017 are as follows:

<i>List</i>	<i>2017, first quarter</i>	<i>2016, first quarter</i>	<i>Difference (percentage)</i>
1 Labour migration abroad	112 810	144 319	-22%
Men	99 281	128 566	-23%
Women	13 529	15 753	-14%

<i>List</i>	<i>2017, first quarter</i>	<i>2016, first quarter</i>	<i>Difference (percentage)</i>
2 Receiving country			
Russian Federation	110 193	141 293	-22%
Kazakhstan	2 617	3 026	-13%
3 Migrant workers returning to Tajikistan	84 297	67 377	+25%
Men	72 312	59 651	+21%
Women	11 985	7 726	+55%

33. Within the framework of the annual statistical work programme, every six months the Statistics Agency receives data on labour migration from the Migration Service of the Ministry of Labour, Migration and Employment, which are transmitted using the following State statistical reporting forms:

- Form 1-T (migration) — Number of Tajik citizens leaving to work abroad
- Form T-2 (migration) — Number of foreign citizens working in Tajikistan
- Form 3-T (migration) — Number of foreign citizens working in Tajikistan, by country

34. To improve the collection of statistics on labour migration and render such efforts more efficient, pursuant to the Government Decision of 1 August 2008 on reporting the migration abroad and return of Tajik citizens, arrangements have been put in place for regular cooperation among the relevant agencies. To this end, the border control agencies, the State Committee on National Security and the Migration Service of the Ministry of Labour, Migration and Employment coordinate their activities, hold regular meetings and carry out the necessary measures to collect data on labour migration. The border control agencies collect migration registration cards at border crossing points from Tajik citizens going abroad or returning to the country and provide this information to the country's migration agencies for the compilation of statistics.

35. The study of labour migration processes is an area of constant focus for the Statistics Agency, and virtually all statistical surveys look at labour migration. Information on labour migration was collected and analysed when the 2010 population and housing census and the 2004-2009 labour force survey were conducted.

36. According to data from the Migration Service of the Ministry of Labour, Migration and Employment, there was a relatively large increase in labour migration flows from the country between 2005 and 2013. During this period, labour migration increased from 412,000 to 799,700. In the last three years, there has been a reduction in the number of migrant workers leaving the country compared with 2013. In 2016, labour migration fell by 282,400 (35.5 per cent) compared with 2013, to 517,300.

Number of Tajik citizens leaving to work in other countries

<i>Year</i>	<i>Total</i>	<i>Age</i>			
		<i>Under 18</i>	<i>18-29</i>	<i>30-59</i>	<i>60 and over</i>
Both sexes					
2013	799 698	23 681	316 935	454 778	4 304
2014	670 806	2 129	260 719	407 586	372
2015	552 596	324	214 417	337 605	250
2016	517 308	1 101	208 157	308 002	48

<i>Number of Tajik citizens leaving to work in other countries</i>					
<i>Year</i>	<i>Total</i>	<i>Age</i>			
		<i>Under 18</i>	<i>18-29</i>	<i>30-59</i>	<i>60 and over</i>
Men					
2013	693 355	18 276	279 114	392 876	3 087
2014	564 390	1 850	214 129	348 068	343
2015	487 929	304	188 776	297 813	190
2016	435 457	723	174 500	259 399	38
Women					
2013	100 094	5 405	35 570	57 902	1 217
2014	106 416	279	46 590	59 518	29
2015	64 667	20	25 641	38 796	60
2016	81 851	378	33 657	47 806	10

37. The reduction in labour migration by Tajik citizens to the Russian Federation continued, and in 2016 the number of migrant workers travelling to that country declined by 35,288 (6.4 per cent) compared with 2015.

38. In July-August 2016, the Statistics Agency, as part of the Project for the Development of States Statistics 2015-2018, conducted a labour force survey, one of the main aspects of which was the study of labour migration by Tajik citizens and their return from abroad. The labour force survey was carried out in 4,080 selected households across the country using the standard ILO questionnaire and taking account of new recommendations made by international experts from ILO and the United Nations Population Fund, working with the Agency's specialists. The provisional results showed that, at the time when the survey was conducted, in July-August 2016, 553,868 Tajik citizens had migrated for work. Men accounted for 526,787 (95.1 per cent) of the migrant workers and women for 27,081 (4.9 per cent). The majority were of working age: they were mainly young people, 251,547 15-29 year-olds (45.4 per cent), as well as 218,871 30-44 year-olds (39.5 per cent) and 83,450 45-65 year-olds (15.1 per cent). Most of the migrant workers were from rural areas. Of the total number of migrant workers, 474,578 (85.7 per cent) were rural dwellers, while only 79,290 (14.3 per cent) were urban dwellers. Data were also collected on the level of education and family status of the migrant workers. Some 122,026 migrant workers were young people (22 per cent) who had never been married, 411,813 persons (74.3 per cent) were in registered marriages and 20,029 were divorced or widowed. Most of the migrant workers had received secondary education — 68,392 had received basic secondary education, and 397,989 full secondary general education — while 3,993 had received only primary education. Overall, 470,314 migrant workers (84.9 per cent) had completed only secondary education. The migrant workers also included citizens with vocational education qualifications — primary, secondary or higher. According to the 2016 labour force survey, 15,237 migrant workers (2.8 per cent) had primary vocational education (they had completed vocational training at secondary schools specializing in the sciences or at vocational and technical institutes), 30,788 (5.6 per cent) had secondary vocational education (they had completed technical secondary schools or colleges) and 37,528 (6.8 per cent) had higher vocational education (they had graduated from institutes or universities). The survey also included data on migrant workers' length of stay: 156,538 (28.3 per cent) had been away for up to six months, 150,064 (27.1 per cent) for up to one year and 247,266 (44.6 per cent) for more than one year. Labour migration by Tajik citizens abroad is mainly concentrated in the CIS countries. According to data from the survey, the majority of migrant workers were in the Russian Federation (548,941 persons or 99.1 per cent), while 2,842 persons (0.5 per cent) were in other CIS countries and 2,085 (0.4 per cent) were in countries outside the Commonwealth's borders. More

detailed information on the outcome of the 2016 labour force survey with regard to labour migration by Tajik citizens will be prepared and published in three languages — Tajik, Russian and English — in May 2017.

Paragraph 20 of the concluding observations

39. During the reporting period, information on the provisions of the Convention was widely disseminated, to State bodies, judges, prosecutors, employees of the Ministry of Internal Affairs and subunits of the Migration Service, and among migrant workers themselves.

40. In 2012 and 2013, representatives of the Office of the President, together with a civil society organization, the Centre for Human Rights, developed a publication entitled *Obligations of the Republic of Tajikistan under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. This publication contained information on the Convention and the Committee's concluding observations from 2012, the National Action Plan for follow-up to the concluding observations and the text of the initial report of Tajikistan to the Committee. Some 400 copies were distributed to State authorities, ministries and departments.

41. In 2013, representatives of the Office of the President, jointly with the Commissioner for Human Rights and the Centre for Human Rights, conducted four round tables in all regions of Tajikistan to inform State authorities and civil society about the Committee's concluding observations and the National Action Plan for follow-up to them. In addition, every year on 18 December, which is International Migrants Day, local subunits of the Migration Service of the Ministry of Labour, Migration and Employment, working in close cooperation with IOM and civil society organizations, have conducted large-scale awareness-raising initiatives for the public in general and migrant workers and members of their families in particular, at which they have disseminated information on the Convention's provisions. Furthermore, on the official website of the Migration Service, www.migration.tj, migrant workers can obtain essential information on the Convention. On the alternative website run by the Centre for Human Rights, www.muhojir.info, migrant workers and members of their families have access to information in Russian and Tajik on the Convention's provisions and the country's obligations to protect the rights of migrant workers. Between 120 and 700 users visit the website every day.

42. In order to enhance advocacy and awareness-raising among Tajik migrant workers, educate them about migration and provide them with instruction in foreign languages, 150 sessions were conducted in the first quarter of 2017 in towns and districts, at international airports, in subdistricts and at markets in Dushanbe by centres established to advise migrant workers and prepare them for departure; 15,207 migrant workers took part. At these sessions, migrant workers were given booklets and handouts. Employees of the centres, in cooperation with departments of the Migration Service and structures of the Labour and Employment Agency in the Republic's towns and districts, organized these sessions as well as job fairs. During this period, 2,136 migrant workers sought assistance from the centres.

43. The website of the Government Commission on International Human Rights Obligations, <http://khit.tj>, was officially launched in February 2016 with the support of the OHCHR regional office for Central Asia to disseminate information on the international human rights commitments assumed by Tajikistan. It provides access to the international human rights instruments recognized by Tajikistan, national reports and recommendations of United Nations bodies, along with the results of the Government's efforts to implement the recommendations. The website is available in three languages: Tajik, Russian and English. Information on the international human rights commitments can also be found on the websites of the Commissioner for Human Rights and the Ministry of Foreign Affairs.

Paragraph 22 of the concluding observations

44. To prevent corruption, video surveillance equipment (video cameras) has been installed in the offices of senior officials at consulates, and services are now accessible using information and communication technologies.

45. In 2015, an additional 15 specialists were dispatched to the Russian Federation to issue foreign-travel passports to citizens. They were sent, by and large, to the cities and provinces with the highest concentrations of Tajik citizens (Moscow, Saint Petersburg, Ekaterinburg, Novosibirsk, Krasnodar and Ufa). They also made working visits to other, more remote, cities and provinces.

46. At airports and train stations, the checking of migrant workers' documents to ascertain the reasons for which they left the country of removal is performed using a consolidated online system. In addition, organizational and awareness-raising efforts are taking place in air and rail travel companies.

47. On instructions from the head of the Customs Service, a public advisory council on customs activities has been in operation since 6 May 2008. It is tasked with increasing respect for the law in the work of the customs agencies, promoting measures to ensure the common application of the relevant legislation by the customs agencies and raising awareness of their work. The council is composed of representatives of the customs agencies and other State authorities, trade and industry, and associations; such councils have also been established in regional customs offices. In customs check areas at border crossing points, including at airports and train stations, information panels have been set up displaying the rules with regard to the treatment of passengers and their registration as well as excerpts from the following laws and regulations: (1) the Rules on the transport of goods across the customs border of Tajikistan by individuals under the special simplified procedure approved by the Government in its decision of 2 November 2007; (2) the Procedure for completion of the passenger customs declaration form, approved by the Government in its decision of 7 April 1999; and (3) the Instructions on the procedure for the import into and export from Tajikistan of foreign currency cash and securities, approved by the head of the Customs Service in instructions dated 29 September 2005. The number of the telephone helpline that passengers may call in case of need is also displayed on the panels.

48. The Customs Service has an official website, www.customs.tj, which citizens may use to familiarize themselves with the laws and regulations in this sphere and put questions concerning the work of the customs agencies.

49. In accordance with Tajik legislation, efforts to educate citizens crossing the customs border are conducted regularly and customs formalities are completed in the State language and in the language understood by passengers. Cameras have been installed in all customs check areas at border crossing points to effect round-the-clock video surveillance. In addition, a Code of Professional Ethics has been introduced for staff of the customs agencies in order to improve their professionalism and integrity and promote a positive attitude towards passengers crossing the customs border. Measures are taken at border crossing points to raise awareness of the powers of the customs agencies with regard to entry into and exit from the territory of Tajikistan; for example, the rules on crossing the border are displayed. Other measures include the installation of cameras to effect round-the-clock video surveillance and the setting up of a telephone helpline. These measures were carried out within the stipulated time frames. The heads of all border patrol units have prepared and approved special plans for the conduct of awareness-raising measures in border areas, urban settlements, districts and villages. Furthermore, panels have been erected at all air, road, water and rail border crossing points with information in Tajik, Russian and Farsi, including the number of the telephone helpline.

50. Pursuant to the Anti-Corruption Act, there is a commission within the Migration Service to prevent corruption. In order to involve State institutions and

non-governmental, international and human rights organizations in anti-corruption efforts and draw on their real and tangible experience of combating corruption, and to ensure that citizens are more active in the fight against corruption and have a better understanding of the phenomenon, and taking into account the heightened exposure to possible corruption in the Russian Federation and other countries receiving Tajik migrants, the offices of the Migration Service and the Tochikkhorichakor (Tajik Foreign Labour) State unitary enterprise in the Russian Federation are cooperating with regional offices of the Commissioner for Human Rights (Ombudsman) of the Russian Federation, the civil society organization Migratsia i zakon (Migration and Law), the IOM office in Moscow, the Centre for Social and Legal Assistance to Foreign Nationals and Migrants, the legal assistance agency of the city of Kazan, the Centre for the Protection of the Rights of Tajik Nationals in Siberia, the human rights organization Chelovek i zakon (People and Law), the Migrant Workers' Trade Union and others and with the Tajik diaspora in all regions of the Russian Federation. In addition, staff of the Migration Service have taken short courses on the theme "Rules of conduct and ethics in the State civil service", along with other training.

51. A telephone helpline operates at night in the headquarters of the Migration Service and its provincial and municipal offices and in the Ministry of Labour, Migration and Employment's office for labour migration issues in the Russian Federation. Tajik citizens can call the helpline with questions concerning violations of their rights and receive pertinent advice.

Paragraph 24 of the concluding observations

52. Pursuant to the Presidential Decree of 19 November 2012 on enhancing the structures of local agencies of the State, the Migration Service, which had reported to the Government of Tajikistan, was transferred to the jurisdiction of the Ministry of Labour, Migration and Employment. The main destination country for Tajik migrants is the Russian Federation. Accordingly, a Tajik-Russian Federation joint working group meets every year to address issues connected with the implementation of the 16 October 2004 Agreement between the Government of Tajikistan and the Government of the Russian Federation on employment of Tajik citizens in the Russian Federation and of citizens of the Russian Federation in Tajikistan and protection of their rights.

53. The Strategy for the Development of the Office of the Commissioner for Human Rights 2011-2015 and the Strategy for the period up to 2020 were developed taking into account the overall situation with regard to human rights in Tajikistan. These strategies define the Office's key priorities and specific steps for achieving them. As stated in these documents, one priority is helping to protect the rights of migrant workers and members of their families. The Commissioner cooperates closely in this regard with colleagues from other countries. To this end, several bilateral and multilateral agreements have been signed, including the Dushanbe Declaration on Cooperation among the Commissioners for Human Rights of the Central Asian Countries, pursuant to which the Council of Commissioners for Human Rights of the Central Asian Countries was established, and the Agreement on the Establishment of the Eurasian Association of Ombudsmen, which was a joint initiative with the Ombudsman of Kyrgyzstan. In 2011, memorandums on cooperation were concluded with the Commissioner for Human Rights of the Russian Federation and the Commissioner for Human Rights of Sverdlovsk province; in 2013, with the Commissioner for Human Rights of Saint Petersburg and the Commissioners for Human Rights of Samara and Orenburg provinces; and, in 2014, a memorandum on cooperation was concluded with the Commissioner for Human Rights of the Republic of Tatarstan in the Russian Federation. The main purpose of these agreements is to ensure the development of cooperation in the field of human rights, the protection of the rights of citizens of Tajikistan and the Russian Federation in the territories of the two countries, and the prompt notification of the

parties of violations of those rights and of the assistance provided by the commissioners for human rights, within the limits of their competence, in securing the restoration of those rights; the agreements also cover practical measures and research activities aimed at making regional mechanisms for the protection of human rights more effective, and the organization of conferences, seminars and training sessions. The Regional Conference of Commissioners for Human Rights of Central Asia and the Russian Federation, which took place in Dushanbe on 30 and 31 October 2012, was the outcome of joint efforts by offices of commissioners for human rights, State bodies, NGOs and other partners that are committed to protecting the rights of migrant workers. The conference attested to the interest among the invitees — the Commissioners for Human Rights of the Russian Federation and Kyrgyzstan and NGOs from the Russian Federation and Kazakhstan — in working together to address issues relating to labour migration. Such dialogue among countries makes it possible to share a greater amount of information directly, to conduct joint analyses of the causes and impact of human rights violations in the labour migration process, and to develop practical measures to prevent them.

54. In 2015, research was conducted, in cooperation with the Centre for Human Rights, into the situation of migrant workers and members of their families who had returned to Tajikistan. The research looked at issues relating to registration, enhancement of legal literacy, health care for migrant workers and access to education for their children. The results of the research were considered at a round table, in which representatives of central and local agencies of the State took part, and recommendations were submitted to the relevant State authorities.

Paragraph 26 of the concluding observations

55. Under article 24 of the Constitution, citizens have the right to freedom of movement, freedom to choose their place of residence, and to leave and return to Tajikistan. There are no legal restrictions in Tajik legislation on the exit from or entry into the country of Tajik migrant workers; this is in line with article 8 of the Convention and with article 12 of the International Covenant on Civil and Political Rights.

56. The standard foreign-travel, official and diplomatic passports issued in accordance with the Presidential Decree of 20 February 2009 approving the Rules on the issue of foreign-travel passports with electronic information chips and temporary travel documents for return travel to Tajikistan by Tajik citizens constitute the main form of identification for Tajik citizens outside the country's borders. At the same time, as provided for in the Presidential Decree of 20 September 2013 on the introduction of identification cards for Tajik citizens, new passports (identification cards) have begun to be issued to Tajik citizens, as from March 2014. See also paragraph 45.

Paragraph 28 of the concluding observations

57. As stated in article 17 of the Legal Status of Foreign Nationals Act, foreigners in Tajikistan may marry or divorce a Tajik citizen or other person in conformity with the legislation of Tajikistan and the country's international treaties. Foreigners in Tajikistan enjoy the same rights and bear the same responsibilities with regard to family relations as Tajik citizens. It is clear from the provisions of article 17 that the State must grant foreigners and stateless persons the right to marry in Tajikistan. The Family Code, in article 12, and the State Civil Registration Act, in article 35, stipulate additional conditions for foreigners wishing to marry in Tajikistan: residence in the territory of Tajikistan for at least the previous year and conclusion of a prenuptial contract. These additional conditions, which are in line with the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Trafficking in Persons and Assistance to Victims Act and the recommendations of the Interdepartmental Commission to Combat

Trafficking in Persons, reflect the fact that, in recent years, cases have been identified of foreigners (men) marrying Tajik citizens (women), taking them abroad, removing their passports and forcing them into prostitution.

58. Article 12 of the Legal Status of Foreign Nationals Act provides that foreigners have the right to own private property, to inherit or bequeath property, to assert copyright over scientific, literary and artistic works, discoveries, inventions and industrial designs, and other property and non-property rights, unless otherwise provided by law. In accordance with article 36 of the Constitution, everyone has the right to housing. The only restriction in this regard concerns the acquisition by foreigners of residential buildings, houses and other buildings that form part of the housing stock (with the exception of acquisition through inheritance in accordance with the law), unless otherwise provided by law or in the international legal instruments recognized by Tajikistan.

Paragraph 30 of the concluding observations

59. A framework for the provision of free legal assistance was adopted pursuant to a government decision of 2 July 2015. To implement the framework, a State institution, the Centre for Legal Aid, was established pursuant to a government decision of 28 November 2015. The Centre, which comes under the Ministry of Justice, receives financial support from the United Nations Development Programme (UNDP), Helvetas Swiss Intercooperation and the Swiss Agency for Development and Cooperation.

60. With a view to expanding the activities of the Centre for Legal Aid and developing the system for the provision of primary free legal assistance, at the beginning of 2017 the Centre, along with donor representatives, chose six new pilot towns and districts: Khorug, Kanibadam, Yavan, Jabbor Rasulov, Shakhriyev and Spitamen. A unit has been set up at the Centre's headquarters to arrange for the provision of secondary free legal assistance.

61. The State authorities provide legal information to citizens on request, and there are public advice centres funded from the State budget in the offices of the Commissioner for Human Rights in the regions. The Migration Service of the Ministry of Labour, Migration and Employment also has local advice centres providing free legal assistance.

62. In order to expand women's access to free legal assistance, first and foremost as a means of enhancing their legal literacy, various legal assistance centres have been established and are in operation. The Committee for Women and the Family and the bodies reporting to it have set up district information and advice centres, at which lawyers and psychologists provide their services free of charge; there are 110 such centres receiving around 10,000 visitors annually, the majority of whom are women. There is also a psychology service and a telephone helpline, along with 33 crisis centres and 3 shelters established and operated by State authorities and civil society organizations.

63. In addition, civil society organizations are running various projects to provide free legal assistance to poorer segments of the population with funding from international donors.

Paragraph 32 of the concluding observations

64. To improve information and awareness-raising efforts with regard to labour migration, a number of public information spots were made and broadcast to the public on all television channels and on radio. During the reporting period, senior officials in the Migration Service, working with local agencies of the State and other relevant bodies, led meetings and discussions attended by 51,697 people. In addition, advocacy and outreach initiatives were carried out. The Ministry of

Labour, Migration and Employment publishes a newspaper entitled *Shugl va mukhochirat* (Employment and Migration). The newspaper, which primarily covers issues relating to the policies of the Government of Tajikistan and the laws and regulations currently in force in the field of labour migration and employment, is guided in its work by instructions from the Ministry's leadership.

65. Cooperation has been initiated with domestic and foreign websites, notably the websites of the Federal Migration Service of the Russian Federation and the Ministry of Labour, Migration and Employment of Tajikistan, the websites *khovar.tj*, *faraj.tj*, *ozodagon.com* and *tojnews.tj* and the newspapers *Chumkhuriyat*, *Sadoi mardum* and *Minbari khalk*, with a view to educating the public about the activities of the Migration Service in the Republic's towns and districts and about issues relating to labour migration. The Migration Service uses these mass media daily to disseminate essential information in three languages: Tajik, Russian and English.

66. The *Vestnik UPC* (Herald) is published four times a year by the Office of the Commissioner for Human Rights and contains material on labour migration and question-and-answer pieces on various aspects of the topic.

67. Implementation of the Government Decision of 28 February 2015 on the action plan to implement the 2015-2020 strategic framework for involving Tajik citizens based abroad as partners in the country's development is under way and is being monitored. At present, 66 civil society organizations, cultural centres and Tajik diaspora groups are officially registered and operational in the Russian Federation, along with 2 civil society organizations in Ukraine and 2 in Kazakhstan.

Paragraph 34 of the concluding observations

68. The Ministry of Labour, Migration and Employment works regularly with the main countries receiving foreign labour to conclude bilateral agreements to ensure the welfare of migrant workers and their access to social benefits. In addition, issues relating to the protection of citizens' rights and the immigration systems in foreign countries are regulated by international, bilateral and multilateral agreements. To date, Tajikistan and the Russian Federation have signed six inter-State and intergovernmental agreements in these areas. Since 2014, the following instruments have entered into force:

- Agreement between the Government of Tajikistan and the Government of the Russian Federation on the procedure for the stay of Tajik citizens in the Russian Federation (8 February 2013, Moscow), which extends to 15 days the period for the registration of Tajik citizens in the Russian Federation
- The Protocol amending the 16 October 2004 Agreement between the Government of Tajikistan and the Government of the Russian Federation on employment of Tajik citizens in the Russian Federation and of citizens of the Russian Federation in Tajikistan and protection of their rights (29 October 2013, Moscow), which allows both parties to draw up three-year work permits for migrant workers without their being required to leave the territory of the host country

69. Nine draft agreements on cooperation in the field of migration to address pressing issues such as social insurance, the exchange of information, temporary employment, health care for migrant workers and members of their families, social integration of migrants and the establishment of a joint labour exchange are being considered by the relevant bodies in Tajikistan and the Russian Federation.

70. At present, consultations and negotiations are taking place with the appropriate State authorities about extending from 5 to 30 days the period for the registration of Tajik citizens in Kazakhstan and permitting stays of up to 90 days, as well as extending from 90 to 180 days the deadline by which Tajik citizens in Azerbaijan must obtain a visa.

71. The possibility of ratifying the ILO Equality of Treatment (Social Security) Convention, 1962 (No. 118), is being studied by the relevant ministries and departments.

Paragraph 36 of the concluding observations

72. A separate section of the bill on migrant workers is devoted to employment agencies, which are among the key actors with regard to labour migration and also act as intermediaries in the labour market. See also paragraph 28.

Paragraph 38 of the concluding observations

73. Pursuant to the country's foreign policy, one of the main tasks of the relevant ministry and of the diplomatic and consular missions of Tajikistan is to protect the rights and interests of Tajik citizens abroad. To this end, the missions take measures of consular protection in accordance with international agreements and applicable legislation. In the event that Tajik citizens experience difficulties in other countries or petition for assistance, the appropriate notes are sent. The Office of the Commissioner for Human Rights continues to cooperate on this issue with its counterparts in countries of employment. The Commissioner's annual report includes a separate section devoted to the protection of the rights of migrant workers, the progress made and current problems in that area. The offices and public advice centres of the Commissioner for Human Rights in the regions regularly conduct surgeries, hold meetings and talk to members of the public about issues relating to labour migration. Instructions on the procedure for receiving and considering petitions from migrant workers and members of their families have been drafted and approved for use by staff of the Office of the Commissioner.

74. A study is undertaken annually of torture and other violations occurring during criminal investigations and the results are discussed with the leaders of all interested bodies. The law enforcement agencies' national coordinating council and its counterparts in the provinces and in Dushanbe discuss the issue at their meetings each year and constantly share experience of work in that area as part of efforts to solve problems arising in the sphere of human rights protection. In order to prevent torture, seminars, training sessions and other initiatives are conducted for employees of the procuratorial authorities and the investigative agencies. In certain cases, such initiatives take place with support from international organizations. In the past year, such training sessions were held in Dushanbe, in provincial centres and in three centrally administered districts with assistance from UNDP.

75. On 4 June 2014, pursuant to a decision of the Government, the Russian Federation office of the Migration Service reporting to the Government of Tajikistan became the office on migration of the Ministry of Labour, Migration and Employment of Tajikistan in the Russian Federation. The office takes steps to address issues with regard to labour migration, the facilitation of temporary or seasonal movement by individuals changing their residence or employment, the legal recruitment of migrant workers and the protection of their rights, and also provides advice to Tajik migrant workers in the Russian Federation. Coordinating its activities with the Embassy of Tajikistan in the Russian Federation, the office, within the limits of its competence, offers legal assistance to Tajik migrants working in the Russian Federation. The office's main tasks are, inter alia, to protect the interests of Tajikistan in the Russian Federation with regard to migration, in cooperation with the embassies of both countries; to produce analyses and forecasts regarding the state of the labour market in the Russian Federation and its possible impact on the migration process in the Republic; to cooperate with the Tajik diaspora in order to protect the rights of migrant workers; to arrange the return of Tajik citizens to Tajikistan in the event of emergencies in the host country; to cooperate with relevant authorities of the Russian Federation in the protection of the rights and interests of migrant workers; and to undertake genuine evaluations of the

economic and political situation in the host country bearing in mind its likely influence on migration processes. The office helps Tajik businesses conclude contracts with businesses and employers in the Russian Federation and continuously monitors the fulfilment of contracts concluded by Tajik businesses with employers in the Russian Federation and of employment contracts and contracts for the performance of work concluded by Tajik migrant workers with employers in the Russian Federation.

76. In addition, migrant workers may perform temporary work in the receiving State provided that they have been issued with the appropriate documents in accordance with the legislation of that State. Work permits are valid for the duration of the contracts concluded by workers but for no more than three years. At the same time, workers may extend the length of their temporary stay in the receiving State for the period of validity of their work permit.

77. The advanced training centre for staff of the procuratorial authorities conducts seminars for prosecutors in provinces, towns and districts on the protection of the rights of migrants and the organization of peer-to-peer training.

78. If information is received that Tajik migrants have been victims of discrimination or crime, the Ministry of Internal Affairs, acting on the basis of bilateral and multilateral international legal and regulatory instruments, immediately sends the appropriate letters concerning these violent acts, so that investigations can be conducted and the facts established. During the period under review, 50 requests were addressed to the Ministry of Internal Affairs, the Office of the Procurator General and the Investigative Committee of the Russian Federation for the conduct of thorough and impartial investigations into murders and other offences committed against Tajik migrant workers.

79. The capabilities of the Deputy Director of the Bureau for the Coordination of Efforts to Combat Organized Crime and Other Dangerous Offences in the CIS Member States are being put to good use. In cooperation with diplomatic missions and with the office of the Ministry of Labour, Migration and Employment of Tajikistan, assistance is being provided with the resolution of disputes arising between migrant workers and their employers, the repatriation of the remains of deceased migrants and the protection of the rights of migrants against whom unlawful acts are committed.

Paragraph 40 of the concluding observations

80. In 2015, further to the Committee's recommendations concerning the expansion of the provision of legal assistance to migrant workers, an office of the Commissioner for Human Rights of Tajikistan was opened in Sverdlovsk province in the Russian Federation in cooperation with the Ministry of Foreign Affairs. The main task of the office is to protect the rights and interests of Tajik citizens, especially migrant workers, in the province. A round table on the theme "Cooperation among law enforcement agencies in strengthening relations between peoples" was held in Ekaterinburg with the participation of the Commissioner for Human Rights of Tajikistan, the Commissioner for Human Rights of Sverdlovsk province, the deputy chair of the provincial government, the leaders of the communities of Tajiks residing permanently in Sverdlovsk province and migrants. Questions relating to the expansion of cooperation in protecting human rights, in particular the rights of migrant workers, were discussed at the event. Also represented was the office of the Commissioner for Human Rights of Tajikistan in Sverdlovsk province, which began work on 1 September 2015. In the nine months from September 2015 to May 2016, the office considered 3,511 communications, mostly containing requests for the replacement of lost or expired passports, the issuance of various documents, the drawing up of temporary travel documents for return travel to Tajikistan or documents confirming the bearer's Tajik citizenship,

help with obtaining work, the drawing up of work permits and registration documents, and assistance with securing the payment of wages.

81. The law enforcement agencies of Tajikistan cooperate continuously with the authorities of receiving countries within the framework of the relevant agreements.

Paragraph 42 of the concluding observations

82. At present, it is planned to overhaul the structure of the country's embassies and consulates in the Russian Federation in order to increase their human resources and improve conditions of work. In this connection, increases in staff numbers are being considered at missions where there is a pressing need for additional human resources. Given that the Russian Federation is the largest country in the world and given the large number of Tajik citizens residing in its territory, the Embassy of Tajikistan in the Russian Federation and the two consulates general, in the cities of Ufa and Ekaterinburg, respectively, are not able to take action in time to address problems affecting Tajik citizens or protect their rights and interests. Two consulates general have been opened in Saint Petersburg and Novosibirsk to facilitate such action.

83. Furthermore, in order to train human resources from among the relevant ministry's existing staff, courses on human rights and the fight against corruption are run regularly in cooperation with the Civil Service Agency and foreign institutions.

Paragraph 44 of the concluding observations

84. At the end of 2016, 23 Tajik women were sent to different cities in Saudi Arabia for the purpose of labour exploitation as a result of the unlawful activities of Abdulkarim, a limited liability company, which concluded false contracts with Saudi employers, the enterprises Khalid Fatratul Inchaz in Alchof and Khalid Mucham in Riyadh, and falsely promised the women good salaries and dignified conditions of work. Following the arrest of the persons responsible, the appropriate letters were addressed without delay to the competent Saudi authorities. The investigations conducted enabled eight girls to be returned to Tajikistan. The remainder are currently in various cities in Saudi Arabia.

85. In the first three months of 2017, with assistance from the IOM centre for children and support to victims of trafficking in persons, four women were returned to Tajikistan from Dubai in the United Arab Emirates and one from Istanbul in Turkey. Five victims were referred for recovery and rehabilitation.

Paragraph 46 of the concluding observations

86. In general, issues relating to the repatriation of the remains of deceased migrant workers are governed by documents signed with other States. For example, in accordance with article 9 of the Agreement between the Government of Tajikistan, the Federal Migration Service of the Russian Federation and the government of the city of Moscow on the recruitment and employment of migrant workers, in the event of the death of a person performing temporary work under an employment contract or contract for the delivery of services concluded between individuals or bodies corporate in the receiving State and bodies corporate in the State of permanent residence, the employer must arrange the transportation of the deceased's remains and pay all expenses connected with the transport, shipment and transfer of his or her property. The remains of deceased migrant workers and members of their families who die in the country of stay are transported free of charge by Tajik airlines.

87. In 2015, the remains of 843 Tajik citizens, 19 of whom had been murdered, were transported from foreign States. In 2016, the remains of 840 Tajik citizens, 19 of whom had been murdered, were transported. In the first three months of 2017, the figures were 220 and 18, respectively.
