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### Working Session 5

#### **KYRGYZ COMMITTEE FOR HUMAN RIGHTS REPORT ON IMMIGRATION**

##### Immigration

Various domestic as well as international institutions deal with the problem of migration in Kyrgyzstan. Nevertheless, migration situation in our country deteriorates with every passing day and is even becoming a threat to the existence of the Kyrgyz nation state. The average age of migrant workers from Kyrgyzstan has noticeably decreased. While in early nineties most of the migrants to Russia were elderly people, today young people as well as middle aged people are willing to go to work in Russia. Mostly these people are drivers, construction workers, engineers, technical staff, pedagogues, and medical personnel. Their reasons for leaving the country are varied. Most citizens of Kyrgyzstan do not have security about the future, they are not able to earn a living for themselves and their close ones, and most of them are worried about the future of their children.

Main destination for Kyrgyz migrant workers is Russia, in particular, its Ural and Siberian regions. The number of our citizens in metropolitan areas such as Moscow and Saint Petersburg is constantly on the rise. Kyrgyz people that reside in Siberian and Privolozskaya federal districts have difficulty in resolving their immigrant status due to absence of Kyrgyz consulates in these regions. They do not have the financial means or the time to come to Yekaterinburg, which hosts Kyrgyzstan's main consulate. As a result, they lose their status and become illegal. All migrant workers from Kyrgyzstan can be divided into two categories: workers that have employment contracts, and workers that are on their own, the latter being the majority. It is worth noting that main part of our migrant worker population is employed at very low wages (they work as cleaners, haulers, and sellers in local markets). There are anywhere between one and five thousand Kyrgyz migrant workers in trade centers of the cities such as Sverdlovsk, Krasnoyarsk, Kurgan, Kemerevo, Barnaul, and Saratov. According to official statistics, about 300 thousand Kyrgyzstanis currently reside in Russia. But these statistics should be considered incomplete, as most of our citizens residing in Russia were not officially registered and are illegal.

Official statistics about Kyrgyz citizens that are currently abroad are inconsistent. This is so due to the insufficient attention being paid to the problem of migration on the government levels. For instance, in Russia, only 4.5 thousand Kyrgyz emigrants received official work permits. The total number of Kyrgyz migrant workers in Russia far exceeds this number. The rest of the Kyrgyz workers try various ways, most of them illegal, to remain in Russia by obtaining temporary guest permits that does not authorize employment. They pay bribes to various officials and police officers that routinely check these permits.

Why are there so many problems related to work permits and temporary residence of Kyrgyz citizens in Russia? This is mostly due to lack of knowledge about Russian laws and due to lack of compliance with these laws. Most of our citizens go to work in Russia without any idea about the internal Russian affairs, its laws and regulations, and therefore are bound to break Russian law by registering themselves at a later date, and failing to apply for work and business permits. In accordance with the current Russian law "On lawful presence of foreign citizens in the territory of the Russian Federation," all foreign citizens wishing to work in Russia, including those that deal with trade in local markets, are required to obtain work permits. However, most of our citizens work and live in Russia without these required documents. A large problem for Kyrgyz migrants is registering and obtaining documents for resident permits. Enterprises and organizations that plan to invite foreign citizens to work for them on the Russian territory, have to petition representatives of the Federal Migration Service of the Russian Federation. After that, permission to conduct business needs to be confirmed with a government official (at a minimum, this can be deputy governor), territorial divisions of the State Employment Services and Migration Services. Perhaps, the situation of our citizens in Russia will improve, as President of the Russian Federation signed a law "on migratory report of foreign citizens and individuals who lack Russian citizenship" and "on implementing changes in the Federal Law 'on lawful status of foreign citizens in Russian Federation.' Per these laws, "there will be a simplification of the process of obtaining work permits for citizens of the CIS countries, with which Russia has non-visa entry agreements. Thus, a migrant worker will be able to register for a work permit within 10 days after submitting his or her petition. In order to do that, he or she is required to submit:

- A document verifying his or her identity,
- Migration card with an entry confirmation from the border patrol,

-A document that would verify he or she is free from drugs and infectious diseases.  
In addition, an employer would no longer need to obtain permission for attracting foreign work force."

This way, instead of registration of foreigners and individuals without citizenship, there will be an informational process of their registration. Additionally, possibility of registration of given categories of citizens according to not only residential, but also nonresidential areas is taken into account. Besides, they will be able to inform of their arrival through the host organization, or by mail. All foreigners are exempt from the requirement of annual renewal of the registration. They will only need to send an official letter confirming their status to local department of the Federal Immigration Service of Russian Federation. According to this new law, government agencies are absolutely required to accept petitions for temporary stay from citizens of countries, with which Russia has non-visa agreements. In addition, foreigners and individuals without citizenship will be allowed to work in any region of the country, and not only in regions where they obtained their work permits. However, this law takes effect no earlier than 15th of January, 2007. This was the control period that was identified by Russians, who will need to ratify about 200 bylaws as a consequence of the President's signing the two laws mentioned above. However, there is little hope that these laws will help, as rampant corruption among Russian government agencies is still thriving.

There are numerous facts about Kyrgyz citizens that suffered as a result of either lack of legal information, or of failure to comply with the laws of the host country. Below are some of these instances:

1. In an operation called "Migrant," officials of the department of Immigration Police in Almaty caught 320 illegal workers from Kyrgyzstan, Tajikistan, and Uzbekistan. This was reported by IA "Kazinform" with reference to media service of the Department of Internal Affairs of Almaty. Citizens of Kyrgyzstan, Uzbekistan, and Tajikistan were apprehended on and around construction sites and trade establishments in micro districts "Jayli," "Shanyrak," and "Akbulak," where they worked for hire. Most of them did not have registration or work permits. Whether these workers will be deported is being decided by the local court, reports "Kazinform."
2. In 2005, in Karaganda region of Kazakhstan alone, 74 citizens of Kyrgyzstan were deported due to violations of immigration laws. This was reported by agency "Kazinform" with reference to the regional prosecutor's office. As it notes, in 2005 alone 339 immigration cases were reviewed in the local court. All the cases concerned illegal presence of foreigners on the territory of Kazakhstan. 321 of the cases were resolved by a verdict of administrative arrests and followed by deportation from Kazakhstan.
3. From 1st of January to 30th of September of 2005 812 citizens of Kyrgyzstan residing in Russia were punished for violation of Article 327 of the Law of Russian Federation (dealing with fake IDs). According to consular service of the Russian Federation Embassy to Kyrgyzstan, which in turn quotes MIF of Russian Federation, immigration violations comprise almost 38 percent of all civil and criminal violations by Kyrgyz citizens on the territory of Russian Federation. Per criminal laws and regulations, average sentence for obtaining fake immigration card and illegal registration is from 3 to 6 months of incarceration. In these same 9 months 46 thousand 927 people, or 72% of all Kyrgyz citizens brought to Russia's courts, were fined for violation of the immigration violations and for lack of proper registration. Official statistics of MIF of Russian Federation show that many migrant workers are unable to comply with legal requirements, and therefore they obtain temporary registrations through intermediary firms, most of which give out fake documentation or do not register altogether. Such method of being in the country may lead to fines and deportation to home country, but purchase of fake documents may lead to imprisonment.
4. In addition, in December 2005 about 100 illegal migrants from Central Asia were apprehended, including citizens of Kyrgyzstan. As reported by IA "Interfax," officers of the passport and visa control office, with the aid of special task forces, surrounded Myakinino village north-west of Moscow. They checked 12 abandoned houses and as a result apprehended about 100 illegal migrants. Among the apprehended were citizens of Kyrgyzstan, Tajikistan, and Uzbekistan.
5. On the 22nd of September, 8 migrant workers from Tajikistan, Azerbaijan, and Kyrgyzstan cut their veins to protest living conditions in a Moscow immigration detention jail, where they were incarcerated for a long time. Police officers claim that living conditions in the detention cells are "satisfactory." One can only guess what "satisfactory" is in their minds. Incarcerating people, whose only fault is lack of registration is not only excessive, but also short-sighted. Most of the workers detained there are CIS citizens, whose countries have non-visa agreements with Russia.
6. Emigration to overseas countries has heightened among the Uighur minority in Kyrgyzstan, which they themselves attribute to Akaev's regime and his administration's attitude towards this ethnic minority. Close cooperation of Special Forces of Kyrgyzstan with the Chinese officials put the Uighur population on guard, as China and Uighurs have long had their tensions. For instance, a number of Uighurs claim that they have been illegally sentenced in Kyrgyzstan. In 1998 Ubli Kasym (a.k.a. Kassarji) was sentenced in a Bishkek court to 22 years in prison. A famous attorney named Y.I. Maksimov claimed that Ubli Kasym should have been sentenced to at most 2 years for illegal gun possession. Additionally, officials confiscated 60 thousand USD from Ubli Kasym, which has neither been authorized by the court, nor mentioned in any of the proceedings. Currently, Ubli Kasym is located in Colony No. 47 of the Ministry of Internal Affairs and has terminal blood cancer. There also have been a number of instances of extradition of ethnically Uighur Chinese citizens from Kyrgyzstan to China, where they likely faced death or torture. For instance, Jalil Turdy, Maamat Yasin, and Maamat Sydyk were deported in 2003. Their fate thereafter is unknown. Such

deportation violates international human rights conventions. Uighur market in the tourist base of Kyrgyzstan was burnt down three times by unknown vandals. Every time the official version of the events was that the fire was due to a faulty electric generator. 21 killings of Uighur nationals have yet to be solved. Judicial process is not favorably inclined towards the Uighur minority, either. For instance, Nigmat Bazakov, the leader of the Uighur population in Kyrgyzstan was shot and killed recently. His death was blamed on an Uzbek citizen named Otabek Ahadov, who, his attorneys claim, was beaten until he confessed to killing Bazakov. Witnesses and evidence, however, all pointed to Akpaev, a representative of a Kazakh criminal gang. This and similar conflicts, such as the one in the village Iskra of Chui Oblast, have discouraged the Uighur population from continuing to live and settle in Kyrgyzstan. Such attitude towards the Uighur population has caused heightened emigration of Uighurs to other countries, especially Canada, USA, and countries of Western Europe.

Emigrants from Kyrgyzstan are not only unemployed people, but also businessmen that are unwilling to pay bribes to corrupt officials and mafia because of moral or ethical reasons. Most businessmen work in Kazakhstan, Russia, and other foreign countries. If they were given the opportunity to work and develop business in Kyrgyzstan, the tax base would increase dramatically. This loss in tax revenues is estimated to be millions of US dollars.

In Kyrgyzstan, both businessmen and general population are vulnerable to organized crime groups. Every day is replete with hundreds of muggings, assaults, rapes, and murders. This brings about fear and apprehension. Chronicles of all the crimes that are going on in the country are more reminiscent of war time rather than peace time republic.

The government has puzzled everyone by announcing that crimes will always be committed no matter what. In reality, the government has never even attempted to fight organized crime or corruption. Government agencies and structures are not worth the taxes the population pays to sustain them. This is all reflected in the investment levels in our country. Currently, our investors are mainly countries that have only territorial or political, rather than business, interests.

It should be noted that all questions related to social security programs for migrant workers are regulated by bi and multilateral agreements among interested countries. There is such agreement between the Russian Federation and Kyrgyzstan that was in effect since 1996. However, on the 22nd of September 2003, governments of Russia and Kyrgyzstan signed a Protocol to amend the abovementioned bilateral agreement, which would allow Kyrgyzstanis to receive concessions in legalizing their trade activities on the Russian territory. These changes will undoubtedly help protect social rights of Kyrgyz migrant workers and will make them more competitive among the immigrant workforce in Russia. However, this agreement and amendments are nevertheless insufficient to protect the rights of our citizens in Russia.

The situation of our citizens abroad remains difficult. An international agreement on the provision of equal legal protection of our citizens abroad is necessary. This is imperative because they become victims of various crimes with increasing frequency. These crimes against Kyrgyz migrant workers do not get sufficiently investigated, or investigations stop before the culprits are identified and apprehended. In the last few years, about 400 of our citizens died in Russia. Most of the crimes against our citizens were mainly racially and ethnically motivated. In 9 months in 2005 alone about 20 people were killed in Russia (including 4 people in the first half of September). They all died in the hands of "skinheads." On the other hand, even the relatives of the victims do not get to know the fate of their loved ones (as a reminder, in the beginning of 2005 about 112 citizens of Kyrgyzstan are officially regarded disappeared in Russia). According to Russian Rating, more than 10 of our citizens were injured as a result of ethnic conflicts. Russian website "New Regions" published results of a press conference, which was held by the Moscow bureau for human rights. "In the last few years, number of ethnic hatred crimes has increased a number of times in Russia. Judging from the number of law breakers apprehended in 2006, there is a worrisome tendency," claimed human rights activists. According to the bureau data, from January to June of 2006, about 100 citizens were attacked based on ethnic hatred, as a result of which 18 people died and 160 were injured. Consider a comparison—in the first half of 2004 about seven murders and hundred beatings took place, whereas in the first half of 2005 there were about 10 murders and 200 were injured. The first place among cities with highest activity of extreme nationalists is Moscow (5 killed, 50 injured). The second place is Saint Petersburg (3 killed, 37 injured), Kaliningrad (more than 10 injured), Kostroma (5 injured), Voljsk (2 killed, 2 injured), Voronejskaya Oblast (1 killed, 3 injured), Tulsckaya Oblast (1 killed, 2 injured), Krasnoyarsk (4 injured), Cheboksary, Vladivostok, Ekatirenburg (3 injured in each region), Sujenskaya Oblast, Elista (2 injured in each region), Kaluga, Nijniy Novgorod, and Yaroslavl (2 injured in each region). Last list of regions consists of Orel, Petrozavodsk, Rostov-na-Donu, Ryazan, and Surgut, where there was 1 injured in each. Recently, 10 bodies of our citizens were returned from Moscow. Kyrgyz politicians claim that this special "carriage-200" is regularly delivered to Kyrgyzstan. In the last 2 weeks of December 2005 only from Moscow there were 10 dead bodies delivered to Bishkek. Three Kyrgyzstanis burnt in Petersburg. It is not infrequent when illegal workers/immigrants die because of some clashes. Transportation of dead bodies is not cheap. At the Domodedovo airport, documentation, receipt, and preparation of one dead body is about 350 USD plus the cost of transportation. More often than not close ones and relatives of victims do not have such money. Kyrgyz treasury does not allocate funds for this purpose. As a result, victims' bodies remain in Russian morgues, and are later buried with all the other unclaimed bodies.

#### Facts about injured citizens of Kyrgyzstan that fell victim to ethnic and nationalistic hate crimes:

1. In Kalinin Rayon of Saint Petersburg, on the evening of the 24th of February a group of young people attacked two women who were citizens of Kyrgyzstan and Azerbaijan on their way home after work. Both victims received multiple knife wounds, and

one of them died on the spot. The young people attacked the victims with knives from behind with cries: "Russia is for Russians!" Medical experts counted about a dozen of knife wounds on the body of the Kyrgyzstani woman, who was ethnically Kazakh and one of the stabbings struck the heart area.

2. In October 2005 a citizen of Kyrgyzstan complained to the General Consulate of Kyrgyzstan in Russia. This young person claimed to be a victim of fascist "bastards."

3. On the 19th of May 2005, in the village of Studenty of Kenel region of Samara Oblast, Iskanderov N. and Rahmanaliev T., both citizens of Kyrgyzstan and born in 1966, were brutally killed.

4. Three years ago, in December 2003, three members of a criminal gang beat a man to death. Two months later two young people from the same group, while intoxicated, stabbed to death a resident S.A., who later died. A few days later four members of the gang beat a man from Central Asia to death. During searches of houses of two of the most active members of the gang, a few items with fascist themes were found: posters, leaflets, patches, photographs, audio and video cassettes, which contained material inciting hatred against non-Slavic people.

5. In Samara executioner of Kyrgyz migrant workers was found guilty. On the 22nd of March a resident of Samara Oblast forced a kidnapped man to chop off the head of a Kyrgyz migrant worker. V.Koledentsev took an axe and beheaded one of the bound Kyrgyz workers and forced R.Bespalov to follow his suit.

6. In the city of Sevalojk (Russia) 32-year old Ramis Soodaliev, born in Jayil region of Chui Oblast, was killed. However, Kyrgyzstan does not even have an official confirmation of his death yet. Investigations of the violent killings of our citizens are cursory there. Only one in ten cases reach the court system.

7. Two police officers apprehended a few Central Asians in the central square of the town of Hanty-Mansiysk during their routine patrol. They brought them to the station and demanded one thousand rubles from them. The victims paid the money and the officers divided the money between the two of them. An hour later these officers detained a Kyrgyzstani and also demanded money from him. The man refused to pay, which angered the officers and they beat him up. The officers took seven thousand 600 rubles from him. Also, one of the officers burnt the man's residency registration. Also, an hour later the officers took another thousand rubles from apprehended citizens of Tajikistan.

8. Skinheads were found guilty of killing a citizen of Kyrgyzstan in the Sverdlov Oblast of Russian Federation. On the 29th of June 2006, in Sverdlovsk Oblast, city court returned a verdict against three residents of Verhnaya Pyshma 18-year-old Maksim Samofalov, 20-year-old Evgeniy Maksimov, and 18-year-old Yuri Timirshin, who were accused of forming and participating in an extremist group. Russian Internet publication "Sova" reports that the city court found the defendants guilty according to Article 282-1 of Criminal Law of Russian Federation ("organization of extremist group") and due to prior criminal history M.Samofalov was sentenced to 10 years and 6 months, E.Maksimov was sentenced to 1 year and 9 months, and Y.Timirshin was sentenced to 9 years and 6 months. M.Samofalov and Y.Timirshin were also found guilty of violating Article 111 of the Criminal Law of Russian Federation ("intentional infliction of serious injuries") for killing a citizen of Kyrgyzstan in January 2005.

9. A guest from Kyrgyzstan was stopped by police officers near the building of the Kirov ROVD of Novosibirsk. Getting out of detention and possible deportation as a result of operation "Vihr-Antiterror" would cost the Kyrgyzstani 10 thousand rubles. The young citizen of Kyrgyzstan is afraid of Russian police officers very much after that incident. Therefore, he does not want to give interview, talk about the incident, or reveal his name. As a result, this event was told by the leader of the Kyrgyz Diaspora in Novosibirsk. "They put him in the police car, searched him, and found money under the padding of one of his shoes. They took 10 thousand rubles, returned 1,150 rubles, beat him, and kicked him out," said Oroz Bolturukov, head of the Kyrgyz National Cultural Center "Ala-Too-Novosibirsk." After 24 hours, the victim identified an officer of the police, who according to the victim's words, "worked him professionally."

#### Other crimes that victimized our citizens:

1. In Nijegorodsk oblast two citizens of Kyrgyzstan were killed. Press Service GUVB of Nijegorodsk Oblast report that seven citizens of Uzbekistan suspected of killing the two Kyrgyzstani workers were apprehended. There was a quarrel that turned into a full blown fight between the Kyrgyz workers and the Uzbek workers that were working illegally on one of the construction sites of Dzerjinka. The citizens of Kyrgyzstan died as a result of heavy blows to their heads.

2. Three citizens of Kyrgyzstan who were building a house on the Chaikovsky Street in Chelyabinsk became victims of violent robbery. Criminals tortured the workers to find out where they kept their earned money. Unsuccessful, the criminals became angry and stabbed the workers, which pierced one of the workers' chest.

3. In Kaliningrad, security guards beat Kyrgyz guest workers. IA Interfax, with reference to regional agency of internal affairs, reports that in Sverdlovsk of Kaliningrad Oblast, officers of a private security enterprise beat up guest workers from Kyrgyzstan. "People in masks hit and punched tens of helpless workers, took their money and mobile phones. As a result some of the victims had to be hospitalized," reported Press Service of the agency of internal affairs.

4. Ministry of Internal Affairs is indignant about Kazakh police officers' actions, who supported the criminal rapists. Ministry of Internal Affairs of Kyrgyzstan announced about this incident today. Kazakh fellow officers were criticized as a result of their handling of a gang rape of two Kyrgyzstani women by Kazakh citizens. "On the night of the 12th of June 2006, two citizens of Kyrgyzstan, a mother and a daughter, were violently raped by unidentified men," reported press secretary of the Ministry of Internal Affairs Aida Bakirova. "As became known from the developments in ongoing investigations, individuals that committed the egregious crime are ethnic Uighurs, citizens of Kazakhstan."

Despite the fact that our citizens die by the dozen abroad, Kyrgyz Government has not taken any action to secure the rights, lives, and freedoms of our citizens currently working in Russia. Based on the incidents above, the government has never made an official request announcement to the officials of Russia with demands of protecting and maintaining the rights of our citizens on Russian territory on the same footing as they protect the rights of their own citizens. Perhaps migrant workers should even be afforded special protection, as immigrants are usually and in many respects the most vulnerable group among the socioeconomic population.

Most immigrants work without contracts with their employers. Employment contract is replaced with an oral agreement between the parties. That is why migrant workers are completely dependent on the goodwill of their employers, who determines their salaries subject to his/her discretion only. Such employees for hire reside and work illegally, mostly because their employers are trying to avoid social security payments and taxes. Governments of the two countries should legalize work migration. Such approach would provide social security for migrants. In this respect, Turkey has extensive experience. A while ago, during the height of Turkish emigration to Western countries, Turkey and many NGOs demanded full protection of Turkish citizens-workers abroad and thereby secured full social, political, and economic rights of migrant workers. Similarly, Kyrgyzstan should also take concrete steps towards securing the rights of our citizens abroad. Special attention should be paid to regulations regarding workplace safety, as many of our citizens have been injured by completely unsafe conditions at their workplaces. Currently many employers simply do not adhere to structural and safety standards. As a result, many of our citizens even die:

1. July was a tragic month for two of our citizen migrant workers in Russia. The first accident happened in Moscow during the construction of a hotel "Inturist." 23-year old Abdikaliev, born in Toktogul region of Jalal-Abad Oblast, fell from 11th floor and died as a result. The next day a bridge suddenly collapsed and fell from the 16th floor of a complex that was under construction in Saint Petersburg. Four people were on that bridge and one of them was Vyacheslav Vasilitsyn from Kyrgyzstan. He and his two co-workers died and the fourth one is in critical condition in the hospital. General Commission on Migration of Kyrgyzstan visited both accident sites and helped local investigators look into the causes of the accidents.

2. Two workers from Kyrgyzstan and Tajikistan burnt alive in a construction wagon in the village of Saosinovo of Perm region, Perm Oblast of Russia. This was reported today by IA "New Region."

3. Prosecutor of the Kondinsk region of Hanty-Mansiy autonomous region is ready to open a criminal investigation of the deaths of two Kyrgyzstanis and one Russian during a construction of a water pipe. This was reported by "URA.Ru." This case was initiated 10 days after the accident took place. The charges will likely be according to Article 143 "Violation of workplace safety standards." Currently the prosecutor's office is investigating circumstances surrounding the deaths of three workers. Kyrgyzstanis and the Russian worker from the city of Tobolsk died on the 23rd of July at 3 p.m. in the village of Mejdurechenka of the Kondinsk region in the course of installation of a water pipe alongside a water fence No. 1. A 2.5 meter deep landslide occurred during the accident.

4. Three construction workers from Kyrgyzstan were injured during the course of a construction job in Moscow. Four people, including 3 citizens of Kyrgyzstan, were injured on a construction site in Moscow as a result of a collapse of a container carrying construction material. "Vesti" reports that the incident took place in the morning of the 24th of December 2005 at a construction site located around the "Airport" metro station. "Bricks that were being transported upstairs fell and injured 4 workers that were working on the ground," said rescue worker Vyacheslav Gavrilov, as cited by "Vesti." Three victims were citizens of Kyrgyzstan and one of them was citizen of Turkey. They are all hospitalized. One of them got away with light injuries, but the other three are in critical condition.

Migrant workers or slaves? Following incidents involving our citizens occur with increasing frequency:

Officers of the Internal Affairs agency, with the aid of other agencies apprehended a married couple that transported illegal migrant workers to Moscow and was using them as slave labor. "MK" of the Internal Affairs agency of Moscow reports that 35-

year old Saken Muzdybaev and 37-year-old Jansulu Istambekova have lived and settled in Moscow for a while now. They owned and maintained two shops on Novgorod street. Jansulu was the seller and Saken was the general director. Business of selling groceries developed and expanded very quickly. In order not to hire local people at higher wages, the couple invited 4 young women from Kyrgyzstan and one young man from Tajikistan to come to Moscow and work for them. They were promised employment, fair wages, and help with registration in Moscow. They were brought illegally into Russian territory. Train conductors agreed to transport them illegally in exchange for exorbitant bribes. Once they arrived, the couple took away their passports. The girls and the young man had to do all the hard and dirty work: hauling, and sorting groceries in the two shops. The first month they received a small, but constant and decent salary. However, they all had to live in a storage room. Later Muzdybaev rented a one-bedroom apartment on the first floor of a building adjoining one of the shops and told them to move there. He stopped paying them any salary, saying that all their salary is going towards paying the rent. The workers cannot leave the shops or the apartment without permission of their owners. They were punished and beaten for any kind of disobedience on their part. The couple forced the other three to punish the culprit and watched. The workers were in slavery.

*Kazakhstan* is the second largest country that accepts our migrant workers. About 70 thousand of our citizens work in the country. Cities of Almaty and Astana are the two main recipients of our guest workers. While in Russia our workers are involved with trade, construction, transportation, and services, in Kazakhstan they work on tobacco and fruit and vegetable plantations. Unfortunately, most of the workers are illegal (i.e. without documents) there. It is a cause for concern that this number of illegal workers is growing and is being transported and provided by organized crime industries developing in both countries. The government of Kyrgyzstan pays special attention to our citizens that work on tobacco plantations in southern regions of Kazakhstan. Norms and regulations that would help protect these workers' rights are being drafted and incorporated into the Agreement "on employment and social protection of migrant workers that are employed in the border territories." The most important success in this regard is development of a mechanism of selecting, directing, and legalizing our workers who travel to southern parts of Kazakhstan and Almaty in order to work on tobacco farms. In order to further this development, a private employment monitoring organization was created in the Enbekshikazakh region. Our official representatives visit worksites of our migrant workers on a regular basis and monitor their activities and standards of their employment sites. During such inspections, the representatives meet directly with the workers as well as their employers to address concerns and demands they might have. However, these measures are not enough. In Kazakhstan, our citizens are victimized just about as much as in Russia and are frequently unprotected by Kazakh laws.

Today's work migration patterns in Kyrgyzstan have lowered the overall quality and adversely affected the structure of the workforce potential in our country: in order to restore all that has been done, huge financial commitments and long time would be necessary. What can be done in order to keep citizens in the country and allow them to work and earn a decent living in Kyrgyzstan? First of all, factories and manufacturing need to be developed in order to decrease unemployment levels in the country. Betterment of social and economic situation in the country will surely cure the problem of work migration. However, this is not something that will happen soon, as the government fails to use any measures that exist abroad in order to lower unemployment and discourage work related emigration from the country.

According to the General Commission on Migration, about 1 million people immigrated to Russia to seek employment. Kazakhstan hosts anywhere from 60 to 100 thousand of our citizens. These numbers were reported by the head of the Kyrgyz General Migration Aigul Ryskulova. This means that, according to the deputy Ombudsman of Kyrgyzstan Mamat Momunov, every 6th citizen of Kyrgyzstan works and lives in Russia. On the 29th of March in Bishkek, in an interview with "EurasiaNet," chairman of the Parliament Commission on employment migration Kubanychbek Isabekov said that the number of people leaving the country in search of better jobs is increasing at a faster and faster rate. Such drain on the population of the country may reach such proportions that the Kyrgyz economy would seriously suffer. "Kyrgyzstanis that have managed to go work and live abroad do not plan to return to Kyrgyzstan, *because they do not see any future improvement in the situation of our country, mostly due to ineffectiveness of the government.* Besides ethnic Slavs, number of ethnic Kyrgyz people leaving the country permanently has increased three fold," said the chairman. According to him, about 90 thousand Kyrgyz people have or are about to receive Russian citizenship. Other nationalities that live in Kyrgyzstan leave for their own countries of origin (such as Germans and Russians, etc.). Part of the immigrants head towards European countries, particularly such developed regions as Germany, France, and Great Britain. About 4 percent of all work immigrants go to Asian countries, among them are Korea, Turkey, and China. Other countries are represented infrequently. Majority of the immigrant population consists of ethnically Kyrgyz people—they comprise 79%. Second and third largest groups are Uzbeks (9%) and Russian (7%).

For now, instead of those who leave Kyrgyzstan, more and more people from other countries, especially China, are arriving and settling here. According to unofficial statistics, the number of Chinese people in Kyrgyzstan nears 500 thousand. Many analysts, politicians, and other public figures have been talking about this phenomenon for a while now. This worrisome tendency was already evident in 2000. There is a real danger that if the number of Chinese people in Kyrgyzstan continues to grow at the same pace, then there might be demands down the road that the population learn Chinese and that this language be recognized as one of the official languages of the country. There is also the situation with the Xing Jan autonomous province that borders our country. We all remember that 15 years ago the Chinese people were being relocated to the province and as a result, they requested and had enough political power to succeed in adding the province to China as an autonomous region. This was possible because the number of Chinese people far exceeded the local population in the province. In the course of 10 years, 50 million Chinese nationals were relocated to the province. This is obviously due to the politics of assimilation, which China used to

gain control of the province. If Kyrgyzstan does not take any measures in order to curb or prevent the execution of such tactic on the part of China, then it is possible that the fate of the province awaits Kyrgyzstan as well, as the country, with its small population, and strategic location, is an attractive area to China. Up to now, Kyrgyzstan has been excessively accommodating towards immigration of Chinese citizens—the government committed to providing certain special protection to Chinese citizens.

Due to this influx of Chinese immigrants, the number of trade enterprises, manufacturing sites, and organizations whose owners are Chinese citizens has increased dramatically. Workers in these organizations are almost exclusively Chinese. Similar situation is observed in international or foreign organizations located in Kyrgyzstan. This is unfair and unjust towards our own citizens. According to Goskommigratsiya, the Dordoi market's sellers are 30% from China, and the Karasuy market's sellers are 60% Chinese. More and more work places in market places and trade centers are occupied by foreigners. This was reported on the 17th of May 2006 by the chairman of the General Commission on Migration and Employment Aigul Ryskulova, who gave a report in front of the 1st Session of the Public Chambers on economic and business development. According to Aigul Ryskulova, 3 out of 5 thousand traders on the Karasui market are Chinese. Analogous situation is observed in Madina market and other markets and trade centers, she announced. Goods manufactured in China are cheaper than local production and thus local traders are unable to compete with their Chinese counterparts, which violates fair competition rights of local traders. The government of Kyrgyzstan has to *protect local traders and businessmen by regulating the influx of goods from China sold at or below production cost, perhaps by imposing tariffs or quotas that would favor local producers, which is a working strategy in many of the developed countries.* For instance, let us consider alcohol industry. Kyrgyz market is flooded with a variety of alcoholic beverages. However, the goods are mainly foreign. This is related to the fact that importation tariffs are excessively low in Kyrgyzstan, and as a result local production suffers in terms of quality and development. For instance, Turkey guards its local alcoholic beverages production very well. The price of the imported alcohol is 3 to 10 times higher than local brands in Turkey, due to high tariffs and quotas that the country instituted in order to protect its local production.

### Conclusion

All abovementioned facts are only “a drop in a sea” compared to what is really happening to our citizens abroad. Until the time when Kyrgyzstan is able to provide its own population with decent employment opportunities, we will remain haunted by these terrible problems with migrant workforce.

More than half of those who travel abroad in search of work are cheated out of contracts. Today, on the territory of Kyrgyzstan, there are only five legal organizations that have all the necessary paperwork to legally send our citizens to work abroad and to arrange legal employment for them.

Emigration signals many problems to our government officials with increasing frequency and calls on the government to take measures that would eliminate or alleviate this problem. There is also the problem of internal migration, which rears its ugly head every now and then.

Employment of Kyrgyz citizens abroad is regulated by the Law “On migration abroad,” and also on the Regulations of the activities of physical and legal individuals in the Kyrgyz republic and beyond, that were promulgated by the Kyrgyz government in 2001.

However, in practice, we see an entirely different picture. Despite the fact that there are many facts on acts of violence against our citizens, the government does not take any steps towards securing their rights abroad. The government also fails to take steps to decrease unemployment levels in Kyrgyzstan.

All of this leaves permanent consequences, such as dissolution of the country itself. In other words, while our citizens leave the country in search of work, foreign citizens arrive and settle in our country. This way, we have excessive number of Chinese and other people, who deal exclusively with their own fellow citizens, which leads to social inequality.

In addition, an important adverse effect of migration is the well known “brain drain.” Due to low wages, specialists, students, and successful people leave our country in search of better opportunities and more space to grow and have careers.

It should also be noted that one of the problems of migration is trade in persons, and international prostitution. Thousands of our young women try to cross the border and work abroad, however, most of the time they end up being enslaved and abused.

### Negative effects of Migration and recommendations:

Outflow of migrant workers from Kyrgyzstan presents the government with the following adverse consequences:

- Decrease of workforce from the regions, including high quality white collar workforce, “brain drain;”
- growth of an imbalance between the demand and supply of certain specializations and professions;

- decrease of the tax base, which decreases the local budget due to lack of revenues;
- worsening of the demographic processes: decrease in the fertility and growth of the population, etc.

As for the immigration of foreign workers to Kyrgyzstan, then negative factors are as follows:

- growth of labor competition, repatriation of funds earned on the territory,
- Existence of conditions favorable to growth and maintenance of "shadow economy," corruption, and ensuing negative social consequences, drug abuse, law breaking, etc.

Is it possible to solve these problems through government regulation of the migration processes, and are they subject to control at all? It should be acknowledged that solutions to these problems are beyond mere regulation of migration. As for the government's ability to alleviate these problems, a few suggestions are as follows:

-Making laws that would be adequate to address the situation and would be directed towards solving social problems of the migrants arriving in the country as well as helping secure the rights of our citizens forced to live and work abroad. Today, a number of areas are left completely unregulated, such as forms and direction of government help for migrant workers, assistance in health compensation for migrant workers, and in cases of emergency, questions of employment of citizens of Kyrgyzstan abroad.

-Becoming party to international agreements that address economic, social, and legal interests of migrant workers abroad (such as medical assistance, social security payments, education, etc). The government is bound to orient itself towards implementing long-term and stable programs on employment related migration, with the cooperation of the host countries.

-Implementing and financing programs that would prepare specialists on migrant workforce. Our actions and suggestions, for instance, may include adaptation of our education and training systems oriented not only towards local labor markets, but also markets of the potential host countries. For instance, there could be equal quality standards, and the host countries could finance local organizations to train and prepare local specialists that would eventually go work abroad, etc.

-Preparation of potential migrant workers according to the laws of the host country, and fight against legal illiteracy. Existence of illegal immigrants is due to the following:

*Lack of knowledge of the laws of the host country.* Most of our worker migrants never think to read or research labor laws of the host country before leaving for employment in Russia, Kazakhstan or other countries. They miss the deadlines for registration, fail to provide proper documentation in order to receive permits to work and conduct business, etc. In the meanwhile, host countries usually have labor laws that are strictly enforced. For instance, in Russia, the main labor law is "on legal status of foreign citizens in Russian Federation," according to which all foreign citizens that work on Russian territory have to receive an appropriate permit to do so.

*Knowledge of the laws, but lack of incentives to obey.* Usually, these are individuals that have experience working illegally in a particular country who presume they know how to get out of a tough situation should one arise on this particular visit. They know the laws perfectly well, but violate them nevertheless, as they think they know who to bribe, how to get out of a tough spot, etc. In other words, loopholes in the implementation of the laws of the host country allow these workers to continue disregarding the spirit of the labor law.

Such attitude and risk assumption is understandable, as receiving a work permit is a long and tedious process. For instance, in Russia, employers that intend to attract foreign workforce, have to sign a number of agreements with the Federal Immigration of Russia. If these employers are small scale enterprises that invite foreigners to work short term, then complying with all the regulations becomes burdensome and thus many employers simply do it without proper authorization and assume the risk should they get caught.

This disadvantages migrant workers. Their contracts become oral, they become completely dependent on the goodwill of the employer, and are subject to whims of their supervisors, such as hiring and firing, changing the terms of the oral contract, etc. In other words, these would be highly illegal actions on the part of the employer if he/she were properly registered. The employer saves on wages, social payments, and other taxes and expenses. This temptation is furthered by the fact that it is much cheaper for an employer to pay the bribe to the government officials should there be an investigation than to comply with the laws.

-Consolidation of our citizens working abroad into ethnic and cultural communities, through which the government may exert its influence and provide support. In the alternative, creation of active and solid communities would allow the government to delegate some of its duties to that community. For instance, a more organized support group on the territory would be more effective and immediate than that led by the government from Kyrgyzstan. Such support group could even provide legal services and consultations, thereby educating the public on the laws of the host country.

-Manufacturing enterprises need to start working, which would create employment and decrease the number of poor and unemployed in the country. Improvement of the social and economic situation in Kyrgyzstan may lead to elimination of the migrant worker problem.

-Business activities should be regulated, and more solid relationships between the interested countries should be formed. For instance, our businessmen always talk about the fact that they are unable to compete with their Chinese counterparts in our own markets. In order to solve this problem, the government needs to reconsider the entire set of tariff and quota laws, create a government program that would support and unite local businessmen, and set ceilings on the amount of foreign goods that can enter the country, etc.

-International companies should be required to hire 50% of their staff locally. This would cure the problem that today



international companies almost exclusively hire foreign citizens, thereby failing to create jobs in Kyrgyzstan, which is detrimental to the local economy. Equal pay and work opportunities in such companies may help decrease migration of our citizens. Local businessmen and companies should be provided with concessions on the same level as their international counterparts. There needs to be a concrete solution to taxes and tariffs of foreign companies in Kyrgyzstan and also legal companies. -Kyrgyzstan citizens should not be classified according to their nationality, as is currently done in Turkey and USA. In other words, "nationality" line in passports should be eliminated and instead only "citizenship" should remain.

In short, the Government should immediately implement and develop tough measures to solve or alleviate problems mentioned above, and to improve the situation in various areas also mentioned above, such as emigration, immigration, and work standards.

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