

## **Regional Conference on Refugee Protection and International Migration in Central Asia Almaty, Kazakhstan 15-16 March 2011**

### **1. Introduction**

Migration dynamics in many regions, including in Central Asia, are often complex and include people with different profiles, needs and motivations for moving. While some people may be forced to flee their home countries for their own security, others leave for purposes such as to search for livelihood opportunities or reunification with family members. Irrespective of the reasons, such movements - especially if they take place in an irregular manner - can place people in vulnerable situations and some may need support upon arrival in their destination country. In addition to refugees and stateless persons, other categories of persons, for example, unaccompanied/separated children, trafficked persons, stranded migrants who have suffered violence during the migration process or female labour migrants in an irregular situation may need particular attention.

In 2006, UNHCR launched a 10-Point Plan of Action on Refugee Protection and Mixed Migration (10-Point Plan)<sup>1</sup> to assist States in developing comprehensive and protection-sensitive migration policies that address both legitimate border control concerns, as well as the protection needs of persons involved in mixed movements. To implement the 10-Point Plan at a regional level, UNHCR, the International Organization for Migration (IOM) and other partners have organized regional stakeholder conferences in different regions.<sup>2</sup>

IOM is committed to the principle that humane and orderly migration benefits governments, migrants and society. In its discussion note to the 2008 International Dialogue on Migration, IOM re-iterated the importance of comprehensive migration policies which address the challenges of mixed migration effectively and in accordance with international law, including protection obligations under human rights and refugee law.<sup>3</sup>

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<sup>1</sup> The 10-Point Plan of Action on Refugee Protection and Mixed Migration, rev.1 January 2007, is available at <http://www.unhcr.org/4742a30b4.html>.

<sup>2</sup> These conferences form part of an European Commission (EC) funded project on the 10-Point Plan. Further activities under the project include the organization of a series of expert roundtables and the issuance of a compilation of practical examples on the implementation of the 10-Point Plan. Further information about UNHCR's 10-Point Plan project is available at <http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=497730212&query=10%20point%20plan%20project>.

<sup>3</sup> IOM: International Dialogue on Migration 2008. The Challenges of Irregular Migration: Addressing Mixed Migration Flows. Discussion Note. MC/INF/294 available at: [http://www.iom.int/jahia/webdav/shared/shared/mainsite/about\\_iom/en/council/96/MC\\_INF\\_294.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/about_iom/en/council/96/MC_INF_294.pdf) and Human Rights of Migrants. IOM Policy and Activities, Doc. MC/INF/298 (19 November 2009), available at <http://www.iom.int/jahia/Jahia/about-iom/governing-bodies/council/98th-session>

Since 2005 the Organization for Security and Co-operation in Europe (OSCE) has promoted a comprehensive approach to labour migration management. This includes a balanced combination of policy instruments and control mechanisms and emphasizes the need for cooperation between countries as well as with relevant stakeholders such as social partners, business community, civil society and academia.<sup>4</sup> OSCE together with partners has produced a number of tools<sup>5</sup> to assist States in developing a comprehensive approach to labour migration management. OSCE places a particular emphasis on and raises awareness about the gender dimension of labour migration.

This conference is the fifth in a series of conferences on refugee protection and international migration.<sup>6</sup> It will focus on mixed movements in Central Asia. It is hosted by the Government of Kazakhstan and co-organised by UNHCR and IOM with the United Nations Regional Center for Preventive Diplomacy for Central Asia (UNRCCA). The conference is funded by the European Commission.

## 2. Background

Migratory movements are not a new phenomenon in Central Asia, but form part of the region's history. The large population movements during the Stalin Era also affected Central Asia. Ethnic groups from other regions of the Soviet Union were forcibly relocated to Central Asia. Throughout the Soviet period, the region also saw an influx of citizens from other Soviet Republics of Russian ethnicity, mostly for work related purposes.

Since the dissolution of the Soviet Union and the independence of the Central Asian States, migratory movements have been reversed. Following the adoption of ethnicity-based immigration policies in a large number of Central Asian countries, many people who originated from the region have returned. In Kazakhstan, for example, more than 600 000 ethnic Kasakhs (also referred to as 'Oralmans') have moved to Kazakhstan and have been naturalized. At the same time, large numbers of Russians and members of other ethnic minorities in Central Asia, some of whom had been forcibly deported to Central Asia, have moved back to Russia, Ukraine and other countries. These migratory movements before and in the immediate aftermath of the dissolution of the Soviet Union left many persons stateless because the citizenship legislation of the successor States regularly determined criteria for citizenship on the basis of permanent residence (*propiska*).

In addition to return movements following the aftermath of the Soviet era, migration to the region, within the region, and towards other regions is prompted by a multitude of factors. Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan are countries of origin and transit but also, to varying degrees, destination countries. The search for work and other livelihood opportunities is the major driver of migration

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<sup>4</sup> See OSCE: Ministerial Decision on Migration Management No. 5/09, MC.DEC/5/09 of 2 December 2009, available at [http://www.osce.org/documents/cio/2009/12/41866\\_en.pdf](http://www.osce.org/documents/cio/2009/12/41866_en.pdf).

<sup>5</sup> The OSCE-IOM-ILO Handbooks on Establishing Effective Labour Migration Policies (CIS and Mediterranean editions) are available at <http://www.osce.org/eea/29017.html>; OSCE Guide on Gender-Sensitive Labour Migration Policies and OSCE Trainer's Manual on Gender and Labour Migration are available at <http://www.osce.org/eea/29017.html>.

<sup>6</sup> The previous conferences took place in Yemen May 2008, Senegal November 2008, Costa Rica November 2009. The fourth conference will take place in Tanzania September 2010. Further information about the previous conferences is available at <http://www.unhcr.org/pages/4a16aac66.html>.

within the region and to neighbouring countries, particularly the Russian Federation. The importance of labour migration to some economies in Central Asia is underscored by recent World Bank remittance data, indicating that in 2008 remittances comprised 28 and 50 per cent of Gross Domestic Product (GDP) in Kyrgyzstan and Tajikistan respectively.<sup>7</sup> An increasing number of women form part of these labour migration movements, but not enough information is available on the size and particular challenges of female labour migration.

The economic crisis which many countries in the region have been facing may also have contributed to migration within and beyond the region and from the region to other destinations. Social exclusion, harassment and sometimes even violence and persecution of some groups, notably ethnic minorities, have also been contributing factors. Additionally, in some regions environmental degradation such as the desertification of the Aral Sea region has forced an estimated 100 000 people to move to neighbouring countries during the 20th century, including to other Commonwealth of Independent States (CIS) countries. Human trafficking is reported to take place internally in each country, across borders within Central Asia, and out of Central Asia, notably to other areas of Asia, the Middle East, the Russian Federation and Western Europe.

A significant percentage of the movement to and through the region consists of men and women fleeing armed conflict, persecution and/or violations of their human rights. Central Asia hosted some 10 000 refugees and asylum-seekers, originating mostly from Afghanistan. Many have been in a protracted [refugee or displacement] situation, and given the precarious stability and security situation in their country of origin, prospects for repatriation remain slim. Although the long-term impact of the June 2010 outbreak of violent clashes in southern Kyrgyzstan on population displacement within the region is yet to be assessed, initial estimates indicated internal displacement of thousands of people, with an additional 75 000 persons having taken refuge in Uzbekistan.

The various migratory movements outlined above raise a number of economic, social and security challenges for governments in Central Asia. However, they could also offer important opportunities. The long and porous borders in the region make it difficult for governments to combat crimes such as human trafficking and smuggling and to set in place reception arrangements with procedures to identify refugees, trafficked persons or persons who have other specific needs. Further, some countries are disproportionately affected by refugee movements and may need more solidarity and support both from within the region, as well as internationally. Targeted measures to address the immediate needs of all arrivals regardless of their status and to facilitate the (re)integration of refugees, returnees<sup>8</sup> and marginalized groups such as stateless persons and ethnic minorities are needed. Legal migration options may benefit those wishing to migrate from the region to other countries and could help to reduce

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<sup>7</sup> See D. Ratha et al., “Outlook for Remittance Flows 2010-11”, Migration and Development Brief 12, 23 April 2010, World Bank, Washington D.C., p. 2 (Box 1), available at <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1110315015165/MigrationAndDevelopmentBrief12.pdf>.

<sup>8</sup> This term refers to persons who return to a Central Asian country with whom they have an ethnic link.

irregular movements.<sup>9</sup> Statelessness is a continuing problem in the region. Citizenship legislation needs to be adjusted to reflect migration realities and to reduce statelessness.<sup>10</sup>

Cooperative, comprehensive and cross-dimensional approaches to migration management and addressing the migration dynamics of the region in all their aspects could contribute to strengthening the region's political security and be an important component of broader stabilization strategies. Developing such approaches and establishing platforms for discussion and exchange of good practices is an important policy priority for governments in the region. In addition to the discussions within the OSCE mentioned above, comprehensive approaches to mixed movements in the Central Asia region are also being discussed in other fora such as the Commonwealth of Independent States (CIS), Eurasian Economic Community (EurAsEC) or the Shanghai Cooperation Organisation (SCO).

Further, at the initiative of the governments of the five Central Asian countries, a special political mission of the United Nations Regional Center for Preventive Diplomacy for Central Asia (UNRCCA) was established to explore the multiple challenges experienced in Central Asia, including those associated with migration, and to promote preventive development strategies and humanitarian assistance.

### **3. Objectives of the Conference**

Against this background and building on existing policies, initiatives and fora, this conference aims to:

- Develop suggestions for the integrated and comprehensive implementation of the 10-Point Plan in the region. This would be based on a collaborative approach and build on strong partnerships between States in the region, as well as inter-agency cooperation between regional and international organizations. Recommendations will address, in particular:
  - The establishment of protection sensitive entry systems, i.e. the incorporation of protection safeguards and assistance measures into migration and border management (10-Point Plan, chapter III: protection-sensitive entry systems, chapter IV: reception arrangements and chapter V: mechanisms for profiling and referral);
  - The stabilization of population movements through the integration and reintegration of refugees, returnees, marginalized groups (e.g. stateless persons, ethnic minorities) and labour migrants (especially female migrants) and the provision of alternatives to irregular movements, including onward movements (10-Point Plan, chapter VII: solutions for

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<sup>9</sup> To enhance labour migration opportunity IOM and OSCE have been supporting the establishment of Migrant Information Centres in Kyrgyzstan and Tajikistan.

<sup>10</sup> A regional conference on the prevention and reduction of statelessness and protection of stateless persons in Central Asia was organized by UNHCR and OSCE in Ashgabat, Turkmenistan in December 2009. The conference conclusions contain several recommendations of concrete measures governments can undertake to resolve statelessness problems which largely have resulted from migration and complex citizenship legislation and residence registration procedures in the region.

refugees, chapter VIII: addressing secondary movements and chapter X: information strategies); and

- The establishment of legal migration alternatives, including through the utilization of existing regional legal frameworks and bilateral arrangements (10-Point Plan, chapter IX: alternative migration options).
- Identify areas where States require more targeted support from the OSCE, UNHCR, IOM, UNRCCA, and other organizations to develop and implement their protection responses within the mixed migration context.
- Share best practices for the identification, referral and reception of persons in need of protection and assistance in accordance with the different needs of persons within mixed migratory movements.
- Improve data collection and exchange.

#### **4. Preparation for the conference**

UNHCR will undertake a regional study on refugee protection and international migration in Central Asia which will examine migration trends and protection challenges for people on the move. More specifically, it will outline particular protection challenges for asylum-seekers and other groups with specific needs. The study will also identify the key actors involved in the management of migration, and analyze applicable laws and practices. The results of the study will serve as a platform for discussion during the conference.

OSCE and IOM will make available the preliminary results of a joint project aimed at gathering disaggregated migration data in EurAsEC countries and the results of a regional seminar on gender and labour migration.

#### **5. Participation**

The conference will bring together Representatives of the five Central Asian Republics of Kazakhstan, Kyrgistan, Tajikistan, Turkmenistan and Uzbekistan as well as Afghanistan, Azerbaijan, People's Republic of China, Iran, the Russian Federation, and Turkey. International agencies such as the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Office for Drugs and Crime (UNODC), the International Labour Organization (ILO), academic experts, civil society representatives and other experts from the region will also be invited.

## 6. Proposals for the agenda

In addition to presentations in the plenary sessions, thematic working groups will be set up to address specific topics, so as to ensure an open dialogue among participants. The working groups will deliberate separately and report back to the plenary sessions. The main conclusions and recommendations of the conference will be shared with all participants and the conference documents will be published.

### *Introductory sessions:*

- Opening session
- Regional migration trends and patterns
- Overview of key regional protection challenges
- Presentations by representatives from governments, international agencies and civil society on topics such as migration and child protection, migration caused by environmental degradation, migration and development, labour migration.

### *Suggested topics for the Working Groups:*

- **Managing borders while ensuring refugee protection** (dissemination of protection information, capacity-building for officials to ensure adequate expertise in refugee and asylum law);
- **Profiling and referral mechanisms** (differentiation at entry points, access to territory, profiling tools, cooperation of inter-governmental and non-governmental organizations);
- **Strengthening integration of refugees, stateless persons and minorities in host countries**
- **Strengthening reintegration of returnees and returning migrants in countries of origin**
- **Preventing trafficking and protecting the victims – with specific attention to child trafficking;**
- **Developing legal migration opportunities and gender-sensitive migration policies** (mobility opportunities within the region on the basis of bilateral arrangements and regional migration frameworks, legal migration to other CIS countries, legal migration to and out of the region);
- **Reinforcing partnerships** (strengthening data and information sharing, and streamlining refugee protection in existing regional processes);
- **Developing information and awareness-raising strategies** (developing information strategies to discourage irregular movements and combat xenophobia).

**Closing session:** synthesis, recommendations and next steps, and closing remarks

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