

**BRIEFING DOCUMENT IN PREPARATION
FOR RESEARCH WORKSHOP
September 13, 2012**

Protecting the Rights of Kyrgyz Migrants: Utilizing policy analysis, public outreach, and stakeholder dialogue to mobilize action toward reform¹

[Introduction](#)

The Tian Shan Policy Center focuses on research, analysis, and implementation of appropriate and effective public policy in the nations and communities of Central Asia. In the context of our

The TSPC Project will undertake research on key issues that can inform this debate. It will use the findings from this research to bring stakeholders together to engage in critical dialogue and more concerted action by human rights and labor groups, diaspora networks, progressive business leaders, and at a later stage, government allies that want to advance systematic reform in migrant protection in Kyrgyzstan, as well as in Russia and other parts of Central Asia.

The objectives of this initial Research Workshop are to (1) make more transparent the measures taken by Russia and Kyrgyzstan; (2) identify gaps in protection for labor migrants; and (3) identify and prioritize the research questions for further analysis that could help raise awareness of options to improve human rights protection of migrants. The TPSC will utilize findings from the research to facilitate greater stakeholder dialogue and support informed advocacy on policy reform.

migration for CIS countries, and the third largest Central Asian supplier of labour migrants to Russia (after Uzbekistan and Tajikistan). The officially recognised figures of labour migration outflow from Kyrgyzstan is estimated at 340,000 people, but some estimations give figures as high as 500,000 or even 1 million...Out of 340,000 migrants...about 300,000 people work in Russia. It is well known that the majority of labour migrants come from the southern parts of the country...

External migration is likely to continue in the nea

Remittances have gone from USD 78 million in 2003 to 1,037 million in 2010¹⁵ which will remain a driving factor for migration to Russia, due to limited opportunities in Kyrgyzstan.

The debate on migration is increasing in Kyrgyzstan. The government now is considering a new migration strategy to serve as a basis for migration policies, creating an urgent need for more robust policy analysis and dialogue among stakehold

exploitation by facilitators, such as private recruitment firms, to work situations without formal employment contracts in which migrants have minimal rights and suffer exploitation and abuse.¹⁷

according to the agreement's terms only provide consultation services and have no liability for their actions.²² Exploitation by these agencies include delayed provision of services with consequences of having to leave the country or loss of money, contrived migration registration and provision of false work permits and confiscation of passports, in most cases leading to an

degree are low-skilled, possess low levels of education and have poor knowledge of Russian.³³ Russian employers, however, often use Kyrgyz migrants for low skilled jobs irrespective of their actual qualifications, to fill open jobs nationals are not willing to take.³⁴ These jobs to a larg

The entire process of intermediary firms and action

2. Xenophobia and violence against migrants

Xenophobia and Discrimination

Once in Russia, many migrants from Central Asia are faced with xenophobic perceptions, open discrimination by the Russian society, and racist acts. Undocumented migrants become extremely vulnerable to discrimination due to lack of protection by officials and abuse by the police, legal maltreatment, fining (involving corruptive practices such as the acceptance of bribes), document confiscation, as well as violence in detention and deportation.⁴⁷ Both detention practices and xenophobia exhibit extreme human rights abuses. According to the UN special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance “Russian society is facing an alarming trend of racism and xenophobia.”⁴⁸

Human rights obligations require the prohibition of discrimination of any kind, including that based on citizenship and national origin. According to the Crisis Group Asia Report N°183, anti-migrant sentiments are rising in Russian society due to the lack of knowledge by society of the contribution migrants make to the economy and perception of the country’s loss through unpaid taxes and the migrants’ remittances invested in Central Asia.⁴⁹ An additional factor may be competition for local jobs. The emergence of xenophobia, racial stereotyping and intolerance remain ubiquitous in Russia among minority national

the media strengthened negative cultural stereotypes through TV shows and newspapers parodying migrants and accusing them of spreading crime and diseases. The authors report that xenophobia ranges from violence to systematic discrimination, such as forcing migrants to change the endings of their last names.⁵⁴

Access to Health Care

Many migrants can only access paid medical services, which leaves them vulnerable to health threats. Many fear they cannot turn to medical service because they risk deportation. Thus often when migrants get sick they do not receive medical help. There have been reports that some women who give birth do not take their newborn children from the maternity houses for fear of deportation.

With the introduction of the new Tax Code in Russia in January, 2010, employers do not pay social tax for temporary migrants, thus these migrants cannot get Compulsory Medical Insurance (CMI) polis that gives access to free healthcare. Thus CMI polis is only issued to Russian citizens and permanent migrants with appropriate status, leaving all temporary and undocumented migrants with no access.

Women and children are the most vulnerable groups to sickness and disease. Less than 10% of migrant women and nearly 30% of children have access to free medical care in Russia. About 40% of migrants treat themselves at home and pay fo

monthly allowance, pension. The provision of pensions in the Kyrgyzstan is based on personal responsibility of the insured and strict correspondence of pension payments to amounts of insurance contributions and to pensionable service with the use of personalized registration and personal insurance accounts of citizens.⁷⁵ This means that if a Kyrgyz migrant working abroad does not accumulate pension by sending 2% of the average salary to the Kyrgyz Pension Fund, his/her pension is not accumulated. This means that the migrant upon retirement is entitled only to a base (minimum) amount of the pension - 530 soms per month, which is around USD 11.⁷⁶

Response by Russian authorities

In 2011, Russia adopted a law on contributions to the Russian Pension Fund by legal migrants working in the country.⁷⁷ This law is a first step in addressing the pension issue. In the beginning of 2012, the governments of Russian and K

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4. Involving Kyrgyz Diaspora, trade associations, and business groups

Since its independence, Kyrgyzstan has faced active migration movements abroad of its citizens

reinforce multisectoral links between countries of origin and destination. The challenge for policy makers in developed and developing countries is to create an environment that encourages and supports contributions by migrant diaspora to development.

One handbook on engaging diasporas highlights several directions in building a roadmap.⁸⁵ The book sets out four stages of the road map that are relevant to governments of both origin and destination countries. Most of them are suitable for bilateral or multilateral partnerships and some, such as “twinning arrangements”, require partnership. The key features identified in the Handbook in the following paragraphs may be of interest in considering how to encourage and engage diasporas of Kyrgyzstan in protection of migrant rights, in addition to investment in the country’s economy.

First, the Kyrgyz government needs to think through how it wants Kyrgyzstanis, residing abroad to be able to contribute to development in the origin country. If Kyrgyzstan seeks to reduce poverty, its policy should focus on remittances, business investments, and capital markets. However, if the goal is to improve national competitiveness, its policy will have to emphasize the knowledge and skills that diasporas can channel, either through

Knowledge transfer and 'brain gain' is another area

It is widely believed that migrants have strong ties with their home communities. Migrants utilize various types of communication to reach out to other community members. New communication technologies in the globalized world are becoming more significant tools for migrants, in particular, by providing them with means to connect with family members and friends wherever they are located, but also for enabling a connection to consultancy services to assist them when encountering problems or abuse.

The use of cell phones and internet communication reduces distances by being able to maintain social relationships on a regular basis and facilitates access to crisis centers, hotlines, and advocacy services.

Social networks, blogs, twitter, and other means also have the potential to bring together key actors within the migration scene that may not only facilitate the formation of one-to-one partnerships, but also can form the basis for larger network structures in the host country. Communication networks are an important precondition for exchange of information that may support migrants in their new context, assist them

Report Preparation

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References

Annex I

RUSSIAN FEDERATION

2010 (%)

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Azerbaijan	12.8	10.5	9.7	23.0	4.0	3.5	3.0	4.5	4.0	3.0	2.1
Belarus	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
China	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Georgia	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
India	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Kazakhstan	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Malaysia	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Mexico	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Netherlands	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Poland	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Russia	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Turkey	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Ukraine	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
USA	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
UK	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
World	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0

Note: For details on definitions and symbols, see the introduction to the annex.

Source: OECD (2012), International Migration Outlook 2012, OECD Publishing, 2012: 305.

Annex II



Source: Statistical Yearbook for Asia and the Pacific 2011, ESCAP, 2011: 131.

[Data sources: United Nations Conference on Trade and Development (UNCTAD). IMF, Balance of Payments Statistics. MDG Indicators Database. OECD, Development Database on Aid from DAC Members. The World Bank, World Development Indicators.]

ENDNOTES

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You can quote the section below and find full report at:

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