



**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**
Thirtieth session

Summary record (partial)* of the 415th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 3 April 2019, at 3 p.m.

Chair: Mr. Tall

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Second periodic report of Tajikistan

* No summary record was prepared for the rest of the meeting.

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The discussion covered in the summary record began at 3.25 p.m.

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

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

1. *At the invitation of the Chair, the delegation of Tajikistan took places at the Committee table.*
2. **Mr. Rahmon** (Tajikistan), updating the Committee on developments since the submission of his country's second periodic report (CMW/C/TJK/2) and responding to points raised in the list of issues (CMW/C/TJK/Q/2), said that, on 7 June 2017, Tajikistan had adopted a national action plan for 2017–2020 to implement the recommendations that it had received as part of the universal periodic review process. The action plan provided for a national human rights protection strategy for the period to 2025. Following consultations with public bodies, civil society institutions and international organizations, the working group responsible for drafting the strategy had identified the protection of the rights of migrant workers and members of their families as one of its priority areas.
3. The need to increase labour productivity was a focus of the National Development Strategy 2016–2030 adopted in December 2016. In addition, various measures had been planned to diversify external labour migration, including the establishment of new employment centres and the implementation of special programmes to enhance the employability of persons belonging to vulnerable groups, such as women and persons with disabilities.
4. The State employment support programme for the period 2018–2019, which had been developed in accordance with the National Development Strategy 2016–2030, provided for measures to create new jobs, enhance professional development, offer social support to Tajik migrant workers who returned to Tajikistan, provide employment assistance to women and young people, develop entrepreneurship and offer social guarantees for unemployed persons.
5. The importance of engaging with migrant workers had been highlighted under the National Strategy to Combat Extremism and Terrorism for the period 2016–2020 adopted in December 2016. The Strategy emphasized the importance of concluding agreements with foreign States with a view to improving the living conditions of Tajik migrant workers. It also provided for measures to strengthen the organizational and human resources of the country's consulates and the missions of the Ministry of Labour, Migration and Employment abroad; increase cooperation with voluntary and human rights organizations, the Tajik diaspora, and the law enforcement agencies and migration services of foreign States; and improve the quality of the training that Tajik nationals received prior to their departure.
6. The State budget was the main source of funding for the implementation of measures to protect the rights of migrant workers and members of their families. Development partners and Tajik nationals living abroad were additional sources of support.
7. Over the previous two years, the Government of Tajikistan had signed agreements on the situation of migrant workers with the Governments of Kazakhstan, the United Arab Emirates and Qatar. At the domestic level, Tajikistan had adopted 10 relevant laws and regulations. The Board of the Ministry of Labour, Migration and Employment had held 16 meetings, which had resulted in the adoption of a number of decisions and 11 instructions relating to the protection of the rights of migrant workers and members of their families.
8. In 2018, approximately 480,000 Tajik nationals, including over 60,000 women, had left Tajikistan to work abroad, and 95 per cent of them had headed for the Russian Federation. In the same year, 420,000 Tajik migrant workers, including around 72,000 women, had returned to Tajikistan.
9. The Government monitored the activities of private recruitment agencies registered in Tajikistan, regardless of their form of incorporation. There were currently 15 public and

private economic entities that arranged placements abroad for Tajik migrant workers, but only 1,950 Tajik citizens had used their services in 2018.

10. The provision of vocational training served both to strengthen the domestic labour market and to equip Tajik nationals with the skills to find decent work abroad. In 2018, over 174,000 citizens had graduated from a vocational training institution. The provision of pre-departure training was being strengthened year on year. In 2018, for example, more than 50,000 citizens had been enrolled in a vocational training institution operated by the labour and employment services. In addition, around 42,000 further citizens had received vocational training in other educational institutions in the country. Tajikistan had 492 vocational training facilities that trained citizens to manufacture household goods.

11. The competent authorities also worked to reintegrate Tajik nationals who had returned from abroad, many of whom had been banned from returning to their country of employment. In 2018, 5,632 people had participated in a comprehensive programme to support Tajik nationals subject to such a ban, and over 2,000 of the participants had subsequently found alternative employment in Tajikistan.

12. In his annual address to parliament, President Emomali Rahmon had declared that the years 2019–2021 would be dedicated to the development of the countryside, tourism and traditional crafts. As part of that initiative, there were plans to create new jobs and introduce various incentives for relevant sectors of the economy.

13. In 2018, over 165,000 jobs had been created in Tajikistan. Also in 2018, over 300 staff members of the labour and employment services had undergone training and professional development.

14. Special emphasis was placed on protecting Tajik citizens abroad. In the territory of the Russian Federation, Tajikistan operated one embassy and four consulates, and various ministries and departments, including the Ministry of Labour, Migration and Employment, had missions in the country. One of the key functions of such outposts was to protect the rights and freedoms of Tajik migrant workers abroad.

15. The protection of the rights and freedoms of Tajik nationals was regularly discussed at various multilateral forums, including the annual meetings of the Commission for Trade and Economic Cooperation between Tajikistan and the Russian Federation and various meetings of the States Members of the Commonwealth of Independent States.

16. Tajik air carriers, including Somon Air and Tajik Air, repatriated the bodies of deceased Tajik migrant workers free of charge. Nevertheless, the repatriation process did entail certain costs, including those associated with documentation and customs formalities and the services of an undertaker. The Tajik diaspora and individual Tajiks also provided significant financial assistance to facilitate the repatriation of deceased Tajik nationals.

17. The new electronic visa system, which had been created as part of a broader electronic government project, had simplified the procedure for issuing visas to foreign nationals entering Tajikistan, including migrant workers. It allowed foreign nationals to submit visa and visa renewal applications online, which obviated the need for direct contact with a consular official and thus guaranteed the transparency and impartiality of the application process.

18. The criminal procedure law of Tajikistan had recently been amended to introduce the concept of “time of actual arrest”, which was the time at which a person’s placement in custody was deemed to have begun. At the time of actual arrest, law enforcement officials were required to inform a detained person orally of the reason for his or her arrest and of his or her rights, which included the right to contact a close relative without delay, the right of immediate access to a lawyer and the right not to give evidence. In practice, detained persons, including foreign nationals, were also granted the right to make a telephone call. If the law enforcement agencies arrested a foreign national, they were required to fill out a standardized form, which had been designed by the central consular directorate of the Ministry of Foreign Affairs, and transmit it by fax or email to the Ministry of Foreign Affairs, which would subsequently notify the embassy of the State concerned.

19. Under Tajik law, participation in the electoral process was a right rather than a responsibility. The Government's role was to create favourable conditions in which citizens could participate freely in the electoral process. During the election campaigns of 2013 and 2015, the Central Elections and Referendums Commission and the Ministry of Foreign Affairs had held information sessions abroad for Tajik migrant workers. Representatives of individual political parties had also travelled abroad to meet voters and set out their platforms. During the presidential elections of 2013, 61 polling stations had been set up in 27 foreign countries. Of those polling stations, 24 had been located in the Russian Federation.

20. The Government took the position that, although Tajik citizens were not eligible to run for high public office unless they had been permanently resident in Tajikistan for a certain period of time, that requirement was not incompatible with article 41 (1) of the Convention, which stipulated that migrant workers and members of their families had the right to participate in the public affairs of their State of origin and to vote and to be elected at elections of that State, "in accordance with its legislation".

21. **Mr. Ünver** (Country Rapporteur) said that the Committee appreciated the State party's efforts to resolve what were difficult issues. He wished to know whether migrants in Tajikistan were the victims of discrimination and arbitrary detention and whether their freedom of movement and expression was curtailed. It would be interesting to know whether any Tajiks living abroad were contract workers; whether remittances could be transferred easily and cheaply and what their impact on the Tajik economy was; and whether the Government was in a position to prevent the manipulation and exploitation of Tajiks by private recruitment agencies. Noting the opening of additional Tajik consulates, he invited the delegation to provide further information on the services they provided in the light of the restrictions imposed by the Vienna Convention on Consular Relations.

22. **Mr. Taghi-Zada** (Country Rapporteur), noting that some of the State party's replies to the list of issues were not entirely satisfactory, said that there were discrepancies between the figures on the number of Tajik migrant workers, depending on the source. Accordingly, he would appreciate updated and more comprehensive data on Tajik migrant workers. He welcomed the fact that thousands of Tajik migrant workers had been authorized to re-enter the Russian Federation following minor administrative offences and would be interested to hear what progress had been achieved on negotiations to afford that privilege to the remaining migrant workers in the same situation. He would also be interested to hear the nature of the queries that Tajik consulates received from migrant workers, and, specifically, whether any of them related to wages and rights violations. He would appreciate information on the number of Tajik migrant workers who had died while abroad, the investigations conducted into their deaths and any resulting prosecutions. He would also appreciate the delegation's comments on how the State party ensured that the rights of migrants and their families were respected under bilateral agreements, especially agreements with Middle Eastern countries where working and living conditions for migrants sometimes amounted to slavery.

23. **Mr. El-Borai** said that he welcomed the State party's efforts to implement the Committee's recommendations from the first constructive dialogue and to organize migration more efficiently, in particular through the Interdepartmental Commission for the Regulation of Migration Processes and the National Strategy on Tajik Labour Migration. However, there was no information on the impact of those efforts on the ground. Therefore, he would appreciate statistical data on the results of migration-related activities, as well as information on the extent to which bilateral agreements between the State party and countries of destination facilitated the regularization of Tajik migrants and protected their rights to social security and to transfer their earnings.

24. **Mr. Botero Navarro** said that, in the light of alarming reports of ill-treatment and offences against Tajik migrant workers, sometimes at the hands of law enforcement personnel, predominantly in the Russian Federation, he would like to know how the State party coordinated with countries of destination to ensure access to justice for victims who had subsequently been returned or deported to Tajikistan. In reference to the case of a Tajik migrant who, after being violently attacked in St. Petersburg, had been convicted of instigating a fight and had then been detained for breaking immigration law when his

passport had expired during the legal proceedings, he wished to know how the State party strived to prevent hate crimes against Tajiks in the Russian Federation and ensure that they received a fair trial and were not wrongly convicted of offences when they were in fact victims. Lastly, he would appreciate information on how migrant workers who were particularly vulnerable to trafficking were made aware of their legal rights and obligations if they chose to leave the State party to work abroad and on the legal remedies, reintegration services and redress available to victims of trafficking.

25. **Mr. Kariyawasam**, noting the special relationship between Tajikistan and Afghanistan, said that he would be interested to know how many Afghan migrant workers crossed into the State party, what their legal status was and whether they were considered as any other foreign migrant workers or were treated on an equal basis with Tajiks. Given the particular vulnerability of women, he wished to know whether the State party had set up any specific programmes to protect them from trafficking and to reintegrate any who became victims of trafficking.

26. **Ms. Dzumhur** said that, according to certain sources, around 2 million Tajik nationals were living in the Russian Federation: she would like to know whether the State party kept its own statistics on the number of its nationals working abroad. It would also be useful to know how many Afghan people were living in or transiting through Tajikistan and whether any laws were in place to protect their human rights.

27. The delegation should provide further information on the accreditation status, monitoring activities and publications of the Ombudsman. She would likewise be interested to learn whether the State party had adopted a comprehensive human rights action plan that included strategies to prevent trafficking in human beings. As the Committee had received information that the majority of Tajik migrants were men, she wondered whether measures were in place to protect and assist women, particularly those whose husbands worked abroad. The delegation should comment on the practical application of the State party's bilateral agreements and explain how shortcomings in their implementation were addressed.

28. **Mr. Oumaria** said that he would like to know the position of the Convention in the State party's legal order. Moreover, he would be grateful for information about the institutions that acted as checks and balances to power in the State party. Given that many Tajik migrants lived in States that were not parties to the Convention, information on the work being done to defend their rights would be welcome. He wondered whether there was a legal or tax framework to govern and facilitate the transfer of remittances. Likewise, it would be helpful to know whether investment advice was provided to migrants sending remittances. He would appreciate further information about the State party's aluminium and cotton exports, including, in particular, which countries received the goods, if and how prices were set, and how the benefits were distributed within the country.

29. **Mr. Charef**, expressing satisfaction with the measures implemented by the State party in response to the Committee's previous recommendations, said that remittances could and should be used for economic development. He wondered how the State party ensured that remittances were transferred legally and whether agencies existed to help channel remittances into development projects. He would like to know whether any research centres, institutes, publications or training courses in the State party were analysing or focusing on remittances, including formal and informal transfer mechanisms.

30. **The Chair** said that he was aware that many Tajik women became domestic workers in countries such as the Russian Federation and Qatar. He would welcome information on the measures in place to protect those women from abduction, abuse and illegal practices such as passport confiscation. The State party should provide details on the provisions in place to promote the Convention among State officials and train security personnel to distinguish victims of trafficking in human beings from migrants in irregular situations. Equally, it should explain what assistance and services were provided to victims of trafficking in human beings.

The meeting was suspended at 4.40 p.m. and resumed at 5.15 p.m.

31. **Ms. Taghoizoda** (Tajikistan) said that trade union membership was voluntary and that trade union activities were conducted in accordance with the law on trade unions.

Foreign citizens in Tajikistan enjoyed the same rights as Tajik citizens under the Act on the Legal Status of Foreign Nationals and Stateless Persons in the Republic of Tajikistan. Migrant workers voluntarily created their own social associations abroad, particularly in the Russian Federation and Kazakhstan.

32. The Government disputed the statistic that 2 million Tajik citizens were working in the Russian Federation. According to the Russian authorities, nearly 1.19 million Tajik citizens had entered the Russian Federation in 2018, but not all of them were labour migrants. It had emerged from a 2018 labour and employment survey that around 700,000 Tajik citizens currently worked outside the country. Over 90 per cent of those worked in the Russian Federation, and Kazakhstan was the second most frequent destination.

33. Tajikistan had concluded bilateral agreements with the Russian Federation, Kazakhstan, Belarus and the United Arab Emirates, and had signed but not yet ratified an agreement with Qatar. Those agreements defined the rights and interests of migrant workers and included provisions on remittances.

34. The Government tackled illegal immigration on the basis of a cooperation agreement between the member States of the Commonwealth of Independent States. Regular meetings on topical issues regarding illegal immigration were held between officials of the Ministries of Internal Affairs of Tajikistan and the Russian Federation and close cooperation had been established between the law enforcement bodies of the two States. Moreover, the Ministry of Labour, Migration and Employment had a representative office in the Russian Federation. All cases in which the rights of Tajik citizens were found to have been violated in the Russian Federation were carefully examined by the consulate together with the competent bodies of the Russian Federation.

35. Of the 15 private employment agencies licensed in Tajikistan, 10 were currently operational. Those agencies reported to the migration services every quarter with a view to protecting the rights and interests of Tajik citizens working abroad. The Ministry of Labour, Migration and Employment had its own State enterprise, the Overseas Employment Agency, which also found work for Tajik citizens abroad.

36. Although Tajik children had the right to education in their country of residence, it was sometimes very difficult to enrol them in educational institutions. Schools in the Russian Federation demanded evidence of registration for the full duration of the school year, which posed a problem for many Tajik nationals. The Tajik authorities regularly raised the issue with the Russian authorities in a variety of intergovernmental forums. Recently, Tajikistan had presented a draft agreement to the Russian Federation which, if implemented, would make it easier for Tajik migrant workers to meet the requirements for enrolling their children in schools.

37. Despite stereotypes about labour migration being for men, a growing number of Tajik women were travelling abroad to work. Women's migration took two main forms: "traditional" migration, whereby a woman travelled abroad with her husband or his relatives; and "non-traditional" migration, whereby a woman left her children in the care of her husband or family members. The latter was seen as a challenge to traditional gender roles. Although an increasing number of families were taking their children with them when they left to work abroad, such families often had problems registering in the country of destination and thus faced difficulties in obtaining social benefits, health care and medical documents for the children. An insufficient knowledge of the Russian language sometimes compounded their problems.

38. As many women migrants worked as domestic workers on the "grey" market, they were vulnerable to sexual and gender-based violence and denied social and health services, including pregnancy and post-natal services. The Government of Tajikistan had implemented a gender-mainstreamed migration policy in order to tackle those issues. It was also working with development partners to devote greater attention to the problem of abandoned migrant spouses.

39. All migrant workers were entitled to have a contract of employment, in accordance with the bilateral labour agreements that Tajikistan had concluded with other countries. As a result of the bilateral agreement concluded between Tajikistan and the Russian Federation

in 2004, a bilateral working group had been established to improve protection for the rights and interests of both Russian and Tajik citizens. Before signing an agreement with any country, the Government studied the labour laws of that country to ensure that Tajik migrant workers would not be drawn into slavery or have their labour rights otherwise violated.

40. Migration issues were discussed and examined by a dedicated department within the Ministry of Labour, Migration and Employment and also by the Strategic Research Centre, among other bodies.

41. **Ms. Hasanzoda** (Tajikistan) said that there were discrepancies with regard to migration statistics in almost all countries, as methods of counting migrants differed widely. In Tajikistan, a population and housing census was carried out every 10 years, with the next one due in 2020. According to the most recent figures, around 40 per cent of the population was aged under 18 years, and 70 per cent lived in rural areas. The fertility rate was 3.8 births per woman, rising to 4.7 in rural areas. There were some 2.4 million people in active employment.

42. The National Development Strategy 2016–2030 had been formulated with the participation of academics, 18 international organizations and 9 non-governmental organizations, and took into account the Sustainable Development Goals. In application of the Strategy, the Government had launched programmes to implement State investment projects, particularly in rural areas, to promote tourism and traditional arts and crafts, to reform the agricultural sector, to ensure equal access to land for men and women, to foster a business climate and to improve access to State services.

43. According to figures from the Ministry of Economic Development and Trade, roughly 70 million somonis had been spent on implementing the Strategy in 2016/17, 80 per cent of which had been sourced from the State budget. According to the World Bank Group, meanwhile, the proportion of the population living below the national poverty line had fallen from 83 per cent in 2000 to 29.5 per cent in 2017. Since 2012, there had been considerable investment in the construction or refurbishment of housing, schools and health facilities. Between 2012 and 2017, the number of students in higher education had increased from 150,000 to 190,000 and 12 higher education establishments had been built.

44. Since Tajikistan had gained its independence, a huge number of homes had been built on former agricultural land. Currently, around 150,000 jobs were being created each year, half of them permanent. In 2017, 2.69 million people, including 1.5 million Tajik citizens, had entered the country and 2.67 million had left.

45. Remittances were a vital component of the economy. According to figures from the Central Bank of the Russian Federation, Tajikistan ranked sixth on the list of countries that received the most remittances from migrant workers in the Russian Federation. Although remittances were not considered to count towards the country's gross domestic product (GDP), in 2012 they had amounted to the equivalent of 40 per cent. That figure had since fallen to around 15 per cent, as GDP had grown, thanks in large part to a move towards an economic model based on industry and innovation.

46. Remittances could be sent through a number of international money transfer operators – which typically charged a commission – provided that transfers complied with national legislation and banking regulations. It was also possible to send money over the telephone. In 2018, more than 30 million somonis had been transferred in that way. Migrant workers could open current accounts at favourable rates. On 1 March 2019, there had been 2,000 account holders with an overall balance of \$2 million. Migrant workers could also apply for loans to cover travel expenses and meet family needs.

47. In October and November 2017, the Food and Agriculture Organization of the United Nations had conducted a study into the impact of migration by men on the labour-market participation of women in rural areas in Tajikistan. The households included in the study had had an average of seven members and had been 49 per cent female. Most households had contained only one migrant worker, 90 per cent of whom had been men. Migrant workers had been, on average, 32 years of age; 68 per cent had been married and 90 per cent had reached at least a secondary level of education. Most migrant workers had

travelled abroad in search of better employment prospects. In excess of 35 per cent of the remittances received by the households had been spent on food. The study had shown that migration by men led to a major change in the roles of women –the impact being more pronounced, the greater the remittances – but had not shown that migration forced women to reduce their engagement in income-generating activities. In fact, it had been found that a 1 per cent increase in remittances boosted the employment of women by 0.8 per cent. Many of the women in the study had used remittances to start a business or undertake a professional activity of some kind.

The meeting rose at 6 p.m.