



Civil Society Report on the Implementation of the Global Compact for Safe, Orderly, and Regular Migration in Central Asian Countries: Kazakhstan, Kyrgyzstan, Uzbekistan.

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Introduction

Resolution A/71/L.58, outlining the process leading to the adoption of the Global Compact for Safe, Orderly, and Regular Migration (GCM), underscores the importance of an open and inclusive approach. Emphasizing the need to consider contributions from all stakeholders, including civil society (paragraph 6), it further highlights the significance of inputs reflecting diverse perspectives (paragraph 7). The GCM promotes active engagement of all relevant stakeholders throughout the preparatory process and the conference itself. This can be achieved through the exchange of best practices, specific policies, and the organization of national consultations with stakeholders, as well as participation in global, regional, and sub-regional platforms.

Recognizing the importance of considering diverse perspectives from civil society organizations and the distinct realities of each region, we present this report as an opportunity to consolidate efforts through the participation of civil society organizations in the region. The presented data can serve as crucial contributions during the consultations on the Global Compact for Safe, Orderly, and Regular Migration (GCM). Furthermore, these efforts aim to strengthen the voices of local and regional civil society organizations on a global scale.

Central Asia is renowned for its significant labor migration, and this report includes information pertaining to three countries: the Republic of Kazakhstan, the Kyrgyz Republic, and the Republic of Uzbekistan, falling within one of the nine geographical regions of IOM – Central Asia. It addresses specific needs and migration realities, as well as actions related to achieving the objectives of the GCM.

The structure of the report includes information regarding the progress of the specified states in achieving individual objectives of the Global Compact for Safe, Orderly, and Regular Migration (GCM), along with recommendations for making greater strides towards implementing the provisions of the GCM.

It is crucial to note that this civil society review is not intended as an alternative to official government reports, nor does it cover all goals and progress achieved in relation to them. Primarily, it serves as a presentation of recommendations to the government sector and seeks ways to foster collaboration between the government and civil society.

Republic of Kazakhstan

Introduction:

The goal of the migration policy of the Republic of Kazakhstan (hereinafter referred to as RK) is to effectively legislate and manage migration processes in accordance with the national priorities in the fields of demographic, economic, social, political, and cultural development. The RK is committed to taking consistent measures to enhance the regulation of migration processes, integrate all 23 objectives of the Global Compact for Safe, Orderly, and Regular Migration (GCM) into the system of migration governance, and foster international cooperation in the field of migration. The RK acceded to the GCM in 2018, and an interdepartmental working group for the implementation of the GCM was established under the Ministry of Labor and Social Protection of the Population of the RK.

Every year, the RK implements measures to improve its migration policy based on:

The Presidential Decree of the Republic of Kazakhstan dated September 13, 2022, No. 1008, "On measures for the implementation of the Address of the Head of State to the people of Kazakhstan dated September 1, 2022, 'Fair State. Unified Nation. Prosperous Society.'"

The Address of the President of the Republic of Kazakhstan to the people of Kazakhstan dated September 1, 2022, "Fair State. Unified Nation. Prosperous Society."

The Presidential Decree of the Republic of Kazakhstan dated September 13, 2021, No. 659, "On measures for the implementation of the Address of the Head of State to the people of Kazakhstan dated September 1, 2021, 'Unity of the nation and systemic reforms – a solid foundation for the prosperity of the country.'"

The Address of the President of the Republic of Kazakhstan to the people of Kazakhstan dated September 1, 2021, "Unity of the nation and systemic reforms – a solid foundation for the prosperity of the country."

Point 66 of the State Planning System in the Republic of Kazakhstan, approved by the Government Resolution of the Republic of Kazakhstan dated November 29, 2017, No. 790.

The RK has developed and approved, by the Government Resolution of November 30, 2022, No. 961, the "Concept of Migration Policy of the Republic of Kazakhstan for 2023–2027," as well as a series of other legal acts aimed at strengthening human capital, improving the quality of life of citizens, including those involved in migration.

Nevertheless, for the more effective implementation of the GCM, the RK should pay attention to the following objectives of this agreement.

Progress in Achieving the Goals of the GCM

Goal 3. Provision of Accurate and Timely Information at All Stages of Migration.

In the Republic of Kazakhstan, information about changes in migration legislation, opportunities for legal migration, and more can be found on the websites of government agencies. This information is published immediately after the adoption or introduction of any changes. However, there are no specialized websites for migrants with comprehensive information on education opportunities, professional training, cost of living, and conditions that enable informed decision-making. Therefore, the search for reliable information requires significant effort on the part of foreign citizens. Additionally, there is a need for the development of regional and international information exchange, the creation of joint databases, online resources, international educational centers, and so on. Existing information centers for migrants are mostly established by non-governmental organizations (NGOs), which may not always have access to border checkpoints, airports, or railway stations to provide advisory assistance or redirect migrants to support services. Government structures collaborate with NGOs in this direction, but obtaining permissions for such activities, for example, at the border, requires considerable efforts from NGOs. Providing assistance considering the interests of children and gender factors is further complicated by the lack of age and gender considerations for labor

migrants. The information available to migrants in the migration service is not always accessible, understandable, and does not take into account gender aspects and the interests of children. Information campaigns and awareness-raising events organized by NGOs are supported by government agencies, consular and diplomatic missions, and representatives of national-cultural centers.

Recommendations

1. Develop a unified official website with all necessary information for both incoming and outgoing individuals in search of employment.
2. Initiate the process of signing multilateral and bilateral intergovernmental agreements on the exchange of information in the field of migration.
3. Develop a unified transnational redirection mechanism.

Goal 6. Facilitating Fair and Ethical Recruitment of Workers and Ensuring Conditions for Decent Work

To achieve this goal, the Republic of Kazakhstan is taking necessary measures to sign and ratify relevant international documents related to international labor migration, decent work, and forced labor. For instance, the Law on Combating Human Trafficking, currently under review and set to be adopted in 2024, incorporates many concepts outlined in international documents concerning migrants. This will significantly expand existing mechanisms for recruiting migrants and ensure decent working conditions for them. However, a significant factor affecting the achievement of this task is the absence of a law on state and private employment agencies. There is a need to monitor already registered but mostly inactive private employment agencies, study the experiences of Uzbekistan and the Kyrgyz Republic, and develop a law in accordance with international standards and the best practices of other countries. This is essential, especially considering the post-pandemic increase in the number of Kazakhstani citizens seeking employment in other countries.

The Republic of Kazakhstan mandates the compulsory execution of a written employment contract when hiring a migrant. Unfortunately, there are cases where employers fail to fulfill this requirement, and in some instances, the singular copy of the employment contract remains with the employer. In the event of labor disputes, a migrant worker often finds it challenging to defend their rights. Therefore, it is crucial for the state to develop a mechanism that imposes penalties for violating human rights, labor rights, especially in cases involving forced and child labor. Such a mechanism can be incorporated into the legislation governing private employment agencies (PEAs).

Practice has shown that labor inspectors, employers—especially in the private sector—and representatives of business structures often do not comprehend the term "fair recruitment," leading to numerous violations of labor rights. To rectify this situation, it is imperative to establish collaborative relationships with all stakeholders (employers, trade unions, associations of migrant workers, etc.) and design a system of educational initiatives (seminars) for employers' associations, making them mandatory for all entities utilizing migrant labor.

The issue of changing employers remains problematic, and it is necessary to streamline this procedure while providing migrants the opportunity to continue their stay with minimal administrative difficulties when switching employers. This involves granting migrant workers, operating under a contract, the same labor rights and guarantees enjoyed by all employees in the respective industry. The procedure for filing complaints and seeking compensation in cases of rights violations and abuses in the workplace is outlined in the legislation of the Republic of Kazakhstan. However, in practice, these procedures prove excessively complex for migrants, and the compensation amounts remain disproportionately low.

Recommendations

1. Conduct monitoring of the activities of legal entities engaged in employment services (Private Employment Agencies - PEAs).
2. Analyze the positive experiences of various countries regarding the regulation of the activities of both public and private employment agencies, and develop and adopt a law on PEAs, taking into account international standards.
3. Organize effective collaboration with all stakeholders on matters of fair recruitment.
4. Enhance national legislation providing penalties for the violation of the rights of migrant workers.
5. Ensure safe access for migrants to file complaints and receive reasonable compensation in cases of violations and abuses.

Goal 10. Prevention, Combating, and Eradication of Human Trafficking in the Context of International Migration

In the implementation of this goal, Kazakhstan has developed a separate law on combating human trafficking. In April of the current year 2023, the draft law "On Combating Human Trafficking" was introduced to the lower house of Parliament. The new draft law includes articles that will establish the rights of victims of human trafficking, introduce a risk assessment of this type of crime, and outline the role of non-governmental organizations (NGOs). In developing the draft law, relevant recommendations from international bodies were taken into account. Special attention in the new draft law is given to combating the trafficking of children – the most vulnerable category of citizens. Currently, in Kazakhstan, there is a procedure for providing protection and assistance to migrants who have become victims of human trafficking, including measures to ensure their physical, psychological, and social rehabilitation, as well as the introduction of procedures allowing them to stay temporarily or permanently in the destination country, with facilitation of victims' access to justice.

In Kazakhstan, the practice of "Mobile Teams" has been implemented, which study routes of illegal migration and simultaneously implement preventive measures to combat human trafficking, especially in remote rural areas. The operation of these teams has yielded positive results; therefore, it is essential for their work to be conducted on a permanent basis, with the outcomes widely covered in the media to inform the population.

Recommendations

1. Adopt legislative regulations for the continuous operation of "Mobile Teams" as an essential part of preventive measures in combating human trafficking.
2. Develop and integrate into the school curriculum a course on combating human trafficking for students.
3. Continue efforts to improve legislation and relevant procedures to enhance the effectiveness of prosecuting individuals engaged in human trafficking at the international level.
4. Establish national and local-level information systems and develop training programs to prevent and educate citizens, employers, as well as government officials and law enforcement personnel regarding human trafficking.
5. Develop and approve procedures for the readmission of citizens of Kazakhstan.
6. Improve the procedure for access to legal protection and compensation, secure mechanisms for information transfer that eliminate the risk of detention, deportation, or punishment for victims of human trafficking. Additionally, develop procedures allowing them to stay temporarily or permanently in the destination country as needed

Goal 15: Providing Basic Services to Migrants

The current situation in Kazakhstan regarding the provision of medical services to immigrants is characterized by a minimal set of services aimed at preserving life "in sudden acute conditions threatening the life of the patient or the health of others." This does not align with standards in the field of healthcare. Many departmental instructions, approved by orders of the Ministry of Health of Kazakhstan, focus on systematizing medical documentation. Mandatory completion of such documentation may hinder migrants' access to medical services in the absence of necessary document information (such as a tax number).

The minimum standards to meet the needs of refugees and migrants with non-communicable diseases (cardiovascular diseases, diabetes, cancer, and chronic respiratory diseases) currently have not been reflected in the legislation of Kazakhstan.

Kazakhstan is not a participant in international treaties aimed at protecting the rights of migrant workers and members of their families, and the term "migrant worker" is not applied in national legislation.

Children of migrants who previously obtained citizenship of the Republic of Kazakhstan, upon reaching the age of 16, are required to provide a certificate of absence/presence of citizenship of the country from which they arrived with their parents. Such a certificate is provided for a fee within two to three months, leading to the young individual losing the right to access education, employment, and basic services during this period.

Recommendations:

1. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

2. Ratify the International Labour Organization (ILO) Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975, No. 143.

3. Review the standards for providing healthcare to migrant workers in accordance with international standards, applying a human rights-based approach to health.

4. Take measures to eliminate discrimination against migrants in the provision of services.

5. Establish comprehensive and easily accessible service centers at the local level, covering migrants and providing relevant information on basic services, taking into account gender factors and the interests of children, persons with disabilities, and ensuring safe access to them.

6. Incorporate the healthcare needs of migrants into national and local health plans and policies, particularly by strengthening the capacity to provide services, promoting affordable and non-discriminatory access, overcoming communication barriers, and training healthcare workers on service provision issues considering cultural specificities, in accordance with relevant recommendations of the World Health Organization.

7. Review the practice of requiring certificates of citizenship from other countries for minors upon reaching the age of 16, previously indicated in the statements of parents when obtaining citizenship of the Republic of Kazakhstan. The Ministry of Internal Affairs of the Republic of Kazakhstan should include in the instructions for specialists processing citizenship applications for migrants the mandatory notification of the need to provide certificates for all accompanying children.

Kyrgyz Republic

Introduction

Migration over the past two decades has become a part of the economic and social sphere of the state policy of the Kyrgyz Republic (hereinafter KR) and significantly influences sustainable development and the political situation. The population of the country has surpassed the 7 million marks. The economically active population is approximately 2.6 million people, with over 1 million in labor migration (about 45%). Labor migration has become an integral part of the lifestyle of KR citizens.

Migration trends in the KR have changed significantly for various reasons, including the economic situation in destination countries, global and regional political events, and environmental and climate changes. Consequently, not only have the structures of migration flows changed, but the approach in state policy has also undergone modifications. While in the past, the KR addressed migration issues strictly from a social perspective, now economic regulatory tools are successfully implemented, taking into account the interests of both KR citizens and foreign nationals.

Legislative and institutional changes in the field of migration are aimed at simplifying the process of obtaining state services for citizens of the Kyrgyz Republic (hereinafter KR), improving conditions for their protection and representation of their interests, as well as streamlining the procedures for the stay of foreign migrant workers on the territory of the KR.

The majority of KR citizens are labor migrants, with the main part engaged in labor activities in the Russian Federation. Following in numerical order of labor migrants from the KR are Kazakhstan, Turkey, the USA, South Korea, European Union countries, and the Middle East. Please refer to Table No. 1 in Appendix No. 1. Currently, there is a diversification of migration flows, redirecting migrant workers to other countries, primarily due to the commencement of a special military operation by Russia on the territory of Ukraine, and subsequent economic changes.

For foreign citizens staying on the territory of the KR for employment purposes, annual quotas are established. The labor quota for the year 2022 was set at 16,000 foreign workers, and for the year 2023, the quota has been approved at 25,000 foreign workers.

Progress in Achieving the Objectives of the Global Compact for Migration (GCM)

Goal 1: Collection and use of accurate and disaggregated data as the basis for developing empirically grounded policies

Data collection and aggregation in the Kyrgyz Republic are carried out by authorized migration authorities and the National Statistical Committee under the coordination of the Migration Department of the Ministry of Labor, Social Protection, and Migration of the Kyrgyz Republic (MTSOM).

According to the legislation of the Kyrgyz Republic, five authorized state bodies in the field of migration are designated: the Ministry of Labor, Social Protection, and Migration, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Digital Development, and the State Committee for National Security (Border Service - incorporated into the SCNS since 2021).

Information exchange between agencies is facilitated through the Unified External Migration Accounting System (ESUVM), which enables comprehensive data retrieval. This system includes information about foreign citizens and their status on the territory of the Kyrgyz Republic, such as visa details, border crossings, residence permits, temporary legal statuses like "kayrylman" (a temporary legal status until obtaining citizenship), refugee status, registration at the place of residence in the Kyrgyz Republic, and work permits. Additionally, it covers data on Kyrgyz citizens crossing the state border.

The data collection is conducted based on the following categories:

1. The number of citizens residing abroad (without specifying the purpose of departure, using estimated aggregated data).
2. The number of border crossings (by foreign citizens, stateless persons, and citizens of the Kyrgyz Republic).
3. The number of work permits issued to foreign citizens in the Kyrgyz Republic (broken down by countries and economic sectors).
4. The number of foreign citizens granted immigrant status (broken down by countries).
5. The number of foreign citizens granted kayrylman status (broken down by countries).
6. The number of foreign citizens granted refugee status (including mandated refugees).
7. The number of individuals seeking asylum (broken down by countries).
8. The number of foreign citizens registered at their place of residence in the Kyrgyz Republic.
9. The number of Kyrgyz citizens on consular registration (broken down by countries).
10. The number of received bodies of citizens of the Kyrgyz Republic who died abroad;
11. Volumes of money transfers (broken down by countries).
12. The number of foreign citizens granted "Digital Nomad" status.
13. The number of foreign citizens granted "Meken-Kart" status (a document providing special rights regarding residence in Kyrgyzstan).
14. The number of foreign citizens granted Kyrgyz citizenship and the number of Kyrgyz citizens who have renounced their citizenship.
15. The number of Kyrgyz citizens employed through official channels.

Accumulated positive experience has been gained in interacting with the authorized bodies of the Russian Federation. Based on existing agreements, including agreements within the framework of Kyrgyz Republic's participation in the integration bodies of the CIS, CSTO, and EAEU with the Russian Federation, data is collected and accumulated on the following:

- The number of Kyrgyz citizens included in the list of persons prohibited from entering the territory of the Russian Federation.
- The number of Kyrgyz citizens who have undergone registration and migration registration in the migration authorities of the Russian Federation.
- The number of Kyrgyz citizens who have acquired Russian citizenship.
- Information regarding Kyrgyz citizens serving sentences in places of deprivation of liberty on the territory of the Russian Federation.
- Statistical data on crime among Kyrgyz citizens on the territory of the Russian Federation.

These pieces of information are used to ensure prompt response to changes occurring in the migration environment on the territory of the Russian Federation, with corresponding adjustments to policies. They also facilitate the resolution of issues affecting Kyrgyz citizens.

However, Kyrgyzstan lacks a unified national system for collecting statistical migration data (comprehensive and disaggregated) at the level of local self-government bodies and at the republican level. The existing system of population movement registration is ineffective, as it does not reflect the actual process of external and internal migration.

Issues in the collection of statistical data persist, particularly in determining the purposes of departure of Kyrgyz citizens abroad, analyzing the gender and age composition, as well as other data characterizing the reasons and criteria of migration flows. There are also concerns about the periodicity of the data received, considering seasonal and regional peculiarities of migration flows. Having a more extensive information base would allow for a more effective response to challenges and ensure maximum protection for citizens.

The task of incorporating a gender-sensitive approach in the information collection process and the development of methodologies remains relevant.

Recommendations

1. It is essential to ensure the existence and operation of a reliable unified infrastructure for collecting and processing migrant data, employing standardized methods of migrant data collection to ensure comparability and reliability of the obtained information.
2. Provide regular training courses to the Authorized State Bodies for the enhancement of skills in the collection and analysis of migration data.
3. The Authorized State Bodies should routinely publish reports and analytical reviews based on the collected data to inform all stakeholders about migration trends and the implemented policies.

Goal 2: Minimizing the adverse impact of various forces and structural factors that compel people to leave their countries of origin.

The government of the Kyrgyz Republic has incorporated "environmental migrants" into the Migration Policy Concept for 2022-2030, aiming to develop an effective policy to mitigate the negative consequences of forced migration related to climate change. However, challenges persist in understanding and analyzing the interconnections between environmental changes, socio-economic factors, and migration flows, complicating the collection of data on migration associated with environmental changes and climate change.

In the Law of the Kyrgyz Republic on "Internal Migration,"¹ environmentally induced migration is defined by the term "forced migration." The term "environmental migrant" is separately identified, referring to a forced migrant who has left their place of residence and moved to another location within the Kyrgyz Republic due to a sudden deterioration of the environment or an environmental disaster. Chapter V of the mentioned Law contains relevant provisions regulating forced migration in the Kyrgyz Republic.

Despite this, in the Kyrgyz Republic, there is effectively no system for recognizing and granting the status of a forced or environmental migrant, and there are no precedents for granting such status.

Recommendations:

1. It is necessary to implement practical tools for granting the status of environmental migrant and forced migrant, including relevant information in official statistics.
2. Conduct training courses for Authorized State Bodies in the field of collecting and analyzing migration data, with a focus on the environmental aspects of migration.
3. Strengthen collaboration with international organizations and academic circles for knowledge exchange and the adoption of advanced methods in data collection and analysis.

Goal 3: Providing accurate and timely information at all stages of migration.

Kyrgyz Republic (KR) is developing information resources and platforms that provide data on legal requirements, employment opportunities, social services, and risks associated with irregular migration.

Government authorities collaborate with non-governmental organizations (NGOs) in this direction, engaging in joint events for informing, advising, and representing the interests of migrant workers.

¹ Law of the Kyrgyz Republic dated July 30, 2002, No. 133 "On Internal Migration."

The Cabinet of Ministers of the KR conducts activities to reduce the number of illegal migrants in the territories of other states by establishing a sustainable system of organized recruitment and stimulating the activities of private employment agencies.

Several information platforms exist in the KR, created by government agencies, international organizations such as IOM, the Solidarity Center, and NGOs like migrant.kg, emgek.kg, migranty.org, and economist.kg. These online platforms provide information on legal aspects of migration and opportunities for current and potential migrants. However, each platform specializes in specific migration issues. A unified centralized information platform containing all necessary information about migration procedures, legislation, available services, and contact details for institutions in the KR is currently absent.

The state information strategy, encompassing a comprehensive approach to informing migrants, is also absent. Official information resources include press releases from the Ministry of Labor, Social Protection, and Migration, as well as the website of the Center for Employment of Citizens Abroad (CECA) migrant.kg. This website incorporates elements of pre-departure training, information on the procedures of employment and stay, along with basic information about labor rights of migrants in specific destination countries. Periodic information campaigns and educational programs are conducted in the country, aimed at increasing migrants' awareness of risks and opportunities associated with migration. Typically, these events are held in two languages, Kyrgyz and Russian. Considering the multinational composition of potential migrants, providing information in multiple languages could ensure accessibility for a wider range of migrants.

Recommendations

1. Develop and approve an information strategy for conducting pre-departure training and timely informing migrants.
2. Establish a unified official information portal on migration.
3. Provide information, including informational events, in languages accessible to potential migrants, such as the Uzbek language.
4. Establish centers providing services to migrants and foreign citizens in different regions of the Kyrgyz Republic.

Goal 6: Promoting fair and ethical recruitment of workers and ensuring conditions for decent work.

In accordance with the legislation of the Kyrgyz Republic, a procedure is established for the employment of citizens of the Kyrgyz Republic abroad.² This procedure includes rules regulating the provision of services by private employment agencies (PEAs) to citizens of the Kyrgyz Republic for employment abroad. Currently, a new version of the aforementioned resolution of the Government of the Kyrgyz Republic has been developed, which contains additional norms specifying the procedures for obtaining permission to employ citizens of the Kyrgyz Republic abroad. Specifically, it describes the procedures for issuance, refusal of issuance, extension, refusal of extension of permission, as well as suspension, resumption, and annulment of the permission. Norms regulating the scope of legal regulation have also been refined, and opportunities for using digital services have been added. The changes introduced concern the regulation of PEAs' activities in the employment of citizens of the Kyrgyz Republic abroad. However, insufficient attention is paid to protection mechanisms in the host countries. The responsibility of PEAs is defined, but there is no responsibility for the immediate employer. This means that in case of unforeseen circumstances in the host country, all responsibility is shifted to

² Resolution of the Government of the Kyrgyz Republic "On some issues in the field of labor migration in the Kyrgyz Republic" dated April 16, 2019 № 175.

the agency. Moreover, there are no norms for fair and ethical recruitment of applicants and monitoring mechanisms.

Among migrants using the services of private employment agencies (PEAs), the majority were dissatisfied with the provided services due to the lack of transparent procedures, incomplete information about available job vacancies, and the charging of fees to migrants for services. This highlights the need to improve the regulation of PEA operations, enhance transparency, eradicate corruption, and establish guarantee measures (such as financial deposits).

Ninety percent of labor migrants find employment independently, bypassing official channels of job placement and relying on advice from their relatives, acquaintances, and friends. This trend is observed in employment in countries where obtaining visas and work permits is not required (e.g., in the Russian Federation). As a result, many citizens of the Kyrgyz Republic work without formal employment contracts and face issues such as non-payment of wages.

According to information received by the Ministry of Labor, Social Protection and Migration (MTSOM) in 2023, 1,466 complaints were registered in the Russian Federation from citizens of the Kyrgyz Republic regarding non-payment of wages, totaling over 1,110,000 Euros. Non-governmental organizations received 271 collective and individual complaints from 512 citizens of the Kyrgyz Republic, with a total amount exceeding 120,000 Euros.

The complaints from migrant workers highlight their vulnerability to unscrupulous employers. The greatest challenge in cases of violations is locating offending employers to hold them accountable.

Recommendations

1. Adopt legislative provisions regarding fair and ethical recruitment of workers in accordance with international standards.
2. Ratify the ILO Convention "Private Employment Agencies Convention" of 1997, No. 181.
3. Develop monitoring mechanisms to ensure compliance with the labor rights of migrant workers by employers.
4. Conduct informational campaigns regularly emphasizing the importance of fair recruitment, the signing of employment contracts, and the labor rights of migrants.
5. Increase the number of lawyers providing assistance to migrant workers in destination countries.

Goal 7: Study and Mitigation of Vulnerability Factors in the Migration Process

The most vulnerable categories among labor migrants from the Kyrgyz Republic are women, women with children, and unaccompanied minors. In the destination countries, Kyrgyz migrant women are often at risk of gender-based violence. Migrant women are particularly vulnerable abroad as they are separated from their families and other support systems, often not reporting abuses due to their illegal status or out of fear of losing regular status in case of separation from their husbands and deportation. Since August 2023, the "Crisis Center for Migrants" has been operating in the capital of Russia at the Embassy of the Kyrgyz Republic. Psychologists and lawyers provide assistance to citizens of the Kyrgyz Republic. During the operation of this center, migrant women have reported cases of violence and harassment in the workplace, bullying by employers, harassment, discrimination based on gender, nationality, etc. Women who turn to the Crisis Center almost always refuse to contact law enforcement agencies and officially complain about their employers, fearing publicity of acts of violence and not trusting law enforcement and judicial authorities. In addition, to file a lawsuit, besides legal support, financial assistance is required.

Migrant women face a dual pressure: economic necessity to migrate in search of work and gender stereotypes that accompany them from the beginning to the end of their migration, making women even more vulnerable, leading to discrimination and a lack of social support. Returning migrant women require support in terms of integration and social assistance from local authorities.

Along their migration route or in destination countries, migrants also find themselves in vulnerable situations, resulting in exploitation and illegal actions by employers, making them victims of human trafficking. For citizens of the Kyrgyz Republic, this is especially significant when staying in labor migration in an illegal or semi-legal status. In the Russian Federation, according to expert estimates, up to 400,000 citizens of the Kyrgyz Republic, or up to 40% of all labor migrants from the Kyrgyz Republic, annually reside in an illegal status.

Recommendations

1. Supplement the list of vulnerable migrant categories in accordance with real cases to ensure comprehensive state support.
2. Develop mechanisms to assist vulnerable migrant categories through the representations of official Kyrgyz authorities in other countries, providing corresponding funding.
3. Improve collaboration between government agencies, civil society, and international organizations on issues related to providing assistance to vulnerable migrant categories.

Goal 10. Prevention, interception, and eradication of human trafficking in the context of international migration.

The Government of the Kyrgyz Republic is making efforts to eradicate human trafficking in the context of international migration. However, there are several key areas where a comprehensive approach is needed, encompassing legal, social, and educational measures. Despite having relatively progressive legislation in the prevention and combat of human trafficking, issues related to funding specific sectors within this domain remain unresolved. There is a lack of a fully developed system to provide assistance to victims of human trafficking, as well as a system to enhance the capacity of law enforcement representatives.

Recommendations

1. Develop a regular national information campaign to counter human trafficking and include it in the action plan of the Program of the Cabinet of Ministers of the Kyrgyz Republic to combat human trafficking.
2. Grant labor inspections the right to conduct unscheduled inspections without prior notice.
3. Conduct training for government agencies, taking into account the assessment of the needs and functions of authorized bodies in combating human trafficking.
4. Improve national mechanisms to facilitate the identification and assistance of victims of human trafficking.

Goal 12: Enhance the clarity and predictability of migration procedures to ensure proper control, verification, and direction of individuals to relevant authorities.

The Cabinet of Ministers of the Kyrgyz Republic takes measures to create a secure migration environment and protect the rights of citizens of the Kyrgyz Republic, both within the country and beyond its borders, as well as migrants and stateless persons residing in the territory of the Kyrgyz Republic. However, in implementing these measures, authorized state bodies face difficulties related to underdeveloped migration legislation.

In order to improve the migration control system in the Kyrgyz Republic, information technologies are actively employed. The implementation of ESUVM and electronic visas has simplified document processing procedures and the work of government agencies, ensuring a higher level of monitoring of migration procedures. However, overall, the public service system does not distinguish migrants as a separate category of citizens in need of state protection. It is necessary to enhance the system of providing migration services by government agencies, including the early response system to changes in migration flows.

Recommendations

1. Improve the system of providing migration services by government agencies.

Goal 15: Coverage of Migrants with Basic Services

The lack of an effective migration control system in the Kyrgyz Republic complicates the planning and provision of basic services to migrants. The absence of a reintegration mechanism poses challenges for returning migrant workers, who often find themselves without support. This is explained by the lack of necessary knowledge, information, and tools within relevant authorities to provide effective assistance. Most returning migrants also lack sufficient information about available services.

Recommendations

1. Develop a reintegration system at the national and local levels, defining the role of local authorities in the reintegration process in accordance with their powers.
2. Local self-government bodies should develop local reintegration programs.
3. Conduct informational events about the relevant services provided by the government and local authorities.

Goal 16. Creating favorable conditions for migrants and societies to ensure full social integration and cohesion

Kyrgyzstan is not only a country of origin and transit but also a destination for labor migrants. Conditions are being created in Kyrgyzstan for the integration of arriving migrants into local communities. Considering the cultural peculiarities of Kyrgyz society, there are relatively few instances of xenophobia and negative attitudes toward migrants in the country. However, since the majority of labor migrants in Kyrgyzstan come from neighboring states, stable migration communities do not exist in the country.

The majority of foreign citizens registering with the population registration authorities are citizens of the Republic of Uzbekistan, the Russian Federation, and Kazakhstan. Citizens of Uzbekistan have the opportunity to engage in labor activities outside established quotas, making the Kyrgyzstan labor market attractive to them. Additionally, citizens of the EAEU member states are exempt from the obligation to obtain work permits. In 2023, Kyrgyzstan introduced a maximum stay period of 90 days within 180 days for citizens of countries with a visa-free regime. This poses challenges for seasonal workers from Uzbekistan, as they are required to register with Kyrgyzstan's state authorities and obtain a work permit from the tax service. These procedures are highly bureaucratic and entail significant corruption risks.

Recommendations

1. Develop and implement an information system for foreign migrants on migration and employment issues in Kyrgyzstan.

2. Simplify the process of obtaining a work permit for border migrants with a visa-free regime.
3. Streamline the registration system for foreign citizens based on their place of residence.

Appendix № 1

Table No. 1 estimated number of citizens of the Kyrgyz Republic living abroad

	2018	2019	2020	2021	Beginning of 2022 – end of 2023	10 months 2023
Russian Federation	640 000	728 000	709 000	1 063 928 (migration registration based on the results of the year)	1 200 691 (migration registration based on the results of the year)	408 448 (migration registration – 467 112)
The Republic of Kazakhstan	30 000	35 000	35 000	28598	45 000	50000
Turkish Republic	30 000	30 000	30 000	29835	26 011	61500
The Republic of Korea	15 000	6 550	6550	5807	8 475	9389
UAE	-	-	5500	3051	5 500	6000
FRG	-	-	8575	9115	9050	12500
USA	-	-	-	20 000	50 000	50000-60000
Canada	-	-	-	6000	6000	6000
Italy	-	-	-	6000	6 000	6000
Uzbekistan	-	-	-	-	5 000	5000
Great Britain	-	-	-	-	5 700	6000
Austria						10000
France						3000

Republic of Uzbekistan

Introduction

In the Republic of Uzbekistan (hereinafter RU), comprehensive efforts have been underway since 2018 to create legal, financial, and material support tools for labor migrants. The issue of labor migration is not only central to legislation but also to Uzbekistan's overall policy. Effectively utilizing the country's demographic growth remains one of the key objectives. As of April 1, 2022, the number of Uzbekistan's labor migrants abroad is approximately 2.4 million people, with 76% being men and 24% women. Departing from Uzbekistan are predominantly low-skilled and medium-skilled workers. The majority of migrants currently work in construction (51.6%), agriculture (12.3%), industry (9.2%), and trade (8.5%).

The updates to internal and external policies in Uzbekistan have increased attention to the issue of labor migration. However, a systematic and coordinated mechanism for communicating with labor migrants is still in the process of formation, making work in this direction highly relevant.

At the state level, measures are being taken to combat illegal labor migration, create conditions for organized employment of citizens abroad, and reintegrate former labor migrants

upon their return home. Since 2021, legal migrants have been equated with self-employed individuals, and mandatory professional training has been introduced for those going to work abroad. Language training centers have been established in destination countries to maximize applicants' compliance with employers' requirements. The Support and Protection Fund for citizens working abroad has been created. Approximately 10,000 citizens facing financial difficulties abroad have been provided with one-time financial assistance. Migrants returning from abroad can expect a monetary subsidy (approximately 160 Euros), payment of the first three months of rent from the date of registration as individual entrepreneurs. Uzbekistan acts as a "donor" of labor and takes steps to improve the situation in the domestic labor market to reduce unemployment and protect the labor rights and legitimate interests of its citizens working abroad, primarily in Russia.

The Agency for External Labor Migration under the Ministry of Employment and Poverty Reduction of RU faces difficulties in ensuring legal work abroad for a significant number of migrants wishing to work overseas. Most labor migrants do not use the services of this Agency, as, according to the departure procedure, a certificate of mandatory professional training is required for individuals going abroad for labor migration. Most citizens prefer to independently travel for employment in Russia or Kazakhstan. This migration method contributes to the use of services by dubious intermediaries, including "human traffickers." An analysis of publicly available information indicates the existence of several significant problems related to labor migration.

Progress in Achieving the Goals of the GCM

Goal 1: Collecting and Utilizing Accurate and Disaggregated Data as a Basis for Developing Empirically-Based Policies

The state of employment statistics, including migration, still requires improvement. Among the current issues, the following can be identified: inaccuracy in statistical information, meaning there are discrepancies in the data; incompleteness of statistical information, with a lack of data on the age and gender structure of the unemployed, those employed in the informal sector, and those who have gone abroad for earnings. The methodology of labor statistics does not conform to the standards of the International Labour Organization (ILO), and the concepts of "labor migration" and "informal employment" in national statistics are not defined in accordance with ILO standards. Access to statistical data is limited, for example, access to databases of household surveys and the labor force. Ministries of Internal Affairs, Foreign Affairs, Employment and Poverty Reduction, the State Security Service, and the Committee for State Border Protection are responsible for collecting data on migrants. This information is available only for official use.

Data on citizens of Uzbekistan engaged in labor migration in other countries have been consolidated into a unified database since October 1, 2019. This consolidation allows for research in the field of labor migration. The software complex "Labor-migration," containing this data, has been integrated into the "Unified National Labor System" information system. Efforts are underway to create automated systems for migrant registration to improve migration statistics. However, there are issues related to the quality and comparability of national data. In the statistical analysis of the Statistical Committee of the Commonwealth of Independent States (CIS), significant discrepancies (sometimes several times) are observed between the values of long-term migrant outflows from Uzbekistan and those arriving in other countries, such as Russia. These discrepancies lead to a statistical paradox where both partner countries simultaneously have a positive migration balance. The fundamental difference lies in the basic definitions and approaches to migration accounting, which are determined by national legislation. A significant number of migrants have irregular status or work without proper documents, contributing to the high latent component of labor migration. With its high latent nature, labor migration is one of the most challenging economic phenomena to account for. The issue of accurate statistical data on both

short-term and long-term migration is highly relevant. Measuring migration processes is currently one of the most important aspects of statistical accounting.

Recommendations

1. Implement measures to conduct a population census to collect information about household members residing abroad (including specifying the reason for their absence – work) and the planned duration of their absence from their permanent place of residence; citizens of the country who have returned after working abroad; foreigners permanently residing and/or temporarily staying in the country for the purpose of "work."

2. Improve the provision of data on websites, databases, periodic publications, and analytical overviews.

3. Regularly publish information on various aspects of migration, demographic characteristics of labor markets, territorial, professional, age and gender characteristics of employment, informal, youth, and female employment.

4. Continue improving the digitization of migration services and automating data collection.

5. Within the framework of international cooperation, contribute to the formation of a unified approach by destination countries for migrants from Uzbekistan in determining and classifying migrants; develop a methodology for accounting for population migration with international comparison (measurement, data collection, and processing procedures).

Goal 6: Promote fair and ethical recruitment practices and ensure conditions for decent work.

In Uzbekistan, more than 15 legislative acts in the field of migration have been adopted, but a unified law on external labor migration that regulates relations in the field of labor migration has not yet been adopted. The corresponding bill was considered by the Legislative Chamber of the parliament in 2022 and was rejected due to numerous contradictions and inaccuracies in the document's text.

Citizens of Uzbekistan have the opportunity to go to foreign countries for employment in three different ways:

- Through private employment agencies (PEAs);
- Through the Agency for External Labor Migration of the Ministry of Employment and Poverty Reduction (MZE);
- Independently, by undergoing testing and signing a contract directly with employers.

Since 2018, PEAs have been providing paid services to citizens who want to find employment outside of Uzbekistan. During this time, job seekers have faced cases of fraud by PEAs. To prevent such practices, the regulation of PEA activities has been changed, specifying the powers of the licensing authority to check the activities of PEAs, establishing a mandatory deposit, and monitoring their activities. A mechanism for paying the cost of employment services by the foreign employer has been introduced, and a specific amount for providing information and consulting services by private employment agencies has been determined. Contracts for the provision of PEA services in real-time are registered in the electronic Labor-migration database. Currently, 123 PEAs are registered in the official registry, 73 of which have had their licenses revoked, and 13 have licenses from the Ministry of Employment and Poverty Reduction of Uzbekistan to provide services to individuals seeking employment outside the country, with 9 of them actively operating. In recent years, there has been an increase in the number of illegal employment agencies operating under the guise of consulting firms. They post job recruitment announcements abroad on social media, use fraudulent schemes, and engage in abuse. The Ministry of Internal Affairs of Uzbekistan investigates such cases as part of criminal fraud cases. Some employment agencies may seek ways to circumvent legislation and receive compensation from workers seeking employment outside Uzbekistan, despite the prohibition.

Recommendations

1. Develop, in accordance with international standards, and adopt a unified law on external labor migration that will systematize the procedure for organizing the labor activities of citizens outside Uzbekistan and attracting foreign citizens to work in the country. The law will define the key directions of the state policy in the field of external labor migration.
2. To eliminate ambiguity in official terminology, it is necessary to legislatively establish fundamental legal concepts, such as labor migration, migrant worker, etc.
3. Consider the issue of Uzbekistan's accession to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the United Nations General Assembly on December 18, 1990.
4. Improve legislation to stimulate the development of public-private partnerships in the field of population employment. For example, consider the possibility of adopting a provision on mandatory liability insurance for private employment agencies (PEAs).

Goal 7: Studying and Mitigating Vulnerability Factors in the Migration Process

Uzbekistan serves as a labor force donor, with over 2.5 million citizens annually seeking employment abroad. Uzbekistan takes measures for legal and safe labor migration, but these efforts are deemed insufficient. There is an organized recruitment process for overseas employment managed by the Agency for External Labor Migration (AELM). Approximately 35,000 citizens are employed annually through the organized recruitment process, while Private Employment Agencies (PEAs) assist a smaller number of migrants.

To respond promptly and provide assistance to labor migrants, a Fund to Support Labor Migrants Abroad has been established under the Ministry of Employment and Poverty Reduction. However, it only covers a portion of migrants with regulated status. Illegal labor migrants facing challenging situations and victims of human trafficking, who do not qualify for assistance from the Fund, are left without support. Illegal migrants can turn to Uzbekistan's Consular Offices, but this method is not always effective. To support migrants in difficult situations, the "Procedure for Providing Material Assistance to Citizens of Uzbekistan in the Absence of Means for Living in a Foreign Country" is outlined³. However, in practice, this sub-legal act is not enforced. There is a lack of proper protection for migrants with unregulated status. Upon return, labor migrants in this category cannot access social services, unlike legal labor migrants.

The repatriation of unaccompanied and separated minors during the migration process poses challenges. In Uzbekistan, the responsibility for repatriating children is divided among several government agencies, with the Ministry of Internal Affairs (MIA) of Uzbekistan playing a major role. In practice, a specialized unit within the MIA identifies children left without parents and facilitates their return within 6-10 months. Unfortunately, vulnerable children often have to spend an extended period in shelters in another country, separated from their families. For instance, children from Uzbekistan who are unaccompanied and residing in shelters in the Republic of Kazakhstan experience prolonged waiting times for family reunification. This highlights the need for improvement in the repatriation process, particularly concerning the well-being of the children involved.

Recommendations

³ Regulation on the procedure of providing material assistance to citizens of RU in the absence of means for living on the territory of a foreign country, approved by the Decree of the Cabinet of Ministers of RU No. 201 of April 12, 2021.

1. Improve the repatriation procedure for unaccompanied and separated children, taking into account the best interests of minors and ensuring timely reunification.
2. Supplement the provisions of legal acts regarding the provision of necessary assistance and the repatriation process for migrant workers, irrespective of their status in the host country, and ensure the strict enforcement of these provisions by government authorities.
3. Ensure access to state support services upon return to the homeland for all migrant workers, regardless of their migration status.
4. Facilitate close collaboration between government bodies, international organizations, and civil society organizations to identify vulnerable migrant workers, regardless of their status, and provide timely assistance as needed.

Goal 10. Prevention, Combating, and Eradication of Human Trafficking in the Context of International Migration

In the direction of countering human trafficking, more than 20 legislative acts have been adopted. The National Commission for Combating Human Trafficking and Forced Labor has been renamed to the National Commission on Combating Human Trafficking and Decent Work, headed by the Speaker of the Parliament. Regional commissions have been organized in regions, cities, and districts, headed by the heads of local administrations (hokims). A national mechanism has been established for redirecting victims of human trafficking to ensure their assistance and protection. A law on combating human trafficking has been adopted in accordance with the provisions of the Palermo Protocol. However, despite the efforts made, there are still a number of problems in this area.

Problems persist in the law enforcement practices of law enforcement agencies and judicial bodies. Contradictions in the legal framework led to the incorrect qualification of the actions of the guilty parties during the investigation of criminal cases of this category and the administration of justice. Cases of human trafficking related to the labor exploitation of migrants abroad are most often classified and investigated as fraud.

There is a lack of effective collaboration among law enforcement agencies in investigating transnational cases of human trafficking. In cases where human trafficking is organized in collusion with citizens of foreign states, foreign nationals involved in human trafficking evade punishment and continue their criminal activities. Criminal prosecution of the guilty parties is not carried out to the full extent.

Social assistance to victims of human trafficking for the protection of their rights is not sufficiently effective.

The legal framework lacks a detailed mechanism for repatriating individuals who have suffered from human trafficking abroad, and the authorities responsible for repatriation are not specified.

There is no unified legal practice for qualifying crimes related to the trafficking of minors, both in the course of preliminary investigation and during the judicial consideration of criminal cases.

In practice, law enforcement agencies, when investigating cases of sexual exploitation of minors, do not classify such actions as human trafficking.

Recommendations

1. Improve legislation in the field of combating human trafficking and law enforcement practices. Introduce into the Criminal Code a provision on trafficking of minors in accordance with international standards in the field of combating human trafficking.
2. Enhance the repatriation process for individuals who have suffered from human trafficking abroad, specifying the responsible government authorities.

3. Strengthen cooperation between government agencies and relevant civil society organizations.

4. Establish a Fund to support individuals affected by human trafficking, providing timely assistance and protection to victims.

5. Enhance collaboration with law enforcement agencies of foreign countries to promptly prevent crimes and conduct comprehensive investigations into transnational human trafficking, ensuring the inevitability of punishment.