

Joint intervention by the IHF and the Moscow Helsinki Group

Wednesday, 26 September 2007:

***Working session 5, humanitarian issues and other commitments I,
including migrant workers:***

Central Asian labor migrants in Russia

During the last few years of economic growth, Russia has seen an influx of labor migrants from other countries of the former Soviet Union, including countries of Central Asia. Driven by poverty, unemployment and economic hardships in their home countries, these migrants carry out some of the heaviest, dirtiest, and lowest paid jobs in Russia, while they are frequently subjected to serious violations of their rights, intolerance and violence.

It is estimated that several million migrants from Central Asia currently work in Russia, although the exact number is difficult to determine and is subject to seasonal fluctuations.¹ The largest group originates from Tajikistan, which is the poorest of the former Soviet republics, with more than 60% of its population living below the national poverty line. Up to one million Tajiks – or more than 10% of the country's population – are believed to be working in Russia.² The remittances sent home by these migrants provide a significant contribution to the economy of Tajikistan and represent as much as 20% of the country's gross domestic product.³ There are also sizeable groups of Kyrgyz and Uzbek labor migrants in Russia, but fewer from Kazakhstan and Turkmenistan because of the relatively better economic conditions of the former and the latter's highly restrictive policies for traveling abroad.⁴

Central Asian labor migrants typically carry out unskilled and labor intensive jobs in sectors such as construction, manufacturing and services and often fill positions that Russian citizens are reluctant to take up. Many of them work illegally and without job contracts, and are therefore in a highly vulnerable position.

As documented inter alia by a study of the International Labor Organization (ILO), common forms of exploitation of labor migrants in Russia include inadequate compensation for the hard work and long hours they typically put in, lengthy wage delays, and compulsion to work without any pay.⁵ They are often accommodated in substandard conditions, such as on the construction sites where they work, and employers sometimes confiscate their passports and/or restrict their freedom of movement by keeping them locked in all or part of the time. They also face threats and violence, and women migrants have been sexually exploited. Hence, in some cases, labor migrants are subjected to conditions that can be described as forced labor or modern-day slavery.⁶

Moreover, labor migrants frequently experience harassment by law enforcement authorities and are, for example, made to pay bribes for lacking proper registration required by Russian law.⁷ Migrants in an irregular legal situation are also at the risk of deportation, which further enhances their vulnerability so that, for example, employers put pressure on them to keep silent about harsh and unfair working conditions by threatening to otherwise denounce them to immigration authorities.⁸ Those who are deported are prohibited from returning for five years.⁹

Serious gaps in legal provisions protecting the rights of migrants, corrupt practices on the part of responsible authorities as well as lack of awareness of rights among migrants contribute to facilitating abuse.¹⁰

New legislation that entered into force in January 2007 was aimed at tackling the problem of illegal labor. It simplified the process for obtaining permission to work in Russia for foreign nationals who can legally enter Russia without a visa, who include citizens of the Central Asian countries. Within an annual quota established for each visa-free country, these nationals can now apply directly to immigration authorities for a work permit, and employers no longer need separate permission to hire them, although they are required to notify authorities. Fines for hiring workers illegally were significantly increased, up to 800,000 rubles (approximately 20,000 EUR) in the case of corporations.¹¹ Following the entry into force of the new legislation, a growing number of work permits have been issued and more fines leveled for employing staff without proper documentation.¹² However, although the changes can be considered a step in the right direction, there are concerns that many companies still prefer to hire employers illegally so as to avoid taxes, insurance payments and worker regulations, and that migrants without work permission remain in considerable demand. There are also concerns that the costs of applying for a work permit – which may amount to a month's pay or more for a migrant worker – and the bureaucracy associated with dealing with relevant authorities are hurdles to the legalization of the status of labor migrants.¹³

Further, the situation of Central Asian labor migrants in Russia continue to be adversely affected by xenophobia. Intolerant and hostile attitudes toward people from Central Asia are widespread, and they are among the most frequent victims of racist attacks and killings. According to statistics compiled by the Russian Monitoring Center SOVA, 14 people from Central Asia were killed in racist attacks in Russia in January-May 2007, while 25 people from this region were injured in such attacks during the same period.¹⁴ Many perpetrators of attacks are never brought to justice or adequately punished, and authorities have failed to take sufficiently effective measures to counter-act hate crimes.¹⁵ The negative social climate facing Central Asian labor migrants has also been reinforced by rhetoric by government officials depicting migrants as responsible for various economic and social ills and apparently populist measures targeted at migrants, such as a ban on foreigners to work as market traders and street vendors that entered into force in April 2007.¹⁶ Prior to the adoption of this measure, which heavily impacted Central Asian migrants and resulted in the closure of many market places, President Putin accused "ethnic gangs" of dominating Russian markets to the detriment of the "native Russian population."¹⁷ There are plans to introduce similar bans in other sectors.¹⁸

Recommendations:

To the Russian Federation:

The Russian authorities should urgently address the problem of rights violations, intolerance and violence facing labor migrants from other countries of the former Soviet Union. To this end, they should:

1. Ensure adequate and fair implementation of the new legislation on granting work permits to citizens of visa-free countries, and closely monitor its impact on the situation of migrant workers in the country with a view to adopting additional measures to facilitate the legalization of irregular labor migrants as necessary;
2. Take effective legal and practical measures to protect all migrants, including those with an irregular status, from any forms of exploitation and abuse by employers and law enforcement authorities and ensure that those guilty of violations of migrants' rights are held accountable;
3. Publicly acknowledge the value of the work undertaken by labor migrants for Russian economy and society and refrain from political statements and initiatives that may serve to collectively punish or stigmatize migrants workers;
4. Implement campaigns to foster tolerance toward migrants and other minority groups and make sure that racist attacks are promptly and thoroughly investigated and prosecuted with due consideration given to the motivations of the perpetrators.

To all OSCE participating States:

5. Develop comprehensive strategies for preventing exploitation and human rights violations of migrant workers and other migrants, in close cooperation with NGOs representing their interests.
6. Agree to organize a supplementary human dimension meeting to consider problems facing migrants in the OSCE region and to exchange best practices for the integration and protection of migrants, with a view to developing concrete guidelines on the issue. Representatives of NGOs assisting migrants as well as representatives of migrant communities should be given a visible role at such an event.

¹ IRIN, "Central Asia: Special Report on Labour Migrants in Russia," 17 March 2004, at <http://www.irinnews.org/report.aspx?reportid=23873>.

² Institute for War and Peace Reporting (IWPR), "Tajiks Squeezed by Russian Clampdown on Traders," *Reporting Central Asia*, No. 479, 26 January 2007, at http://iwpr.gn.apc.org/?p=rca&s=f&o=328849&apc_state=henfrca329116

³ World Bank, "Tajikistan – Policy Note: Enhancing the Development Impact of Remittances," 30 June 2006, at <http://web.worldbank.org/>

⁴ IRIN, "Central Asia: Special Report on Labour Migrants in Russia."

⁵ ILO, *New Forced Labour in Russia*, March 2004, at

http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=2150

⁶ ILO, *New Forced Labour in Russia*; European Commission against Racism and Intolerance (ECRI), *Third Report on the Russian Federation*, at <http://www.coe.int>; *Radio Free Europe/Radio Liberty (RFE/RL)*, "Russia" Rights Advocate Decries 'Dependence on Slave Labor,'" 8 November 2005, at <http://www.rferl.org/featuresarticle/2005/11/12c86bff-1f11-4781-a678-9c828abb51a4.html>

⁷ ILO, *New Forced Labour in Russia*.

⁸ ECRI, *Third Report on the Russian Federation*.

⁹ IRIN, "Central Asia: Special Report on Labour Migrants in Russia"; IWPR, "Tajiks Squeezed by Russian Clampdown on Traders."

¹⁰ ILO, *New Forced Labour in Russia*; IRIN, "Central Asia: Special Report on Labour Migrants in Russia"; RFE/RL, "Russia" Rights Advocate Decries 'Dependence on Slave Labor.'

¹¹ Alinga Consulting Group (ACG), "Changes to Migration Law," 29 March 2007, at

<http://www.acg.ru/english/news2.phtml?m=997>; *St. Petersburg Times*, "New Immigration Rules Aimed at CIS Migrants," 16 January 2007, at http://sptimesrussia.com/index.php?action_id=2&story_id=20065

¹² ACG, "Nearly 56 Thousand Immigrants Turned out of Russia Since the Beginning of the Year," 2 June 2007, at <http://www.acg.ru/english/news2.phtml?m=1129>; and "Hiring Illegal Workers is Becoming More Expensive," 1 July 2007, at <http://www.acg.ru/english/news2.phtml?m=1214>

¹³ ACG, "Changes to Migration Law."

¹⁴ "Consolidated Statistics of Racist and Neo-Nazi Attacks in 2004 – 31 May 2007," included in SOVA, *The Sowing Season in the Field of Russian Nationalism*, made available July 2007, at <http://xeno.sova-center.ru/6BA2468/6BB4208/9845B8F>

¹⁵ For more information, see the chapter on Russia in IHF, *Human Rights in the OSCE Region. Report 2007 (Events of 2006)*, at http://www.ihf-hr.org/cms/cms.php?sec_id=71; and intervention on "the Problem of Racist Violence in the Russian Federation" to the 2006 HDIM by the IHF and SOVA, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=58&d_id=4307

¹⁶ *International Herald Tribune*, "In Russia, food markets ail after crackdown on foreigners," 5 April 2007. at <http://www.iht.com/articles/2007/04/05/business/migrant.php>

¹⁷ IWPR, "Tajiks Squeezed by Russian Clampdown on Traders."

¹⁸ ACG, "Changes to Migration Law."