



Reform of the Population Registration System in the Kyrgyz Republic

Project Report 2001

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The views expressed in this report do not necessarily represent the official views of the Governments of the United Kingdom or the United States of America

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Executive summary

- The most significant accomplishment of the was development of a draft law on internal migration. The draft law envisages creation of civil register in the Kyrgyz Republic and, in addition, contains important provisions for protection of internally displaced persons. Thus a draft law provides a protective and a preventive framework. In case of internal displacements, the IDPs would be protected.
- Through the research conducted within the framework of the project the government, the Parliamentarians, NGOs, and the public in large became more aware that the existing system of population registration in the Kyrgyz Republic which has been inherited from the Soviet period does not ensure the right to choose one's residence inside the country;
- In addition, the project provided an opportunity for the OSCE to interact with a variety of governmental, parliamentary, and NGO partners in order to assist in developing a multi-agency approach to reform of the population registration system;
- The project also contributed to building of capacity of the Regional Center for Migration and Refugee Issues (RCMRI), a Bishkek-based NGO established by international organizations and by governments of the Kyrgyz Republic, Kazakhstan, and Tajikistan to assist with migration issues. The interaction of NGOs with government agencies on concrete issues strengthens the civil society and the government alike.

Background

The Kyrgyz Republic inherited from the Soviet Union a restrictive system of population registration known as *propiska*. *Propiska* tied a number of important human rights such as the right to work, the right to vote as well as access to a particular place of residence. Individuals were not allowed to move inside the country at will and had to seek permission of the Ministry of Internal Affairs to change a place of residence. Therefore, though controlling the choice of place residence the state had total control over a whole range of rights. A person who for some reason had to move within the country but could not obtain a permission to do so (i.e., to change *propiska*) could not be legally hired or access social services.³

Since gaining independence, the Kyrgyz Republic has started along the path of market and democratic reforms. However, the legal basis for the reform of the *propiska* system was yet to be developed. Currently people with financial means can move freely within the country and access many social services (such as medical care) on fee-for-service basis without obtaining a permission from the state to change one's residence. Those lacking financial means can still face problems in exercising their rights when changing residence. For example, one of the problems at times of elections is compilation of voter registers. The current election law calls for local authorities to register voters. Yet this duplicates registration functions that are inherited from the Soviet period and that are supposed to be administered by the Ministry of Interior. Similarly, the internally displaced persons (IDPs) often live without having changed registration from place and cannot access certain services due to lack of registration.⁴

Approach

In view of the enormous complexity of the problem in the post-Soviet region, the ODIHR initiated and carried out round-table discussions on the subject of registration in the CIS countries (Kyiv, 1998), in Armenia (Yerevan, 1999), Kyrgyzstan (Bishkek, 1999), Kazakhstan (Almaty, 2000). In addition to the Kyrgyz Republic, the ODIHR Migration Unit is carrying out projects on the reform of the *propiska* system in Armenia and in Ukraine.

The project was initiated in 1999 with an ODIHR workshop on population registration systems in the OSCE region. International experts presented experiences of Denmark and Netherlands in this area. The workshop featured broad-ranging discussions on the needs the Kyrgyz Republic to replace the *propiska* system with a civil register and to develop appropriate legislation. The round table showed that not all relevant actors were convinced of the acuteness of this problem, and the ODIHR funded additional research on its extent. This research has been carried out by the Regional Center for Refugees and Migration Issues (RCMRI, formerly the Bishkek Migration Management Center). The research involved two sociological surveys. One involved a group of ordinary 350 persons living in Bishkek. The other involved 80 experts including civil servants, NGO members, and journalists who are supposed to have in-depth knowledge of *propiska* issues due to their work.

The key results of the research were:

- Some 65% of people living in Bishkek indicated that their right to work depended on having *propiska*; 50% said that obtaining medical care depended on *propiska*, and 84% said that receiving retirement pensions and other social welfare payments depended on having *propiska*;
- Those living in Bishkek without *propiska* were particularly vulnerable, and having difficulties obtaining social services or exercising a right to vote;
- Over 55% of respondents indicated that people moving within the Kyrgyz Republic who try to change their *propiska* to reflect the new place of residence face abuses by the competent

³ For a useful background on origins and consequences of the *propiska* system see Cynthia Buckley, "The Myth of Managed Migration: Migration Control and Market in the Soviet Period," *Slavic Review* 54, no. 4 (Winter 1995).

⁴ The international community, after many years of neglecting the impact of the *propiska* system on the rights of IDPs, has shown signs of beginning to understand this issue. See Recommendation 1544 (2001) of the Parliamentary Assembly of the Council of Europe, "The *propiska* system applied to migrants, asylum-seekers and refugees in Council of Europe member states: effects and remedies."

authorities, including requests for under-the-table payments in order to process the necessary documents;

- As a result, 52% of the experts surveyed believed that people moving within the Kyrgyz Republic do not bother to change their *propiska*. This means that internal migrants maybe discriminated against in delivery of public services. Also, this suggests that the state is ill-prepared to deal with potential emergencies that may internal population movements.

Given these results, it became clear that legal and administrative gaps related to carrying out registration procedures need to be filled. Also due to events in Central Asia, the Kyrgyz public has become more sensitive to scenarios where internal displacements could occur in the country and thus the internally displaced persons (IDPs) may need particular protection.

Following discussions with a number of key government structures and with NGOs, the ODIHR has asked the RCMRI to coordinate the efforts of an inter-agency working to draft a law on internal migration. In addition to participants from the Kyrgyz Republic, a representative of the Kazakhstan Bureau for Human Rights and Rule of Law, a leading Kazakhstan human rights NGO, participated in the work of this group. The ODIHR Migration Unit has taken part in a number of sessions of the working group, providing advice on international standards and on relevant experiences of other countries.

Upon completion of the drafting of the laws, they have been introduced in the Parliament by a group of Parliamentarians. Due to a backlog of draft laws in the Parliament of Kyrgyzstan and a number of important debates that have become the Parliament's priority following the events of September 11, 2001, the draft law on internal migration was not considered by the Parliament in 2001. It is hoped for that the draft law will appear on the Parliament's agenda in early 2002. The draft law is available upon request from the ODIHR Migration Unit.

The reform continues

While the conceptual and legislative basis for a new registration system is important step, there are issues that it does not address. One of them is registration of foreigners. The draft law on internal migration deals only with citizens of Kyrgyzstan. However due to the Kyrgyz Republic's desire to become more open to the international travelers and tourists while combating illegal migration the issue of registration of foreigners is currently one of the government's priorities. In 2002, the ODIHR plans to concentrate its efforts on this issue. In case the draft law on internal migration in the Kyrgyz Republic is passed by the Parliament, the ODIHR stands ready to assist with drafting of bylaws and regulations necessary for practical implementation of the law.