



# **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**  
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12-23 September 2011

## **Consideration of reports submitted by States parties under article 73 of the Convention**

### **List of issues to be taken up in connection with the consideration of the initial report of Tajikistan (CMW/C/TJK/1)\***

#### **I. General information**

1. Please indicate the rank of the Convention in domestic law (para. 60) and provide examples of cases, if any, in which the Convention was directly applied by national courts or administrative authorities.
2. Please provide updated information, and in particular disaggregated statistics, on the volume and nature of migratory flows to and from Tajikistan territory during the period between the entry into force of the Convention for the State party (2004) and the present. Please also provide precise information on the concrete measures taken by the State party to set up a coherent system of data collection, including information on migrants in an irregular situation, in order to evaluate the dimension and nature of migration flows (paras. 6 and 11).
3. Please indicate whether the Government has undertaken an analysis of social consequences of the labour migration experienced by Tajikistan, i.e. its effect on family life, on the situation of women and children, and provide related information (paras. 6-8 and 11).
4. Please provide more detailed information on the measures taken and the results achieved under the State emigration programme for 2006-2010 that was approved by Government Decision of 31 January 2006 (para. 18). What obstacles were encountered during the implementation of the programme, and which expectations of the programme were not accomplished and if so for what reasons?

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\* Paragraph numbers in brackets refer to the initial State party report, published under the symbol CMW/C/TJK/1.

5. Please provide more detailed information on the draft State migration programme for 2011-2015 (para. 19), including on the resources allocated by the State party for the implementation of the programme? What measures are provided therein for: (a) the re-employment of returning migrant workers; and (b) the effective protection of the family members of migrant workers left behind?

6. Please provide more detailed information on the steps taken by the State party to promote and publicize the Convention, and to increase awareness and understanding of its provisions among the general public, migrant workers and members of their families and State employees. Please also indicate whether law enforcement and other public officials, such as judges, police officers and social welfare officials, receive training on the Convention and its application (para. 12).

7. Please provide more detailed information about the participation of civil society organizations in the preparation of the State party's report. Please indicate whether and how the representatives of migrants' diasporas and migrants' associations were involved in the preparation of the State report (para. 4).

## **II. Information relating to each of the articles of the Convention**

### **A. General principles**

8. Please provide detailed information on the national mechanisms (judicial/administrative) competent to examine and decide on complaints by migrant workers and members of their families, including when they are in an irregular situation, in case of a violation of their rights (para. 55). Please also provide information on the number of complaints related to migrants' rights dealt with by the Ombudsman of Tajikistan since 2008, their outcome and any redress provided to victims of such violations (para. 59).

9. The Committee notes the achievements of the State party in creating appropriate government structures in the field of labour migration relations. Please provide information on the main challenges and the difficulties encountered in regulating labour migration and protecting the rights of migrants and their families in the State party (paras. 62-65).

### **B. Part III of the Convention**

#### **Articles 11 and 68**

10. Please provide detailed information on the measures taken to prevent slavery and forced labour, as well as other forms of trafficking in persons, and to protect and assist victims, such as ensuring victims' access to effective remedies, shelters and specialized and gender-sensitive medical treatment, counselling and rehabilitation (para. 86). Please also provide information about the number of shelters available in the State party, and on the number and age of victims of trafficking in persons who received assistance in these shelters since the ratification of the Convention by Tajikistan (para. 86).

11. Please provide updated information on measures (including effective protection against reprisals) undertaken to encourage victims of slavery and forced labour as well as other forms of trafficking to testify about violations of their rights, with due account taken of the particular situation of women and children, and to take action against employment or recruitment agencies involved in practices of smuggling in migrant workers (paras. 86-91).

12. Please provide updated detailed statistical data on the number of trafficking cases decided by judicial organs and on the number of victims of trafficking who have received

compensation for moral and material damage since the ratification of the Convention by Tajikistan (paras. 90 and 92). In particular, please provide updated information: (a) on the number of investigations, prosecutions, convictions and the sentences imposed in the trafficking case involving the recruitment agency “Rustam” (para. 86); and (b) on the outcome of the other court cases referred to in paragraph 86 of the initial report of the State party.

#### **Article 23**

13. Please provide updated information on measures taken to ensure that effective consular assistance is provided to Tajik migrant workers and members of their families in the countries of destination (para. 151). Please also provide information on the number of diplomatic and consular authorities (including the honorary consuls) of Tajikistan in the countries of destination and on their status and tasks, in particular with regard to the protection of the rights and legitimate interests of migrant workers (*ibid.*). In addition, please indicate whether the consular organs conduct regular monitoring of prisons where Tajik migrant workers serve sentences (*ibid.*).

#### **Article 25**

14. Please specify how it is ensured in practice that all migrant workers, including women, enjoy equal treatment with nationals in respect of remuneration and other conditions of work, such as overtime, hours of work, weekly rest, holidays with pay, social security, health, termination of the employment relationship, and other terms of employment.

#### **Article 27**

15. Please provide detailed information as to what extent migrant workers and members of their families have effective access to social protection services (para. 158). Please elaborate on how the social security schemes in the State party are applied to migrant workers who are in a regular situation and to those who are in an irregular situation.

16. Please indicate whether the State party has concluded bilateral or multilateral agreements on the recognition and transfer of social security entitlements of Tajik migrant workers.

#### **Article 28**

17. Please provide information as to what extent migrant workers and members of their families in an irregular situation have access to urgent medical care on equal terms with the nationals (para. 159).

#### **Article 30**

18. Please indicate whether primary education is available free of charge to all children of migrant workers, including those who are in an irregular situation. What measures are being taken to promote and facilitate the enrolment of those children? Please also provide disaggregated data on the enrolment of children of migrant workers at the primary, secondary and tertiary levels of education (para. 169).

#### **Article 31**

19. With regard to the information provided in paragraph 170 of the initial report of the State party, please provide more detailed information on the practical measures taken to ensure respect for the cultural identity of foreign migrant workers and members of their families in Tajikistan.

**Article 33**

20. Please provide more detailed information on measures undertaken by the State party to prepare citizens for informed labour migration (inter alia, a study of the labour market of destination countries, assistance in finding employment, and measures relating to social issues). Please also provide information on how many resource centres for migrant workers are functioning in the State party (paras. 175-179). In addition, please indicate what legal, social and psychological support is provided by the State party to migrant workers and members of their families in the State party and to Tajik migrants in their countries of destination (ibid.).

**C. Part IV of the Convention**

**Article 41**

21. Taking into account the information provided in paragraph 186 of the initial report of the State party, please indicate whether the State party is considering taking measures to facilitate the exercise by Tajik workers living abroad of the right to vote and to be elected in elections held in the State party (para. 186).

**Article 47**

22. Please provide information on remittances transferred by Tajik migrant workers abroad. In the light of article 47 of the Convention, please also provide detailed information on measures taken by the State party to facilitate transfers of migrant workers' earnings and savings (paras. 171 and 199).

**Article 48**

23. Please indicate whether the State party has double taxation agreements with receiving States. If so, please provide information about the provisions of those agreements in relation to the transfer of remittances and of social security benefits.

**Article 49**

24. Please provide detailed information on conditions for obtaining work permits for foreign migrant workers, including costs, work permit duration, abrogation policies, and appeals of a decision to deny or abrogate a work permit (paras. 200-201).

25. Please provide information for the period from 2008 to 2010 on the number of work permits for foreign migrant workers that were requested, issued, denied or abrogated. Please also indicate whether a migrant worker with an abrogated employment contract can still seek alternative employment in accordance with articles 49 and 51 of the Convention (paras. 200-201).

**D. Part V of the Convention**

26. Please provide detailed information on the number of frontier workers engaged in a remunerated activity in Tajikistan, disaggregated by gender and nationality. Please also provide information on any bilateral and multilateral agreements governing migration by frontier workers to which Tajikistan is a party.

## **E. Part VI of the Convention**

### **Article 64**

27. Please elaborate on the efforts undertaken to cooperate and consult with the main destination countries of Tajik migrant workers with a view to promoting sound, equitable and humane working and living conditions for Tajik migrant workers in those countries (para. 209).

28. Please provide more detailed information about the implementation of bilateral cooperation agreements in the field of migration concluded with the Russian Federation (2004), Kyrgyzstan (1998) and Kazakhstan (2006), as well as of regional instruments of the Commonwealth of Independent States (CIS), such as the CIS Agreement on labour migration and social welfare for migrant workers (1994) and the CIS Convention on the legal status of migrant workers and members of their families (2008) (paras. 21 and 207).

29. Please indicate the ways and means by which Tajik nationals, in particular women, are typically recruited for work in foreign countries, and the efforts undertaken to regulate recruitment activities within the State party.

### **Article 68**

30. Please provide information on migrant workers who transit through the State party, in particular with regard to their protection from all forms of criminal networks. Please also provide detailed information about the implementation of the Agreement on cooperation between CIS Member States in combating illegal migration (1998) (para. 21).

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