



**Anti-Discrimination Centre Memorial ( [adcmemorial.org](http://adcmemorial.org) )** works on protection of the rights of discriminated minorities and migrants in Eastern Europe and Central Asia, carrying out monitoring, reporting, advocacy on local and international level, opposing discrimination by litigation and human rights education. Contact person: Stephania Kulaeva

## **List of issues on violation of the rights of the migrant workers from Tajikistan**

*To the Committee on the Protection of the Rights of All Migrant Workers and members of their Families (CMW), for the 27<sup>th</sup> session of UN CMW, 4-13 September 2017*

According to various assessments, the number of Tajik citizens in Russia ranges from 500 to 900 thousand people and despite the degraded economic situation in Russia, the number of Tajik migrant workers there tends to increase<sup>1</sup>. Labour migration from Tajikistan to Russia is characterized by a large number of violations of the rights of migrants and their family members. Despite the massive impact of working migration and its key importance to the Tajik economy, the Tajik authorities are not sufficiently responsive to the issue and do not provide adequate solutions to protect the rights of their citizens outside the country. It seems that the government of Tajikistan chooses to maintain good relations with Russia, to the detriment of migrant workers rights.

### **1. Insufficient efforts by the government of Tajikistan to protect the rights of migrant workers.**

Russia implements a tough migration policy with numerous restrictions for migrant workers that significantly increases their vulnerability. Migrant workers have to go through complex and expensive procedures in order to obtain resident and working permits. Migrants face ongoing check-ups and anti-migrant raids carried out by law enforcement agencies; they are the focus of campaigns aimed at mass expulsion of migrants, courts can convict them to the ban to enter Russia for many years, a fate that many Tajik working migrants experience. Russian legislation entitles the heads of territorial entities (regions, areas, districts) to establish restrictions in the field of working migration. In 2013, the authorities of Kronshtadt district of St-Petersburg fired migrant workers who worked as street cleaners, declaring that from that moment on they would hire only Russian Citizens<sup>2</sup>. In this case, the behavior of the authorities clearly showed a xenophobic bias: Kronshtadt inhabitants were encouraged to report the homes of “illegal” immigrants by written complaint that could be put in a special receptacle at the Multifunctional Center of the Kronstadt District (administrative centers for

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<sup>1</sup> Article from the newspaper Vedomosti from July 4<sup>th</sup>, 2017 : <https://www.vedomosti.ru/economics/articles/2017/07/04/707863-bivshego-sssr-perezhat>

<sup>2</sup> More information on twitter account of the Kronstadt region: <https://twitter.com/terentym/status/351704082525847552>

citizens to apply for any social welfare issue.)<sup>3</sup>; Notifications explaining what to do in case people noticed “illegal migrants” were put in entrance halls of residential buildings and even appeared an interactive service and mobile phone app called “illegal migrants”<sup>4</sup>

In August 2016, the governor of the Novosibirsk region issued a regulation<sup>5</sup> that banned the recruitment of migrants in 16 different spheres including education, leisure camps for children, taxi services, administrative work as secretary or editors as well as work in the sphere of human resources.

Despite promises to finalize an agreement with Russia that would simplify the migration regime for its migrant workers, the government of Tajikistan does not take effective measures concerning this issue, thus ignoring the difficulties and rights’ violations faced by citizens of the republic of Tajikistan. Initiatives taken by the government of Tajikistan to lobby and monitor the situation of migrant workers are clearly insufficient.

## **2. Insufficient efforts by the government of Tajikistan to ensure investigation of hate crimes against Tajik migrant workers to obtain justice.**

In Russia, migrants are often victims of racist attacks carried out by groups of radical nationalist and xenophobic perpetrators. Most often, perpetrators of such crimes are not brought to justice. Investigations are not carried out properly and quite often it’s not the perpetrators but their Tajik victims ending up being prosecuted for exceeding their legal stay in Russia while waiting for the completion of the proceedings.

The government of Tajikistan doesn’t have an adequate response, doesn’t insist on a proper investigation and fair trial, aimed to punish perpetrators and measures that would curb the amount of racist attacks against migrant workers.

*In 2010, a migrant worker from Tajikistan became a victim of a violent and life threatening attack by a group of Russian nationalists in St. Petersburg<sup>6</sup>. His brothers came to rescue him and had to use force to defend themselves. However, the court found the migrant worker from Tajikistan guilty of initiating a fight. The criminal persecution of this Tajik migrant who had been a victim of a racist attack led to a temporary ban on leaving Russian territory. As he could not go to Tajikistan, his passport expired, and therefore he was detained for violation of the migration legislation, placed in a special detention center for foreign citizens and sent to Tajikistan in 2017 with a ban prohibiting him to enter Russian territory<sup>7</sup>.*

## **3. Unwillingness of the government of Tajikistan to respond to torture and abusive treatment by Russian investigators of Tajik citizens**

Russian law enforcement agencies violate the rights of migrant workers from Tajikistan staying in Russia under the pretext of “counterterrorist measures”.

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3 [https://kronnews.ru/2013/07/31/5916\\_v-mfc-kronshtadtskogo-rajona-poyavilsya-specialnyj-yashhik-dlya-soobshhenij-o-migrantax/](https://kronnews.ru/2013/07/31/5916_v-mfc-kronshtadtskogo-rajona-poyavilsya-specialnyj-yashhik-dlya-soobshhenij-o-migrantax/) интернет газета «kronnews», статья «В МФЦ Кронштадта появился специальный ящик для сообщений о мигрантах» от 31 июля 2013 года

4 Article from the newspaper «kronnews» from August 16 2013:  
[https://kronnews.ru/2013/08/16/6313\\_v-podezdax-zhilyx-domov-kronshtadta-nachali-poyavlyatsya-obyavleniya-pamyatki/](https://kronnews.ru/2013/08/16/6313_v-podezdax-zhilyx-domov-kronshtadta-nachali-poyavlyatsya-obyavleniya-pamyatki/)

5 Link to the document here : <http://publication.pravo.gov.ru/Document/View/5400201608150001>

6 Documented by ADC Memorial : <https://adcmemorial.org/www/3526.html?lang=en>

7 Information from ADC Memorial

After the terror attack in St. Petersburg metro in April 2017, ethnic profiling by law enforcement in public spaces dramatically increased, as well as the practice of arbitrary detention of natives of Tajikistan and other Central Asian countries. In April 2017, in the Vladimir region, FSB officers killed two citizens of Tajikistan, while conducting a special operation targeting people suspected of possible involvement in terrorist acts. Recently, the existence of secret prisons that contain mainly citizens from Central Asia<sup>8</sup> became known. Several former detainees of such prisons testified that they had been victims of torture and subjected to interrogations in secret prisons until they were “officially” detained for terrorism: these persons were illegally interrogated and tortured for weeks before being charged. They were actually detained without any proper accusation brought in and made to confess crimes without the assistance of a lawyer and without properly executed legal procedures<sup>9</sup>.

#### **4. Insufficient efforts from the Government of Tajikistan to counteract systematic violations of the rights of children of migrant workers.**

The children of migrant workers find themselves in an extremely vulnerable situation being left without parents, who work outside Tajikistan. They are often left to themselves, forced to live in poverty and can become victims of exploitation, violence or human trafficking. The children who joined their parents in migration face other risks such as being put in special institutions for “stray” children and expulsion from the country separately from their parents.

The Government of Tajikistan did not respond in an appropriate manner to the impermissible practice of separating children from their parents accused in violation of migration rules and the expulsion of children from Russia to Tajikistan without parents, resulting in some cases to the death of these children.

*Separated from his mother during a raid from migration services to arrest “offenders”, a 5 months old Tajik citizen Umarali Nazarov died on October 14, 2015 at a children hospital in St Petersburg after migration officers had separated him from his mother during the raid against “offenders” of the migration rules ( separated from the parents children are always sent to hospitals from the police-stations). Umarali’s grandmother had gone to the police earlier with the child’s documents but the police did not give her the child and refused to take from her the baby formula. The criminal case for child death was closed a year later, and the real cause of his death has not been established so far. The authorities of Tajikistan did not call for a proper investigation on the death of the child, and accepted the version from the Russian authorities that the child had died because of a virus, although 45 minutes prior to the child’s death, doctors had reported that the baby was healthy<sup>10</sup>. ADC Memorial supports the complaints from Umarali’s parents to the ECHR.*

Citizens of Tajikistan living and working in Russia deserve more attention and support from their government, their rights have to be protected according to the national and international Human Rights standards, including the obligations of Tajikistan to implement the [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#)

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<sup>8</sup> Article from internet newspaper from July 24th 2017 : <https://zona.media/article/2017/07/24/secret-pirson>

<sup>9</sup> Information from lawyers representing the interests of people who were detained in secret prisons.

<sup>10</sup> Documented by ADC Memorial : <https://adcmemorial.org/www/12201.html?lang=en>