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## **Research Workshop Report**

# **Protecting Rights of Kyrgyz Labor Migrants: Identifying Key Challenges**

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# Introduction

Central Asian countries are clearly marked by complex population movements within their territories and migration abroad. These movements are driven by myriad factors, including demographic, social, political, and economic development within the countries. Russia and Kazakhstan are the main destination countries for Central Asian labor migrants, spurred in the past decade by the rapid economic growth in these countries, lack of visa regime, and a shared common language, and by the economic hardship in Kyrgyzstan, Tajikistan, and Uzbekistan. In Kyrgyzstan, labor migration is generally motivated by the hope to improve living conditions and economic status, with the hope of securing better social welfare, health care, education, working conditions and higher wages.

Since 2001 there has been an increase of 10% in inflow of foreign population into Russia; the number of Kyrgyz people migrating temporarily or permanently to Russia has nearly doubled in the last 10 years. Russia now has the second-largest migrant worker population in the world after the United States.

Migration as such is not a novel phenomenon in this region, but the migrant composition, including their protection needs, has become more complex in recent years. Central Asian labor migrants working in Russia are particularly vulnerable to abuse. They often face exploitation, discrimination, poor working conditions, and lack of access to health care, pensions, and education. While many migrants participate in trans-border work programs and pay taxes in Russia, there are few legislative and institutional protections in either the sending or receiving countries to effectively protect their rights.

Though Russia has signed all of the core ILO conventions regulating workers' rights, human rights groups criticize Russia's failure to implement international human rights standards on the treatment of labor migrants, especially from neighboring Central Asian countries. Extensive legislation on migration has been developed but with contradictory laws, by-laws, and regulations. Among Central Asian countries, Kyrgyzstan and Tajikistan have ratified the principal migrant workers' rights treaty – the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families – but Russia has not. While the major human rights treaties ratified by the Central Asian countries and Russia do provide some level of protection, the failure to implement these standards fully and at the national level has led to discrimination and widespread abuse of migrants. In addition, there is insufficient national and regional legislation and co-operation between countries promoting regulated migration flows.<sup>1</sup>

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<sup>1</sup> IOM Central Asia Operational Strategy; 2011-2015: 22.

A key barrier is the dearth of effective migration strategies and policies in the region. The lack of protection by both sending and receiving countries is a particularly egregious omission considering the enormous migrant remittances that contribute to supporting the economies of Central Asia. Remittances are an important source of support for the governments as well as households – accounting for 41% of Tajik and 27% of Kyrgyz GDP in 2010. Kyrgyz remittances increased from USD 78 million in 2003 to 1,037 million in 2010.<sup>2</sup>

Many recognize that the current policies and programs of governments in the region are not sufficient to address the ongoing human rights violations. The debate on migration is increasing in Kyrgyzstan, creating an urgent need for more robust policy analysis and dialogue among stakeholder groups on new approaches to reform. The Kyrgyz government is now developing a ‘Migration Strategy 2020’ within the Ministry of Foreign Affairs that will be reviewed by other agencies and eventually the public. The Prime Minister of the Kyrgyz Republic, J. Satybaldiev, has recently declared that the country needs a separate agency to tackle migration issues. However, it is uncertain whether a new agency will be created, particularly given the lack of resources to fund a new institution. A decision on this is expected to be made early in 2013.

The key question remains as to what migration strategy and what policies the country will adopt and implement. As Kyrgyzstan shapes its new migration strategy, there is a need to bring various stakeholder groups together to consider existing policy deficits and to build consensus around the opportunities for more innovative approaches to reform based upon sound research and analysis. This is also timely given the new migration policies being considered by President Putin to liberalize migration in Russia.

The Tian Shan Policy Center, an institution within the American University of Central Asia that focuses on research, analysis, and implementation of effective public policy in the nations and communities of Central Asia, will undertake research on key issues to inform this debate. In the context of our work on human rights, migration, and social protection, TSPC received a grant from the Open Society Foundations Central Eurasia Project to implement TSPC’s work under the Project "Protecting the Rights of Kyrgyz Migrants" (2012-2014).

Once research on international standards and best practices is completed, TSPC will use the findings to bring stakeholders together to engage in critical dialogue that can help Kyrgyz policy-makers improve the country’s migration strategy. It will also seek as a longer term goal to catalyze more concerted action by human rights and labor groups, diaspora networks, and progressive business leaders, to advance systematic reform in migrant protection in Kyrgyzstan, as well as in Russia and other parts of Central Asia.

To launch the debate among experts, the TSPC convened a Research Workshop and developed a Briefing Document that summarizes issues of migration from Kyrgyzstan to Russian

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<sup>2</sup> Migration and Remittances Factbook 2011, 2<sup>nd</sup> Edition, The World Bank, 2011: 156.

Federation (available in English at [http://auca.kg/en/migration\\_projects/](http://auca.kg/en/migration_projects/)). Specifically, it reviews the current situation of the Kyrgyz migration processes, describes challenges, and raises key issues for research. The Document was first reviewed by international experts from UN Women (Kazakhstan), FIDH (France), Migration Research Center (Russia), Human Rights Watch (USA), and Anti-Discrimination Center Memorial (Russia). Then, the Document was distributed among the invited experts in preparation for the Workshop.

## Objectives

The aim of the Workshop was to bring together research groups and experts in Kyrgyzstan to further refine the research agenda and prioritize the focus of our work in the coming year with a view to identifying the most critical issues to support a new migration policy in Kyrgyzstan that better protects Kyrgyz migrants and their families. The workshop findings will help guide the TSPC's policy research into key issues.

The objectives of this initial Research Workshop were to:

- (1) Promote transparency to the policies of Russia and Kyrgyzstan;
- (2) Identify gaps in protection for labor migrants; and
- (3) Identify and prioritize the research questions for further analysis that could help raise awareness of options to improve human rights protection of migrants.

Early in 2013 TSPC will utilize findings from the research to facilitate broader stakeholder dialogue to discuss approach towards elaboration of policy options.

# Research Workshop Proceedings

## Opening Remarks

The Research Workshop was opened by Rodger Dillon, Executive Director of the Tian Shan Policy Center. He welcomed all participants and introduced them to the TSPC and its framework and publications, to the migration project “Protecting the Rights of Kyrgyz Migrants: Utilizing policy analysis, public outreach, and stakeholder dialogue to mobilize action toward reform”, and the Workshop objectives and the program. At the end of his welcoming speech the Director expressed confidence in holding productive discussion at the Workshop.

## Session I. Protection of Human Rights

The session began with several presentations and an introductory briefing on migration issues. The key topics discussed in the Workshop were the abuse by employers and recruiting agencies, xenophobia and discrimination, and lack of access to basic services. The cross-cutting themes discussed at both sessions were diaspora and business communities and their role in migrants’ rights protection. Adoption of new technologies was another common theme throughout the whole discussion.

Kyrgyz migrants face discrimination in employment in terms of poor work conditions, withholding of passports and documents, nonpayment for services or long delays in payment, violence or threats against them. Illegal registration, fraudulent work permits, and deceptive advertising were listed among the causes and consequences of ill-treatment of migrants. Moreover, while discrimination leads to migrants working in hazardous or abusive conditions, migrants are afraid to go to authorities for help.

According to various reports, 20 people were killed and 130 injured in racist attacks of Central Asian migrants in Russia in 2011. The number of deaths among Kyrgyz migrants has reportedly increased in the last few years.<sup>3</sup> Human rights groups report that there are 1200 Kyrgyz citizens in detention in Russia. Migrants complain of randomly being stopped, detained, harassed or beaten in detention. Many migrants do not have access to legal or advisory assistance before or after they arrive in RF. Trade associations and diaspora groups try to provide assistance, but there is much greater need than their resources can provide. This situation is made more difficult by the fact that Kyrgyzstan still has no effective migration policy.

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<sup>3</sup> One group noted that in 2010 the number of Kyrgyz bodies sent from RF reached 90, while in the first half of 2012 alone this number reached 120 and may rise to more than 200 by the end of the year. It is uncertain where these figures are documented.

Anna Tynaeva, Director of the Public Foundation “Network of Labor Migrants Assistance Centers,” presented findings of the project “Protecting rights and legal interests of labor migrants from Kyrgyzstan in the territory of Russian Federation.” The Project conducted surveys and case studies of migrants in Bishkek and three cities of the Russian Federation (RF). The findings revealed that the majority of migrants who seek legal and other types of consultations under this project are those deported or denied entry to the RF for various reasons. According to the Russian Federal Migration Service (FMS) rules, the work permit is designed to be issued to those Kyrgyz migrants who fill vacancies under migration quota. This happens very rarely because Kyrgyz migrants first arrive in the territory of the RF and then search for jobs. It is almost impossible to find a job in the RF while located in Kyrgyzstan as the available low-paid jobs for which Kyrgyz migrants are eligible or accepted are usually not advertised abroad.

The findings also revealed that most migrant workers are not informed about withholding taxes, which are 30% of the salary. This is a high rate for any migrant employee and the employers usually avoid informing them of withholding of taxes at this rate. The Russian FMS also delays issuing the work permit or denial for more than 30 days, according to interviewees, even though the FMS is supposed to issue the response within 6 days according to the legal rules. This situation forces migrants into undocumented status or illegal activities. Another difficulty that migrants face while being employed is that they have to pay social security taxes in the Pension Fund of the RF during first 6 months at the same rate as the Russian citizens pay. However, the taxes paid are not always accumulated in the Pension Fund in the migrants’ names.

The most frequent need for legal assistance among migrants was connected with the procedures and documents required for entry in the territory of RF: rules of registration at the place of temporary residence in the host country, the process for acquiring a work permit, licensing terms, residence permit rules, particularities of application of the legislation on the RF citizenship, and rules for concluding employment agreements. Ms. Tynaeva also indicated that 50% of the documented migrants had secondary education and a plurality (42%) of them were between 16 and 26 years old.

Alfiya Mirasova, National Coordinator at the UN Women Kyrgyzstan, presented other challenging findings from their project on “Gender Aspects of Migration”. The study revealed that the number of women-migrants in Kyrgyzstan represents some 25-30% of all migrants (or according to some estimations as high as 40%). The Kyrgyz women-migrants are mostly employed in agriculture (Kazakhstan), trade, food service industry, domestic work, hotel and restaurant business, or informal (shadow) businesses. The typical violations of the rights of women migrants are: poor working conditions, threats to health, harassment, blackmail – including of their family members – racial discrimination and xenophobia, labor and sexual exploitation, embroilment in debt bondage, and forced slavery.

In the course of presenting findings, the conveners discussed whether certain key issues warranted further research and policy analysis:

- What type of migration policy model frameworks or practices from other countries should the Kyrgyz Government and advocacy groups consider?
- What kind of policies should the Kyrgyz Government consider to better counteract employer abuse?
- Can international human rights mechanisms be better utilized to challenge Russian abuses?

It was generally agreed that this type of research was needed. The participants indicated that the lack of migration policy in Kyrgyzstan leaves many migrants unprotected. The discussion centered on particular abuses that should be addressed in any new policy and then on recommendations for developing a broader migration strategy.

A key barrier to migration policy reform is that Kyrgyz authorities do not possess figures illustrating how many Kyrgyz migrants work in Kazakhstan, Russia or even Turkey (with these countries Kyrgyzstan shares a non-visa regime of entry), or how many seasonal migrants from neighboring countries are employed in the Kyrgyz agricultural sector.

Though there are few statistics about Kyrgyz labor migrants, the existing data does suggest that the number of Kyrgyz citizens leaving the country is always higher than the number of those entering. One participant noted that there is a need to introduce a policy that considers employment of Kyrgyz citizens abroad as an export of manpower and which identifies an appropriate level, as many other countries do (for instance the Philippines). The drain of manpower is a consequence of the situation that authorities do not have an adequate migration strategy with regard to its own citizens. This was echoed in the discussion of the labor migration of Kyrgyz professionals; experienced doctors as well as teachers are leaving the country. This has created an educational gap in some Kyrgyz schools, which have secondary school students teaching primary schools students because the schools lack teachers.

Practice shows that there are some individuals in host countries that welcome undocumented migrants. One participant noted that often Russian citizens of pre-retirement age are registered as janitors though their work is actually being done by migrants they pay but who are not formally hired for the job. Employment discrimination is high where there are such developments.

In discussing how to address these issues, some experts suggested that Kyrgyz migrants in Russia could use cooperatives as the form of employment to increase their protection. Cooperatives have gained a good reputation around the world. Other areas to consider would be the development or improvement of the current policies on credit unions (credit unions in Moscow and Kaluga provinces) that would support migrants, e.g. help them to accumulate their earnings and remittances and generally better manage their finances.

Another problem which warrants attention is the migration quota stipulated by the Russian Government for labor migrants. Every year the RF reduces the quota, increasing the likelihood that labor migrants will accept undocumented status or obtain fraudulent documents.

Participants agreed that the Kyrgyz Government's protection of the migrants should start even prior to their departure because waiting until the employment stage is too late. Protection in this regard means providing the appropriate knowledge and skills that help protect them from abuse and that reduce risks to their security. The more skilled and educated migrants are, the less chance of their being exploited. Experts raised the issue of reviving the Migration Fund – a fund that could help migrants in difficult situations. However, the first Migration Fund used in Kyrgyzstan proved to be inefficient and non-operative due to the lack of government support.

In revisiting the issue of how to develop a sound migration policy in Kyrgyzstan, participants made a number of observations and recommendations. They noted principally that Kyrgyzstan currently lacks a specialized and coordinating state body responsible for elaboration of migration policy and protection of labor migrants. Kyrgyzstan dissolved its Ministry of Labor, Employment and Migration in the beginning of 2012, and currently migrants' issues are tackled by two separate ministries. Some experts suggested that this situation creates many difficulties for migrants rather than improving protection. Neither coordination nor cooperation mechanisms exist between the two involved agencies dealing with migration. Moreover, their mandates do not have a clear character, and prognoses about their future vary from source to source.

Experts indicated that the new migration policy, which is apparently being elaborated by the Ministry of Foreign Affairs, should reflect coordination mechanisms between the concerned agencies. It should also take a long-term view of migration. It was noted, for example, that because of the high level of rotation of the KR Government (the last Government worked only 8 months) there was a lack of political will to take a long-view toward migration issues. Moreover, Kyrgyzstan has had a tendency to solve problems with short-term approaches. Experts recommended that as a new policy is elaborated, the Government needs to undertake analysis that considers long-term approaches. The role of the Ombudsmen Institute in this process was also raised, in particular how it should be involved and what impact it should have with respect to protecting labor migrants.

In considering how to better utilize international agreements to promote migrant protection, participants stressed that both KR and RF Governments need to ratify ILO Convention No 48. This would help to both better protect migrants' rights and ensure that ILO standards are more deeply incorporated into regional migration policy.

Other concerns were raised about coordinating migrant treatment in Kyrgyzstan. There are many foreigners working in Kyrgyzstan who face difficulties. Almost half of the 24,000 ethnic Kyrgyz who immigrated back to their historical homeland from neighboring countries still have

not obtained Kyrgyzstan citizenship and consequently have no right to own the land. The absence of the Kyrgyz citizenship also negatively affects the quality of life and career opportunities of their children; without citizenship they cannot enter secondary education or higher education, for instance.

It was also pointed out that Kyrgyzstan's Constitution stipulates the possibility of obtaining dual citizenship but that this provision has never been practically invoked with any of Kyrgyzstan's partner countries. Moreover, there appears to be no political will from either Kyrgyz or Russian authorities to elaborate and adopt a corresponding inter-governmental agreement stipulating the legality and order of acquiring dual citizenship. To resolve the numerous difficulties faced by Kyrgyz migrants, Kyrgyzstan should initiate development and consideration of the agreement on dual citizenship with Russia.

In response to questions regarding the role of civil society it was suggested that Kyrgyz civil society does push the Government to protect the rights of migrants. While current legislation does not provide full protection of migrants, the nongovernmental organizations (NGOs) remain ready to help the Government to improve its policies. Some suggested that the Government has to take the leading role on elaborating initiatives which could then (and should) be discussed in dialogues with the civil sector. Moreover while there are many organizations -- government, non-governmental or international -- who are mandated to speak about migrants and on their behalf, it is rare to hear the voices of migrants themselves in the debate. More should be done to involve migrants and to hear these views.

In exploring further possibilities for enhancing Kyrgyz migration policy, participants suggested that the Government should explore opportunities for Kyrgyz migrants to work in countries other than Russian and Kazakhstan. For instance, Bulgaria has large parcels of land which are not cultivated. The Kyrgyz Government should investigate the labor markets of other countries and seek to negotiate appropriate agreements where the Kyrgyz manpower and skills could be used. International experience in better migration management has to be explored and best practices adopted in Kyrgyzstan.

## Session II. Social Protection and Diaspora

The second Session was devoted to the issues of migrants' social protection, their access to basic services, and the role of diaspora, trade unions, and business communities in helping to promote the social protection of Kyrgyz migrants in Russia.

Two presentations introduced the participants to the social protection issues and the role of diaspora in facilitating social protection of Kyrgyz labor migrants in Russia. Lack of access to the basic services by migrants in RF is one of the main concerns. These services are healthcare, education, and social security (pension accumulation). Most migrants do not have access to these services, as many remain undocumented and are viewed by authorities as illegal. They run the risk of being deported and, if deported, they cannot enter the territory of the Russian Federation for 10 years, according to the new rules. Thus, fearing deportation, many migrants usually avoid turning to protective services and thus endure abuses.

With the introduction of a new tax law in Russia in January 2010, under which employers stopped paying social tax for temporary migrants, the latter no longer have access to the polis, or insurance certificate, which provides access to free healthcare. This polis is now issued only to citizens of RF and migrants who are legally registered in Russia, while temporary and undocumented migrants have no such access. Moreover, beginning in January 2013, in accordance with the new rules for the Compulsory Medical Insurance (CMI), the Ambulance Service will be funded from the budget of the CMI. This means that all foreigners will be denied access to free ambulance service or receive emergency care in hospitals.

Given the low level of financial security of temporary or undocumented migrants in Russia, it is reported that the majority of migrants have access only to paid medical services, making them vulnerable to diseases. Few can afford to pay for treatment.

Migrant-women and their children are the most vulnerable group in the RF. Studies show that less than 10% of female migrants and 30% of migrant children have access to free Medical Assistance. About 40% of migrants treated themselves at home, and paid for medical services for their children. There is also the problem of access to reproductive health by migrant women. Low awareness about contraceptives increases the risk of illegal abortions (that are often executed in the home environment) and the risk of HIV and other sexually transmitted diseases.

Migrant children are also vulnerable in a number of areas. It is estimated that 10% of migrants come to Russia with children of school age. Many of them have no access to school if their parents do not have a *registered* place of residence or have no medical records in the RF. Poor

knowledge of Russian language is a barrier for children's education. It is reported that children who are not attending schools work with their parents on construction sites or in the markets.

Human rights groups assert that such negligence of the problems of migrants and their families, particularly denial of access to health care and education in Russia violates international human rights standards. Russia also lacks any policy of social integration of migrants in the Russian society; there are no programs to include forms of economic integration, which could facilitate access to social and sheltered employment. In addition, there are no programs to provide migrant workers access to voluntary social security, education and training, and there are very few programs for language and cultural integration of migrants from Kyrgyzstan.

According to the Public Association "Zamandash", Kyrgyzstanis organized in Diasporas across Russia have representative bodies in 43 cities of the RF. Given the fact that Kyrgyzstan has no policy on diaspora, or even a separate agency to deal with diaspora issues, the Kyrgyz diaspora organizations abroad attempt to tackle the social problems on their own. Participants noted that the Kyrgyz diaspora organizations help compatriots in many areas that government agencies do not reach. However, it is suggested that diaspora organization could be better organized with the consolidated help of the KR Government.

Successful experience of other countries demonstrates that there is a large potential for diaspora organizations to improve migrant protection. With proper policies, the diaspora could assist migrants in benefiting from the social security system and undertaking measures to prevent discrimination and abuse of their rights. Likewise, business groups and trade unions can play a significant role in protecting the rights of Kyrgyz migrants abroad, such as in providing equitable jobs, monitoring accountability for implementation of rights, and improving migrant solidarity toward eradicating abuses.

Mrs. Eppu Mikkonen-Jeanneret, Head of the Regional Office of HelpAge International, discussed issues of migrant access to pensions in Kyrgyzstan. She indicated that pension accumulation is a problem for Kyrgyz labor migrants working in Russia and in other countries. In Kyrgyzstan, the new social protection law does secure the so-called "base pension" for everybody regardless of one's work history, which is at the same level as the minimum contributory pension. Thus, returning citizens are secure in being able to receive this minimum pension regardless of their tax payment/nonpayment to Pension Fund in RF. Nevertheless, other issues remain.

Kyrgyzstan and Russia do not have a bilateral agreement on the portability of pensions, though migrants are now required to make compulsory contributions to the Pension Fund in RF. While there is some discussion between KR and RF Governments regarding the portability of pensions, the specifications are completely unknown at the moment. The current figure of 8% of people over 60 years of age is going to triple in the coming years and Kyrgyzstan will have

large numbers of migrants returning home at the retirement age who will not have access to formal pension accumulation benefits beyond the minimum payments described above.

In discussing these issues, participants were asked to consider the following questions as pertinent in policy guidance:

- What are the institutional and policy frameworks that best provide social protection for migrants, which could be put forward in the ongoing negotiations between Russia and Kyrgyzstan in protection the rights of migrants and their families?

- Are there any models or best practices used by other countries in the area of social protection, which could be applied to the Kyrgyz-Russian context?

- How to ensure maximum involvement of Kyrgyz Diasporas and business communities to provision of social security and access to basic services of Kyrgyz migrants in Russia?

The participants agreed that there is an urgent need for ratification of bilateral legislation between RF and KR on social protection. The horizontal ties between various agencies involved in providing social services to labor migrants in Russia should be strengthened and coordinated with Kyrgyz agencies. Increasing the number of Kyrgyz consulate offices in RF is another issue that was debated among participants. Lack of knowledge among migrant workers of available social benefit in RF lead to the lack of demand to these services. There is a need to include issues of available social services and security for Kyrgyz migrants in Russian and potential migrants in Kyrgyzstan in awareness campaigns and training programs.

The discussion of the potential role of the Kyrgyz Diaspora in Russia continued. It was suggested that some Kyrgyz Diaspora organizations assist migrants in difficult situations. The participants suggested that it would be useful to policy-makers and Kyrgyz organizations working on migration issues to have TSPC study what diaspora groups have done in other regions, such as Bahrain, Hong Kong, Latin America to help protect migrant rights – not just in providing access to social services, but in cooperating with government to provide human rights protection and assistance. Many believed that access to legal advice/services is provided by some diaspora groups but there is no consistency, funds are limited, and it really depends on where migrants are located in RF. Exploring the current situation of diaspora organizations and providing some recommendations in how to improve networking of diaspora organizations in RF and strengthen their role in providing consolidated assistance to compatriots was one of pressing issue recommended by the participants to investigate.

In the course of discussion, the participants recommended that legal and social services for human trafficking victims require special attention in Kyrgyzstan. These victims need constant legal, rehabilitation and psychological help. The existing shelters in Kyrgyzstan cannot provide sufficient professional assistance to such persons.

As a conclusion to the discussion, the experts noted that in exploring new policy avenues, discussants should be mindful to give appropriate credit to the RF Government. Today more

than one million Kyrgyzstani labor migrants stay and work in the RF, which allows them to help their families in Kyrgyzstan significantly. RF provides the opportunity for Kyrgyzstanis to earn their living at a time when the KR Government cannot provide them with jobs and support. Some participants expressed dissatisfaction that it appears to many that Kyrgyzstan seems to be concerned about its migrants only at the time of elections.

# Recommendations

The recommendations of participants put forward in the one-day discussion of the expert community in Bishkek include the following:

## Migration Policy

- Promote approaches and best practices that can improve the development of migration policy in the KR.
- Promote better strategies by the KR Government in negotiations with the RF on migration management.
- Promote opening of more consulates by the KR for direct protection of citizens in RF (and to document abuses that could be raised in negotiations with RF Government).
- Promote actions by the KR Government to better document and relate abuses to RF Government.
- Facilitate the development by the KR Government of migrant information centers in RF.
- Engage KR and RF Governments to provide social protection to Kyrgyz migrants working in RF, with priority in the following areas:
  - ✓ Portability of pensions
  - ✓ Protection of base pension
  - ✓ Access to social services
  - ✓ Access to social services to elderly labor migrants
  - ✓ Recognition of medical certificates issued in KR by RF agencies
  - ✓ Adoption of bilateral agreements on social protection
  - ✓ Information awareness of existing and available social services among migrants
  - ✓ Establishment of private pension fund mechanisms
- Promote/facilitate RF Government to adopt international standards with regards to protecting migrants' rights, and document best practices in social protection used by other countries.
- Promote adoption of dual citizenship to promote basic migrants' rights.
- Promote increasing migration quotas that would avoid employment discrimination and illegality.
- Conduct surveys on migrants' perceptions/migrants' rights/issues in RF to reveal the current situation and have them as a base for further elaboration of migration policies. Consolidate joint efforts on better development of statistics on migration through various surveys. Document migrant voices about their abuses and their specific needs in RF and on return to KR through surveys. Conduct survey and analysis into whether and to what extent KR migrants are ready to pay for social services like education and health care in RF.

## **Diaspora and Business Communities**

- Study the definition, functions and goals of Kyrgyz diaspora in RF. Explore the best practices of how cooperatives, trade unions, and diaspora groups worked effectively (together or separately) in other regions, such as Bahrain, Hong Kong, Philippines, Latin America, etc., that help protect migrant rights.
- Explore examples in Latin America with teachers unions and women to study the creation of cooperatives of migrants. Explore cooperatives and trade union work in RF. Explore the breadth of trade union work (for those existing in RF) and strategic options for unions to broaden reach in RF beyond Moscow and/or how to facilitate linking up their work with other advocacy groups across RF.

## **Coalition Building**

- Raise public awareness in KR and coalition building through:
  - a. Research and awareness building in KR to promote cooperation among business, unions, and migrant advocates rights groups, non-traditional associations, to join in advocating better action on migration policy in KR.
  - b. Help build a real migrants' coalition in KR to do the above.
  - c. Public private partnerships on migrant training or reintegration in KR. What would these types of programs look like?

## **International Agencies Support**

- Explore to what extent and which international agencies could support the following:
  - a. Analysis/revision of legislation on labor migration, elaboration of amendments and addenda to external labor migration with strengthen incorporation of international standards.
  - b. Strengthen information campaigns.
  - c. Strengthen training of KR Government and migrant groups on international standards and available protections.
  - d. Strengthen cooperation on social protection schemes or legal aid (IOM sponsored work to help provide information to potential migrants in Kyrgyzstan and when crossing border to RF).
  - e. Promote ratification of ILO conventions on pension rights, such as standards on portability of pensions.

# TSPC Research Agenda

Following the recommendations from the discussion, the TSPC has identified several key areas for policy research and analysis that it can undertake with its resources this year to support the development of migration policy in Kyrgyzstan:

1. What are the model and best practices available from other sending countries that Kyrgyzstan should consider in designing its migration policy? What sending country policies have worked best in protecting migrants rights in destination countries? The research into model practices should further clarify a number of key issues relevant to protection of Kyrgyz migrants including:
  - a. What policies have sending countries adopted to regulate or facilitate remedies for abuses by recruiting firms and employers?
  - b. What policies or strategies have sending countries adopted to improve the accountability of law enforcement and/or reduction of discrimination and abuse of migrants in destination countries?
  - c. What policies or practices in bilateral negotiations and agreements between sending and receiving countries are instructive for Kyrgyzstan in developing approaches for dialogue with Russia and Kazakhstan?
  
2. What domestic-level reforms, including domestic institutional structures, should Kyrgyzstan adopt to ensure long-term strategic actions that improve migrant rights and protection? Research should clarify, for example:
  - a. What is the most appropriate assignment of responsibilities among national agencies, given the fact that at present jurisdiction and responsibility for migrants issues are scattered among agencies with no cohesive policy?
  - b. What measures should the KR Government take that would protect Kyrgyzstani migrants' rights via prevention (training, informational campaigns in pre-departure to RF, etc.)?
  
3. If sufficient resources exist, experts urged TSPC to undertake additional research to document best practices for assisting migrants in Russia. That is, what approaches have been most successful in delivering legal protection and services to migrants from Central Asia working in Russia? What is the role of the Kyrgyz Government in supporting such practices? This research could involve evaluating lessons from public-private partnerships, such as with trade unions and diaspora groups, migrant protection and human rights organizations, humanitarian agencies, legal aid organizations/clinics, and informal networks in Russia in order to assess best practices that Kyrgyzstan may consider promoting in its policy development. Research could reveal:
  - a. What strategies/techniques have been most successful?
  - b. How effective has a legal approach been in delivering protection and services?

- c. What are the key challenges, opportunities and methods for better engaging the Diaspora networks, progressive business leaders, and companies in campaigns to stem labor abuses, discrimination and xenophobia in Russia, and are models from other regions/campaigns useful?
- d. How can collaboration among stakeholder groups in the Diaspora, human rights and migrant rights community, other NGOs, business, and government be maximized to more effectively create change, including through more successful coalition building, mapping NGO/advocacy expertise, data, and activities, and establishing a clearing-house for access to information, experts and networks?
- e. Do law enforcement officials demonstrate flexibility in supporting migrant rights? Under what circumstances?
- f. Does the effectiveness of aid delivery vary in rural areas versus urban areas? What factors account for this variance?

## Annex I.

### Workshop Participant List

#### International Organizations

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## Annex II.

**Research Workshop Program**  
***“Protecting Right of Kyrgyz Labor Migrants: Identifying Key Challenges”***  
TSPC AUCA

Date: September 13, 2012

Time: 10:00 – 15:00

Venue: Room 315, AUCA (main building)

Address: 205, Abdumomunov Str, Bishkek

*Moderator: Rodger Dillon, Executive Director, TSPC*

10:00 – 10:15 – Registration of participants

10:15 – 10:30 – Welcome and introduction to the project by *Rodger Dillon*

Part I. Protection of Human Rights, moderated by Michelle Leighton, Deputy Director, TSPC

10:30 – 10:45 – Presentation of Key Issues

- *Michelle Leighton, Overview of Migrants Issues*
- *Anna Tynaeva, Network of Labor Migrants Assistance Centers Public Foundation, Bishkek (findings from their investigative project in Russia)*
- *Alfia Mirasova, National Program Coordinator, UN Women, Bishkek (violence against women)*

10:45 – 11:45 – Discussion of Participants

11:45 – 12:00 – Wrap-up Part I (consensus of research priorities)

**Lunch 12:00 – 13:00** - Lunch provided to all participants at the AUCA cafeteria

Part II: Social Protection and Diaspora, moderated by Ainura Asamidinova, Migration and Social Protection Program Manager, TSPC

13:00 – 13:15 – Presentation of Key Issues

- *Ainura Asamidinova (overview of social protection issues)*
- *Eppu Mikkonen-Jeannerett, Regional Representative for Central Asia, HelpAge International*

13:15 – 14:15 – Discussion of Participants

14:15 – 15:00 – Wrap-up Part II (consensus of research priorities)

14:30 – Concluding remarks, *Rodger Dillon*