Protection of Central Asian Migrants’ Rights. Policies and Practice

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Outlines

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  o Gains

• TSPC’s research on protecting labor migrants’ rights
  o Kyrgyzstan: Institutional framework, policies and legislation
  o Internal migration
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• Conclusions

• Prospects for future research
CA Labor Migration. Trends I

• CA migration corridor
  o Receiving countries:
    • Russia – top second in the world – 11.2 mln [1] with majority from Central Asia [2]
    • Kazakhstan - no clear statistics, legal migrants - less than 1% [3], from 300 thousand to 1mln are undocumented migrants [4]
  o Sending countries:
    • In Russia: Uzbekistan – 23% (2,5mln), Tajikistan – 10% (1,1mln), Kyrgyzstan – around 600,000 [2]
    • In Kazakhstan: major labor force donors – Kyrgyzstan, Uzbekistan and Tajikistan [5]
  o Areas of labor activity:
    • construction, housing and communal services, transportation, trade, service industry, and many other areas [6]
Push-Pull factors
- Sending countries: poverty, unemployment, deterioration of social welfare, low salaries
- Receiving countries: lack of labor, job opportunities, higher salaries, free-visa entrance, common language

Remittances
- Annually, migrants transfer 15bln USD from Russia [6]
- Tajikistan: 48% of GDP in 2013 [7]
- Kyrgyzstan: 31% of GDP in 2013 [7]
- Uzbekistan: ~4% of GDP [8]
- Mainly used for daily needs (construction of new houses, weddings, purchase of cars, etc.)
- Weak policies of remittance investments
Central Asian Labor Migration. Challenges

- Abuse and discrimination in employment
  - Abuse in recruitment and trafficking
  - Abuse by employers
- Xenophobia and violence against migrants
  - Xenophobia and Discrimination
  - Abuses in arrest and detention
- Social protection of migrants
  - Healthcare
  - Education
  - Pension: TSPC’s research “Access of Labor Migrants from Kyrgyzstan, Tajikistan and Uzbekistan in Russia to Pension Accumulation System” (2010)
- Feminization of migration (40%) and decline on reproductive health of women migrants (30%) [9]
- Drug use, HIV/AIDS, TB
CA Labor Migration: Gains

- Poverty reduction
- Improvement of quality of life
- Opportunities to start own business
- Women empowerment
- Transfer of new knowledge, experience, new technologies
Tian Shan Policy Center AUCA

- TSPC – integral part of AUCA, innovative, nonprofit research organization integrated from Social Research Center
- Mission: Research, analysis, and implementation of appropriate and effective public policy in the nations and communities of Central Asia
- Research areas: critical fields of strategic development policy, human rights, and sustainable environment programs that includes:
  - Human Rights
  - Environment
  - Migration and Social Protection
  - Democratic Governance
- Since its inception, TSPC has implemented more than 20 research projects of total budget around USD 400,000
- Partnership with government agencies, international and civil society organizations at the local, regional and international levels.
Kyrgyzstan

Institutional framework
• Establishing state body on migration in 1999
• MFA and MYLE - Feb. 2012 – March 2013
• Ministry of Labor, Migration and Youth (MLMY) - March, 2013 – present
• Civil society efforts

Policies and legislation
• KR Government is in the process of formulating migration policy until 2020
• Concept of migration strategy includes:
  ◦ Building sustainable systems of government incentives and social support for the continued presence of migrants in destination countries
  ◦ Creating conditions for social, cultural adaptation and employment for returning citizens and their families
  ◦ Enhancing labor migration capabilities through improved competitiveness of human resources and diversification of the geography of migration flows that focus on actions related to professional development training of citizens going overseas and an expansion of the geography of their residence
• Ratified international treaties, inter-governmental bilateral and multilateral agreements, national laws and by-laws, provisions, regulations, decrees
• Legislation regulating labor migration
Kyrgyzstan: Internal Migration I

- Internal migration – 60%, external - 40% [10]
- 1.9mln internal migrants for the last 20 years
- “Northern Drift” – south to north movement
  - 80% do not have residence registration
  - Simplified residence registration proposed
  - Successfully piloted in two new settlements around Bishkek
  - Right to access to basic services depends on residence registration in Kyrgyzstan
  - Social and territorial segregation among internal migrants around Bishkek novostroikas (new settlements)
  - No alternative system of registration, but laws change – some to basic services with temporary registration: first medical care, social payments
Kyrgyzstan: Internal Migration II

- Environmental migration
  - Climate change and mismanagement lead to environmental degradation
  - Multidisciplinary research “Environmental migration in Kyrgyzstan” (2008) to analyze the situation and produce recommendations
    - 20 kinds of dangerous natural processes causing natural disasters
    - uranium tailing-fields in upper portion of water basins
    - Environment shape migration decision-making process
    - Scenario with no winners

- Creeping immigration
  - Depopulation of border areas
  - Kyrgyzstan-Tajikistan border demarcated only 52% and 48% contested [11]
  - Different patterns: Kyrgyz leave for long period or permanently, while Tajiks migrate seasonally
  - As a result, creeping migration occurs in contested Kyrgyz lands, as Tajiks purchase empty Kyrgyz farms and lands, build new houses and rent lands from Kyrgyz for agriculture
  - Creeping migration will continue until the borders are demarcated.
Kyrgyzstan: External Migration I

• Kyrgyz migrants work in around 80 countries of the world [12]
• Kyrgyzstan – destination for Tajik and Uzbek migrants
• Lack of management of migration processes
• “Impact of migration on elderly, Grandparent-headed households in Kyrgyzstan” (2008)
  o Role of elderly in migration
  o Extreme poverty of elderly
  o Is migration a strategy to cope with poverty in elderly households?
• Current attempts in provision of pension accumulation for Kyrgyz labor migrants
  o Private pension fund for migrants
  o Sharp criticism of the Program by public
Kyrgyzstan: External Migration II

• “International experience in protecting labor migrants rights and its application to Kyrgyzstan” (2013)
  o Handling migration policies; Institutions and approaches to support migrants; Protection from abuse by employers and recruiters; Accountability of law-enforcement or reduced discrimination; Pension portability and access to basic services; Potential of diasporas; International cooperation
  o Lessons and recommendations: One Size Does Not Fit All; Need for a “Migration Lens”; Leadership is Key; International Cooperation is Essential; Information and Evaluation; Social welfare

• “Study on best practices in assisting labor migrants from Kyrgyzstan in Russia” (2013)
  o Support and assistance to migrants is very limited
  o Best practices of assistance are mostly provided by Russian NGOs, whereas Kyrgyz diaspora organization do not prioritize advocacy and information counseling
  o Lack of adaptation programs in Russian migration policies and lack of systematic approaches
  o Latent factors affecting the provision of assistance to labor migrants
Conclusions

• Migration is an essential aspect for the majority of the population in the three sending countries.

• Governments do not have effective policies to protect its migrants, instead migrants help the government to reduce social and economic tensions in their home countries, contributing in the economy development of the host countries.

• Migration from Central Asia face many challenges but at the same time it has positive aspects.

• Joint collaborative regional dialogues, initiatives and efforts may reduce abuse and discrimination of migrants and their family members and protect their human rights regardless of their legal status.
Future prospects for research and analysis

• Policy analysis and recommendations for collaborative approaches in protecting CA migrants’ rights
• Social and economic aspects of labor migration from Central Asia to Russia and Kazakhstan
• Social aspects of gender-specific migration in CA region
• Cross-border migration in Central Asia and security (creeping migration, cross-border trade and seasonal migration)
• Analysis and recommendations for developing policies in environmental migration in Kyrgyzstan and Central Asia
• Research into impact of Customs Union on labor migration from Kyrgyzstan: economic and social aspects
• The role of new technologies in migrants’ protection
References

• [4] – Legal Center of Women Initiatives “Sana Sezim”
• [8] – L. Delovarova et al. “Migration processes in Central Asia: Main directions and key issues of regional system”
• [12] – Zamandash Association of Diaspora data