



**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**

**List of issues prior to submission of the initial report of
Kyrgyzstan***

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, at its fourteenth session in April 2011 (A/66/48, para. 26), established a procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its report. The replies of the State party to this list of issues constitute its report under article 73, paragraph 1, of the Convention.

A list of issues may also be transmitted to a State party in cases where the Committee decides to examine the implementation of the Convention in the absence of a report, in accordance with rule 31 bis of the provisional rules of procedure (A/67/48, para. 26).

* Adopted by the Committee at its nineteenth session (9–13 September 2013).

I. General information

1. Please provide information on the measures taken by the State party to harmonize its legislation with the provisions of the Convention.
2. Please provide information, including statistical data disaggregated by sex, age, nationality and migration status, on labour migration flows, including returns, and on other labour migration-related issues. Please also provide statistical data, or if precise data are not available then studies or estimates, on migrant workers in an irregular situation. Furthermore, please provide information on measures taken by the State party to establish a coherent and cross-comparable system of data collection on these issues.
3. Please provide information on national legislation on migration policies. Please also provide information on bilateral and multilateral agreements with other countries in the area of migration, in particular with the Russian Federation and Kazakhstan.
4. Please provide information on training programmes organized by the State party for public officials working in the area of labour migration at national and local levels, including border police officers, social workers, judges and prosecutors. Please also indicate any measures taken to disseminate the Convention throughout the State party.
5. Please indicate whether the State party has established a procedure to involve non-governmental organizations (NGOs) in the implementation of the Convention and the preparation of the State party's periodic reports under article 73 of the Convention.
6. Please indicate whether the State party has taken any steps towards ratifying the International Labour Organization (ILO) Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the ILO Domestic Workers Convention, 2011 (No. 189).

II. Information relating to the articles of the Convention

A. General principles

7. Please indicate whether the Convention has been directly applied by officials in the administration and/or invoked directly before the courts and whether the courts have applied it; if so, please give examples. Please also provide information on: (a) judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including workers in an irregular situation; (b) the complaints examined by such mechanisms since the date of entry into force of the Convention and their outcome; (c) any redress, including compensation, provided to victims of such violations; and (d) any measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights.

B. Part II of the Convention

Article 7

8. Please provide detailed information on the measures taken to ensure that all migrant workers and members of their families within the State party's territory and/or subject to its jurisdiction enjoy the rights provided for in the Convention without any discrimination.

C. Part III of the Convention

Articles 16 and 17

9. Please provide information on detention centres and conditions of detention for migrant workers, including details on whether: (a) persons detained for immigration reasons are ensured detention that is separated from convicted persons; (b) children and women in immigration detention are in gender- and age-appropriate conditions, including separation from adults or male detainees who are not family members; (c) women detainees are supervised by female personnel; and (d) where possible and appropriate, family-friendly facilities are provided.

10. Please provide details on any measures the State party has taken regarding alternative measures to detention. Please also provide information on measures taken to ensure due process during arrest and detention, including access to a lawyer, interpreter, consular and diplomatic authorities and adequate access to medical care.

Articles 18 and 22

11. Please provide information on measures taken to ensure that in criminal and administrative proceedings, including expulsion proceedings, migrant workers and members of their families, in particular those in an irregular situation, are provided with legal assistance and interpretation, as necessary, and that they have access to information in a language they understand.

12. Please provide information on measures taken to ensure that: (a) migrant workers and members of their families are only expelled from the territory of the State party pursuant to a decision taken by a competent authority following a procedure established by law and in conformity with the Convention, and that this decision can be reviewed on appeal; and (b) pending such appeal, the person concerned has the right to seek a stay of the decision of expulsion.

Article 23

13. Please provide details on the consular services provided by the State party for Kyrgyz migrant workers abroad, including those in an irregular situation. Please indicate whether legal assistance is provided, including in detention and/or deportation cases.

14. Please indicate whether migrant workers and members of their families in the State party can have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin whenever the rights recognized in the Convention are impaired, in particular in cases of arrest, detention and expulsion.

Article 25

15. Please provide detailed information on the measures taken to ensure in practice the right of equality of treatment of migrant workers, particularly migrant women, in agricultural and domestic employment and to ensure that the employment conditions of migrant workers in agricultural and domestic employment are effectively monitored. What legal and labour protection and enforcement mechanisms are in place to ensure that migrant workers, including in the agricultural and domestic work sectors, enjoy treatment not less favourable than that which applies to Kyrgyz nationals in respect of remuneration and conditions of work?

Article 28

16. Please provide detailed information on the measures taken by the State party to ensure, in law and in practice, that all migrant workers and members of their families have adequate access to basic services including urgent medical care.

Article 30

17. Please provide detailed information on what measures are planned in order to ensure that the children of migrant workers have full access to education, regardless of their migration status. In doing so, please also indicate whether these children are provided with education in their mother tongue.

Article 32

18. Please provide information on measures taken by the State party to ensure that during and upon termination of their stay in the State party, migrant workers and members of their families have the right to transfer their earnings and savings and, in accordance with the applicable legislation, their personal effects and belongings. Please provide additional information on the measures taken to facilitate the transfer of these private funds, particularly to reduce the cost of these transactions.

D. Part IV of the Convention

Article 40

19. Please provide information on the measures taken, including legislative amendments, to guarantee migrant workers and members of their families the right to form and be part of the leadership of associations and trade unions.

Article 41

20. Please provide information on the measures taken by the State party to review its legal framework to facilitate the exercise of voting rights by Kyrgyz migrant workers residing abroad.

Article 42

21. Please provide information on any measures taken by the State party to establish procedures or institutions for taking into account, with freely chosen representatives, the special needs, aspirations and obligations of migrant workers and members of their families both in States of origin and in States of employment.

Article 43

22. Please provide information on measures, including legislative measures, taken to ensure that migrant workers enjoy equality of treatment with Kyrgyz nationals in relation to access to educational and/or vocational institutions and services as well as housing and cultural life.

Articles 49, 51 and 52

23. Please provide information on measures taken to facilitate the procedure of temporary residence in the State party for migrant workers and to ensure the realization of the rights enshrined in articles 49, 51 and 52 of the Convention. Please also describe the conditions that must be met in order for a residence permit to be granted to members of

migrant workers' families, and the implementation of legislation and rules on family reunification.

Article 54

24. Please provide information on measures taken to ensure that migrant workers enjoy equality of treatment with nationals in respect of protection from dismissal, unemployment benefits, access to public work schemes intended to combat unemployment and access to alternative employment in the event of loss of work or termination of other remunerated activity.

D. Part V of the Convention

Article 58

25. Please provide information on any steps taken to improve the situation of frontier workers and to include a definition of frontier workers in national legislation, as well as on specific provisions related to the protection of their rights.

Article 59

26. Please provide information on the measures taken by the State party to ensure that seasonal workers enjoy equality of treatment with national workers, particularly in respect of remuneration and conditions of work, and that the relevant authorities systematically monitor employers' compliance with the relevant international standards.

E. Part VI of the Convention

Articles 64–68

27. Please indicate whether the State party has undertaken appropriate consultation and cooperation with a view to promoting sound, equitable and humane conditions in connection with international migration of workers and members of their families; if so, please provide detailed information.

28. Please indicate the measures taken by the State party to combat the trafficking and smuggling of migrants, in particular women and children, including by effectively detecting the illegal or clandestine movement of migrant workers and members of their families, systematically compiling disaggregated data and bringing perpetrators of trafficking and smuggling of migrants to justice. In doing so, please provide detailed information on the number of reported cases of trafficking and smuggling of migrants, investigations, prosecutions, and the sentences imposed on perpetrators. Please provide information on the measures taken by the State party to adopt specific legislation and policies to combat trafficking in persons, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 2000 (Palermo Protocol).

29. Please indicate whether the State party plans to develop and implement a national public policy to address the problem of trafficking in persons, and provide information on any programmes to assist, support and repatriate victims of trafficking. Please also indicate whether the State party has set up special shelters for these victims and if so, provide relevant details.

Article 69

30. Please provide information on any measures taken to ensure that migrant workers and members of their family in an irregular situation in the State party have the possibility to regularize their situation in accordance with the provisions of article 69 of the Convention.

F. Part VII of the Convention

31. Please indicate whether the State party plans to make the declarations provided for under articles 76 and 77 of the Convention.

III. Additional information

32. Please provide any additional information on measures taken to implement the Convention, including relevant statistical data, as well as information on any other important developments in the State party relating to the provisions of the Convention.
