

Migrant workers in Central Asia are subjected to high migration costs.

Position paper – 8 June 2017

On the occasion of the general discussion on labour migration held at the 106th session of the International Labour Conference (ILC), FIDH wishes to share its concern that Conventions Nos 97 and 143 are today insufficiently ratified and implemented around the world. International instruments and recommendations of the ILO, as well as measures taken by states on the regional or national level to protect migrants' rights should apply to all migrant human beings, including undocumented migrants, asylum seekers and refugees.

The situation of migrant workers from Central Asia, in particular, are subject of concern. These migrant workers and members of their families, who seek to obtain employment or are already working in Kazakhstan and the Russian Federation, continue to suffer from significant decent work deficits, including violations of fundamental principles and rights at work, and other infringements.

FIDH expresses its hopes for the general discussion to consider the highly sensitive situation of migrant workers in Central Asia and to rapidly provide solutions to protect both migrants in a regular situation and those, even more vulnerable and considered as “invisible”, in an irregular situation, as well as members of their families.

Main findings

Following 2015-2016 investigation missions, FIDH and its member organisations produced two reports to document the situation of migrant workers coming from Kyrgyzstan, Tajikistan and Uzbekistan, and going to, or staying in Kazakhstan and in the Russian Federation. Working in construction, markets, service industries, and in the cotton and vegetable fields, interviewed migrant workers proved, for the main part, to be in an irregular situation¹. This general trend is all the more worrying as it exacerbates the vulnerability of migrant workers. It leads to all sorts of discriminations and poor conditions of work, especially with respect to contractual status, level of wages, hours worked and occupational safety and health issues. It also limits their access to healthcare and other social security benefits, their access to justice, education for their children, and reinforces their fear to deportation and other consequences.

The report on the situation of migrants in Kazakhstan published by FIDH and its member organisations documents practices that contribute to exploitation of workers, especially the confiscation of passports by employers which restricts migrants' freedom of movement and prevents them from quitting their job despite the abusive working conditions (salary decrease or no salary at all). Migrant workers are also often victims of human trafficking for the purpose of forced labour or sexual exploitation. During the investigation, Youzma, of Uzbek nationality, recounted : *"A woman approached me in a market in Tashkent. She promised me a job as a waitress in Shymkent with a good salary. [...] I was forced into prostitution [in Kazakhstan]. I was lucky if I got four hours of sleep a day, they hardly gave me any food and I was forced to "work" non-stop [...]"*².

Our organisations conducted further investigations to document the specific situation of Kyrgyz migrants in Russia and Kazakhstan, with a large focus on women and children who prove to be doubly vulnerable, both if migrate with their family or without it, and as much if left behind. Those who migrate have to live in crowded and poor lodging, have very limited access if any to health services (including sexual and reproductive health) and education. Women are especially exposed to abusive work conditions. Many of those from Central Asia are also targets of racist and xenophobic actions left generally unpunished, particularly in Russia. The report also denounces the social phenomenon of so-called “Patriots” in Russia, where Kyrgyz men carry out assaults on Kyrgyz women because they think their life style abroad is too loose, and even ‘immoral’. The death of 17 Kyrgyz migrant workers (mainly women) in a Moscow work site fire on 27 August 2016 was an urgent reminder of the need to protect them in priority. The report concludes that women and children are particularly affected by migration, whether they migrate or stay behind.

Both reports as well as infographics presenting the findings of FIDH in detail are accessible here : <https://www.fidh.org/en/issues/migrants-rights/central-asia-the-ordeal-of-migrant-workers-and-their-families>

¹ In the Joint report on Migration in the Kyrgyz Republic, prepared under the supervision of the Kyrgyz Ministry of Labor, Migration and Youth in 2014, it is surmised that 60 % of Kyrgyz migrants are « undocumented ». Nevertheless, it is only an estimation as no official data is available on this issue.

² FIDH report : « Migrant workers in Kazakhstan : No status, no rights », 2016

Recommendations regarding ILO instruments on Migration :

As recalled by the ILO Committee of Experts on the Application of Conventions and Recommendations³, migrant workers in an irregular situation are covered by Part I of the Convention No. 143, which recognises the need for both countries of origin and destination to ensure full respect of human rights of all migrant workers, including in an irregular situation.

FIDH thus encourages authorities of all relevant countries, the Russian Federation, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, to ratify not only Convention No. 97 and Recommendation No. 86, but also Convention No. 143 and Recommendation No. 151, and ensure their full application.

FIDH particularly urges above-mentioned authorities to :

- actively fight against racism and xenophobic actions which contribute to discrimination against all migrant workers;
- act in a concerted manner with social partners in order to guarantee an equal treatment between national and foreign workers, be them in a regular or irregular situation;
- continue to provide adequate public and/or free services to assist migrants for employment, and in particular to provide them with accurate information in the countries of departure and the countries of destination, regarding applicable rules, their rights under UN Conventions, the risks they can be subjected to, and how to access social services;
- emphasise the need to have a written contract with one's employer to enjoy all their rights unshrined in the framework of national, regional and international laws;
- adopt a gender – and child-sensitive approach.

FIDH regrets that governments of Kazakhstan and Kyrgyzstan did not participate in the general survey launched by the Committee ahead of the ILC 105th session. This survey on migrant workers instruments was to report on the existing law on labour migration in their countries, as well as on its concrete application and possible means for overcoming obstacles.

FIDH thus encourages tripartite constituents of Kazakhstan, Kyrgyzstan, but also of all other above-mentioned countries to use ILO technical assistance in this regard, in order to identify issues impeding the ratification and full application of Conventions Nos 97 and 143 and Recommendations Nos 86 and 151, and consider means to make the most out of these instruments.

Recommendations regarding universal, ILO fundamental and technical instruments:

As recalled by the Committee, complementary universal instruments recognise fundamental principles and rights at work.

Therefore, FIDH finally calls on all above-mentioned countries to ratify and/or ensure full implementation of :

- the UN International Convention on the Protection of the Rights off All Migrant Workers and Members of their Families, 1990 ;
- the ILO instruments on Labour inspection, and those, general or specific, guaranteeing the rights of all workers in terms of conditions of work and occupational safety and health;
- and the ILO fundamental Conventions, namely on the elimination of all forms of forced or compulsory labour, the elimination of discrimination in respect of employment and occupation, the effective abolition of child labour, and on the freedom of association and the affective recognition of the right to collective bargaining.

In this regard, FIDH specifically calls upon authorities of Kazakhstan to comply with convention No 87 and immediately release trade unionists Amin Yeleusinov and Nurbek Kushakbaev, since their detention only aims at sanctioning their legitimate activities of promotion of social rights and freedom of expression ; and urges the Kazakh authorities to let workers organise freely, putting an end to any judicial harassment against independent trade union movements and leaders.

FIDH is an international human rights NGO federating 184 organisations from close to 112 countries. Since 1922, FIDH has been defending all civil, political, economic, social and cultural rights as set out in the Universal Declaration for Human Rights. FIDH's headquarters are in Paris and the organisation has offices in Abidjan, Bamako, Brussels, Conakry, Geneva, The Hague, New-York and Tunis.

³ Further called « the Committee »