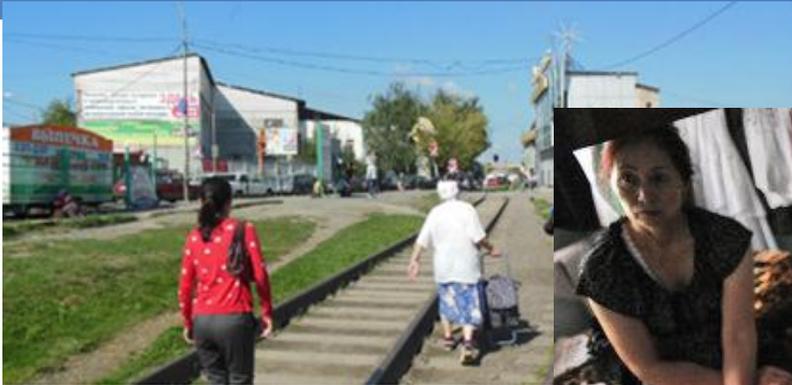


Report on violations of rights of women migrant workers from Kyrgyzstan



“Innovative solution” ordered by the
NGO “Recourse center for elderly
people” under the project of BftW “The
path to effective migration policy”.

Bishkek, 2014



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Introduction. Gender migration profile of the Kyrgyz Republic

Despite the fact that the share of labour migration in the proportion of the working population of the country remains significant¹, the Kyrgyz Republic has not developed a model of the migration policy of the country. The key issue is the identification of sources/causes of labor migration, so on the official level they are defined as labour redundancy of population². At the same time, the employment rate among young people is reduced, for example, according to the 2011-2012 the fall occurred by 7.3% in the category of 15-19 years old and 6.6% in the category of 20-29 years old³. Thus, the current approach in determining the origins of migration leaves behind the problem of narrowing of the labour market, and also leading managerial, economic, and institutional reasons.

Labour migrants from Kyrgyzstan are mainly traveling to Russia, where 339 thousand men and 211 thousand women have been officially registered as for September 2014⁴. According to expert estimates, these figures can be multiplied at least by 1.5⁵. Remittances of the migrants for the period from 2009 to 2013 showed an increase from 15 to 30 percent of GDP, roughly from 800 million to 2 billion US dollars⁶.

Among women migrant workers more than 40% of migrant women had unstable employment or were unemployed at home before their migration⁷. Despite the narrowing of the gap between the salaries of men and women, gender segregation in economic activity reflects the difference in wages based on gender. So, in the mining sector, where in 2012 there was only 5.4% of women⁸, the average salary is 13648 soms⁹, whereas in the education sector, where the share of women is 76.6% and the average wage - 7318 soms¹⁰.

The research conducted among migrant women in four regions of Russia¹¹ in 2011, showed that the average age of women migrants from Kyrgyzstan was 31 years old¹², which is the youngest age among other migrant women from Central Asia. The research has also found out those women from Central Asia travel at different stages of their life cycle. Women under 30 years old constitute the majority of migrant women in Yekaterinburg, however, in this research, the proportion of migrant women older than 40 years old is 18%. The research conducted among women migrant workers in Yekaterinburg¹³, found out that almost half of women migrants from Kyrgyzstan (48.5%) have secondary education, and almost one third have incomplete higher or higher education (12.5% and 16.5%

¹ Depending on the season from 20% and up. Please see: D. Poletaev Best practices of assistance to labor migrants from Kyrgyzstan in Russia. Available on the following link :

https://auca.kg/uploads/Tian%20Shan%20Policy%20Center/TSPC%20Publications/Best_practices_in_assisting%20LM_in_RF_RUS.pdf

² National strategy for sustainable development of the Kyrgyz Republic. P.44. Available on the following link:

http://www.president.kg/ru/news/ukazy/1466_tekst_natsionalnoy_strategii_ustoychivogo_razvitiya_kyirgizskoy_respubliki_na_period_2013-2017_godyi/

³ Kyrgyzstan. Extended migration profile. - B: 2013. P. -14.

⁴ Official website of the FMS of the Russian Federation. <http://www.fms.gov.ru/about/statistics/data/details/54891/>

⁵ Alexey Krasin: "Labour migration: the benefits and risks for Kyrgyzstan". <http://www.ipp.kg/ru/news/2836/>

⁶ Ibid

⁷ Women migrants from CIS countries in Russia . Ed. by E. Tyuryukanova. Series: Migration barometer in the Russian Federation. Moscow, MAKS Press, 2011, page 17. Available on the following link: <http://migrocenter.ru/gender/pdf/doklad.pdf>. The research was conducted in four regions of Russia: Moscow and Moscow region, Samara region, St. Petersburg and Leningrad region and Krasnodar Krai.

⁸ Women migrants from CIS countries in Russia. Ed. by E. Tyuryukanova. Series: Migration barometer in the Russian Federation. Moscow, MAKS Press, 2011, page 94. Available on the following link: <http://migrocenter.ru/gender/pdf/doklad.pdf>.

⁹ Review of the Kyrgyz Republic under the implementation of the Beijing Declaration and Platform for action "Beijing + 20", p. 16

¹⁰ Ibid

¹¹ Ibid.

¹² The average of the migrants was 35 in the research, the oldest female migrants were natives of Georgia, their age was 41 years old.

¹³ Ibid

respectively). According to the International Federation for Human Rights (FIDH)¹⁴, the number of women migrating alone exceeds the number of those who join their families in migration. According to other studies¹⁵, among those who migrate live together with their husband, a quarter (26.7%) arrived in Yekaterinburg first, one third (33.3%) went together with their husband, and fewer than half (40%) followed their spouse. Only 41% of women migrants from Kyrgyzstan are married, among them 74.1% live together with their spouse.

Even authorized Ministry of Labor, Migration & Youth does not have accurate information about how many citizens of the country are in the labor, student, seasonal migration¹⁶. According to the expert assessment “real migration policy of the Kyrgyz Republic is characterized by the absence of mechanisms for the collection and sharing of migration data and other information. Mass labor migration contributes to the imbalance in the demographic situation and destroys the institution of family”¹⁷. Employment agencies remain undeveloped, which generally reduces the ability of governments to regulate labour migration. Center for employment of the citizens abroad under the Ministry of Labour, Migration and Youth, created with the support of the Central Asia regional migration programme (CARMP) IOM, works in pilot mode. It is highly required to create state structures with a high degree of autonomy and a clearly defined mandate for the protection of migrant workers at all stages of migration.

Violation of the rights of migrant women workers in the context of the Convention on the Elimination of All Forms of Discrimination against Women

• Discrimination (article 1)

Differences, exceptions and limitations to the rights of women have no formal grounds. At the same time, gender-neutral legislation in the sphere of migration of receiving countries and home countries does not comply with international norms and principles, and does not guarantee the implementation and protection of the rights of migrant women workers. A paradoxical situation has been noted when discrimination is practiced in the receiving countries by law enforcement authorities¹⁸. Migrant workers without legal status, who are victims of forced labour, may not contact the police because of fear of deportation, there have been cases of collaboration between the police and employers¹⁹.

Some types of discrimination and violations faced by women migrant workers from Kyrgyzstan and other offences are described in the relevant articles of CEDAW.

• Policies that perpetuate GR through legislation, government programs (article 2)

According to official data, the peaks of external migration in Kyrgyzstan are 2007 and 2010. The legislator had to respond to changing situation and socio-economic position of the destination of migration policy through the

¹⁴ International Federation for Human Rights, 2009. “Kazakhstan/Kyrgyzstan: Exploitation of migrant workers, protection denied to asylum seekers and refugees”, pp.31-32

¹⁵ G. Ibraeva, A. Niyazov, M. Ablezova, A. Moldosheva, 2014. Report on the results of the research “Gender and Migration” ordered by ICCO Cooperation

¹⁶ Illustrative in this respect, references to the competent authorities of the host countries, and not on our core institutions.

¹⁷ Proceedings of the International conference "Best practices in the field of protection of rights of labor migrants and perspectives of its application for Kyrgyzstan" Report and recommendations, Bishkek, Kyrgyzstan, 3-4 June 2013. Available on the following link: https://auca.kg/uploads/Tian%20Shan%20Policy%20Center/TSPC%20Publications/Report_recommendations_final_Rus.pdf

¹⁸ The Mission of the Building of Migration Partnerships (MSP), “Kyrgyzstan: the Extended Migration Profile”, 2010

¹⁹ Ibid. P.52

development and adoption of normative legal acts, mostly aimed at the observance of the rights of migrant workers. Analysis of changes in the legislation demonstrated the obviousness of the above assumptions. So, the statistics below according to the Normative legal acts (NLA) in the field of migration demonstrates that changing reality of migration processes and national legislation in this field are hardly connected.

Table. The "share" of migration legislation in the total array of accepted NLA for the period of 2008-2010

Years	NLA		NLA in the field of migration
2008-2010	Total	12083	
	<ul style="list-style-type: none"> • Laws 662 • Regulations 11421 		6 (0,3 %) 15 (0,13 %)
2011-2013	Total	12856	
	<ul style="list-style-type: none"> • Laws 691 • Regulations 12165 		6 (0,86 %) 21 (0,17%)

A negligible amount of NLA in the field of migration after peaks in 2007 and in 2010 suggests that migration policy is not updated and is not in the focus of attention of the legislator. In Kyrgyzstan there are the following key laws in the field of migration: The law of KR "On internal migration" dated July 30, 2002, No. 133; The law of KR "On external migration" dated January 13, 2006, No. 4; The law of KR "On external migration" dated July 17, 2000, No. 61.

It is important to note that the law of the KR "On external migration" extends only to legal migration, meanwhile, sources of information about working in the host country, as a rule, are informal, and most of hypothetical flow operates outside the formal channels. Thus, they do not fall under the protection of the law. This remark is especially important due to the fact that women travel as a member of their migrant families, and only then they are forced to work in the host country, which is a violation in accordance with the law, since the law establishes the requirement of employment contract or civil contract at the stage of leaving their home countries (article 12).

De facto, due to cultural norms, not all family members - men and women are legally married, and often only religious, accordingly, the provisions of the law also do not apply.

Audit of state agencies for health care, social security is only in respect of group movements of migrant workers, carried out on the basis of international treaties signed by the Kyrgyz Republic. Meanwhile, the share of organized migration is negligible in the total migration flow and even in the case of organized recruitment, the proportion of women in it is critically small.

It is important to note that the situation of migrant workers from Kyrgyzstan caused not only by the development of national legislation, but legislation in the field of migration receiving countries (for our citizens, mainly Russia and Kazakhstan), as well as bilateral agreements, which are more effective in practice than international treaties and conventions.

The government, with the support of IOM, is working on the development of a new political strategy in the field of

(labour) migration²⁰. Ministry of Labor, Migration & Youth developed a draft program “Policy of employment promotion of the population of the Kyrgyz Republic for the period of 2013-2020”, providing implementation of the state policy of employment promotion, activation of it taking into account a more complete and efficient use of human and territorial resources and opportunities for employment of the population in the framework of the foundations for the development of decent work. The government of the Kyrgyz Republic has made bilateral agreements with the Russian Federation in the field of labour migration, in particular: “On mutual trips of citizens of the Russian Federation and citizens of the KR” dated 21.09.2005; the Agreement between the government of the Kyrgyz Republic and the Russian Federation “on labour activity and social protection of migrant workers” dated 22.09.2003; the Agreement between the Russian Federation and the Kyrgyz Republic “on cooperation on border issues” dated 17.07.1999; the Agreement between the Kyrgyz Republic and the Russian Federation “on the legal status of citizens of the Kyrgyz Republic, permanently residing on the territory of the Russian Federation” dated 13.10.1995; the Agreement between the Governments of the Kyrgyz Republic and the Russian Federation “on regulation of the resettlement process and protection of the rights of immigrants” dated 18.07.1995.

One of the initiatives of the Government is the opening of the Center of employment of citizens of the Kyrgyz Republic abroad (MDGs), which deals with job search. However, through this Center and the official employment agencies passes a small number of people - about 10-12 thousand people per year receive direction from the Centre, and the remaining migrants find work abroad independently and through informal contacts²¹.

- **Guarantees the rights and freedoms through appropriate measures, including legislation (article 3)**

Research and statistics recorded that the most often the following rights of migrant workers are violated: an introduction to forced labour, unequal treatment in respect of remuneration and working conditions, the lack of guarantees for the protection of health, inhuman or degrading treatment by law enforcement bodies and employers.

The materials of the human rights monitoring in the Russian Federation show that violations of labour legislation by trade networks and intermediary structures are systemic in nature. Absence of employment contracts with workers, non-payment of wages together with penalties and deductions, 12-hour work day, work on weekends, work without holidays and social safeguards, withdrawal of passports or immigration documents of employees by managers and, as a consequence, unmotivated dismissal of employees - all of these is happening everywhere. Along with this, the investigation against large employers always is limited to formal checks and links to the absence of employment contracts²².

Guarantees of access to justice are not provided by the authorities. So, 55% of women migrant workers indicated that most of the harassment they suffer from the police of the city, 37.5% from local residents, 28% from FMS staff,

²⁰ Report on the research «Labour Market and Employment Policy in the Kyrgyz Republic: Identifying constraints and options for employment development», GIZ, BMZ, Ministry of Youth, Labor and Employment in the Kyrgyz Republic, 2013.

²¹ The Mission of the Building of Migration Partnerships (MSP), “Kyrgyzstan: the Extended Migration Profile”, 2010

²² Official website of the Anti-Discrimination Centre "Memorial". Available on the following link: <http://adcmemorial.org/>

and 21% of women migrants from employers (in this case, the vast majority of migrants do not know where to send complaints about maltreatment)²³.

The right to privacy is violated by violent sexual acts against women migrant workers; cases of sexual slavery²⁴ and human trafficking for sexual exploitation are recorded. One of the forms of human rights violations and discrimination in the workplace has become sexual harassment. So, 4% of women confessed that they had experienced sexual harassment by co-workers, and 1% from the employer, and 1.6% of respondents - from clients²⁵.

The right to remuneration for work of women migrant workers is also subject to systematic violations. Only in 2010, under the auspices of the Ministry of Labour, Employment and Migration of the Kyrgyz Republic applicants were returned more than 9 million rubles from the Russian employers in cases of nonpayment of wages²⁶. 4 460 citizens, including 675 Kyrgyz citizens appealed to the integration center "Migration and law" (Moscow) during 6 months of 2013. The relative majority of cases (41%) were recorded on the facts of non-payment of wages²⁷. The human rights program of the Red Cross society of Kazakhstan²⁸ receives 43-45 out of 50 complaints from citizens of Kyrgyzstan each month. Nearly all requests are associated with non-payment of wages in Kazakhstan, as it is in Russia. It is also reported that the appeal does not give possibility for the employee to obtain owed wages, because the employer for the offence gets just fined.

• **Equal right for education (article 10)**

The Institute of private care for children of preschool age by older girls so-called "bakchy kyz" has become a serious obstacle for the girls to obtaining education at school. Girls "bakchy" are recruited from among the relatives or on a regional basis, thus caring for the children of migrants. Moreover, there are high risks of violence in families living with these girls, including sexual. There was a case when an underage girl-bakchy became pregnant from the head of the migrant family who hired her, and she was taken to the hospital for an abortion on the big stage of the pregnancy²⁹.

• **Equal rights in employment, including the right to work, employment, equal pay, safe working conditions (article 11)**

The implementation of the right to work is hampered by the lack of employment contracts and contracts with employers, which entails the full or partial non-payment of wages, unsafe working conditions, limiting the possibility to protect their rights in law enforcement and the court³⁰.

In Almaty only 33 citizens of Kyrgyzstan out of about 10 thousand workers have an official work permit, including 19 in leadership positions, 14 - skilled professionals³¹. The unresolved status of the majority of migrant workers

²³ G. Ibraeva, A. Niyazov, M. Ablezova, A. Moldosheva, 2014. Report on the results of the research "Gender and Migration" ordered by ICCO Cooperation

²⁴ Ilibezova Larisa, Abdukarimov Akzhol, (2013). Report on the results of monitoring services provided by diplomatic missions and consular agencies of the Kyrgyz Republic in the Russian Federation and the Republic of Kazakhstan: Situational analysis of the rights of labor migrants of the Kyrgyz Republic, working in the Russian Federation and the Republic of Kazakhstan, page 55

²⁵ Ibid

²⁶ Ibid

²⁷ Analytical report of the Ministry of Labour, Employment and Migration of the Kyrgyz Republic for 2011, page 24

²⁸ Ibid p.65

²⁹ Ibid

³⁰ Kyrgyzstan NGO Platform Migration, Information from civil society organizations, 2013. Available on the website of the UN human rights team of the United Nations:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCMW%2fNGO%2fKGZ%2f15335&Lang=en

leads to severe working conditions. In Yekaterinburg³² every fifth respondent of the research (148 respondents (out of 700³³) have experienced problems with delayed wages, and one in eight (85 out of 700) - they are not paid a salary for the work done. 18.4% of women were paid with delay in the current year, and 9.2% experienced non-payment of wages for the work done.

Migrant workers from Kyrgyzstan in Kazakhstan receive paid annual leave less than other employees, only 10.2% of respondents receive bonus from employers, only one woman migrant worker out of all respondents replied that she received child birth benefits³⁴. Only 4% of respondents had two days off per week, more than half of all respondents - one day-off, every fifth respondent took the day off if it was possible, and 14.2% had no days off³⁵.

Violations of labour legislation is observed in the RF³⁶ - 90% of migrant workers from Kyrgyzstan work more than 8 hours a day. Only 8.5% of women migrants from Kyrgyzstan said that they were working 8 hours or less, 41.5% work up to 10 hours a day, 36% -up to 12 hours, and 12% - more than 12 hours a day. Moreover, 21% of Kyrgyz women migrant workers have no days off at all.

According to the research³⁷, only 17% of women could take paid annual leave and 24% were undecided on this question. Only 5% of respondents indicated that their employer fully paid sick leave, 7% could get partial payment. Perhaps these figures are not complete, because 38% could not answer, because they did not have experience dealing with the employer on this issue.

Specific forms of violations include keeping of the employee's passport by the employer - this is indicated by 3,2% of the respondents. 10% of respondents believed that they were not able to change employer.

• Equal rights to access to health care, including in the stage of pregnancy, in the postpartum period, access to adequate food (article 12)

Access to health services is due to the existence of health insurance for the period of work in the country destination³⁸. However, employers of migrant workers, who do not have settled status, do not pay contributions for compulsory health insurance in accordance with the Federal law "On insurance contributions to Pension Fund of the RF, Social insurance Fund of the Russian Federation, Federal Fund of obligatory medical insurance and territorial funds of obligatory medical insurance" dated 24.07.2009 № 212. Consequently, these migrant workers are unable to receive medical services in the amounts covered by the Compulsory Health Insurance³⁹. According to researchers, the main causes of difficult access to health services in the Russian Federation for migrants is a problem with the legalization of the status of residence and work, as well as the high cost of treatment in private, commercial medical

³¹ Kyrgyzstan NGO Platform Migration, Information from civil society organizations, 2013, p. 56. Available on the website of the UN human rights team of the United Nations:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCMW%2fNGO%2fKGZ%2f15335&Lang=en

³² G. Ibraeva, A. Niyazov, M. Ablezova, A. Moldosheva, 2014. Report on the results of the research "Gender and Migration" ordered by ICCO Cooperation

³³ Total number of respondents – 800, 100 out of them are self-employed

³⁴ International Organization for Migration, 2012. "Access of migrant workers from Kyrgyzstan and Tajikistan to social services in Kazakhstan: Results of the sociological study"

³⁵ Ibid

³⁶ G. Ibraeva, A. Niyazov, M. Ablezova, A. Moldosheva, 2014. Report on the results of the research "Gender and Migration" ordered by ICCO Cooperation

³⁷ E. Tyuryukanova. Women migrants from CIS countries in Russia. M., 2011

³⁸ The Mission of the Building of Migration Partnerships (MSP), "Kyrgyzstan: the Extended Migration Profile", 2010

³⁹ International conference "Best practices in the field of protection of rights of labour migrants and perspectives of its application in Kyrgyzstan": Report and recommendations. Bishkek, 2013

institutions. In the case of diseases, migrants try to delay treatment until they return to Kyrgyzstan⁴⁰, exceptions are acute diseases, childbirth and examinations of newborn babies⁴¹. Similar situation in Kazakhstan⁴², where medical care at delivery (childbirth) is free of charge, however, pregnant women migrant workers from Kyrgyzstan have no right to get planned preventive examination and treatment. Childbirths are assigned to emergency cases and therefore they are free of charge. Thus, in the case of pathologies, the need for surgical intervention or post-natal treatment, health insurance is required, which women migrant workers do not often have. According to monitoring data⁴³, in most cases, the treatment is carried out despite the lack of insurance, and doctors take full responsibility for treatment, because they have problems during audits of the fiscal authorities of medical institutions. Only 14% of women migrants from Kyrgyzstan have medical insurance and according to the statement of migrant women a quarter (26%) of them has health problems⁴⁴. Moreover, the situation is complicated by discrimination against migrant workers, segregation approach to providing health care to migrants⁴⁵.

• **Equal rights to economic and social benefits, allowances, loans (article 13)**

In the agreement of the CIS member-countries "On guarantees of rights of citizens of the participating countries of the CIS in the field of pension provision" dated 13.03.92, it is indicated that the pension provision of citizens and members of their families shall be carried out according to the legislation of the country in territory of which they reside. It also states that award of pensions to citizens of the participating countries of the agreement is implemented according to their place of residence.

Working in the conditions of the host countries, or not having legal status, migrant workers rarely make contributions to the Social Fund of Kyrgyzstan, thus, on return they lose their pensions and other social benefits⁴⁶. One of the difficulties in obtaining pensions are differences in the organisation of pension systems in the countries of origin and destination. General cross-country mechanisms to ensure the pensions of migrants are absent. Migrant workers, working in Russia, are obliged to pay insurance contributions, including to Pension Fund, together with citizens of the Russian Federation, however, the settlement between Kyrgyzstan and Russia is missing, and if a migrant worker returns to Kyrgyzstan before pension age, then his insurance contributions remain in the Pension Fund of the Russian Federation. In Kazakhstan, foreign citizens are not subject to compulsory social insurance.

At the moment "the Agreement on guarantees of the rights of citizens of participating countries of the CIS in the field of pension provision" dated 13 March 1992 regulates the relations between the countries-participants of CIS in the field of pension insurance. According to article 3 of the agreement "the implementation of pension shall be

⁴⁰International Organization for Migration, 2012. "Access of migrant workers from Kyrgyzstan and Tajikistan to social services in Kazakhstan: Results of the sociological study"

⁴¹ G. Ibraeva, A. Niyazov, M. Ablezova, A. Moldosheva, 2014. Report on the results of the research "Gender and Migration" ordered by ICCO Cooperation

⁴² International Federation for Human Rights, 2009. "Kazakhstan/Kyrgyzstan: Exploitation of migrant workers, protection denied to asylum seekers and refugees", p. 32

⁴³ Ilibezova Larisa, Abdukarimov Akzhol, (2013). Report on the results of monitoring services provided by diplomatic missions and consular agencies of the Kyrgyz Republic in the Russian Federation and the Republic of Kazakhstan: Situational analysis of the rights of labor migrants of the Kyrgyz Republic, working in the Russian Federation and the Republic of Kazakhstan, page 61

⁴⁴ G. Ibraeva, A. Niyazov, M. Ablezova, A. Moldosheva, 2014. Report on the results of the research "Gender and Migration" ordered by ICCO Cooperation

⁴⁵ So, in Yekaterinburg there are two separate clinics for migrant workers and a separate entrance to these institutions. In Moscow, they have planned to open a clinic for migrants from Tajikistan.

⁴⁶ Kyrgyzstan NGO Platform Migration, Information from civil society organizations, 2013. Available on the website of the UN human rights team of the United Nations:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCMW%2fNGO%2fKGZ%2f15335&Lang=en

provided by the country, which is responsible for the implementation, and settlement is not made, unless otherwise is provided by bilateral agreements⁴⁷. Pension experience of the migrant workers from Kyrgyzstan at the time of their employment abroad is interrupted and it reduces the amount of their future pension. Working outside of Kyrgyzstan, migrant workers experience discrimination during the whole period of work abroad, they are deprived of pension savings⁴⁸. In Kazakhstan, none of the migrants who participated in the survey, did not have any agreement with the Pension Fund, despite the fact that 16% had a residence permit, which allows obtaining the registration number of the taxpayer and the contract with the Pension Fund⁴⁹.

According to article 13.3 of the Law of the RF "On legal status of foreign citizens in the Russian Federation", the Russian Federation attracts foreign citizens to work on the basis of an employment or civil contract with the migrants who have patents, but the contracts do not specify whether the patent is evidence of payment of tax, any tax, there are contributions to the Social Pension Fund, and in which country – home country or country of destination.

• **Equal rights to marriage and family relations (article 16)**

Among migrant workers from Kyrgyzstan 70% of migrant workers have children, among them 60% of children up to 16 years. In the monitoring reports violations of parental rights of women migrant workers are recorded, when they are physically isolated from their children. As a result of the FMS's raids of the RF and police, children whose parents are recognized as illegal migrants or can't confirm their relationship with children are taken either in social homeless shelters and neglected children, or in the Centers for temporary isolation of juvenile delinquent. After establishing the identity of each child, staff of social shelters accompanies non-resident and foreign children to their home country and there the children are passed on relatives, if they managed to find the relatives, or representatives of children's homes, where children are up until their relatives come and take them home. In most cases this is due to the fact that their parents break the immigration rules or they have no documents, which are sometimes taken by the staff of FMS. During raids FMS to identify cases of illegal migration they often take all children, transporting them to hospitals and social institutions, where their parents then try to pick up the children from, but they are often denied. Grounds for refusal can be not only the lack of documentation, but even the inability of the parents to prove that they have a legal residence or work⁵⁰.

Conclusion. Conclusions and recommendations

The rights of women migrant workers are subject to violations throughout the cycle of migration. The whole range of rights - natural rights, as the right to life, to social rights as the right to pensions and benefits has limitations in the implementation, protection. However, the country of the sending as well as the receiving country shall bear the obligation to ensure the observance and protection of the rights of women migrant workers.

⁴⁷ National Institute of Strategic Research of the Kyrgyz Republic, 2013. «Pension provision's issues of migrant workers – citizens of the Kyrgyz Republic», p. 18

⁴⁸ Social and Pension provision Programme for migrant workers – citizens of the Kyrgyz Republic, working in the Russian Federation

⁴⁹ International Organization for Migration, 2012. "Access of migrant workers from Kyrgyzstan and Tajikistan to social services in Kazakhstan: Results of the sociological study"

⁵⁰ The situation of children from vulnerable groups in the Russian Federation. Alternative report NGO "Memorial". 2014. C. 25-26. <http://adcmemorial.org/www/8511.html/>

The fragmentation and instability of migration policy; the lack of institutional, organizational mechanisms; lack of mechanisms for the collection and sharing of migration data and other information; the fact that the gender approach in development policies and legislation deals with the systemic obstacles to the implementation by women migrant workers' rights guaranteed by international and national obligations.

For the Government of the Kyrgyz Republic and the authorized bodies in the field of migration

1. To improve tools for the governance of labour migration, including through the achievement of bilateral agreements with receiving countries of migrants. Agreements should be designed to provide opportunities for migrant workers with pensions, health insurance in the host countries as well as in the KR.
2. To develop a legal and regulatory framework for the implementation of specialized programs to ensure access of women migrant workers and members of their families to social services (access to medical services, pre-school institutions for children, assistance in cases of domestic violence against migrant women, their children and other family members, access to psychological rehabilitation assistance for migrants and their families).
3. To develop and make, on the interstate, regional level, gender-sensitive indicators for assessing the situation in the sphere of observance of the rights of migrant workers.
4. To develop and implement in the form of national statistical reporting the list of indicators on migration, which are able to provide gender-disaggregated data on life and work, status of women and men migrant workers.
5. To develop the National strategy of the management of human resources to ensure optimal planning of employment, primarily in Kyrgyzstan, providing jobs in the local labour market as an alternative, desirable strategy to overcome economic and social problems.
6. To critically review the mandate and authority of employees of embassies and consulates of the Kyrgyz Republic in other countries in order to secure the protection of the rights of migrant workers as a function. To optimize support activities in the employment of citizens of the Kyrgyz Republic abroad, including through the strengthening of measures to control the activities of intermediary organizations in employment and legalization of work status abroad, increasing the share of organized recruitment of migrant workers.
7. To establish cooperation with trade unions, to pay special attention to interaction with women migrant workers, as a feature of the migrant women workers is predominantly private nature of their employment (unlike group or "team" nature of male employment). In this regard, association and protection of the rights of women migrant workers seem to be more effective when they are integrated on a professional basis rather than ethnic, regional, etc. To improve information support of migrant women in the migration process - from the preparation for migration, job search, before moving and living abroad, as well as repatriation and reintegration into society.
8. To include provisions on the rights of women migrant workers in the periodic reports on the implementation of CEDAW.

For Civil society institutions

- To select priorities such as:
 - Organization and carrying out of monitoring of violations of the rights of migrants and mandatory inclusion of monitoring gender-sensitive indicators and evaluation and dissemination of expertise (including gender

analysis) of migration policies to facilitate the development and implementation of migration policy with regard to the rights of women migrant workers.

- informing women migrant workers about their rights and responsibilities in host countries, as well as in Kyrgyzstan. Direction of information activities should touch the rules of living and working conditions in the receiving countries (registration of migrants, permission to work, the signing of labor contracts), channels of assistance in cases of violation of the rights of migrants, particularly women (General Consulate of the Kyrgyz Republic, the branches of the migration services of the Kyrgyz Republic, the Russian Federation, Kazakhstan diaspora, NGOs, crisis centers), the conditions of providing social security in the host countries and the Kyrgyz Republic (Social Fund, Pension Fund, access to other social benefits), encouraging women to seek help in case of violation of their rights at the workplace and place of residence, access to social services.
- in partnership with civil society in the host countries of our citizens migrant workers to develop a lobby campaign to promote the provisions on guarantees access of women and migrant girls to the mechanisms of protection in the draft law on domestic violence.
- promote public discourse (media) of positive image and meaningful economic contribution of women migrant workers.

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