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The present report has been developed by the NGO “Human Rights Center” for the 27th Session of the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families under the auspices of the procedure of developing questions for member states (LOIPR). The present report is considered to be open and available for public use.

Introduction

The compilers of the present report note that over the past 5 years Tajikistan has taken certain steps to fulfill the Convention’s statutes. In order to avoid any repetition, however, information about the achievements of the Government of the Republic of Tajikistan in relation to the fulfillment of Convention statutes is not included in this present report, insofar as representative data has already been included in the Government’s report. The present report outlines only those problems that have yet to be resolved.

In general, the goal of the present report is to provide the members of the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families the information that is needed to objectively evaluate the degree to which the statutes of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CPRMW) have been implemented in Tajikistan.

Overall situation as related to labor migration

1. General character of labor migration from Tajikistan. Until 2013, Labor migration from Tajikistan was consistent and predictable, with general trends repeating from year to year. By and large, labor migration was unorganized and seasonal, with the majority of migrants representing men between the ages of 18 and 45. The main destination country for Tajikistani migrant workers has consistently been the Russian Federation, and their monetary remittances significantly supported many households in Tajikistan. Labor migrants have been poorly protection by consular services in the Russian Federation and have been denied many social protections as the result of their unregulated status.

1.1. At the present moment migrant workers from Tajikistan continue to independently travel for work, and their main destination country remains the Russian Federation; as before, these migrant workers continue to be insufficiently legally and socially protected. At the same time, however, the ongoing economic crisis¹ and the tightening of Russia’s migration policy have together led to a decrease in the number of Tajikistani migrant workers in Russia, as well as significantly increasing the number of cases in which the labor rights of migrant workers from Tajikistan have been violated.² In addition, Russia’s economic crisis has caused the “freezing” or termination of many construction projects, which had an immediate impact, since around 45% of the migrant workers from Tajikistan in the Russian Federation work in the construction sector. During this same period there has been a increase in the number of female migrant workers: in 2016 women made up around 17% of the migrant workers from Tajikistan in Russia, while in earlier years their share of the total was not more than 10-14%.³

1.2. The number of labor migrants from Tajikistan to Russia that have expressed a desire to leave their homeland permanently has also increased. In light of the fact that an Agreement on Dual Citizenship remains in force between Tajikistan and Russia, as well as the fact that Russia is actively realizing a program for the resettlement of “compatriots,” research has indicated that around 500,000 citizens of

¹ Russia’s economic crisis has been caused by the sanctions levied by the US and Europe, as well as the drop in world oil prices.

² For example, there have been increases in the number of migrant workers who have been illegally fired, as well as cases of non-payment or delayed payment for work.

³ See: <http://caa-network.org/archives/8462>.

Tajikistan have received Russian citizenship over the past 20 years. According to information from the Internal Ministry of the Russian Federation, in 2016 22,034 Tajikistanis received Russian citizenship.

2. The collection of statistical data. The procedures used to collect statistical data about migration have been practically unchanged since the review of the Republic of Tajikistan’s initial report. The particular irregularities that were noted in the Alternative NGO Report of 2012 remain existent today.⁴ In addition, there are certain discrepancies between the official statistical data of Tajikistan and Russia. For example, according to Tajikistan 670,806 migrant workers left the country for Russia in 2014, while another 552,596 left in 2015. For the same period, however, the Russian Federation provides statistical data showing 1,163,199 Tajikistani labor migrants in 2014 and 966,789 in 2015. Experts have noted that Tajikistan’s statistical calculations may not calculate all migrant workers leaving the country, while the data from the Russian Federation may also be erroneous, insofar as the Russian system of calculation counts one migrant worker who has crossed the border twice in one year as two people.

3. Tajikistan’s policy in the field of labor migration. Although Tajikistan’s National Development Strategy for 2016-2030 (NDS 2016-2030) notes that “the high level of external labor migration “washes out” qualified labor from the country,” its policy in relation to the regulation of labor migration, much as in previous years, continues to be oriented towards the export of labor power. This is motivated in the first place on the fact that the government is still not able to provide the population with employment. According to a report prepared by the World Bank, over the period of 2003-2013 Tajikistan’s GDP increased on average by 7.2% per year, while the average year-on-year increase in employment was only 2.1%. And over generally the same period of time (from 2000 to 2015), the working-age population of the republic (individuals between the ages of 15 and 64) increased from 3.31 million to 5.23 million. It has been noted that Tajikistan is not creating a sufficient number of jobs for its quickly growing pool of labor power. At the present moment, officially employed individuals in the private sector make up only 13% of total employment in the country. Note has also been made of the limited number of potential entrepreneurs in the country who would be ready to open their own business in Tajikistan (only 11.8% of the total surveyed expressed this willingness), in light of the significant barriers to opening and running businesses in Tajikistan.⁵

4. The mass return of Tajikistani migrants to the Republic of Tajikistan and reintegration issues.

| Total number of Tajikistani migrant workers with reentry bans | | |
|---|------|---------|
| | Year | Number |
| 1 | 2013 | 71,557 |
| 2 | 2014 | 202,004 |
| 3 | 2015 | 332,917 |
| 4 | 2016 | 304,083 |

The economic crisis in the Russian Federation and its restrictive policy towards migrant workers⁶ has led to the return of significant number of migrant workers to the Republic of Tajikistan since 2014. Towards the beginning of 2014 – before the enactment of sanctions against Russia – only a small portion of Tajikistani migrant workers had been returning home as the result of their inability to find employment in the Russian Federation or the lack of reliable payment. In the period since, however, a large portion of the country’s migrant workers has returned to

Tajikistan as the result of receiving a “reentry ban” (ban on entry) to Russia.⁷ The exact number of Tajikistani migrant workers who have returned home is unknown, and in 2016 authorized state agencies

⁴ The collection of statistical data about migrant workers leaving the Republic of Tajikistan is regulated by the Order of the Republic of Tajikistan “On the recording of foreign migration of the citizens of the Republic of Tajikistan and their return from abroad,” enacted on 01.08.2008. In practice, however, migration cards are not filled out by everyone leaving the country. In part, migrant workers who cross the border by car or bus almost never fill out these cards.

⁵ Victoria Strokova and Mohamed Ihsan Ajwad. *Tajikistan Jobs Diagnostic: Strategic Framework for Jobs*. Job series; no. 1 (Washington, D.C.: World Bank Group, 2017). <http://documents.worldbank.org/curated/en/460071486972590226/Tajikistan-Jobs-Diagnostic-Strategic-Framework-for-Jobs>.

⁶ Russia is the main destination country for migrant workers from the countries of Central Asia (CA). Beginning in 2013, however, Russia’s migration policy has become more restrictive. On the one hand, migrant workers from CA have access to a visa-free regime for entry to the Russian Federation, but on the other hand migrants are required to pass through a series of difficult administrative barriers in order to legalize their presence in the country.

⁷ A ban on entry to the Russian Federation represents a mark made in the Russian Internal Ministry’s database indicating that a foreign citizen does not have permission to enter the territory of the Russian Federation. Bans on entry to the Russian Federation are enacted against

stated that only 30,000 of the total number of migrant workers with reentry bans were currently in Tajikistan. According to these officials, the rest of those with bans were still in Russia.⁸ Experts have noted that in the current conditions of poverty, unemployment and high birth rates in Tajikistan, the return of a critical mass of migrant workers to the country could have a significant impact on the country's social and political stability. It might also complicate the criminal situation in the country.⁹

4.1. In 2017 the Government of the Republic of Tajikistan was able to come to an agreement with its Russian counterpart about an amnesty for those migrant workers who had committed minor misdemeanors. In this manner, more than 100,000 migrant workers were removed from the list of those with reentry bans. (Before the amnesty in March 2017 there were 258,065 migrants with reentry bans in the database; in July 2017 after the amnesty there were 156,438.) From the perspective of the country's government this agreement with Russia represents a significant achievement, but national experts are more skeptical about the agreement. They note that this is largely a temporary measure: it is expected that with time more migrant workers will end up in the same list. As a result, it remains necessary to more extensively consider comprehensive measures that can be used to affect long-lasting change, including measures for the reintegration of returning migrant workers.¹⁰

4.2. It should be noted that government agencies' programs for reintegrating returned migrant workers have been overwhelmingly supported by international donor organizations. Research conducted in Tajikistan has found that dedicated funding has not been provided in such a way as to support returned migrant workers, except for some amount of administrative overhead.¹¹ In 2015, a total of 4,070 returned migrant workers appealed to state employment agencies, of which 14% were provided with work from amongst existing vacancies, 14.9% underwent professional training, 4.8% were provided with community work, and around 50% received support related to opening a private business.¹²

4.3. Although the State Program to Support the Population's Employment for 2016-2017 includes a separate section about work with returned migrant workers, the state agency meant to enact this work – the Agency for Social Protection of the Ministry of Labor of the Republic of Tajikistan – does not dedicated financing available for services to returned migrant workers and members of their families. Migrant workers can only appeal to this Agency on equal footing with all other citizens who are seeking employment.¹³

5. Risks associated with Tajikistan's particularly high level of dependence on labor migration. Tajikistan continues to depend on a single country of destination: Russia. The economic sanctions currently in force against Russia and the economic decline in that country in the future will continue to have a negative effect on Tajikistan's economy. In addition, the "migration issue" always becomes a major issue during discussions about Tajikistan's entrance into the Eurasian Economic Union.¹⁴ It has been predicted that joining this Union will have inarguable benefits for Tajikistani migrant workers and

foreign citizens for a variety of reasons, including serious criminal offences and misdemeanors, as well as minor offences, in the case that 2 or more individual offences have been committed. For example, this can include parking in a non-parking zone, violating traffic rules, drinking or smoking in public places, failing to present identity documents during a police or Migration Service raid (even if the actual documents are in order), living or working in a location not indicated on one's registration. All of these offences can serve as the basis for a reentry ban to the territory of the Russian Federation placed against a foreign citizen. Reentry bans against foreign citizens entering the Russian Federation are a temporary measure: the term of the ban can range from 3 to 10 years based on the seriousness of the offences in question.

⁸ See: <https://news.tj/ru/news/fms-rf-v-rossii-nakhoditsya-pochti-million-grazhdan-tadzhikistana>

⁹ See: <http://hrc.tj/migration/132-anvar-babaev-migracionnaya-situaciya-v-tadzhikistane-problemy-i-puti-resheniya.html>

¹⁰ See the reports given during the roundtable on "Regulating processes of labor migration in the Republic of Tajikistan: Possibilities and Perspectives," held on July 05, 2017 in Dushanbe.

¹¹ Jamshed Kuddusov, "Potrebnosti vozvrativshikhsia migrantov i chlenov ikh semei v uslugakh i ostenka potentsiala gosudarstvennykh organov v Tadzhikistane po resheniiu problem migrantov," Research Report, Dushanbe, 2016, 24.

¹² *ibid.*, 14.

¹³ *ibid.*, 14.

¹⁴ The Eurasian Economic Union is an economic alliance, but some countries have come to the conclusion that it may ultimately encompass political rule as well. The Agreement on the Eurasian Economic Union, moreover, is only oriented towards economics, however, and does not contain any statutes related to the protection of migrant workers' rights.

boost industrial production, while at the same time having a negative effect on the local financial and banking sectors.¹⁵

5.1. Diversifying labor migration to other countries might be able to resolve Tajikistan's problem of dependence upon one destination country. Tajikistan's National Development Strategy for 2016-2030¹⁶ indicates that diversifying outgoing labor migration is one of the country's priorities (Priority #5) in the sphere of developing policies to productively employ the population.¹⁷ At the same time, however, diversifying labor migration from Tajikistan will require developing a sound and effective system of pre-migration training for migrant workers. No such system yet exists in Tajikistan, and the level of professional and language knowledge amongst Tajikistani migrant workers is not sufficient for labor migration to other foreign countries. Diversifying labor migration will require increased interest in Tajikistani labor on the part of countries that are in need of labor imports. In light of a number of factors, today this level of interest is absent.

6. Tajikistani migrant workers' health. A number of factors, including compact living conditions, low socio-economic status, an insufficiently healthy diet, and the stress of living in an environment far away from one's home, lead to high risk levels amongst Tajikistani migrant workers for Tuberculosis.¹⁸ According to statements made by experts, around 20% (or one out of five) of all newly diagnosed patients with Tuberculosis in Tajikistan represent migrant workers. In 2015, 1,007 migrant workers were diagnosed with Tuberculosis, which represented 19.7% of the total newly diagnosed cases that year. In 2016, there were 927 migrant workers diagnosed, which was 17% of the total.¹⁹

6.1. In 2015 a total of 165 Tajikistani migrant workers were diagnosed as HIV-positive, including 151 men and 14 women. This represented 14.3% of the total number of newly diagnosed HIV cases for that year. In 2016 the representative figure was 155 migrant workers, or 14.8% of all cases; during the first half of 2017, there were 82 cases of HIV confirmed amongst migrant workers, or 13.1% of all new cases. For comparison, in 2012 only 65 Tajikistani migrant workers were diagnosed as HIV-positive, which was 7.7% of that year's total.²⁰

6.2. Tuberculosis and HIV represent both a risk to the health of the nation's population and also an additional barrier to migrant labor in the Russian Federation. In this light, there is a clear need to expand activities aimed at preventing the spread of both diseases, on the one hand, and their treatment amongst migrant workers, on the other. Unfortunately, however, in 2015 financial support from UNDP ended for projects connected with the spread of information and preventative efforts amongst migrant workers. This has led local NGOs to also end their activities in this sphere, while state programs meant to prevent HIV and Tuberculosis do not yet have sources of dedicated financing.

Program documents and legislation in the field of migration

7. The Republic of Tajikistan's Strategy for Citizens' Labor Migration Abroad for the period of 2011-2015 (Strategy CLMA) ended in December 2015. In November 2014 an informational bulletin appeared on the site of the Ministry of Labor, Migration, and Employment of the Population of the Republic of Tajikistan about the Strategy's implementation and parliamentary discussions related to this implementation and budgetary questions. This bulletin noted that of the 40 activities included in the Strategy CLMA's Action Plan, 23 had been fully implemented, while the remaining 17 remained partially implemented.²¹ According to independent monitoring efforts conducted by NGOs, however, in 2014 only 3 activities from this Action Plan had been fully implemented. Another 6 activities had been partially

¹⁵ See: <http://ru.sputnik-tj.com/analytics/20170301/1021788172/tajikistan-eaes-ofitsialno.html>

¹⁶ This document was confirmed by an Act of the Government of the Republic of Tajikistan on 01.10.2016 (#392).

¹⁷ The National Strategy understands "productive employment" as that employment which provides for the receipt of a salary or entrepreneurial activities that lead to profit acquired through the production of goods and services.

¹⁸ See: <http://www.mednet.ru/images/stories/files/CMT/migranty.pdf>

¹⁹ See: <http://www.afew.org/ru/novosti/tajikistan-imported-diseases-ru/>

²⁰ *ibid.*

²¹ See: <http://www.mehnat.tj/index.php/tg/rssnewstj/552-muhokimai-parlumoni>

implemented, another 6 activities were in the process of being realized, and the remainder (25) had not been implemented at all.²² The main reason that many activities included in the Action Plan of the Strategy CLMA for 2011-2015 had not been implemented, moreover, was a lack of dedicated funding for this program. For unknown reasons the Government of the Republic of Tajikistan has not developed a new program or strategy for the regulation of labor migration since 2015. Some experts have argued that this has led to degradation in inter-ministerial coordination, and migrant workers' legal protections have been weakened as a result.²³

7.1. The current law "On Migration" (1999) includes a number of articles related to labor migration, but the provisions therein do not cover all possible issues related to labor migration. A draft law "On Labor Migration" has been discussed in parliament on more than one occasion, including together with civil society representatives, but it is so far unclear if the law will be passed or not.

The labor migration of women from Tajikistan

8. The number of women who are travelling abroad from Tajikistan for work is increasing. At the present moment women make up 17% of the total number of migrant workers from the Republic of Tajikistan. According to a report produced by IOM, in 2015 there were 821,000 men and 157,000 women from Tajikistan in labor migration, and in 2016 these numbers were 727,000 and 151,000.²⁴ The relative proportion of women amongst all Tajikistani migrant workers is thus also increasing.

8.1. The problems that female migrant workers face are in many ways similar to those faced by men. It is also worth noting that labor migration can be a positive experience for many women, and numerous women have emphasized the positive elements of labor migration abroad, including emancipation, the resolution of economic problems, and the opportunity to increase their own social status. At the same time, however, female migrant workers are especially vulnerable to certain risks associated with work abroad:

- By and large, female migrant workers are employed in the service sphere or are engaged in individual labor activities in private homes. This increases the risk of labor or sexual exploitation. At the present moment no research has been conducted on this particular category of female migrant workers, but individual cases indicate that many women in these situations work long hours, are denied days off, and undergo sexual violence and exploitation.
- Women who have traveled with their husbands to destination countries as dependents are frequently depressed in light of their isolation and loneliness in the destination country.
- In the Russian Federation female migrant workers are frequently detained and held in specialized closed (or partially closed) institutions. The conditions in these institutions are essentially prison-like, and there is evidence of labor exploitation occurring therein. In addition, the guards in these institutions include men, and although there is no available case data about sexual exploitation, the risk cannot be denied. Women held in these institutions are also denied access to medical services.
- According to human rights advocates, domestic violence is also a major problem amongst women in migration.
- Female migrant workers from the Republic of Tajikistan face difficulties realizing their reproductive rights while in Russia. Female migrant workers without legal status in the Russian Federation are especially at risk. If a female migrant worker becomes pregnant, she has no choice but to pay for medical services.

These problems were not referenced in the program documents covering labor migration during the previous period (2011 to 2015). Given that there is no new program document covering migration, they also remain untouched by Tajikistan's migration policy.

²² Human Rights Center, "Promezhutochnii monitoring i otsenka realizatsii Natsional'noi Strategii trudovoi migratsii grazhdan Respubliki Tadjikistan za rubezh na period 2011-2015," Research Report, Dushanbe, 2015.

²³ See: <https://news.tj/ru/news/tajikistan/society/20170621/pozitsiyu-po-migrantam-nado-peresmotret>

²⁴ See: <http://www.iom.kz/images/books/ExecutiveSummaryfeng.pdf>

Information related to particular articles of the Convention

Article 8. The right to leave and return to any country, including one's country of origin.

9. Article 25 of the Law "On Migration" (1999) continues to allow for a citizen of the Republic of Tajikistan to be denied exit from the Republic of Tajikistan if he or she has access to information that represents government or other legally protected secrets.²⁵ This article also retains the provision that a citizen of the Republic of Tajikistan may be denied exit from the Republic of Tajikistan if he or she has been sued in court, although according to the country's civil and procedural legislation an individual can have his or her interests upheld in court by a legal representative.

9.1. Article 42 (1) of the Law of the Republic of Tajikistan "On Court Enforcement Proceedings" dictates that in the case that a debtor has failed to fulfill the requirements of a court order, bailiffs (court enforcement officers) have the right, independently or on the basis of a request made by the plaintiff, to make a legal ruling restricting the individual's right to leave the country. The bailiffs can also send this ruling to local administrative agencies, the migration service, local police departments, and the border service. It is clear that this article of the law provides bailiffs with wide and discretionary powers, which may be used to violate the rights and freedom of movement of labor migrants, as well as leading to potential cases of corruption. Decisions related to limitations on freedom of movement should be made only by a court, and there should be a clear and defined legal basis for any such decision.

Article 14. Ban on arbitrary and unlawful interference in one's private life

10. Discriminatory legal provisions related to the conditions in which foreigners, including migrant workers, can marry the citizens of the Republic of Tajikistan (and retain with them joint property) remain in force. According to the Family Code of the Republic of Tajikistan, marriage with a foreign citizen or stateless person is allowable in the case that the foreign citizen has lived in the Republic of Tajikistan for no less than one year prior to the wedding. It is also obligatory for the foreign citizen to sign a marriage agreement prior to the marriage, according to which the foreign citizen is obliged to provide housing for his or her spouse and children (this notwithstanding the fact that foreign citizens, in accordance with the country's legislation, cannot legally acquire property in the Republic of Tajikistan).²⁶ The Government has argued that the additional requirements for marriage with a foreign citizen are in accordance with international standards and local legislation, and have been established with the goal of preventing cases of trafficking in persons. In Tajikistan's second periodical report (p. 57) it was noted that "in recent years there have been cases in which foreign citizens (men) have married local Tajikistani citizens and taken them abroad, whereupon they were forced to engage in prostitution." At the same time, however, no information is available about the number of such cases or how common they may be.

Article 27. The social security of migrant workers

11. Tajikistan has taken steps to improve the social security of its migrant workers in the Russian Federation, although the Russian Federation itself has not demonstrated a great deal of desire on the political level to improve the situation with migrant workers' social security.

11.1. The Government of Tajikistan has also attempted to regulate migrant workers' social security on the legislative level, although without obvious result. Article 82 of the Law of the Republic of Tajikistan "On the Provision of Pensions to Citizens of the Republic of Tajikistan" notes that pensions for the citizens of the Republic of Tajikistan who are working abroad should be calculated from the salaries

²⁵ The General Comments provided by the UN Human Rights Committee (#27) note that "on its own reference to state secrets is insufficient for this sort of restriction on freedom of movement. This sort of restriction ought to be supported by well-defined legal arguments and be in accordance with criteria of absolute necessity and the demands of commensurability. See the General Comments of the UN Human Rights Committee #27 "Freedom of Movement," 02.11.1999, 12.

²⁶ Clause 3, Article 12 of the Family Code of the Republic of Tajikistan; Clause 2, Article 41 of this Code.

(income) of these citizens from which social security payments have been made. Article 63 of this same Law also notes that migrant workers' work abroad counts towards their labor tenure in the case that social security payments have been made from their income during the period of labor migration. The Tax Code of the Republic of Tajikistan indicates that migrant workers have the right to address themselves in written form to the local tax authorities in their place of residence and make social tax payments in the amount and form indicated by law.²⁷ In this way, the legislation has established a series of procedures and guarantees according to which migrant workers are able to receive pension support. It is unknown, however, what percent of Tajikistani migrant workers employ these legal procedures, and to what degree migrant workers who have paid social security taxes in fact receive pensions. In addition, it is an open question as to what degree migrant workers may be informed about these legal provisions.

11.2. Those Tajikistani migrant workers who have not been registered in the country's system of pension support can also claim a social pension on the basis of their age, disability, or in the case of the death of their family's breadwinner. The minimum pension calculated on this basis is around 105 somoni (or around 12 USD). This pension, however, cannot cover even the most basic of needs faced by a retiree. In addition, migrant workers, much like all Tajikistani citizens, have the right to receive unemployment benefits.²⁸ However, receiving such benefits requires passing through complicated administrative barriers. In order to receive unemployment benefits, migrant workers need to appeal to the State Employment Service and register as an unemployed person. At the same time, the migrant worker must have worked for at least 18 months in the past 3 years and prove that he or she paid the required social taxes from his or her income during this period. This last requirement is practically impossible for migrant workers to fulfill, and those individuals who have been abroad for more than 1 year are essentially denied the possibility of receiving unemployment benefits.

Article 28. Right to medical care

12. Tajikistani migrant workers in their country of destination (Russia) are provided with access to medical care in the case that they have acquired medical insurance, which is need to receive permission to work (the so-called "patent" or work permit). Migrant workers from the Republic of Tajikistan without regulated (legal) status in the Russian Federation can receive medical care only in emergency situations. It is worth noting that women in migration have especially limited access to medical care. Those women who follow their husbands to Russia are at particular risk of becoming undocumented, given the restrictions of the Russian Federation's migration law. This category of Tajikistani citizens does not have sufficient access to medical care in the Russian Federation given their lack of coverage by medical insurance. The Government of Tajikistan has raised these issues with during negotiations with the Russian Federation, but so far without result.

Article 30. Child's right to education

13. It should be noted that the current methods used to collect statistical data about children in migration do not allow for an exact calculation of the number of children in migration under the age of 18. According to statistics from the Russian Federation Migration Service, in 2015 there were 116,000 Tajik citizen children under the age of 17 in Russia. However, the statistics do not provide breakdown as to the age, gender, purpose of entry to the Russian Federation, school enrollment, and so forth.

13.1. There are, however, certain studies covering the children of migrant workers – but only those who remain in Tajikistan. There are no studies specifically targeting the children of Tajikistani migrant workers in destination countries. It is accordingly difficult to determine the number of children who are currently living with their migrant worker parents, determine the problems they face, or their needs. At the same time, data collected by Russian NGOs indicates that children of migrant workers from the

²⁷ Article 121 of the Tax Code of the Republic of Tajikistan.

²⁸ Unemployment benefits are paid out in the amount of 50% of an individual's average past salary. The minimum salary in Tajikistan is 400 somoni per month (around 50 USD). The average salary in the republic in 2014 was calculated at 810 somoni, or around 130 USD at that time. Today that amount is equal to slightly less than 100 USD.

Republic of Tajikistan have limited access to education in Russia. On January 22, 2014 an Order of the Ministry of Education and Science of the Russian Federation was established, according to which schools were allowed to accept the children of migrant workers only if their parents were properly registered in the school's district. There is no available information about any measures taken by Tajikistan to protect the rights of Tajikistani migrant workers' children to education in the Russian Federation.

Article 33. Right to information

14. On June 04, 2014 the Center for Consulting and Preparing Migrant Workers Prior to Departure was established by the Act of the Government of the Republic of Tajikistan # 390. Given limited budgetary funds, regional centers were opened in only Dushanbe and Khorog. At the present moment, these Centers for Consulting and Preparing Migrant Workers Prior to Departure work with less than 1% of all migrant workers leaving Tajikistan.

15. The Agency for the Labor and Employment of the Population is also responsible for providing information to citizens, including migrant workers. The Agency has offices in all of Tajikistan's regions; in each office there are between 3 and 12 employees, depending on the local region's population. This Agency could have significantly improved migrant workers' access to information, but it does not have dedicated financing that could cover the provision of services to migrant workers and members of their families. Migrant workers work with the Agency on equal footing with all other citizens who are seeking employment. Research studies have shown that the employees of this Agency have not undergone targeted training in relation to labor migration and as a result are not currently in a position to provide quality services, including in relation to legal questions about labor migration in the Russian Federation.²⁹

16. Until 2014 more than 10 specialized Centers for the Support of Migrants (CSM) were open across Tajikistan, which were supported by IOM and operated by local NGOs. These Centers conducted 90% of all of the informational activities for migrant workers in Tajikistan. For example, each year the Centers' lawyers worked with more than 30,000 migrant workers and members of their families. Following cuts in donor funding, however, the majority of these Centers have now closed. Today only three Centers remain open.

Article 66. The activities of private employment agencies

17. The role of both private employment agencies and state employment agencies for work abroad in Tajikistan's broader migration flows is marginal. Both private and state employment agencies are also limited in number in Tajikistan. According to a rough estimate, the proportion of individuals who worked with one or another employment agency in Tajikistan in 2016 represents 1 out of every 572,000 citizens. Moreover, the total number of agencies in Tajikistan has been further decreasing in recent years. In 2010 there were 35 private employment agencies operating in the country, while in 2016 there were only 14.

17.1. In general, the proportion of migrant workers sent abroad by either employment agencies or other organized recruitment methods has been and remains limited. In 2007 around 2% of all migrant workers from the Republic of Tajikistan were sent abroad by employment agencies. In 2016 this figure had fallen to 0.5%.³⁰

17.2. The number of private employment agencies in Tajikistan has fallen, first and foremost, because of three main factors: the incompleteness of the legislation that regulates their activities, the limited capacity of the agencies themselves, and the negative experiences of some migrant workers with such agencies in the past. In light of the fact that Tajikistan is considering the possibility of diversifying the export of its labor resources (at the least, this possibility was noted in the National Development Strategy for 2016-

²⁹ Jamshed Kuddusov, "Potrebnosti vozvrativshikhsia migrantov i chlenov ikh semei v uslugakh i ostenka potentsiala gosudarstvennykh organov v Tadjikistane po resheniiu problem migrantov," Research Report, Dushanbe, 2016, 16.

³⁰ Human Rights Center, "Rol' chastnykh agenstv zaniatosti v trudoustroistve migrantov iz Tadjikistana," Research Report, Dushanbe, 2017.

2030), however, the country should reevaluate its policies in relation to regulating private and state employment agencies.

Article 71. The repatriation of bodies

18. In Tajikistan's second periodical report, it was noted that the bodies (remains) of deceased migrant workers and members of their families who have died in the country of destination are returned to Tajikistan by the country's airlines free of charge (p. 86). At the same time, it is worth noting that there are still no clear and standardized procedures according to which individuals can repatriate the remains of migrant workers to the Republic of Tajikistan. It has also been affirmed that all questions related to the repatriation of bodies of deceased migrant workers are regulated by the bilateral documents signed between the Republic of Tajikistan and the Russian Federation. These documents, however, only cover questions related to migrant workers who are working legally in the Russian Federation.³¹

18.1. The existence of a specialized order covering the gratuitous transfer of deceased migrant workers' remains by Tajikistani airlines has been confirmed, but the document itself has never been made available.

Recommendations:

1. Develop and pass a dedicated program document covering the regulation of labor migration in Tajikistan. This document must include a full block of questions related to the protection of migrant workers' rights (covering both citizens of Tajikistan working abroad and foreign citizens working in Tajikistan), and a block of questions related to the reintegration of returned Tajikistani migrant workers.
2. Official procedures should be established to solicit dialogue with civil society organizations and ensure their participation in policy development.
3. The Government of the Republic of Tajikistan must provide dedicated financing for the implementation of programs related to labor migration.
4. Information must be widely distributed about the procedures related to the return of deceased migrant workers' bodies.
5. The Migration Service of the Ministry of Labor of the Republic of Tajikistan must provide sufficient funding for the effective functioning of the Centers for Consulting and Preparing Migrant Workers Prior to Departure. The work of these state-run Centers will significantly improve migrant workers' access to the information and support they need during the process of planning and travel for labor migration.
6. The legal protection of female migrant workers from the Republic of Tajikistan and female members of migrant workers' families in the Russian Federation must be improved.
7. The needs of female migrant workers must be considered during the development of course materials for migrant workers' pre-departure orientations. Female migrant workers should also receive free or nearly free information about specific issues related to their particular status as women in migration.
8. Initiate research into the situation of female migrant workers in countries of destination in order to identify risks and needs to better design support initiatives for women in migration.
9. Initiate research into migration of children to the Russian Federation to identify scale and needs of such children in migration.

³¹ In point 86 of Tajikistan's second periodic report, the example is provided of the Agreement between the Government of the Republic of Tajikistan, the Federal Migration Service of the Russian Federation, and the Government of the City of Moscow in relation to the organized recruitment and employment of migrant workers.

10. Information delivery for migrant workers is in itself insufficient for the protection and promotion of their rights and interests. They should be accompanied by the targeted support by relevant state institutions in country of destination of their work, and in Tajikistan. These could include the following initiatives: provision of effective and strong consular support in the country of destination, especially in cases of arrest and placement in centers for migrant detainment; tax reform and preferential economic support for economic initiatives; creation of adequate employment opportunities in Tajikistan; economic and social development of remote regions and districts from where the majority of migrant workers come from.
11. Mechanisms must be developed to stimulate the role of private sector for effective reintegration of returned migrant workers. Subsidies and banking privileges must be provided by the state to support the livelihoods of returned migrant workers.