



**Protection of rights of women migrant workers from Tajikistan and impact of labour migration on families left behind<sup>1</sup>**

**Labour migration from Tajikistan: overview**

1. Tajikistan is a country with unstable economy and high unemployment rate. As of 1 March 2013 official rate of unemployed registered in the Agency on Employment and Social protection of population was 54,400 people.<sup>2</sup> According to unofficial data, level of unemployment in the country varies from 30-45% of population of working age. According to official data in 2012 744,360 citizens left Tajikistan in search of employment. However, experts estimate that about 1 million of Tajik nationals travel every year to labour migration.<sup>3</sup> Labour migration helps to reduce level of unemployment in three times and increase level of employment of population of working age by 15%. About 90% of Tajik migrant workers travel to Russian Federation.<sup>4</sup> Due to poverty and unemployment labour migration of citizens abroad became a main source of income and major survival strategy for the majority of population in the last 15 years in Tajikistan.<sup>5</sup> Remittances of labour migrants constitute 35,1% of country GDP, the highest in the world.<sup>6</sup>
2. During last 5-7 years there are following general trends in labour migration from Tajikistan: constant growth of stock of emigration of Tajik population; growth of permanent migration; growth of irregular labour migration from Tajikistan due to tightening of migration regime in Russian Federation – a major country of destination of Tajik migrant workers; prevalence of low-skilled labour migration and decline of professional level of migrant workers; growth in number of younger generation of migrant workers mainly low-skilled labour migration of

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<sup>1</sup> This submission is based on the review of the existing studies and policy papers analysing labour migration from Tajikistan and particular situation of women migrant workers. In addition to review of existing sources, this submission is based on the findings of the monitoring Human Rights Center in Tajikistan conducted in cooperation with Public Fund “Panorama” to study situation of women migrant workers in Tajikistan and respect of their rights protected by CEDAW by Tajikistan. Monitoring was conducted in June-August 2013 and included analysis of labour migration policies from gender perspective and semi-structured interviews with 21 women migrant workers, 10 wives of migrant workers and 300 households from 10 districts and cities of all provinces of Tajikistan.

<sup>2</sup> <http://vecherka.tj/news/v-rejtinge-bezrabotny-h-v-tadzhikistane-lidiruyut-zhenshhiny/>

<sup>3</sup> UNDP (2010), National Human Development Report 2008-2009 Employment in the Context of Human Development, p. 103, [http://www.undp.tj/files/UNDP%20NHDR\\_Employment\\_2009\\_ENG.PDF](http://www.undp.tj/files/UNDP%20NHDR_Employment_2009_ENG.PDF)

<sup>4</sup> Centre for Strategic Research under the President of Tajikistan (2012), Impact of labour migration on way of life and behavior of population, unpublished report.

<sup>5</sup> Kuddusov J (2009), Impact of global financial crisis on labour migrants from Tajikistan: opinions of migrants, rapid assessment, Information Research Center “SocServis”.

<sup>6</sup> World Bank (2011), Migration and Remittances Factbook, p.19

youth immediately upon graduation of secondary school; growth of family migration; growth of number of women in general flows of migrant workers from Tajikistan.<sup>7</sup>

3. Labour migration has both positive and negative effects on Tajik households. Among positive effects most of households noted increase of standards of living due to remittances. Separation of families, deterioration of health of migrant workers, violation of rights of migrant workers in country of destination were among negative effects of labour migration on households.

### **Women migrant workers from Tajikistan: short profile**

4. Though proportion of women migrant workers from Tajikistan is lower compared to other countries there was a notable growth of female labour migration from Tajikistan during last 3 years. To the date of drafting of this submission experts estimated that women constitute about 11 to 15 % of total number of migrant workers. According to Migration Service under the Government of Tajikistan 81,744 women left for labour migration in 2011. Committee on Women's and Family Affairs under the Government of Tajikistan noted that more than 124,000 women migrated in search of jobs abroad in 2012.<sup>8</sup>
5. Female labour migration has its features compared to male labour migration. Women are less independent in making decision to migrate, finding employment in country of destination, use of earnings. Traditional division of gender roles and gender stereotypes restrict opportunities of women to independently decide on strategic life choices. Women migrant workers are mainly employed in typical "female" occupations such as services (catering, retail sales in bazaars, cleaning etc.), domestic work (maids, child care, care of old family members). These sectors are traditionally low-paid compared to sectors where male migrant workers work. Women more often compared to male migrant workers are employed in sectors that are less protected as they don't have official registration and work permits, contracts etc.<sup>9</sup>
6. Women migrant workers from Tajikistan can be divided in two big groups: a) women migrating independently and b) women migrating together with their husbands and other members of families. Compared to other countries number of women migrating independently from Tajikistan is very low. These women are mainly urban women of 24-54 years of age. It must be noted though that these women were economically active before labour migration. However, their decision to migrate was taken in consultation with extended family, i.e. husbands, parents, children, brothers etc. Reasons to migrate are mainly economic. Women wished to improve their financial situation, pay debts, save money to pay for education of children and so on.

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<sup>7</sup> Bozrikova T (2011), Findings of the Gender Expertise of National Strategy of labour migration of Tajik citizens abroad for 2011-2015. UN Women; Public Fund "Panorama" (2010), Impact of global economic crisis on households of Tajikistan, DFID; Centre for Strategic Research under the President of Tajikistan (2012), Impact of labour migration on way of life and behavior of population, unpublished report.

<sup>8</sup> Interview of Ms. Tagoeva S., Head of the Committee on Women's and Family Affairs on 25 January 2013 to newspaper "Asia-plus", <http://news.tj/ru/news/sumangul-tagoeva-nizkii-uroven-zhizni-tolkaet-zhenshchin-tadzhikistana-na-prestupleniya-i-migra>

<sup>9</sup> Bozrikova; Centre for Strategic Research under the President of Tajikistan; Public Fund "Panorama", *op.cit.*

7. Group of women who migrated together with their husbands is much bigger compared to women migrating independently. They were mainly motivated by desire to earn more together with husbands and family reunification. These women were not able to freely decide on use of their earnings as mainly their husbands were main decision makers on how to distribute earnings.
8. Existing gender stereotypes impact attitude of society towards women migrant workers, especially in rural areas. Decision of men to migrate is fully approved by community while decision of women to migrate is mainly not welcomed as their main role is to stay at home, care for children and older members of families and do chores. Communities particularly stigmatize women who decided to migrate independently.
9. Other factors that affect women's choices to migrate in search of jobs are restricted access of women to financial means required for travel and lack of travel documents. For instance, among male migrant workers about 50% didn't have money for purchase of ticket and cover living costs in country of destination while looking for job.<sup>10</sup> They either took small loans in banks or borrowed money from friends or relatives. Review of access of women to financial services demonstrated that use of financial services of banks including loans is lower compared to men and women tend to take loans for starting businesses or development of their small businesses while men take loans for consumption purposes. In general, as women has less access to land and property compared to men access to loans is restricted due to mortgage.<sup>11</sup> Studies analysing access to legal aid in Tajikistan illustrate that women face problems with obtaining identity documents (passports, birth certificates, marriage certificates etc.) more often than men as they depend on decision to receive these documents from their parents when they are underage or from their husbands when they are married.<sup>12</sup> In general, in solving their legal problems including obtaining identity documents women extensively rely on informal networks rather than official channels as they have less access to legal information.<sup>13</sup>

### **Gender aspects of policy and institutional framework on labour migration in Tajikistan**

10. As mentioned above, labour migration of Tajik nationals abroad is a major survival strategy for most of Tajik households. Besides, labour migration has strong macro-economic and social dimensions in Tajikistan. In this respect, drafting and adoption of National Strategy on Labour Migration of Tajik nationals aboard for 2011-2015 (hereinafter, the Strategy) was a very important step of the Government of Tajikistan. It is meant to be a foundation for selection of priorities and activities aimed at resolution of problems by key governmental bodies in cooperation with civil society and private sector. Despite a number of efforts of civil society and international organisations to mainstream gender in this Strategy it was adopted by

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<sup>10</sup> Umarov, Kh (2010), Research report "Tajik labour migration during global financial crisis: reasons and consequences", IOM, p.15.

<sup>11</sup> Shahriari, H, Danzer A, Giovarelli, R and Undeland, A (2009), Improving Women's Access to Land and Financial Resources in Tajikistan, <http://siteresources.worldbank.org/INTTAJKISTAN/Resources/CombinedGenderESWreportENG.pdf>

<sup>12</sup> Sociological Research Centre "Zerkalo", OSI (2012), Legal Issues: Needs of population of legal services and practiced ways of meeting those needs.

<sup>13</sup> Sociological Research Centre "Zerkalo", OSI, *op.cit.*

Government without any reflection on growth of women migrant workers in labour migration flows from Tajikistan, family migration and other gender dimensions of labour migration.

11. The Strategy is not connected to current gender policy and national legislation on gender equality. The Law of the Republic of Tajikistan “On State Guarantees of Equality between Men and Women and Equal Opportunities of their Realization” establishes in its Article 4 that public bodies are obliged to “... include in state programmes measures aimed at ensuring constitutional rights of citizens... and ensuring gender equality”. The Strategy does not establish any special measures and means for resolution of specific gender problems of labour migration. There are no mechanisms of measuring of impact of planned activities on women and men in this Strategy.<sup>14</sup> System of monitoring as well as indicators including gender-disaggregated was not developed. In general, there is lack of gender-disaggregated statistics and data collection in the country. There are no studies on proportion of women and men among different types of migrant workers, disaggregation of women migrant workers by type of labour migration and so on.
12. In addition to gender blindness of labour migration policy there are several institutional weaknesses that prevent mainstreaming of gender to labour migration policy. Committee on Women’s and Family Affairs has limited participation in the drafting groups and has weak capacity to develop gender-sensitive strategic documents and laws. Level of knowledge and sensitiveness about gender equality as a key principle of drafting of policies in development including labour migration policy among members of drafting groups are very low.
13. Migration Service under the Government of Tajikistan established a Public Council that includes members of civil society organisations and international organisations working on labour migration issues in Tajikistan. In drafting groups of the Law “On External Labour Migration” and the Law “On Private Employment Agencies” civil society organisations and gender expert were included. Migration Service held a number of public hearings to discuss mentioned draft laws. In addition to Public Council Migration Service established a Gender group to ensure mainstreaming of gender in their activities and strategies. This group has been active at the beginning and dealt with raising awareness and knowledge of personnel of Migration Service on gender issues. However, members of group are not included actively in drafting and implementation of action plan on migration policy, monitoring and evaluation of migration policy. Delegations tasked with discussion of migration regimes between Tajikistan and countries of destination do not include members of Gender group.
14. Participation of women in Migration Service is low. Out of 184 staff members of Migration Service (including its regional branches) there are only 28 women (or 15%). Only 2 women are appointed at senior management positions, i.e. head of department and head of unit. In 2013 Migration Service opened its representative office in Russian Federation. All 13 staff members of representative office are men.

### **Access of women to information on safe labour migration**

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<sup>14</sup> Bozrikova, *op.cit.*

15. Activities aimed at pre-departure orientation and provision of information before labour migration to women and men are very limited. There is no system of pre-departure orientation for migrant workers in Tajikistan. Migration Service is mandated to provide consultation services for Tajik migrant workers. However, its organizational capacity and resources are limited and do not allow to cover with consultations even 10% of migrant workers. In 2012 Migration Service received only 2464 applications from migrant workers and 991 migrant workers used hotline in 2012. In regional branches Migration service only 139 migrant workers<sup>15</sup> requested information.<sup>16</sup>
16. Despite that arrangement of pre-departure orientation is part of the National Strategy on Labour Migration of Tajik nationals abroad for 2011-2015 Migration Service didn't receive any allocations from the national budget for implementation of strategy. Resources allocated for functioning of Migration Service are very limited and do not allow to hold comprehensive informational campaigns at national and local levels. In this regard, informational campaigns focusing on needs of women are out of question.
17. Nevertheless, findings of studies confirm that access of women and men to information of any kind about labour migrations is unequal. The limited informational campaigns that are conducted by Migration Service and non-governmental organisations with support of international donors<sup>17</sup> do not reach fully women either due to lack of time of women (due to domestic work) or focus of these campaigns on men only. Women noted that legal information and other kind of information on labour migration were mainly received by them through informal networks (talking to friends and relatives). In this respect, studies note that most of women planning labour migration do not know about requirement of registration in country of destination, procedures of receipt of work permit, mechanism of protection in case of violation of their rights.

### **Access of women migrant workers to vocational education and training**

18. So far, there is no special system of vocational education and training established to meet needs of migrant workers in Tajikistan. Migration Service planned to open its own vocation education and training courses and the Center on training of migrant workers. In general, migrant workers can benefit from vocational education and training provided by the Ministry of Education and Ministry of Labour and Social Protection in Tajikistan.
19. A network of Adult Education Centers was established by the Ministry of Labour and Social Protection to provide vocational training to youth and unemployed and improve possibilities for employment in the country and abroad. Demand for services of these Centers is growing among population. In 2011 number of trained people reached 19,971 compared to 141 in

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<sup>15</sup> 49 migrant workers in Sogd province, 24 migrant workers in Khatlon province, 6 in GBAO and 60 migrant workers in Dushanbe and Regions of direct subordination requested information in regional branches.

<sup>16</sup> Interview of Mr. Kodiri, head of Press services of the Migration Service to newspaper "Asia-plus" on 19 August 2013, <http://tjinform.com/ru/news/20130819/08548.html>

<sup>17</sup> 7 Labour Migration Resource Centers were established by NGOs with support from IOM. These Centers provide free legal support and information to all migrant workers and potential migrant workers. In 2011 about 13'000 migrant workers (30% of women) participated in informational campaigns. In 2012 Centers reached with information 32 971 migrant workers including 10633 women.

2008.<sup>18</sup> One of the reasons of the growth could be an introduction of option of certification of skills upon short training course. This service was particularly demanded by migrant workers as upon short training (about 2 weeks) and exam they were able to receive an official certificate proving their vocation. Nevertheless, exact number of migrant workers that received certification of skills or training in these Centers is not known, because Centers do not maintain these statistics.

20. Access of women and relevance of training provided to women are areas of particular concern. In 2011 10,734 women (or 53,7% of total number of people who used services of Centers) were trained in the Centers. However, among vocations offered to women are the following: “sewer-embroiderer”, “manufacture of garments”, “knitter-cutter”. Meanwhile, women migrant workers are mainly working in service sector and do cleaning, laundry, dishwasher, care of children, sick members of families, they work as cooks, confectioners, sellers and so on.<sup>19</sup> Women migrant workers in countries of destination are mainly involved in low-skilled work due to absence of vocations and lack of knowledge of Russian language. The latter affects opportunities of women to find well-paid jobs. For instance, domestic work is highly paid in Russian Federation. But it is not accessible for Tajik women due to poor knowledge of Russian language. It was noted that there are more men accessing paid certification or vocational services of the Centers. Two third of men used paid services of the Centers, while only 48% of women were able to afford paid services.

#### **Access of women to employment including through Private Employment Agencies (PEA)**

21. Employment through employment agencies (both public and private) is not popular and demanded channel of Tajik migrant workers. Migration service noted that only 3% of Tajik migrant workers found employment abroad through employment agencies. There are three state employment agency – Tajik State Enterprise “Tojikhoriyakor” under the Migration Service, Employment Agency under the Ministry of Labour and Social Protection and Labour Exchange under State Committee on Youth. There are 18 PEA that received license from the Migration Service to arrange employment for Tajik national abroad. Weak legal framework on PEA, poor regulation of their rights and obligations, responsibility of PEA, poor mechanism of control of activities of PEA by the state that may result in labour exploitation and slavery of migrant workers<sup>20</sup> contribute to low level of trust by migrant workers to PEA and demand for their services among migrant workers.
22. Official up-to-date statistics on activities of state employment services was not available. However, 2007 data demonstrates that women had less access to services of Tojikhoriyakor. In general, in 2007 4600 men and 200 women and 5800 men and 200 women in 2008 applied for services to Tojikhoriyakor. In 2007 Tojikhoriyakor arranged employment abroad for 853 migrant workers including 30 (3.5%) of women while in 2008 only 310 including 10 women

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<sup>18</sup> Human Rights Center (2012), National referral mechanism for migrant workers: analysis of situation and recommendations, IOM Dushanbe.

<sup>19</sup> State Statistics Agency of Tajikistan (2009), Situation in the Labor Market in the Republic of Tajikistan: Results of the Labor Force Survey for the period of June-July 2009

<sup>20</sup> Human Rights Center recorded cases of women and men migrant workers suffered from labour exploitation due to deception of PEA “Rustam in 2007, “Vostok-Farm in 2008, “Tajikaviatur in 2010 and “Zamoni Yunus” in 2012.

received jobs via Tojikhorijakor. In 2012-2013 list of proposed jobs in Russian Federation established by Tojikhorijakor does not take into account interests of women. Jobs offered include such vocation as concrete placing workers, adjusters/installers, electric and gas welder and so on.<sup>21</sup>

23. Due to poor development of private and state employment services migrant workers including women have restricted opportunities to use this channel of employment. For instance, according to data of regional branch of Migration service in Sugd province in 2012 only 1098 migrant workers including 301 women migrant workers found employment in Russian Federation using PEA services. In general, women migrant workers do not have any information about organisations which can help finding employment before departure. Majority of migrant workers, especially women rely on their informal networks (relatives, friends, neighbours) in finding jobs abroad and avoid official channels. This situation results in informal employment of women, violation of labour standards, nonpayment of salaries by employers, lack of access to social protection. In case of these problems women again rely on support of informal networks, but not official authorities either Russian or Tajik representations charged with protection of rights of Tajik nationals abroad.

#### **Wives and children of migrant workers left behind in Tajikistan**

24. Wives and children from abandoned families of migrants are the most vulnerable when it comes to the adverse effects of migration. Abandoned women left behind live in extreme poverty and inadequate housing facilities, eating the food which they cultivated themselves and occasionally getting help from their relatives.<sup>22</sup> To survive, these women send their young children to work. There is no statistics on number of abandoned women of labour migrants. However, these women most often suffer from depression, suicide, cruel treatment and can be engaged to criminal activities and polygamy in the situation where they see no choice or do not know legal and social rights.<sup>23</sup> According to UNICEF study,<sup>24</sup> children from abandoned migrant families become more aggressive and undisciplined; they suffer from depression.<sup>25</sup>
25. According to the official data of the Migration Service under the Government of Tajikistan in 2013 74'000 children from Tajikistan were engaged in low-skilled labour in Russian Federation. MS informed that special working group that consists from members of competent bodies was established to prevent migration of children abroad.<sup>26</sup> Results of the activities of this Commission are not available for public discussion. According to ILO one of the factors affecting increase in number of exploited children is labour migration. About 50% of street children are children from families of migrant workers. These children are subject to violence (negligence, exploitation, harassment and sexual violence). They are at risk of commission of crimes, drug trade, HIV/AIDS infections.<sup>27</sup>

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<sup>21</sup> [www.migration.tj](http://www.migration.tj).

<sup>22</sup> IOM (2009), Abandoned wives of Tajik labour migrants, IOM.

<sup>23</sup> IOM (2009), *op.cit.*

<sup>24</sup> UNICEF (2011), Labour migration impact on migrant's children remained in Tajikistan", UNICEF

<sup>25</sup> UNICEF *op.cit.*

<sup>26</sup> Data of the Migration Service under the Government of Tajikistan <http://rus.ozodi.org/content/article/24888910.html>

<sup>27</sup> ILO data <http://www.no-childlabour.tj>

26. Family legislation of Tajikistan does not establish a concept “family”. It is guided by conservative approach of equating the family with marriage. In this respect, changes in model of families taking place in Tajikistan such as polygamy, cohabitation without state registration of marriage are not reflected in the family legislation, thus, members of these unions are in a vulnerable situation.<sup>28</sup> Statistics on number of women living in cohabitation unions are not available. However, according to data of legal aid offices, number of application of women living in cohabitation and denied of their property, housing and land rights upon dissolution of cohabitation and claiming alimony for children born in these unions is very high (about 80 % of all applied women expressed the need on legal support in resolving above-mentioned cases). This gap in law puts wives of migrant workers in particularly vulnerable situation as without state registration of marriage these women face problems in accessing justice in case of dissolution of cohabitation due to long absence of men in labour migration, lack of information about his place of residence. Even when court rules in favour of women, for instance, establishing paternity of men and assignment of alimony, right to live in the house of extended family of men, right to part of the property it is almost impossible to enforce court decision due to absence of father of children, lack of information of actual level of his income and so on.

#### **Recommendations:**

- In order to protect rights and interest of women migrant workers apply mechanisms of ensuring gender equality established by the CEDAW. Include information about situation of women migrant workers and fulfillment of obligations of the State under CEDAW to the State report on implementation of the CEDAW.
- Mainstream gender in national labour migration policy and legislation to ensure protection of rights and interests of women migrant workers and members of families of migrant workers left behind in Tajikistan.
- Introduce gender-sensitive monitoring and evaluation mechanism of implementation of national strategy on labour migration of Tajik nationals abroad.
- Establish close cooperation between Migration Service and Committee on Women’s and Family Affairs under the Government of Tajikistan to ensure its inclusion to process of drafting of policies and laws on labour migration to ensure that rights and interests of women migrant workers and migrant’s families are reflected. Ensure inclusion of gender experts and staff of the Committee on Women’s and Family Affairs in negotiations of agreements between Tajikistan and Russian Federation.
- Increase number of women working in Migration Service including on senior management positions and in representation of Migration Service in Russian Federation and improve knowledge and competence of all staff on gender equality to ensure adequate and effective protection of rights of women migrant workers in Russia and integration of gender specific issues to policies and practices of Migration Service.

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<sup>28</sup> A/HRC/11/6/Add.2, стр.16.

- Improve collection of statistics on labour migration disaggregated by gender, type of labour migration, women migrant workers by type of occupations in country of destination, access of women and men migrant workers to finances before departure, access of women and men to medical, legal and social services in country of origin before departure and upon their return to Tajikistan and in country of destination, access of women and men to legal information and information of any kind to ensure safe labour migration and so on.
- Improve pre-departure orientation and informational campaigns applying gender- and rights-based approach to inform women on equal basis with men about migration procedures, obtaining travel documents, obtaining legal registration upon arrival, need to conclude labour contracts and their content. In arranging these activities partner with civil society organisations and ensure equal participation of women and men in these events through inter alia arranging them in time convenient for both women and men – potential migrant workers.
- Study situation of women migrant workers upon return and develop gender-sensitive re-integration programmes for migrant workers.
- Ensure that women have access to vocational education and training on vocations that are in demand in countries of destination including course on learning Russian language to improve their chances in entering well paid and protected employment.
- Amend Family Code of Tajikistan to ensure its compliance with the real situation of families in Tajikistan and protect rights of women and children, specifically, define the notion of family to ensure protection of all forms of families existent in Tajikistan.
- Recognize cohabitation to protect members of families in unregistered marriages.
- Develop mechanism of enforcement of court decisions on alimony for children when defendant is outside of Tajikistan.
- Study effects of labour migration on families left behind, women and children of families of migrant workers and introduce perspectives of these effects to policies on labour migration and advancement of women, child protection strategies and policies.