



**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**

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Item 6 of the provisional agenda

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

**List of issues in relation to the second periodic report of
Tajikistan**

Addendum

Replies of Tajikistan to the list of issues*

[Date received: 5 November 2018]

* The present document is being issued without formal editing.



Replies to the questions from the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families concerning the second periodic report of Tajikistan

I. General information

Paragraph 1

1. A labour migration bill was drafted by a working group made up of specialists from the relevant ministries and departments in 2015 and is currently being finalized, taking into account the comments and proposals of the Government of the Republic of Tajikistan and other stakeholders.
2. The requirements of international instruments on migration recognized by Tajikistan, including the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1999, were taken into consideration during the drafting of the bill.
3. The bill also takes into consideration the Committee's previous comments on the term "illegal migrant", repeals provisions that restrict the right of citizens to leave the State party and provides for the rights of Tajik migrant workers to obtain professional qualifications and advice before travelling abroad.
4. There is also a separate chapter regulating the protection of the rights of foreign nationals and members of their families in Tajikistan in accordance with the provisions of the Convention.
5. The bill provides for a chapter governing the activities of private employment agencies, making them responsible for the protection of the rights of migrant workers at all stages of labour migration.

Paragraph 2

6. In order to protect the rights of foreign nationals and stateless persons and to facilitate their stay in Tajikistan, a new version of the Act on the Legal Status of Foreign Nationals and Stateless Persons in the Republic of Tajikistan was adopted on 2 January 2018. On 17 May 2018, amendments were introduced to article 5 of the Act, extending the date for registration from 3 to 10 working days.
7. Concerning the stay of foreign nationals in Tajikistan, on 1 June 2018, the Government adopted decisions on amendments to government decisions Nos. 218 of 15 May 1999 and 663 of 30 December 2011.
8. With a view to regularizing the legal status of foreign citizens and stateless persons who are unlawfully present in Tajikistan, a bill on amnesty has been drafted in connection with the legal status of such persons, which is currently under negotiation.
9. Work permits are not required for asylum seekers, refugees and other foreign nationals working under international agreements in Tajikistan.

Paragraph 3

10. The National Strategy on Tajik Labour Migration for 2011–2015 and the plan of action for its implementation have largely been carried out. Among the achievements in the implementation of this strategy is further institutional development, improved infrastructure and the establishment of migration service units in all cities and districts of the country.
11. In implementing national policy, one of the main objectives of the ministries and diplomatic missions and consular offices of Tajikistan abroad is to protect the rights and interests of Tajik citizens under international agreements and current legislation.

12. The National Development Strategy of Tajikistan for the period up to 2030 includes special sections on the reintegration of returning migrant workers, diversification, an increase in full employment and the improvement of social and legal support in the country and abroad.

Paragraph 4

13. With a view to creating a viable framework for sustainable socioeconomic development in the country in the context of the Sustainable Development Goals, the Government worked out in cooperation with scholars, development partners and civil society the National Development Strategy for the period up to 2030, which was adopted in December 2016 by the country's parliament. In order to carry out this strategy, a medium-term programme for the development of Tajikistan for the period 2016–2020 was prepared and approved by the parliament and is currently being implemented.

14. Promoting full employment has been identified as a priority objective under the National Development Strategy and specific targets and measures are envisaged for this purpose.

15. In particular, this strategy seeks to motivate employers and create new jobs by:

- Encouraging the creation of productive jobs
- Establishing a competitive domestic labour market
- Increasing the returns on vocational education
- Increasing the share of formal employment in the economy
- Diversifying external labour migration

16. The following is envisaged for the diversification of external labour migration:

- Development and implementation of interlinked information systems for cooperation on external labour migration
- Development of programmes for lawful labour migration covered by social protection
- Renewed efforts to ensure labour and social protection for migrant workers and members of their families, including through bilateral agreements on provisional organized transit of nationals and pension benefits
- Establishment of a gender-sensitive system of pre-departure training of migrant workers and members of their families, including legal advice and information and short-term professional and language training at resource centres
- Creation of a database on industry- and country-specific requirements and the major labour-importing countries

17. The strategic objectives and priorities will be achieved using all available resources for development.

18. One of the main sources of funding is the State budget, under which goals and priorities are regularly set within the framework of medium-term budgets for the period of implementation of the strategy.

19. In contrast to the 2015 national development strategy, private investment, both foreign direct investment and domestic investment, has an important role to play in the National Development Strategy for the period up to 2030. In order to achieve these objectives, the new strategy is expected to improve the investment climate, which in turn will lead to increased budget capacity.

20. Development partners' investment support and funding and technical assistance from organizations for the elaboration and implementation of the reforms outlined in the strategy are important sources for progress on the country's programmes. The volume of projected funds for the next 15 years from all sources of financing for the strategy amounts to \$118.1 billion, 46.3 per cent of which is to come from the private sector, 47.5 per cent

from the budget and 6.2 percent from development partner contributions. Therefore, all sources of financing, including investments from nationals living abroad and the Tajik diaspora, are considered within the framework of the plan of action for implementing the policy paper on attracting nationals living abroad as development partners for the period 2015–2020 in order to carry out the above-mentioned strategy.

21. The National Development Strategy for the period up to 2030, the principal document for the long-term development of the country's socioeconomic development, is carried out under medium-term programmes. All national strategies, programmes and socioeconomic development plans implemented in the country are developed and implemented in line with this strategy. For example, the State employment support programme of Tajikistan for the period 2018–2019, which was approved under a government order on 26 October 2017, was developed in accordance with the strategy.

Paragraph 5

22. Within the framework of the statistics programme, the Statistics Agency collects information every six months based on the following State statistical forms from the Migration Service of the Ministry of Labour, Migration and Employment:

- Form 1-T (Migration), on the number of Tajik citizens who leave the country for work abroad
- Form 2-T (Migrant), covering foreign nationals employed in Tajikistan
- Form 3-T (Migration), covering foreign nationals working in Tajikistan according to type of work and country
- Travel documents and migration cards issued by the Migration Service at border crossing points, according to sex, age and host country

23. External labour migration is tracked in the following ways:

- The Migration Service of the Ministry of Labour, Migration and Employment of Tajikistan records flows on the basis of migration cards. Journeys by Tajik citizens abroad are taken into account on labour migration issues throughout the year
- The extent of labour migration, or the number of migrant workers who are outside the country on a given date, is measured using data from sample surveys and population censuses

24. According to the Migration Service, there was a significant increase in labour migration flows from the country between 2005 and 2013 (from 412,000 to 799,700 people). Over the past four years (2014–2017), there has been a decrease in the number of migrant workers.

Number of Tajik citizens leaving to work in other countries

Year	Total	Age			
		Up to 18	18–29	30–59	60 and above
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
2017	487 757	101	190 544	297 112	-
Male					
2013	698 804	18 276	280 565	396 876	3 087
2014	564 390	1 850	214 129	348 068	343
2015	487 929	304	188 776	297 813	190

Year	Total	Age			
		Up to 18	18–29	30–59	60 and above
2016	435 457	723	174 500	259 399	38
2017	419 721	101	163 008	256 612	-
Female					
2013	100 894	5 405	36 370	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
2017	68 036	-	27 536	40 500	-

25. The labour migration of Tajik citizens stood at 487,800 persons in 2017, a decrease of 311,900 persons compared to 2013 (or 39 per cent).

26. In July and August 2016, within the framework of the National Strategy for the Development of Statistics, a sample survey on employment issues was conducted, which found that 553,868 Tajik citizens were in situations of labour migration (526,787 men and 27,081 women).

27. Data on the level of education and family status of the migrant workers were also collected for this labour force survey.

Education level of international migrant workers according to the 2016 labour force survey data

	Postgraduate education – (doctoral studies, medical residency training)	Higher vocational education	Secondary vocational education	Primary vocational education	Basic general	Secondary basic education	No basic general education	Total
Persons								
Total	315	37 214	30 787	15 237	397 991	68 932	3 393	553 868
Urban	315	10 263	7 873	656	50 966	9 217	-	79 290
Rural	-	26 950	22 915	14 581	347 023	59 715	3 393	474 198
Male	315	34 251	27 812	15 237	379 408	66 371	3 393	526 787
Female	-	2 962	2 976	-	18 581	2 561	-	27 081
Kūhistoni Badakhshon Autonomous Province								
	-	1 120	438	-	69	4 028	-	5 654
Sughd								
	315	18 330	20 495	5 117	151 105	9 787	810	205 579
Khatlon								
	-	5 528	4 237	3 963	156 690	25 590	1 290	197 286
Dushanbe								
	-	1 211	-	-	2 389	207	-	3 807
Centrally administered districts								
	-	11 045	5 619	6 157	83 778	33 270	1 293	141 162
Percentage								
Total	0.1	6.7	5.6	2.8	71.9	12.4	0.6	100.0
Urban	0.4	12.9	9.9	0.8	64.3	11.6	0.0	100.0
Rural	0.0	5.7	4.8	3.1	73.2	12.6	0.7	100.0
Male	0.1	6.5	5.3	2.9	72.0	12.6	0.6	100.0
Female	0.0	10.9	11.0	0.0	68.6	9.5	0.0	100.0
Kūhistoni Badakhshon Autonomous Province								
	0.0	19.8	7.7	0.0	1.2	71.2	0.0	100.0

	<i>Postgraduate education – (doctoral studies, medical residency training)</i>	<i>Higher vocational education</i>	<i>Secondary vocational education</i>	<i>Primary vocational education</i>	<i>Basic general education</i>	<i>Secondary basic education</i>	<i>No basic general education</i>	<i>Total</i>
Sughd	0.2	8.9	10.0	2.5	73.5	4.8	0.4	100.0
Khatlon	0.0	2.8	2.1	2.0	79.4	13.0	0.7	100.0
Dushanbe	0.0	31.8	0.0	0.0	62.8	5.4	0.0	100.0
Centrally administered districts	0.0	7.8	4.0	4.4	59.3	23.6	0.9	100.0

Migrant worker nationals of Tajikistan by level of education and country of destination according to the 2016 labour force survey data

<i>Country</i>	<i>Postgraduate education</i>	<i>Higher vocational education</i>	<i>Secondary vocational education</i>	<i>Primary vocational education</i>	<i>Basic general education</i>	<i>Secondary basic education</i>	<i>No basic general education</i>	<i>Total</i>
Persons								
Afghanistan	-	242	-	-	-	-	-	242
United States	-	718	-	-	329	-	-	1 047
Kyrgyzstan	-	-	-	-	291	-	-	291
Kazakhstan	-	-	-	-	2 145	-	-	2 145
Ukraine	-	-	-	-	-	406	-	406
Russia	315	36 254	30 787	15 237	394 809	68 526	3 393	549 321
Czechia	-	-	-	-	417	-	-	417
Total	315	37 214	30 787	15 237	397 991	68 932	3 393	553 868
Percentage								
Afghanistan	-	0.7	-	-	-	-	-	0.0
United States	-	1.9	-	-	0.1	-	-	0.2
Kyrgyzstan	-	-	-	-	0.1	-	-	0.1
Kazakhstan	-	-	-	-	0.5	-	-	0.4
Ukraine	-	-	-	-	0.0	0.6	-	0.1
Russia	100.0	97.4	100.0	100.0	99.2	99.4	100.0	99.2
Czechia	-	-	-	-	0.1	-	-	0.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Afghanistan	-	100.0	-	-	-	-	-	100.0
United States	-	68.6	-	-	31.4	-	-	100.0
Kyrgyzstan	-	-	-	-	100.0	-	-	100.0
Kazakhstan	-	-	-	-	100.0	-	-	100.0
Ukraine	-	-	-	-	-	100.0	-	100.0
Russia	0.1	6.6	5.6	2.8	71.9	12.5	0.6	100.0
Czechia	-	-	-	-	100.0	-	-	100.0
Total	0.1	6.7	5.6	2.8	71.9	12.4	0.6	100.0

28. According to the 2016 labour force survey, the highest share of migrant workers are found in Sughd province, 37.2 per cent (205,959 people), Khatlon province, 35.6 per cent (197,286 people) and the centrally administered districts, 25.5 per cent (141,162 people), while the lowest share of migrant workers are found in Kūhistoni Badakhshon Autonomous Province, 1.0 per cent (5,654 people) and Dushanbe, 0.7 per cent (3,807 people).

29. Most migrant workers, 71.7 per cent, are absent from their families for more than 6 months (27.1 per cent for up to 12 months and 44.6 per cent for more than 12 months) and only 28.3 per cent for less than 6 months.

30. External labour migration mainly involves young men. Young people aged 15 to 29 account for 45.4 per cent of all external migrant workers (251,500 people). Middle-aged people (30–49 years old) account for 45.8 per cent of the total number of migrant workers (253,600 people). The average age of migrant workers is 32.8 years (compared to 30 years according to the 2009 labour force survey).

External labour migration by destination and duration: number of absences according to the 2016 labour force survey data

<i>Labour migration destinations</i>	<i>Total</i>	<i>Six months or less</i>	<i>7 to 12 months</i>	<i>Longer than 12 months</i>
Persons				
Total	553 868	156 538	150 444	246 886
Afghanistan	242	-	-	242
United States	1 047	359	329	359
Kyrgyzstan	290	142	-	148
Kazakhstan	2 144	1 361	377	406
Ukraine	406	-	-	406
Russia	548 942	154 676	149 738	244 908
Czechia	417	-	-	417
Percentage				
Total	100.0	28.3	27.2	44.6
Afghanistan	100.0	0.0	0.0	100.0
United States	100.0	34.3	31.4	34.3
Kyrgyzstan	100.0	49.0	0.0	51.0
Kazakhstan	100.0	63.5	17.6	18.9
Ukraine	100.0	0.0	0.0	100.0
Russia	100.0	28.2	27.3	44.6
Czechia	100.0	0.0	0.0	100.0

Migrant worker nationals of Tajikistan by level of education and host country according to the 2016 labour force survey data

<i>Country</i>	<i>Postgraduate education – (doctoral studies, medical residency training)</i>	<i>Higher vocational education</i>	<i>Secondary vocational education</i>	<i>Primary vocational education</i>	<i>Basic general education</i>	<i>Secondary basic education</i>	<i>No basic general education</i>	<i>Total</i>
Persons								
Afghanistan	-	242	-	-	-	-	-	242
United States	-	718	-	-	329	-	-	1 047
Kyrgyzstan	-	-	-	-	291	-	-	291
Kazakhstan	-	-	-	-	2 145	-	-	2 145
Ukraine	-	-	-	-	-	406	-	406
Russia	315	36 254	30 787	15 237	394 809	68 526	3 393	549 321
Czechia	-	-	-	-	417	-	-	417
Total	315	37 214	30 787	15 237	397 991	68 932	3 393	553 868

Country	Postgraduate education – (doctoral studies, medical residency training)	Higher vocational education	Secondary vocational education	Primary vocational education	Basic general education	Secondary basic education	No basic general education	Total
Percentage								
Afghanistan	-	0.7	-	-	-	-	-	0.0
United States	-	1.9	-	-	0.1	-	-	0.2
Kyrgyzstan	-	-	-	-	0.1	-	-	0.1
Kazakhstan	-	-	-	-	0.5	-	-	0.4
Ukraine	-	-	-	-	0.0	0.6	-	0.1
Russia	100.0	97.4	100.0	100.0	99.2	99.4	100.0	99.2
Czechia	-	-	-	-	0.1	-	-	0.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Percentage								
Afghanistan	-	100.0	-	-	-	-	-	100.0
United States	-	68.6	-	-	31.4	-	-	100.0
Kyrgyzstan	-	-	-	-	100.0	-	-	100.0
Kazakhstan	-	-	-	-	100.0	-	-	100.0
Ukraine	-	-	-	-	-	100.0	-	100.0
Russia	0.1	6.6	5.6	2.8	71.9	12.5	0.6	100.0
Czechia	-	-	-	-	100.0	-	-	100.0
Total	0.1	6.7	5.6	2.8	71.9	12.4	0.6	100.0

Number of migrant workers by age and length of stay according to the 2016 labour force survey data

Age in years	Six months or less	7–12 months	Over 12 months
Persons			
Total	553 868	156 538	150 444
15–19	24 545	7 538	8 162
20–24	101 325	29 876	29 082
25–29	125 677	35 621	32 967
30–34	101 877	30 676	22 814
35–39	63 561	16 951	18 696
40–44	53 433	14 886	14 183
45–49	34 691	6 859	10 847
50–54	31 127	10 093	7 337
55–59	13 674	2 801	4 876
60–75	3 958	1 237	1 480
Average age	32.8	32.4	32.9
Percentage			
Total	100	100	100
15–19	4.4	4.8	5.4
20–24	18.3	19.1	19.4
25–29	22.7	22.8	22.0
30–34	18.4	19.6	15.2

<i>Age in years</i>	<i>Six months or less</i>		<i>7–12 months</i>		<i>Over 12 months</i>
35–39	11.5	10.8	12.5		11.3
40–44	9.6	9.5	9.5		9.9
45–49	6.2	4.4	7.2		6.9
50–54	5.6	6.4	4.6		5.5
55–59	2.5	1.8	3.2		2.4
60–75	0.7	0.8	1.0		0.5

Paragraph 6

31. 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 challenges of female labour migration. The findings of the study have shown that in recent years there has been an increase in female labour migration in Tajikistan.

32. 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, with due regard to gender at all stages of the migration cycle.

33. A project on the empowerment of families left behind by migrant workers is being implemented to improve the socioeconomic rights and opportunities of poor and low-income families left behind by migrant workers. The project was carried out by the non-governmental organization (NGO) Fidokor in conjunction with UN-Women between 2014 and 2016 with financial support from the Ministry of Foreign Affairs of Norway in three subdistricts of Rasht district (Sangvor, Tojikobod and Lakhsh) and continues to enjoy the support of other donors to this day.

34. The main mechanism for implementing the project was social mobilization and the establishment of peer support groups among abandoned migrant workers' families, aimed at expanding their sources of income through joint economic initiatives.

35. Within the framework of the project, a household survey was conducted and beneficiaries were selected from the three targeted subdistricts mentioned above.

36. In order to ensure continued sustainability of the project in the targeted districts of Rasht Valley, the project team directly strengthened the capacity of local partner NGOs Khingob in Sangvor district, Nilob in Tojikobod district and Musharraf in Lakhsh district.

Paragraph 7

37. The relevant ministries and departments are currently considering the application of articles 76 and 77 of the Convention and the ratification of International Labour Organization (ILO) Private Employment Agencies Convention, 1997 (No. 181).

38. The Employment Promotion Act also provides for the rules governing private employment agencies and the conditions and procedure for licensing the activities of those engaged in the employment of Tajik citizens abroad and the recruitment of foreign workers and for a mechanism for monitoring the activities of these agencies.

39. With a view to implementing the ILO Domestic Workers Convention, 2011 (No. 189), it should be noted that the new Labour Code of Tajikistan (2016) contains separate chapters on the standards governing domestic workers (chapter 21) and home workers (chapter 22).

40. Under article 247 of the Code, domestic workers are workers performing work (services) in the household for individual employers. The employment of domestic workers is based on an employment contract, which also establishes the size of benefits and procedures for obtaining them. Articles 248–251 establish the working hours and rest periods for domestic workers, the application and lifting of disciplinary penalties, the

resolution of individual labour disputes and the termination of the employment contract with the domestic worker.

41. Chapter 22 of the Code governs the specific features of the work of home workers. Article 252 gives a sense of who home workers are and what kind of work at home may be stipulated when concluding an employment contract. Article 253 states that such work may be carried out if it is not harmful to the health of the worker and occupational health and safety requirements are met.

42. The main requirement under ILO Convention No. 189 is the signing of employment contracts with domestic workers. This requirement offers job security to women employed as domestic workers and thus provides access to social benefits.

43. In general, Chapter 21 of the Code is in line with the provisions of the Convention and governs the specific features of domestic work, while article 247 (4) (Specific features of concluding and terminating an employment contract with domestic workers) states that the employment of a domestic worker is subject to an employment contract.

II. Information relating to each of the articles of the Convention

A. General principles

Paragraph 8

44. The Migration Service and all its branches in the country's cities and districts provide reception services to persons, including foreign nationals, covering all labour migration issues.

45. Foreign nationals mainly apply to the Migration Service for work permits. For example, during the first six months of 2018, 3,101 foreign migrant workers filed applications with the Migration Service for work permits, 3,084 of which were granted and 17 denied because of unreliable information or the late submission of the necessary documents.

46. In 2017, 6,781 foreign migrant workers applied to the Migration Service for work permits, 6,645 of which were granted and 136 denied because of unreliable information or the late submission of the necessary documents. (Data from 2013 to 2016 are also available.)

47. A schedule for the reception of citizens by senior officials at the Migration Service has been arranged. The reception services are provided every Saturday.

48. Most of the applications from foreign citizens have been related to obtaining a work permit. It should be noted that all complaints and appeals have been considered and clarifications provided to foreign nationals in accordance with the legislation in force.

49. No complaints were received from foreign migrant workers in the divisions of the Ministry of Internal Affairs of Tajikistan.

50. The migration office of the Ministry of Labour, Migration and Employment of Tajikistan in the Russian Federation provides free legal assistance to Tajik migrant workers in the Russian Federation under its jurisdiction and authority in the form of written and oral legal advice and assistance in the preparation of applications, complaints, petitions and other documents of a legal nature.

51. In 2017 and the first half of 2018, this office received 75 applications (43 in 2017 and 32 in 2018) from migrant workers and members of their families for assistance in obtaining free medical services. All of them were provided with free medical care after the office intervened and informed these foreign nationals of their rights and the obligation of medical institutions to offer services in accordance with the decision of 6 March 2013 of the Russian Federation on confirmation of the rules for providing medical care to foreign nationals in the territory of the Russian Federation.

52. In addition, in 2017 and the first half of 2018, a total of 570 individual and group appeals were received (422 in 2017 and 148 in the first six months of 2018) to resolve

problems related to delays and non-payment of wages. Employers paid out 51,730,151 roubles in arrears to migrant workers (32,654,930 in 2017 and 190,752,211 in the first half of 2018) with the involvement of the procuratorial authorities and the labour inspectorate where necessary. The main reasons for the arrears and non-payment of wages to migrant workers involved the failure of employers and migrant workers to enter into employment contracts.

53. In 2017 and the first half of 2018, with the assistance of the above-mentioned office, 299 complaints were brought before higher courts (228 in 2017 and 71 in the first half of 2018) against unjustified decisions of district courts on administrative expulsions of citizens of Tajikistan. The higher courts overturned 70 district court decisions on administrative expulsions against Tajik citizens as a result of the complaints (44 in 2017 and 16 in the first six months of 2018).

54. The office received 212 requests for legal assistance in resolving the issue of lifting bans on entering the territory of the Russian Federation (146 in 2017 and 66 in the first six months of 2018). Taking into account the grounds provided by law, 49 citizens' appeals were resolved positively, 54 were rejected and 109 are under consideration by the relevant authorities of the Russian Federation.

B. Part III of the Convention

Articles 8 to 15

Paragraph 9

55. Cameras and video surveillance equipment are installed and announcements about the availability of free consulting services made in the main places where migrant workers are offered services, including the country's international airports, Tajik Railway stations in Dushanbe, the Migration Service department for receiving and counselling migrant workers and all other places where citizens are received.

56. At all border crossing points, the rules for crossing the border are posted on boards in the State language and other languages and telephone numbers for reporting violations of the rights of Tajik nationals, foreign citizens and stateless persons are provided by the border services. Most border control posts have cameras for continuous video surveillance of the border control process.

57. Training sessions are conducted among the staff of the Service with the involvement of the staff of the State Financial Audit and Anti-Corruption Agency of Tajikistan.

58. There have been cases involving offences committed by Migration Service officials. For example, in 2017, two officers of the Service working at the international airport in Dushanbe committed offences under article 319 (4) (b) and article 323 of the Criminal Code, which establish criminal liability for the taking of bribes and forging of documents by officials respectively.

59. In 2016, a member of the Migration Service in Khatlon province committed an offence under article 247 (2) of the Criminal Code, which establishes liability for fraud. These crimes do not involve extorting money from migrant workers for services that are free of charge.

60. Surveillance cameras have been installed on internal affairs agency premises. A helpline (221-21-21) and call desk (19-19) are available to the entire population in order to facilitate public complaints and appeals to senior officials at the Ministry of Internal Affairs.

Articles 16 to 22

Paragraph 10

61. Article 100 of the Code of Criminal Procedure contains a provision that does not contradict article 16 (7) (a) of the Convention.

Paragraph 11

62. In the legislation of Tajikistan, an interpreter has the status of a participant in criminal proceedings and, in cases stipulated by law, participates in civil and administrative cases. A foreigner who does not speak the official language may use the services of an interpreter free of charge. Procedural documents that must be provided to offenders, accused persons, defendants and convicted persons are presented to them in the official language or in a translation into the language in which they are proficient.

Paragraph 12

63. The Migration Service and all its branches in the country's cities and districts provide reception and free legal aid services to persons, including foreign nationals, covering all labour migration issues.

64. Under the "Access to Justice" project, with support from the Swiss Agency for Development and Cooperation, the State Legal Aid Centre and a number of State legal aid offices in 18 districts in the country reporting to the Ministry of Justice have been established.

65. The offices provide free basic legal aid to the population, including migrants. In addition, a hotline with a short number of 3040 has been set up under the Ministry of Justice to provide advice by telephone.

66. From March 2016 to June 2018, 28 foreign nationals called in with questions on the following matters:

- Civil law, including property and other rights in rem, complaints against the actions of State bodies and officials, and loans and credit
- Human rights, including refugees and internally displaced persons and social and economic rights
- Family law, including civil registration, regulations governing marriage to a foreign citizen and maintenance obligations
- Criminal procedural law, including the grounds and time limits for the detention of foreign nationals, the time limits for bringing charges, etc.

Article 23**Paragraph 13**

67. The migration office of the Ministry of Labour, Migration and Employment of Tajikistan in the Russian Federation provides legal assistance to Tajik migrant workers under its jurisdiction and authority in the Russian Federation according to the relevant regulations.

68. Free legal aid is provided in the form of:

- Written and oral legal advice
- Support for drafting applications, complaints, petitions and other legal documents

69. The nature of the legal assistance provided by the office falls into the following categories:

- Provision of legal assistance in the event of a citizen's arbitrary detention by law enforcement officers
- Compilation of complaints to higher courts in the event of arbitrary decisions related to the administrative expulsion of a citizen from the Russian Federation
- Help (filing formal written applications to employers and, if necessary, official letters with the prosecutor's office, labour inspectorate, etc.) in resolving issues related to delays and non-payment of migrant workers' wages, including:

- Legal support in drafting agreements and contracts regulating employment and rental housing with business entities and private individuals
- Legal support in the event that a person is denied or receives inadequate medical services
- Assistance in resolving property issues
- Assistance in searching for missing persons
- Provision of advice and legal counsel to migrant workers facing criminal proceedings

70. In the first six months of 2018, 18,020 written and oral applications for advice and legal assistance on various issues were received from migrant workers.

71. In the event of the arrest and pretrial detention or any other form of detention of a migrant worker or members of his or her family, in accordance with article 16 (7) (a) of the Convention, the consular or diplomatic authorities of his or her State of origin or of the State representing the interests of that State must, if the migrant worker so requests, be notified by the host country of his or her arrest or detention and of the reasons therefor.

72. In accordance with article 3 of the Russian Code of Criminal Procedure, the rules of that Code are applied in the event of the detention or criminal investigation of foreign nationals or stateless persons involving crimes committed in the territory of the Russian Federation. The Code of Administrative Procedure is applied in cases involving unlawful administrative acts by foreign nationals and violations of the rules of stay in the territory of the host country by migrant workers.

73. With regard to the investigation of human rights violations with a view to establishing the facts and bringing those responsible for the death of Umarali Nazarov to justice, it should be noted that Umarali Nazarov died on the night of 13–14 October 2015 at the Tsimbalin Child Rehabilitation Centre in St. Petersburg. Before that, the police had taken the child away from his mother, who had been prosecuted for violating the residence regulations for foreign nationals in Russia.

74. A lawyer was sent to St. Petersburg by the office of the Ministry of Labour, Migration and Employment in the Russian Federation to establish the truth of what had occurred and defend the rights and interests of the parents of the deceased child.

75. The Embassy of Tajikistan in the Russian Federation also sent a note to the Russian Ministry of Foreign Affairs calling for an objective investigation into the circumstances of the child's death to be carried out and the findings of this investigation to be conveyed to the diplomatic mission. The Russian Ministry of Foreign Affairs stated that, in order to clarify all the circumstances of the case, the relevant requests were immediately sent to the Ministry of Internal Affairs, the Federal Migration Service, the Ministry of Health and the Prosecutor General's Office of the Russian Federation. Further to the requests of official representative missions and the efforts of lawyers, a second forensic medical examination was conducted.

76. The results of the second examination showed that the cause of the tragedy was an infectious disease. At the same time, a number of violations were found to have occurred while the child was in hospital, where he was placed after being taken from his parents.

77. On 20 October 2015, the investigating agency for the Nevsky district of St. Petersburg launched a criminal inquiry into the child's death on evidence of offences covered by article 109 (2) of the Criminal Code of the Russian Federation (Manslaughter by criminal negligence due to improper performance of professional duties). In accordance with a decision of the presidency of the Council for the Development of Civil Society and Human Rights under the President of the Russian Federation, on 27 October 2015, a group was set up to examine the circumstances surrounding the death of Umarali Nazarov.

78. The criminal case was dropped on 20 October 2016 on the grounds of lack of evidence that a crime had been committed. The main investigation department for St. Petersburg, a unit of the Investigative Committee, found that there had been no abuse or overstepping of powers on the part of Federal Migration Service officers or the police

during the investigation of the criminal case. No prosecutions were brought in the case of Umarali Nazarov.

79. On 8 April 2016, a Tajik migrant worker, Sulaimon Nurovich Saidov, was shot in the head and stomach with a pneumatic weapon in the Moscow Metro. The attacker managed to escape by dropping his weapon at the crime scene. On the same day, Mr. Saidov was taken to hospital, where the doctors removed a bullet from his eye. Immediately after receiving information about the incident, the staff of the migration office visited the victim in hospital and discussed his medical treatment. In order to clarify the circumstances, the Ministry officials also met at the Moscow Metro Transport Police Department. Transport police officers reported that, as a result of police inquiries into this suspected crime, Sergei Tsarev, a 58-year-old Moscow resident, was detained. Criminal proceedings were brought against him under article 105 (1) of the Criminal Code of the Russian Federation (Attempted murder).

80. On 4 August 2018, the Cheremushinsky District Court sentenced Mr. Tsarev to 10 years, 3 months' imprisonment in a penal colony with a strict regime.

81. On 23 July 2018, 5-year-old Huvaïdo Tillozoda, the daughter of Nigina Tillozoda and Abdusalom Saidov, migrant workers from Tajikistan, was raped and murdered in Serpukhov in Moscow province. After receiving information about this, the migration office together with officials at the Embassy of Tajikistan in the Russian Federation and the Consular Service went to Serpukhov to clarify the circumstances of the tragedy and provide comprehensive support to the parents of the deceased girl. During the meeting with investigators on matters of particular importance from the investigating agency for Serpukhov, a unit of the investigation department for Moscow province reporting to the Investigative Committee of the Russian Federation, the officer leading the investigation into the case, Mr. I.A. Levanov, made it known that, on 24 June, police inquiries had led to the arrest of 28-year-old Aleksandr Semin, a resident of Serpukhov, on suspicion of committing the crime. I.A. Levanov noted that the Moscow province investigating team under the Investigative Committee is continuing its investigation of the criminal case against Aleksandr Semin concerning the murder of the 5-year-old girl in Serpukhov and offences against her sexual integrity (covered under arts. 105, (2) (c), 131, (4) (b), and 132 (4) (b) of the Criminal Code).

82. The investigator also spoke in detail about the progress of the investigation and briefed the staff of representative offices on the results of preliminary forensic examination. On 24 July, at the investigator's request, the Serpukhov City Court remanded the suspect in custody for 2 months as a preventive measure.

83. With the assistance of the official representative offices of Tajikistan in the Russian Federation, after samples were extracted for DNA analysis, the girl's remains were sent home accompanied by family members for the funeral.

84. The Embassy of Tajikistan has submitted a note to the Ministry of Foreign Affairs of the Russian Federation requesting that an objective investigation be carried out and the perpetrators of the crime duly punished.

85. According to the results of the preliminary investigation, on 26 July, the Moscow province investigative team made an official announcement that the head of the Serpukhov Inter-Municipal Office of the Ministry of Internal Affairs of Russia, the head of its public order division and the acting deputy head and head of its neighbourhood militia officers division had been dismissed in connection with the criminal case.

86. In addition, rigorous disciplinary action was taken against the head of the Department of Neighbourhood Officers responsible for the juvenile affairs unit of the Central Investigation Department for Moscow province under the Investigative Committee of the Russian Federation. Furthermore, according to the Central Department, the head of Serpukhov Inter-Municipal Department will be dismissed following his leave of absence from work.

87. The investigation of this case is under the supervision of the official representative offices of Tajikistan in the Russian Federation.

Article 33

Paragraph 14

88. The website migration.tj has been set up to inform foreign migrant workers about the activities of the Migration Service of the Ministry of Labour, Migration and Employment of Tajikistan. The site contains sections with information about the service, the legal framework governing labour migration, and cooperation and a press corner where all information is available in three languages: Tajik, Russian and English.

89. With regard to the posting of information in Pashto on the website, it should be noted that, along with their native language Pashto, migrant workers from Afghanistan also tend to speak both Tajik and English.

90. The Migration Service systematically holds meetings with foreign migrant workers working in organizations and enterprises in Tajikistan. In the course of the meetings, foreign specialists are informed of work regulations and the procedures for staying and obtaining a work permit. Foreign migrant workers have the opportunity to seek answers to their questions during such meetings.

C. Part IV of the Convention

Article 41

Paragraph 15

91. The legislation of Tajikistan does not restrict the right of citizens of Tajikistan to participate freely and actively in elections.

92. No amendments were made to the electoral legislation of Tajikistan from 2013 to 2017 that would limit the right of citizens to vote and be elected to public office. In 2018, amendments were made to the electoral legislation concerning the rights of citizens to be elected to public elected bodies.

93. In accordance with article 1 of the Constitutional Act on the Election of the President of the Republic of Tajikistan, candidates for the office of the President of Tajikistan must be at least 30 years old with Tajik citizenship alone, a higher education and a command of the official language and must have resided in the country for at least the previous 10 years.

94. Under article 33 of the Constitutional Act on Elections to the Majlis-i Oli, the legislature of Tajikistan, candidates for the Majlis-i Milli, the upper house of the Majlis-i Oli, must have resided in the country for no less than seven years and for the Majlis-i Namoyandagon, the lower house, for no less than five. In addition, persons who have been stripped of their citizenship or who have acquired citizenship of another State may not be candidates.

95. According to the legislation of Tajikistan, participation in elections is a right of citizens, not an obligation. Therefore, the country's citizens decide for themselves whether or not to participate in the elections. The task of the Central Elections and Referendums Commission of Tajikistan is to facilitate the free participation of all Tajik citizens in the electoral process.

96. In 2013 and 2015, the Central Elections and Referendums Commission, together with the Ministry of Foreign Affairs, conducted outreach activities with Tajik citizens living abroad. In particular, in a number of provinces and cities of the Russian Federation, outreach activities were conducted to raise awareness among Tajik citizens about matters involving their participation in the elections. Members from both government and civil society organizations, particularly those representing the Tajik diaspora, were involved in the outreach activities. In addition, Tajik political parties held meetings with voters abroad at which they presented their election platforms.

97. In accordance with article 9 of the Constitutional Act on the Election of the President of the Republic of Tajikistan and article 16 of the Constitutional Act on Elections to the Majlis-i Oli, polling stations are to be established at the embassies and consulates of Tajikistan in foreign States by the Central Elections and Referendums Commission on the proposal of the Ministry of Foreign Affairs of Tajikistan.

98. For the presidential elections held in 2013, 61 polling stations were established in 27 foreign countries, 24 of which were located in the Russian Federation. In preparation for the 2015 elections of deputies of the Majlis-i Namoyandagon of Tajikistan, 35 polling stations were established in 27 foreign countries by the Central Elections and Referendums Commission.

Article 47

Paragraph 16

99. Credit institutions convert money sent from abroad into the national currency, i.e. the somoni, and issue somoni rather than open bank accounts in Russian roubles, with a view to ensuring the legal status of the somoni as the only means of exchange in the country, developing an interbank market and redistributing flows of Russian roubles in order to provide for a level of liquidity of the banking system and exchange rate stability.

100. Credit institutions issue somoni for Russian roubles received by individuals without opening a bank account in roubles. Furthermore, the exchange rate for the purchase of Russian roubles with somoni is established by the National Bank of Tajikistan on the basis of the Russian rouble-United States dollar cross rate through the Thomson Reuters electronic trading system. This rate is always higher than the official Russian rouble-somoni exchange rate set by the National Bank of Tajikistan for accounting and reporting purposes and for customs duties.

101. It should be noted that the rate applies only to money transfers in Russian roubles and does not extend to funds transferred in other foreign currencies.

102. With a view to facilitating the people's access to funds transferred from abroad in their name, the National Bank of Tajikistan has recommended that credit organizations open branch offices, especially in remote mountainous regions.

103. In order to simplify the procedure for sending and receiving money without opening a bank account, on 2 March 2018, amendments were made to Instruction No. 204 concerning the procedure for transferring money without opening bank accounts, which allows migrant workers' families to receive remittances expeditiously. Accordingly, for the timely disbursement of remittances from abroad to the population, credit institutions are constantly provided with cash in the national and foreign currencies.

D. Part VI of the Convention

Article 64

Paragraph 17

104. A Memorandum of Cooperation between the Migration Service of the Ministry of Labour, Migration and Employment and the Centre for AIDS Prevention and Control was signed on 14 May 2018 with a view to preventing AIDS and informing the public about measures to stop the disease from spreading. The Centre has 51 branches in the country's cities and districts. The memorandum is aimed at promoting cooperation in raising awareness among people in the country, including migrant workers, about the prevention and spread of AIDS.

105. The Migration Service of the Ministry of Labour, Migration and Employment and its branch offices pay particular attention to raising awareness among the people in the country about labour migration issues, including the prevention and spread of AIDS. In

total, 1,312 meetings and discussions were held in the country's provinces and districts in the first half of 2018, with the participation of 230,181 citizens.

106. In the first half of 2018, more than 10,000 booklets on AIDS and more than 8,000 on preventing the spread of tuberculosis were distributed during outreach activities to participants.

107. Television and radio programmes on healthy lifestyles and the prevention of the spread of particularly dangerous diseases such as AIDS and tuberculosis hosted by experienced specialists from the relevant ministries and departments are also regularly broadcast. The Ministry of Labour newsletter *Shugl i mukhochirat* regularly publishes articles on healthy lifestyles and the prevention of the spread of particularly dangerous diseases such as AIDS and tuberculosis.

Article 65

Paragraph 18

108. The social protection of migrant works and simplified work permit and registration procedures are given priority in bilateral negotiations at various levels.

109. Measures are being taken to improve the legal mechanisms for regulating labour migration, including the creation of appropriate legal and social conditions for migrant workers in one another's respective countries.

110. Consideration is being given to matters involving the timely notification of arrests, detentions and court proceedings with respect to nationals of Tajikistan in Russia and to aggrieved Tajik nationals in the Russian Federation in accordance with the relevant international agreements.

111. Currently, according to the minutes of the fifteenth meeting of the Intergovernmental Commission on Economic Cooperation between the Republic of Tajikistan and the Russian Federation of 20 April 2018, active work is being carried out on draft agreements between the Governments on cooperation in the field of migration, the organized recruitment of Tajik citizens for work in the Russian Federation, the legal status of the office on migration of the Ministry of Labour, Migration and Employment of Tajikistan in the Russian Federation and the office on migration of the Ministry of Internal Affairs of the Russian Federation in Tajikistan. In addition, the draft agreement between the Russian Federation and Tajikistan on cooperation on pension provision is about to be signed pending the completion of the relevant domestic procedures.

112. The draft agreement between the Russian Federation and Tajikistan on the procedures for the stay of Tajik citizens in the Russian Federation and citizens of the Russian Federation in Tajikistan has been prepared and, following negotiations with the relevant ministries and departments, submitted to the Russian Federation.

113. In order to provide assistance to citizens of Tajikistan who have committed minor administrative offences in the Russian Federation and who are temporarily denied entry to that country, an agreement has been reached to regularize those who are in the Russian Federation. On this basis, from 25 March to 24 April 2017, Tajik migrant workers in the Russian Federation were granted an amnesty. As a result, more than 120,000 Tajik citizens have the right to re-enter the Russian Federation.

Article 67

Paragraph 19

114. Under the Road Map for the Economic and Social Reintegration of Returning Migrant Workers in the Republic of Tajikistan for the period 2018–2021, approved for the purpose of integrating returning migrant workers, departments, divisions and subordinate organizations have been assigned specific tasks to implement this road map.

115. All returning migrant workers and their family members have the opportunity to participate in various programmes within the framework of the State Programme to Promote Employment for the period 2018–2019.

116. With the aim of reintegrating returning migrant workers into the domestic labour market, in the first seven months of 2018, a total of 1,617 people applied to the employment authorities, including 1,517 men and 100 women.

117. As a result of the measures taken, 222 persons were provided with permanent jobs, 268 were sent for vocational training, 57 were granted preferential loans for businesses and 949 received professional advice. A total of 1,603 returning migrant workers were offered social services.

Article 68

Paragraph 20

118. Since 2000, the Government of Tajikistan, together with the International Organization for Migration (IOM) mission in Tajikistan has consistently taken steps to promote mechanisms and institutional frameworks for combating trafficking in persons and providing assistance to victims.

119. To this end, round tables, workshops and expert meetings were regularly organized and held with the participation of representatives of key State institutions in the field of combating trafficking in human beings, and training sessions were organized for representatives of governmental bodies and the civil society on the national referral mechanism for victims.

120. On 26 July 2014, with technical assistance from IOM, the Government of Tajikistan adopted a new version of the Act on Trafficking in Persons and Assistance to Victims. The new version is a departure from the old law in that greater support and guarantees of the protection of the rights of victims are emphasized, with the title of the new law itself featuring the words “assistance to victims”. The new law has become more targeted and focused on defending the interests of victims. The legislative framework for the national referral mechanism is laid down by article 12 of this law. In particular, paragraph 1 of the article states that cooperation between the entities of the State system involved in combating trafficking in persons and voluntary associations and non-governmental and international organizations within the framework of the mechanism is to be ensured in accordance with cooperation agreements. Paragraph 2 of the article provides that the procedure for implementing a set of measures within the framework of the referral mechanism for victims of trafficking in persons is to be established by the Government of Tajikistan.

121. Being aware of the need to further operationalize this mechanism and to ensure its functional sustainability, IOM has taken measures to provide expert and technical assistance to the Government of Tajikistan in drafting appropriate regulations that would set out in detail the aspects of cooperation on the part of the main players under the national referral mechanism. As a result of such joint work with the Government of Tajikistan, a decision confirming a series of measures under the national referral mechanism was adopted on 27 July 2016. The decision clarifies the operating procedures of the mechanism, defines the most important and basic principles of its functioning, such as the methods of detecting and identifying victims of trafficking, and governs the process of referral of trafficking victims to the relevant organizations, including for their safe return.

122. In December 2016, three round tables were organized with the aim of developing support tools to promote the activities of the national referral mechanism. These meetings resulted in the development of a memorandum on cooperation between anti-trafficking entities within the framework of the mechanism and standards on the provision of social services to victims. This draft memorandum was submitted to the Government, in particular to the interdepartmental commission on combating trafficking in persons, for approval.

123. Cooperation under the national referral mechanism has been most intense and productive to date between IOM and the NGO network Umed and, among government partners, the Ministry of Internal Affairs Organized Crime Department, the Office of the Procurator General and the Ministry of Foreign Affairs, including diplomatic and consular institutions attached to that ministry located in countries in which citizens are most often subject to exploitation.

124. In 2017, the following number of victims of trafficking were referred by government agencies that partner with IOM:

- Ministry of Internal Affairs Organized Crime Department, 24 persons (including 22 women, for sexual exploitation, and 2 men, for labour exploitation)
- Ministry of Foreign Affairs, 5 persons (all victims of labour exploitation)
- Office of the Procurator General, 3 victims of trafficking in persons (all women victims of sexual exploitation)

125. Direct medical, legal and reintegration assistance was provided to all of these persons upon their return home.
