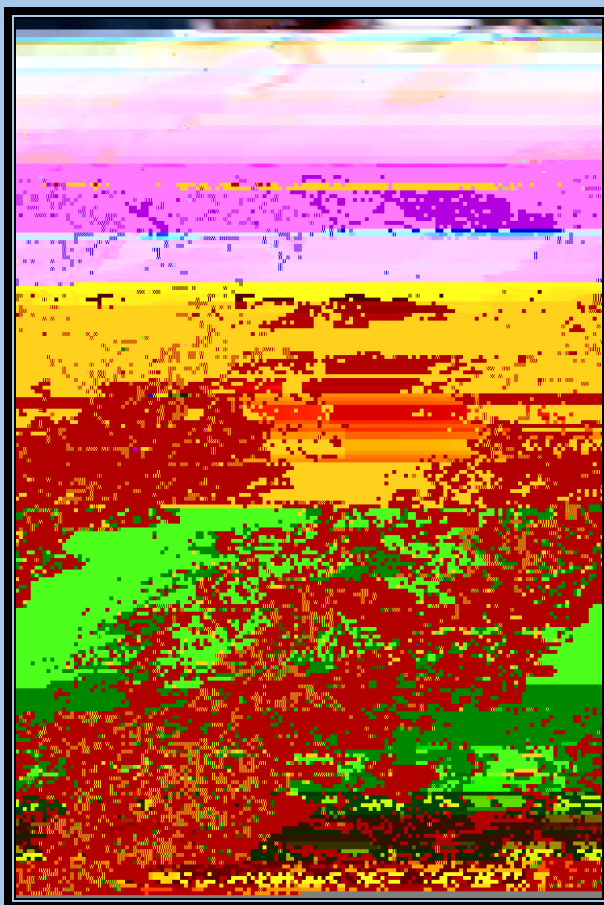


# Refugee Protection and Migration Dynamics in Central Asia


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(photo credit: UNHCR/J.Barth/1996)



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asylum policies, that address both legitimate border control concerns, as well as the protection needs of persons involved in mixed movements.





legitimate concerns for the protection of their territories, and the protection needs of various groups involved in mixed movements, in 2007 UNHCR issued a 10-Point Plan of Action on Refugee Protection and Mixed Migration. This tool focuses on ten key areas, which are of particular importance from a refugee protection perspective. These areas are as follows:

1. Cooperation among key partners.
2. Data collection and analysis.
3. Protection-sensitive entry systems.
4. Reception arrangements.
5. Mechanisms for profiling and referral.
6. Differentiated processes and procedures.
7. Solutions for refugees.
8. Addressing secondary movements.
9. Return arrangements for non-refugees and alternative migration options.
10. Information strategy.

To tailor the 10-Point Plan to specific situations and contexts, and ensure its practical implementation, UNHCR, IOM and other partners have organized a series of stakeholder conferences in different regions of the world: the Gulf of Aden, Western Africa, the Americas, and the East, Horn and Southern Africa.<sup>2</sup> The fifth and last of these regional conferences will take place in Almaty, Kazakhstan on 15-16 March 2011. It will focus on mixed migratory movements and associated challenges in Central Asia, specifically in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

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<sup>2</sup> Further information on the implementation of the 10-Point Plan of Action in various regions is available at <http://www.unhcr.org/pages/4a16aac66.html>.





## **I. Overview of Major Patterns and Developments**

### **1. Migratory movements before 1991**

Prior to 1991, Central Asia<sup>3</sup> was firmly integrated within the political and economic structures of the former Soviet Union. Mos



no respect for the ethnic, cultural or religious co

increasing ethnic tensions, most of the economically active and well educated Russian-speaking Slavs, who had dominated the professional elites in most of Central Asia, decided to leave. This large-scale exodus of skilled professionals led to a brain drain and further disruption of local economies.

Kazakhstan in particular, faced a significant loss of population, mainly due to the large-scale outflow of ethnic Russians and Germans. In order to address the decline in population, and to strengthen national identity and stability, the Government employed a set of policies aimed to encourage the return of ethnic Kazakhs, based on specific repatriation quotas. The ethnic immigration policies<sup>11</sup> employed by Kazakhstan<sup>12</sup> and to a certain extent also by Kyrgyzstan,<sup>13</sup> motivated the return of ethnic Kazakh (*Oralman*)<sup>14</sup> and ethnic Kyrgyz (*Kairyman*) from other countries of Central Asia, China, Mongolia and Turkey. It is estimated that more than 464,000 persons have returned to Kazakhstan since the 1990s.<sup>15</sup> However, as many ethnic Kazakhs have returned outside these quotas, for example from Uzbekistan following the severe environmental degradation in the Aral Sea region, the overall number of returned persons is yet to be assessed.

The core legal framework regulating the integration of the *Oralmans* is based on the 1997 Law on Population Migration, complemented by several other

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<sup>11</sup> These policies seek to preserve national identity by providing incentives for repatriation of selected ethnic groups. Such incentives may range from access to simplified nationality procedures to allocation of land, etc. Gibney, Matthew G., Hansen, Randall; *Immigration and Asylum: From 1900 to the Present*. ABC-CLIO, Inc. Santa Barbara, California, 2005.

<sup>12</sup> Relevant laws include: 1992 Law on Immigration; 1997 Law on Population Migration (with amendments as of 2001, 2002, 2004).

<sup>13</sup> Programme *Kairyman* adopted by the Kyrgyz government to facilitate the return of ethnic Kyrgyz. 2006 Decree of Government No.737; and 2007 Law on State Guarantees to Ethnic Kyrgyz Returning to Historical Motherland No.175.

<sup>14</sup> "The term 'Oralmans' means foreign citizens or stateless persons of the Kazakh ethnicity, who permanently resided outside Kazakhstan on the date of gaining sovereignty by the Republic of Kazakhstan and arrived in Kazakhstan for the purpose of permanent residence." Article 1 of the 1997 Law on Population Migration, available at <http://legislationline.org/topics/country/21/topic/10>.

<sup>15</sup> UNDP; Report on the Status of Oralmans in Kazakhstan, 2006.



legal instruments. This framework provides for a set of integration measures that include the payment of special allowances and compensations, guaranteed free medical service, access to free secondary education, and the





### 3. Current migratory patterns



Map of Central Asia, UNHCR, as of November 2010.

Between 2000 and 2009 the return of individuals to the homelands of their ancestors, which had defined the early transition period of 1990s, decreased significantly. Most of the mobile and active elements of the population had already left, and those remaining faced less tension and fear of inter-ethnic strife.

With the dissolution of the former Soviet Union, the elaborate systems of subsidies aimed at equalizing incomes and wealth distribution among social groups and regions were dismantled, resulting in growing disparities in economic and social development among the five Central Asian republics, and within their borders. Demographic imbalances and efforts to integrate the

newly-emerged market economies into wider markets further exacerbated differences in wealth distribution and development. Economic motivations became the key motive for migratory movements within and from the region. Geographical proximity, relatively cheap travel, visa-free regimes, common language and historical legacies have also facilitated these movements within the CIS region.

Although the number of forced migratory movements in the region was highest in the late 1990s following the dissolution of the former Soviet Union, and the civil war in Tajikistan, the recent increase of extremist movements and terrorist threats could well induce new waves of forced displacement. Political instability, inter-ethnic tensions and environmental degradation are likewise some of the reasons underlying current forced migration within the wider region.

### **(i) Labour migration**

Within Central Asia, most labour migrants move from south to north - from countries deprived of natural resources and with a labour surplus, to resource richer countries where labour is in short supply. The main destination countries are the Russian Federation and Kazakhstan. Kazakhstan is the world's fifteenth largest recipient of labor migrants (as of 2010), the Russian Federation ranks second after the United States of America. Kazakhstan is also the eleventh largest migrant sending country in the world.<sup>23</sup> Combined, the Russian Federation, Kazakhstan, Uzbekistan, Armenia, Tajikistan and Azerbaijan hosted approximately 17.4 million migrants in 2009.<sup>24</sup> The

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<sup>23</sup> *Migration and Remittances Factbook 2011*, Development Prospects Group, World Bank, UNDP 2009. <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Top10.pdf>.

<sup>24</sup> IOM; World Migration Report 2010, *The Future of Migration: Building Capacities for*

Kazakhstan – Russian Federation corridor is the sixth largest migration corridor in the world, accounting for 2.6 million migrants in 2010.<sup>25</sup> Major destinations outside the CIS region are Western Europe, Middle East (UAE, Israel) and Turkey. Newly-emerging destination countries attracting labour migrants from Central Asia include South Korea and Japan.

Migrants contribute significantly to the economies of the region, in particular through remittances sent home. Tajikistan and Kyrgyzstan are countries where remittances represent exceptionally high ratios of Gross Domestic Product (GDP), and are thus acutely dependent on money transfers from their labour migrants abroad.<sup>26</sup>

In general, people move from and within the region to improve their economic situations and prospects, and to escape social and political tensions, extreme poverty or marginalization of their communities. Despite increasingly restrictive regulations in some of the host countries, hopes of better social welfare, education opportunities, healthcare, working conditions, higher wages, while maintaining family relations, tend to prevail over the difficulties they face.

The removal of restrictions and growing liberalization of small and medium enterprises (SMEs) has led to a wide-spread growth in spontaneous, cash-in-hand, street trade, leading in turn to the emergence of large numbers of short-term migrants – so called “*chelnoki*” or shuttle-traders. These persons usually travel for short periods of time, ranging from days to months, buying

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<sup>25</sup> *Migration and Remittances Factbook 2011*, Development Prospects Group, World Bank, UNDP 2009. <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Top10.pdf>.

<sup>26</sup> Tajikistan ranks first (35%) and Kyrgyzstan twelfth (15%). *Migration and Remittances Factbook 2011*, Development Prospects Group, World Bank, UNDP 2009. <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1199807908806/Top10.pdf>.

consumer products at wholesale markets at discount prices in CIS countries, Turkey, China or UAE, and then selling them in small quantities in bazaars or streets in areas of short supply. Most shuttle-traders are women originating from rural areas.

Many migrants cross the borders legally, and become irregular only at a later stage, either by working without legal permissions or by violating their terms of stay abroad. This irregular migration is largely the result of diverging labour laws applied by sending and receiving countries, combined with a low level of legal literacy and lack of information among migrants about legal migration channels. Many migrants resort to irregular channels because they are unable to obtain the necessary documentation, because of limited legal employment opportunities, or to avoid costs associated with excessively bureaucratic, lengthy and confusing migration regulations and procedures.

In the largest labour migrant hosting countries of the region - Kazakhstan and the Russian Federation - the number of migrants in irregular situations is estimated to be several times higher than the number of registered migrants.<sup>27</sup> According to IOM, in 2002 the number of legal migrants from Tajikistan in the Russian Federation was 16,800, while the actual number of undocumented labour migrants was estimated to be more than 600,000.<sup>28</sup> Similarly, Uzbekistan officially recorded around 16,100 legal labour migrants abroad, while total emigration from the country was estimated to be much







Wide areas of Central Asia were seriously affected by the nuclear, industrial and agricultural practices of the Soviet era. In particular, intensive farming and irrigation practices to support the monoculture of cotton in the region, has changed the ecosystem in certain areas, and led to environmental degradation with a severe impact on the climate and on the economic, social and human development of the entire region. The lack of coordinated environmental policies, notably cross-border management of water and natural resources in the region, have tended to further aggravate risks, with negative impacts on local economies and on the overall socio-economic context in which displacement takes place.<sup>34</sup>

Over half of Central Asia is prone to desertification, salinization,<sup>35</sup> pollution and a lack of arable land and drinking water, as well as a loss of biological diversity and adverse climatic conditions. As a result, entire communities find themselves deprived of traditional means of subsistence, leading to situations when ecological factors can trigger population movements. But the scope of such forced displacement resulting from environmental degradation is difficult to quantify, as those affected often move alongside those migrating in search of better economic and social opportunities.

One of the most seriously affected areas of the region is the Aral Sea basin. As a consequence of intensive farming and irrigation practices dating back to the 1960s, the Aral Sea has lost more than three-quarters of its volume. The diversion of water from the Amu Darya and Syr Darya rivers into the cotton fields of Central Asia resulted in pollution, salinization and the extinction of fish stocks. Pollution caused by fertilizers, pesticides and industrial waste has had a considerable impact on the change of climate in the entire region.

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<sup>34</sup> IOM; *Internal Displacement in Central Asia: Underlying Reasons and Response Strategies*, final report, Vienna, May 2005.

<sup>35</sup> *Ibid.*



Kazakhstan, followed by Tajikistan.<sup>39</sup> Most of the refugees in the region reside in urban areas.

Most of the Afghan refugees in the region are long-staying, with slim prospects of repatriation. In some regions Afghan refugees are of the same ethnic background as the host country's population. Even if not the case, their former Soviet education, prolonged stay in the receiving countries, and knowledge of the local language and customs, have facilitated their social, and sometimes economic integration. Since 2007, the number of newly-arriving Afghan asylum-seekers increased in Tajikistan, Kyrgyzstan and Kazakhstan. These Afghans face greater integration challenges since most do not share the same ethnicity as local communities, and are less well educated.

Central Asia hosts a relatively large population of

The latter resulted in the internal displacement of thousands of people, while an additional 75,000 refugees fled to neighbouring Uzbekistan. Most of these refugees returned back to Kyrgyzstan within several weeks after the conflict. Humanitarian efforts by the international community

Kazakhstan, and 2,626 in Tajikistan.<sup>43</sup> Turkmenistan does not provide statistics for stateless persons, but some 12,000 adults with documentation problems are reportedly registered with the Government.<sup>44</sup> The actual number of stateless persons and those at risk of becoming stateless may be considerably higher in all countries of the region.

Most stateless persons in Central Asia were citizens of the former Soviet Union, and have become stateless in the process of state succession. A number of stateless persons, and persons with undetermined nationality, did not follow the administrative procedures required to exchange identity documents within the assigned period of time following the independence of their respective countries of origin and now face problems confirming their nationality. Persons who moved back to the countries from which their ancestors had been forcibly deported during the Soviet era, constitute another group of stateless persons. Some children born on the territories of Central Asian states (including those born to foreign citizens or stateless persons) or to nationals residing abroad may be at risk of statelessness due to the lack of adequate legal safeguards to prevent statelessness at birth.



## **7. Trafficking in persons**

Its location between Europe and Asia, combined with the complex economic and social challenges of the transition period that followed independence, have made the Central Asian region fertile ground for trafficking in persons.

The deep-rooted habits of centralized economies and authoritarian rule, and the difficulties that followed the dissolution of the former Soviet Union, resulted in a decline in living standards. This in turn gave rise to the expansion of informal markets, and the formation of irregular migration channels, increasing the potential for trafficking in persons. Women were the most at risk. With the return to patriarchal traditions, their loss of social status, and the difficulties of the transition period, women were among the first to lose their employment, while the social welfare and support systems collapsed, with dire impact on their families.

Many victims of trafficking are recruited through their own networks of friends or relatives. The absence of transparent visa systems and relatively cheap and easily available flight connections within the region serve as significant enabling factors.

Difficult economic and social situations in some parts of the region require that all family members, including children, contribute to the family income. This pressure is all the greater in countries where requirements for school attendance are less strict, and where there is limited access to secondary education. The growth of informal markets and the re-emergence of child







States in the region have acceded to most of the major international human rights treaties (see Annex 2) and their domestic legal frameworks provide for the direct application of international law. However due to a lack of experience, or to priority being given to bilateral or regional commitments, there have been occasions when the authorities have chosen to apply domestic law rather than international obligations of the state in question.

### **(i) Identification and assessment of urgent needs**

Authorities may not always have the means to identify and address urgent protection needs of persons on the move, including asylum-seekers, unaccompanied children, victims of trafficking or victims of violence (including SGBV). Indeed, data on specific needs such as these are not always collected and analyzed in a consistent manner. Effective reporting mechanisms and channels for the referral of such cases to competent authorities are often inadequate or inexistent. It is therefore difficult for them to assess the scope of the problem, and ensure that the protection needs of all persons on the move are adequately addressed.

The absence of regularly updated and centralized electronic databases compiling information on migrants seriously hampers the exchange of information between countries, and among governmental bodies at national level. This detracts from the effectiveness of the referral mechanisms between competent authorities, and from the ability of these bodies to fully address specific needs of various groups of persons on the move, notably women, children, elderly persons, asylum-seekers and victims of trafficking or violence.

## **(ii) Freedom of movement, arbitrary arrest and detention**

The right to freedom of movement for nationals is still not fully respected in some countries of the region, where exit visas are required for citizens in order to leave the country, or where "*propiska*" (registration documents) are denied to nationals arriving from rural to urban areas in search of better opportunities. Persons wishing to move, but who are unable to obtain required documentation, often opt for irregular migration. In such situations, they may be exposed to risks of human trafficking and smuggling.

In general, individuals attempting to enter the territory without proper documentation are detained at the border. Conditions in detention facilities are often poor and minimum standards of treatment are not always ensured. Once inside the country of destination, persons on the move may face difficulties in obtaining proper documentation or residence registration and permits, and find themselves at risk of administrative fines, detention or deportation.

## **(iii) Child protection needs**

Most of the countries of the region have relatively strong child protection systems, but these do not always extend sufficient protection to refugee children, mostly due to a lack of awareness or absence of registration and profiling mechanisms that identify their particular needs.

Child labour in the region may be partially attributed to the legacy of the Soviet era, when it was regarded as part of the collective duties and vocational experience of adolescents. Despite intense efforts by the Central Asian governments to combat this phenomenon, child labour is reported to remain widespread, and to a certain extent socially accepted. Closely linked

to the social and economic situations of their families, children are perceived as having duties, and thus expected to share in family labour as from an early age. This is often manifest within migrant families engaged in temporary employment in seasonal agricultural work on cotton and tobacco

controls are mainly directed at containing the rising tide of irregular migration and trafficking in persons. Although states having ratified the 1951 Convention generally observe the principle of *non-refoulement*, also enshrined in their national asylum legislation, there have been some reports in recent years of problems of admission at the border, or of requests for the extradition of politically sensitive cases or of persons prosecuted on charges of religious extremism and terrorism.

Despite existing legal provisions against *refoulement*, prevailing administrative procedures thus do not always ensure that this principle is adhered to in practice. In particular, the lack of guaranteed access of all

validity has expired, or with no documentation at all. Some asylum-seekers intentionally conceal their identities for fear of being reported to the authorities of their countries of origin. The principle of non-penalization of illegal entry is not reflected in national legislations of all the countries of the







asylum procedures. The reasons for the exclusion of certain groups of asylum-seekers are linked to bilateral political considerations, strategic relations and the general perception of asylum as a political, rather than humanitarian concept. These excluded groups of asylum-seekers, as well as those arriving illegally are thus often left in a legal limbo. The largest group of unregistered persons in need of international protection are Chechens who fled armed conflicts in the Chechen Republic of the Russian Federation.

National asylum procedures also tend to lack sufficient gender-sensitive components, while arrangements put in place to deal with child applicants are also inadequate.

No specialized country of origin (COI) research structures have yet been established by governments or civil society in the region, thereby limiting the access of national RSD authorities to up-to-date information. Many sources of such information are not available in Russian. Persons in need of international protection may not therefore be identified, or at least not in a timely manner. In order to help to bridge this gap, UNHCR has developed and put in place a regularly updated Russian language website compiling information necessary for status determination.<sup>50</sup>

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**(v) Security concerns**

**Bilateral and regional agreements on extrad**



For most refugees in the region, repatriation is not expected to become a viable solution in the foreseeable future. Good examples of social and legal integration of refugees have included large-scale naturalization programmes implemented by Kyrgyzstan<sup>51</sup> and by Turkmenistan<sup>52</sup> following the displacement caused by the civil war in Tajikistan.<sup>53</sup>

On the other hand, the prospects for the local integration and naturalization of long-staying Afghan refugees, are less certain. Yet many of these refugees are already well integrated into their host communities. Like other groups, many Afghan refugees are well-educated and skilled, offering a considerable potential to the development of their host countries.

### **3. Preventing and reducing statelessness**

Although none of the five Central Asian republics is party to the 1954 Convention relating to the Status of Stateless Persons, nor to the 1961 Convention on the Reduction of Statelessness, all have ratified core human rights instruments, such as the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights or the International Convention on the Elimination of All Forms of Racial Discrimination that affirm the right to a nationality and the enjoyment of human rights.

The laws on the legal status of foreign citizens, of most Central Asian countries, grant stateless persons the same rights as foreigners, or in some areas, as nationals. However, enjoyment of these rights is limited to persons

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To encourage the repatriation of *Oralmans*

and plan for future cooperation to address remaining gaps. The conference was preceded by a series of national workshops in Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan, some of which resulted in concrete action plans to address statelessness.

#### **4. Combating trafficking in persons**

Challenges related to trafficking in persons and to refugee protection are closely linked. Because of their vulnerable situation, refugees may fall victim to trafficking, while individuals who have been trafficked may be in need of international protection and access to asylum procedures if they have a well-founded fear of persecution if returned to their country of origin.

All five Central Asian republics have ratified or acceded to the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime.<sup>59</sup> Specific measures to protect trafficked persons have been put in place by some countries, including provisions for the temporary stay of such victims in the country.<sup>60</sup>

Most countries of the region have enacted national counter-trafficking laws, developed action plans aimed at combating trafficking in persons, and established national coordination mechanisms. Existing initiatives are not, however, always fully implemented due to a lack of institutional and operational capacity or of financial and/or human resources. Mechanisms to identify and assist victims of trafficking are relatively sparse and do not always effectively respond to the specific protection needs of concerned

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<sup>59</sup> Available at [www.unodc.org/documents/treaties/UNTOC/Publications/TOC\\_Convention/Tocebook-e.pdf](http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC_Convention/Tocebook-e.pdf)

<sup>60</sup> 2004 Law on Fight Against Human Trafficking of Tajikistan (article 20), 2005 Law on Trafficking in Turkmenistan, (article 16).



persons. The efforts of governments to prosecute and convict trafficking offenders are not always sufficient. Only a few prosecutions of suspected traffickers take place in any given country of the region, and the conviction rates remain very low.<sup>61</sup>

One of the most efficient forms of prevention and protection are hotlines operated by local NGOs. Shelters for victims of human trafficking have been established in almost all of the countries of the region. Counter-trafficking workshops and round tables, such as those organized recently in Uzbekistan, are an example of emerging good practices.<sup>62</sup> Tajikistan has made significant progress in creating mechanisms for systematic and disaggregated data collection. However, due to the cross-border nature of trafficking in the region, without coherent and coordinated regional efforts, the problem is likely to escalate.

In addition to their national anti-trafficking legislation, all Central Asian states have ratified/acceded to the UN Convention on the Rights of the Child, and its Optional Protocol on the sale of children, child prostitution and child pornography. However, in most cases, specific measures for child victims are yet to be incorporated into national action plans and anti-trafficking policies.

Despite the commitment manifested by Central Asian governments to address child trafficking,<sup>63</sup> the extent of this phenomenon remains largely





to urban migration, irregular international migration becomes the only option.

## **6. Protecting migrant workers**

Only two countries in the region - Tajikistan and Kyrgyzstan - have so far ratified the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990, and the ILO Convention No. 97 on Migrant Workers of 1949. Tajikistan ratified also the ILO Convention No. 143 of 1975.<sup>68</sup> It is important to encourage more ratifications and implementations of these and other instruments.

### **(i) Increased harmonization of migration policies, avoiding over-regulation**

Many countries of the region have developed extensive legislation on migration, with a proliferation of, at times, contradictory laws, by-laws and regulations.<sup>69</sup> Legal migration has tended to become a lengthy and difficult bureaucratic process for foreign workers and national employers alike, opening the door to illegal/undocumented and potentially exploitative working relations.

### **(ii) Alleviating the restrictive policies of destination countries**

Restrictive policies and administrative requirements applied by some destination countries include quotas of employment opportunities for foreign migrants, thus compelling them to opt for risky, irregular migration. Moreover, migrants in irregular situations are likely to accept even the

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<sup>68</sup> ILO Convention No.143 is complementary to No.97. It sets out specific guidelines for the integration of migrants into the host society and deals with issues of irregular migration.

<sup>69</sup> IOM analysis revealed that there were 232 laws, by-laws and regulations related to migration in Kazakhstan.



**(iv) Addressing c**

extensive migratory movements that followed the dissolution of the former Soviet Union, and focus in particular on facilitating free movement to enable deported people to return to their original homelands. The decrease in this type of migration and steady increase in economically motivated movements

extradition request is related to persecution for reasons of race, gender,



citizens of its member states.<sup>76</sup> This includes efforts to harmonize the legislation of its member states, for which a Model Law on Migration and a Law on Inner Migration have been drafted.

### **(iii) Common Economic Space (CES)**

The Working Group on Movement of Labour of the CES has drafted a series of documents, widely considered as the most comprehensive legislation on labour migration of the post-Soviet region. They include a draft Agreement on Free Movement of Citizens of the CES Members, a draft Agreement on Legal Status of Migrant Workers – Citizens of the CES and their Families,<sup>77</sup> and a draft Agreement on Cooperation between the CES Members in the Area of Protection of their Markets from Illegal Labour Migration from Third Countries.

### **(iv) Shanghai Cooperation Organization (SCO)**

participating states have committed to denying asylum to all individuals accused or suspected of terrorism, extremism or separatism. The Astana Declaration makes no reference to international obligations of the member states, including the principle of *non-refoulement* enshrined in the 1951 Refugee Convention.

#### **(v) Collective Security Treaty Organization (CSTO)**

The CSTO was established in 2002 as a collective defence structure of the Russian Federation, Tajikistan, Uzbekistan, Kazakhstan, Kyrgyzstan, Armenia and Belarus. Under its 2002 Charter, the member states are obliged to “coordinate and harmonize their efforts in combating international terrorism and extremism...illegal migration and other threats to security.”

CSTO has also elaborated its own list of terrorist and



migration, and on issues relating to national security. But there is no regional platform for a broader, structured dialogue on the challenges arising from mixed migration, in which all relevant stakeholders could participate, including countries of origin, transit and destinat

## Recommendations

management officials, migration and asylum authorities and other relevant actors.

*Providing documentation*

- Difficulties in obtaining exit visas, which are required by some countries for citizens wishing to leave, can result in recourse to irregular channels of migration. Lifting such requirements would therefore help to reduce irregular migration, and diminish the associated risks of human trafficking and smuggling. Similar considerations apply to restrictions on movement or settlement within certain countries.
- Provision of adequate documentation to asylum-seekers and refugees is essential to ensure that they are not detained or forcibly returned to countries where they would be at risk. Undocumented asylum-seekers and refugees can find themselves in a legal limbo, unable to register their claims, gain access to the courts, or exercise their rights.
- Issuance of Convention Travel Documents (CTDs), as provided by Article 28 of the 1951 Convention relating to the Status of Refugees, enables refugees to travel outside the territory of the country of asylum. Such documents are particularly important for refugees who wish to take up labour migration opportunities abroad.
- Simplified administrative procedures for registration of migrant workers and timely issuance of residence and work permits would enable countries in the region to further protect migrants from exploitation, abuse, unlawful detention and other human rights violations.

*Protecting asylum-seekers and refugees*

- Accession to and effective implementation of the 19





### *Finding solutions for refugees*

- **Consideration may be given to establishing mechanisms to support the local integration of many refugees in the region, for whom voluntary repatriation is not feasible - notably for long-staying Afghan refugees, many of whom are already well-integrated into their host communities. Since many refugees are well-educated and skilled, they have the potential to**

- Efforts to prevent and reduce statelessness can be further strengthened by revision of certain legal provisions and administrative practices. These include provisions allowing citizens to renounce their citizenship without possessing the citizenship (or assurances of obtaining the citizenship) of another State, provisions mandating the loss of citizenship due to prolonged residence abroad without consular registration within a set period of time, or provisions under which stateless persons applying for residence permits or citizenship are required to submit a certificate to confirm that they do not possess the nationality of other States with which they have links, without providing for exceptions for situations where the States concerned fail to reply. An important step in order to prevent statelessness at birth is to ensure that all children are registered at birth by relevant state authorities.
- There are certain situations where (protracted) statelessness can result in further displacement, including movements across borders. Such situations may be avoided by allowing stateless persons to acquire nationality through simplified procedures, including through reduced residency and documentation requirements and waiving of fees. The granting of legal status, identity documentation and access to basic rights could help alleviate the difficult situation of persons waiting for the outcomes of the procedures.

*Preventing human trafficking and addressing the needs of trafficked persons*

- Prevention is an integral part of any effort to effectively address human trafficking. Programmes and campaigns providing relevant information to communities in both countries of origin and destination can help to empower those who may be at risk.
- Counter-trafficking initiatives by countries in the region could be further strengthened in particular with respect to identifying victims of trafficking

among labour migrants, refugees and asylum-seekers and providing them with the necessary protection and assistance, including legal advice and access to compensation. In order to facilitate an effective response to this transnational threat, targeted and coordinated action by all relevant stakeholders is to be encouraged, in addition to the considerable efforts already being deployed by local NGOs.

- An important element of efforts to provide protection to victims is ensuring that individuals who have been trafficked and who fear being subjected to persecution upon return to their country of origin, and whose claim to international protection falls within the refugee definition contained in the 1951 Convention and/or its 1967 Protocol are recognized as refugees and afforded corresponding international protection.
- Counter-trafficking initiatives may also benefit from further efforts to assess the extent of child trafficking, in cooperation with international and local organizations with relevant expertise in this field. To ensure that child victims of trafficking receiving necessary protection and assistance, specific measures for child victims of trafficking may be incorporated into national counter-trafficking action plans and policies, with due regard to the best interests of the child. Increased efforts to harmonize the definitions of child trafficking under national legislation with those contained in international legal instruments, such as the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, would be an important step forward.<sup>80</sup>

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<sup>80</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000), available at: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

*Protecting and assisting migrant workers in countries of origin and destination*

- Ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families<sup>81</sup> would constitute an important step towards the protection of the human rights of migrants.
- Efforts to provide protection and assistance to migrants can be further enhanced by ensuring effective implementation of existing regional agreements governing the movement of people.
- The collection of relevant migration data is an important tool to facilitate policy making. Developing mechanisms for cooperation among relevant stakeholders to share and compare migration data can be useful in order to formulate more effective migration management policies and practices.
- Precise assessment of labour market demand in both highly skilled and lower skilled sectors could help relevant authorities to tailor migration policies to better respond to the realities of the labour market.
- Issuance of work permits directly to migrant workers, instead of to their employers, can assist to prevent situations of risk and vulnerability, including labour exploitation and abuse.
- Gender-sensitive policies and initiatives are particularly important in light of the large proportion of female migrant workers participating in the *"chelnoki"* cross-border trade in the region. Protection of female migrant workers can be

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<sup>81</sup> International Convention on the Protection of the Rights of All Migrant Workers and

strengthened by developing a more comprehensive understanding of the demand for female labour migrants and the type of work and sectors they are engaged in, and then establishing legal migration channels to better meet this demand.

- The positive impact of migration on poverty reduction and development can be reinforced through adoption of further measures to facilitate the flow of remittances and to ensure that remittances and savings are used productively. Such measures could include programmes for families of migrant workers in countries of origin, or programmes for returned migrants focusing on skill-development and self-reliance.

#### *Preventing irregular subsequent movements*

- Efforts to integrate displaced persons and address their specific needs can assist to prevent further irregular movements, including across international borders. Such efforts could include provision of timely assistance and/or legal opportunities to migrate to other countries if return to their places of origin is not viable.

#### *Raising awareness*

- Awareness-raising campaigns for labour migrants, asylum-seekers and refugees involved in mixed movements can be used to provide them with information on their rights and obligations, as well as on overall situation and assistance available in host countries. This may diminish their risk of becoming undocumented and/or at risk of abuse.
- Awareness-raising campaigns can also assist to counter racism, xenophobia and hate crimes, and to reduce negative public perceptions of asylum-seekers, refugees and migrant workers amongst host communities and in the media.

It is helpful if awareness-raising campaigns explain the underlying causes of refugee movements, and highlight the actual and potential contribution of refugees and migrant workers to host countries.

### *Enhancing regional cooperation*

- Regional organizations provide a useful platform for inter-State cooperation on issues of common interest and concern. The recent establishment of a Working Group on asylum within the Collective Security Treaty Organization structure is a good example of such cooperation. Other regional organizations, such as the Eurasian Economic Community and the Economic Cooperation Organization, are likewise active in the field of migration management. Cooperation within existing regional frameworks can be better coordinated with the aim of avoiding duplication and maximizing outcomes. These platforms could likewise be better utilized for dialogue on cross-cutting issues related to asylum and migration.
- Regional cooperation is an important element in developing and implementing efficient mechanisms to combat human trafficking, prosecute offenders and protect victims. Harmonization of respective national legal frameworks, adoption of common standards for the provision of protection and assistance to victims, as well as establishment of channels for information sharing, can create a basis for coordinated joint action to address this phenomenon.
- Creation of a regional cooperation framework involving all relevant stakeholders - including countries of orwSbE5kEz6o)wkb5-,SEx6ir)wEkbzS,56 6-b'ES6i

and Mixed Migration and the IOM Strategy<sup>82</sup> adopted in 2007 could provide guidance for the development of such a framework.

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<sup>82</sup> Available at <http://www.iom.int/jahia/Jahia/about-iom/lang/en>.

**A e e**

**e** Estimated number and ratio of immigrants in Central Asian countries (2005 - 2010)  
(in thousands of  
persons)

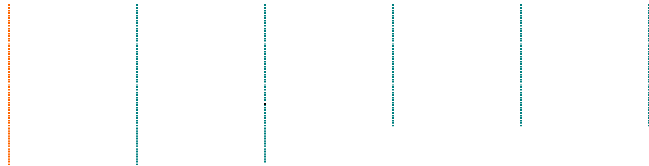
			<b>e e e</b> <b>y</b>



e Status of ratifications of selected international treaties related to refugee protection and migration



e Status of ratifications of selected regional treaties related to refugees



e Membership of Central Asian countries in selected regional organizations

	CIS	CSTO	SCO	EurAsEC	CICA	ECO
Kazakhstan						
Kyrgyzstan						
Tajikistan						
Turkmenistan	*					
Uzbekistan				**		



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## **List of Acronyms**

<b>BOMCA</b>	<b>Border Management Programme in Central Asia</b>
<b>CES</b>	<b>Common Economic Space</b>
<b>CIS</b>	<b>Commonwealth of Independent States</b>
<b>COI</b>	<b>Country of Origin</b>
<b>CSTO</b>	<b>Collective Security Treaty Organization</b>
<b>ECHO</b>	<b>European Commission Humanitarian Aid Office</b>
<b>EurAsEC</b>	<b>Eurasian Economic Community</b>
<b>GDP</b>	<b>Gross Domestic Product</b>
<b>ILO</b>	<b>International Labour Organization</b>
<b>IMU</b>	<b>Islamic Movement of Uzbekistan</b>
<b>IOM</b>	<b>International Organization for Migration</b>
<b>NGO</b>	<b>Non-Governmental Organization</b>
<b>OSCE</b>	<b>Organization for Security and Co-Operation in Europe</b>
<b>RSD</b>	<b>Refugee Status Determination</b>
<b>SCO</b>	<b>Shanghai Cooperation Organization</b>
<b>SGBV</b>	<b>Sexual and Gender-Based Violence</b>
<b>UAE</b>	<b>United Arab Emirates</b>
<b>UN</b>	<b>United Nations</b>
<b>UNDP</b>	<b>United Nations Development Programme</b>
<b>UNHCR</b>	<b>United Nations High Commissioner for Refugees</b>