



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

Distr.: General
5 December 2023

Original: English

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families Thirty-seventh session

Summary record of the 537th meeting

Held at the Palais Wilson, Geneva, on Thursday, 30 November 2023, at 10 a.m.

Chair: Mr. Corzo Sosa

Contents

Consideration of reports submitted by States parties under article 73 of the Convention
(*continued*)

Second periodic report of Kyrgyzstan (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Second periodic report of Kyrgyzstan (continued) (CMW/C/KGZ/2;
CMW/C/KGZ/QPR/2)

1. *At the invitation of the Chair, the delegation of Kyrgyzstan joined the meeting.*
2. **Mr. Bazarbaev** (Kyrgyzstan), responding to questions put by Committee members at the previous meeting, said that treatment for Kyrgyz citizens living with HIV was provided free of charge. Migrant workers in Kyrgyzstan living with HIV could seek treatment at district health centres. Foreign nationals resident in Kyrgyzstan were screened for HIV to ensure the health and safety of the population. Online consultations on the prevention and treatment of HIV were also available. Kyrgyz citizens living with HIV who went abroad to work were provided with six to twelve months' worth of medication prior to departure. Kyrgyz citizens in the Russian Federation were entitled to free treatment for HIV.
3. The Cabinet of Ministers had adopted a decree on temporary guardianship of children whose parents had left Kyrgyzstan in search of work. Under the Children's Code, Kyrgyz citizens leaving the country for work could appoint a temporary guardian without applying to a court. Social services could appoint a temporary guardian without the parents' consent if one had not been appointed prior to their departure. Some 88,000 children were currently without parental care in Kyrgyzstan.
4. The Government worked in cooperation with member States of the Commonwealth of Independent States to repatriate Kyrgyz children where necessary. In 2021, more than 420 children up to the age of 17 had been repatriated to Kyrgyzstan, where they received medical care and psychological and pedagogical support. The authorities also monitored the situation of migrant children in Kyrgyzstan and provided comprehensive support and benefits to ensure that their rights were upheld. Some 1,234 migrant families with children up to the age of 17 were currently in receipt of benefits. The average child benefit was \$100. Migrant workers could seek assistance from one of the Ministry of Labour, Social Security and Migration's 53 regional branches or from the Employment Centre for Citizens Abroad.
5. In Kyrgyzstan, equal rights and opportunities were guaranteed for all. Gender-based discrimination was prohibited by law. Systemic work was being carried out to raise awareness about gender equality, and strategic documents had been adopted at all levels of government. In addition to the Act on State Guarantees for Equal Rights and Equal Opportunities, a national strategy aimed at achieving gender equality by 2030 had been adopted. Women had equal rights to participate in all levels of political, social and economic life and decision-making. The gender perspective had been mainstreamed in the economic sphere in accordance with a number of international instruments ratified by Kyrgyzstan. The comprehensive institutional framework for gender equality included the Council on the Rights of Women and Children and Gender Equality. Each State agency and local government body had a number of experts responsible for the implementation of gender policy and relevant legislation. The national gender equality action plan comprised five priority areas: expanding economic opportunities for women; cultural policy and education; protection from gender discrimination and fair delivery of justice; women's political participation; and ongoing policies for achieving gender equality.
6. Most workers in Kyrgyzstan were low-skilled. The Government was therefore working to develop vocational and technical training in order to raise the skill level of Kyrgyz workers. There was currently significant demand for workers in the construction sector and the textile industry, as well as for highly skilled workers. The majority of foreign nationals entering Kyrgyzstan were from the Russian Federation and Kazakhstan, and most came to visit relatives or engage in the sale of goods. Nationals from member States of the Eurasian Economic Union could work in Kyrgyzstan without the need for a permit.
7. The Government intended to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), but a certain amount of preparation was required before doing so. As Kyrgyz labour law did not currently cover domestic workers, it

would be necessary to elaborate a definition of domestic work and make the necessary legislative amendments to ensure alignment with the Convention. Foreign migrant workers and Kyrgyz workers were afforded equal protection and had access to the same services. The Government cooperated closely with non-governmental organizations (NGOs) and grassroots organizations on the protection of migrant workers' rights. Joint awareness-raising and consultation events were carried out on issues of concern to migrants. Measures were taken to try to help migrants in an irregular situation to regularize their situation, and the Government also worked with private employment agencies to that end.

8. The blacklist referred to at the previous meeting was drawn up by the Government of the Russian Federation and contained the names of migrants who had infringed Russian migration law and were therefore banned from entering the country. That prohibition currently applied to approximately 49,000 Kyrgyz citizens.

9. The economically active population of Kyrgyzstan stood at about 2.6 million people, of which more than 1 million were working abroad. Since 2013, the proportion of women among Kyrgyz migrant workers had increased considerably, due to the high level of demand for such workers in the Russian Federation. According to official data from 2022, women accounted for 54 per cent of Kyrgyz migrant workers. The Government worked in partnership with NGOs to research the problems faced by migrant women and had set up crisis centres in host countries, operated through Kyrgyz consular offices, to provide them with the necessary assistance. At the initiative of the Ministry of Foreign Affairs and with the support of the United States Agency for International Development, a round table on women and migration and migration and crime had been held in May 2023, involving the participation of representatives of international organizations and of the diaspora, among others.

10. The level of remittances sent home by Kyrgyz migrant workers had fallen from \$2.76 billion in 2022 to \$1.8 billion in 2023, due largely to the situation in the host countries and the volatility of exchange rates. Kyrgyz migrant workers rarely transferred money through the banks because of the high charges, but instead tended to send it through Kyrgyz businesspeople returning to the country. Efforts needed to be made to increase remittances in order to achieve the country's development goals by 2030, and that matter had been discussed at the recent Mekendeshter (Compatriots) Forum. In cooperation with the International Organization for Migration, a pilot programme had been launched to encourage returnees to invest in business projects in Kyrgyzstan.

11. The Government used all possible methods and sources to gather adequate data, which it analysed to identify trends in migration flows. Generally, information came from State bodies and the States in which Kyrgyz citizens were working. The Government also worked with various international organizations in carrying out research and gathering data. Work was under way to harmonize the terminology used in national legislation with that of the Convention. The reference in the Kyrgyz definition to migrants in a regular situation was intended to encourage foreign nationals to stay in the country legally and to prevent the unlawful smuggling of migrants, in line with the State's obligations under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

12. The Government was developing a new employment programme to diversify the employment of Kyrgyz citizens abroad. It had also concluded new agreements with countries such as the United Kingdom, Japan and Italy. Over the past two years, for example, more than 5,000 Kyrgyz workers had been sent to do seasonal work in the United Kingdom. In attempting to diversify employment opportunities, the Government had encountered difficulties in finding reliable employers and obtaining work visas, as well as obstacles caused by the lack of skills and foreign language competence of Kyrgyz workers.

13. **A representative of Kyrgyzstan** said that the Office of the Ombudsman operated in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Its mandate included handling the cases of Kyrgyz citizens whose rights had been violated by State or local authorities, regardless of where they were living, as well as protecting foreign nationals and stateless persons living in Kyrgyzstan. The Ombudsman could submit a request to the Constitutional Court to review the constitutionality of any legislative act. In accordance with article 109 of the Constitution,

the Office of the Ombudsman adhered to the parliamentary model of ombudsman; it was part of the parliamentary structure, and the Ombudsman and the Deputy Ombudsman were appointed by parliament.

14. In 2023, a draft constitutional law had been presented with the aim of enhancing the independence of the Office of the Ombudsman and ensuring that its mandate could no longer be ended prematurely. The Office was authorized to obtain information from various sources, thus ensuring the effectiveness of its examination of human rights situations. Under a strategy adopted in 2023, the Ombudsman would seek to broaden cooperation with NGOs, international partners, State institutions, academia and other stakeholders. There were also plans to develop relations with the authorities of the Russian Federation. In 2022, the Office of the Ombudsman had received over 50 applications regarding the human rights of Kyrgyz citizens abroad, 26 of whom were in the Russian Federation, 7 in Kazakhstan and the remainder in Türkiye, Uzbekistan, Iraq, Tajikistan, Cyprus, Belarus, Ukraine and the Republic of Korea. Most of the questions had had to do with the rights of persons involved in criminal proceedings or in prison, and to a lesser extent socioeconomic and political rights. Members of the Office had conducted visits to detention centres in the Russian Federation in which Kyrgyz citizens were being held.

15. **Mr. Bazarbaev** (Kyrgyzstan) said that the Migration Policy Framework for 2021–2030 was centred around four priority areas: improving conditions for citizens, immigrants and stateless persons so that they might fulfil their educational and professional potential; unlocking the potential offered by migration to further develop Kyrgyzstan; creating a system to protect the rights of Kyrgyz citizens abroad and of immigrants and stateless persons in Kyrgyzstan; and fostering a safe environment for migrants. A plan of action for the implementation of the first phase of the Framework, for the period 2022–2025, had been approved by order of the Cabinet of Ministers. Twenty State bodies were involved in the implementation efforts and 80 per cent of planned measures had already been carried out. One such measure was the “Meken Card” initiative, which gave foreign citizens the right to enter and exit the country freely without a visa, to live and work there without a residence permit and to benefit from education and medical services on equal terms with Kyrgyz citizens. The Meken Card could be granted for a period of 10 years at a time.

16. In order to attract highly qualified information technology specialists to Kyrgyzstan, a pilot project offering foreign citizens the status of digital nomad had been launched in September 2022. The project included an electronic documentation system and electronic work permits. In the light of the fast growth of the labour market and the world economy, the State also wanted to make it possible for its citizens to work abroad and thereby improve their standard of living.

17. A special rate for the repatriation of human remains had been established by Government Decision No. 169 on measures to cover expenses relating to the repatriation of bodies of Kyrgyz labour migrants who died abroad. As Kyrgyzstan was becoming a destination country for migrants, the labour quota for foreign citizens had been increased. Measures had also been taken to improve communication and dialogue with citizens abroad. In September 2022, the first international Eurasian Labour Market Dialogue Forum had been held in Bishkek to discuss issues affecting labour migrants and their families. Awareness-raising activities were also carried out to support individuals planning to leave the country for work.

18. **A representative of Kyrgyzstan** said that a more robust law against domestic violence had been adopted in 2017 and, in 2019, a decree had been issued to protect domestic violence victims. A support hotline and 18 crisis centres were available to women and girls who were victims of domestic violence, and a local NGO, which had won a tender to address issues related to gender-based and domestic violence, was working to provide an additional refuge. The State had opened a crisis centre where women and girls could benefit from medical, social, psychological and other support services. Between 2022 and 2023, the State had earmarked 7 million soms to support such services for victims of domestic violence.

19. **A representative of Kyrgyzstan** said that there were around 60 Kyrgyz migrants’ associations in Moscow. There were also two large public associations registered in the Russian Federation that had been set up by Kyrgyz citizens on their own initiative. The State

provided support with setting up associations, including the Mekendeshter (Compatriots) Forum. Under article 36 of the Constitution, any person had the right to form an association to pursue the legitimate interests of citizens.

20. In September 2023, a consulate general had been set up in Saint Petersburg and Kazan. There were also six representations of the Embassy of Kyrgyzstan and six honorary consuls in the Russian Federation. Diplomatic representation was therefore present across the whole of Russian territory. Where there were no consular services, mobile services were available to assist Kyrgyz citizens. The diplomatic representations of Kyrgyzstan in the Russian Federation worked actively to uphold the legitimate rights of Kyrgyz citizens under the Vienna Convention on Consular Relations. The Embassy of Kyrgyzstan provided approximately 130,000 consular services every year and the consulate general provided around 15,000. Between 2015 and 2023, the number of passports issued by the diplomatic representations had risen by over 90 per cent. During 2022, the Kyrgyz consulate had made 580 consular visits.

21. **Mr. Bazarbaev** (Kyrgyzstan) said that there was no prohibition on the right of women under 23 years of age to leave the country.

22. **A representative of Kyrgyzstan** said that lesbian, gay, bisexual and transgender persons did not face criminal persecution in Kyrgyzstan and there was no evidence to suggest that discrimination occurred on a regular basis. Measures had been taken to raise awareness about lesbian, gay, bisexual and transgender issues and to promote tolerance. Gender reassignment surgery was legally permissible if requested by an adult, as long as they were deemed medically fit by a senior doctor.

23. **A representative of Kyrgyzstan** said that the number of cases of bride kidnappings was decreasing every year. Awareness-raising work was being carried out in coordination with NGOs, civil society and the relevant ministries. In 2023, 73 workshops and seminars on the consequences of bride kidnapping and child marriage had been scheduled, as well other events, including round-table discussions. Only 19 cases of bride kidnapping had been recorded in 2023.

24. **Ms. Dzumhur** (Country Rapporteur) said that she would welcome more information on the measures the State party was taking to combat corruption, including institutional capacities and procedures in that regard, and to ensure the prevention of discrimination against minority groups, such as persons with disabilities and minority ethnic groups. She would also like to receive statistics on the gender balance of staff in diplomatic missions, which was particularly important given that the majority of Kyrgyz emigrants were female.

25. She wished to know what trade union-related rights migrants in Kyrgyzstan had, and whether Kyrgyz returnees had access to health care even after spending a significant number of years working abroad. It would be of interest to the Committee to hear whether the State party provided education on national subjects, such as language and history, to Kyrgyz people living abroad, particularly children. Lastly, it would be useful to have information on frontier and seasonal workers in Kyrgyzstan.

26. **Mr. Babacar** said that he would like to receive information on whether labour migrants in Kyrgyzstan had the right to join or participate in the leadership of existing trade unions. It would be of interest to the Committee to hear whether the State party had a national strategy to combat the worst forms of child labour and, if so, what measures it included. He would like to know which institution had been tasked with ensuring that labour legislation was respected and effectively applied, and whether that institution had sufficient resources to guarantee its independence and impartiality. In that connection, he would also welcome details on the number of labour inspectors and their territorial coverage. Lastly, he would like to establish whether the State party was considering ratifying the ILO Violence and Harassment Convention, 2019 (No. 190).

27. **Mr. Ünver** (Country Rapporteur) said that it would be of interest to the Committee to hear whether the delegation had any information on the establishment of a migration regime among the member States of the Organization of Turkic States.

28. **Mr. Ceriani Cernadas** said that he would appreciate more information about the quota system that governed the number of migrant workers entering the State party. It was

unclear what steps were taken if the quota limit was exceeded. He would welcome details of the sanctions that were set out in law and imposed in practice against migrant workers in an irregular situation. If such workers were detained, he wished to know what the maximum permitted period of detention was and whether they enjoyed due process guarantees. He would be interested to learn whether migrant workers were permitted to form NGOs, including for the purpose of defending human their rights.

29. **Mr. Charef** said that he would like to know how the State party planned to ensure that remittances from the large proportion of its economically active citizens who were working outside the country were harnessed for investment projects under the National Development Programme.

30. **The Chair** said that he would welcome the delegation's comments on the assertion, as contained in paragraph 44 of the State party's report, that since the provisions of the Convention had been incorporated into national legislation, there was no need for a direct reference to the Convention. It was unclear how the high fees charged by banks on remittance transfers were conducive to incentivizing nationals of the State party who were working abroad to send more money home.

31. He would be interested to know what steps the authorities had taken to engage with their counterparts in the Russian Federation with a view to ending the stigmatization of the large numbers of Kyrgyz migrant workers who were reportedly included on that country's "blacklist". He would be grateful for clarification as to whether incitement to hatred had been criminalized under the Criminal Code and the Mass Media Act. He would appreciate any additional information the delegation might be able to provide regarding the assertion, as contained in paragraph 99 of the State party's report, that no cases of harassment or abuse of authority by law enforcement officials had been recorded against migrant workers or members of their families.

The meeting was suspended at 11.25 a.m. and resumed at 12.10 p.m.

32. **A representative of Kyrgyzstan** said that the main thrust of the State policy on combating corruption was determined by the President. Several pieces of legislation had been enacted to combat corruption and improve the business environment. A new law had entered into force in August 2020 to regulate the activities and oversight responsibilities of the national and local bodies working to combat corruption. Between 2020 and 2023, a one-stop shop system had been set up for State services. In 2021, 3,000 cases of corruption had been recorded, more than 1,500 of which had been discontinued and 38 of which had been sent to court. In 2022, 3,040 cases had been recorded, 123 of which had been discontinued.

33. **Mr. Bazarbaev** (Kyrgyzstan) said that Kyrgyzstan had ratified the ILO Migration for Employment Convention (Revised), 1949 (No. 97), and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98). There were no restrictions on the formation of trade unions by migrant workers. More than 8,600 migrant workers, including many in the Russian Federation, were members of trade unions.

34. In July 2023, the Ministry of Internal Affairs had organized a stakeholder event on the topic of child labour. Under the Labour Code, all forms of labour were prohibited for children under the age of 16 years. In exceptional circumstances, and subject to written permission from a parent or guardian, children aged 15 years could be employed provided that their work did not impact their health or studies. The list of hazardous occupations in which children must not be engaged was determined by the Cabinet of Ministers. The parents of child workers were subject to fines. During a nine-month period in 2023, the labour inspectorates had identified 920 child workers, 4 of whom had been engaged in the worst forms of child labour, and fines had been levied in the amount of 2.7 million soms.

35. At its 2021 summit in Istanbul, the Organization of Turkic States had adopted its new name. Türkiye, Azerbaijan, Kazakhstan, Kyrgyzstan and Uzbekistan were full members, while Hungary, Turkmenistan and North Cyprus were observer States. The organization worked towards creating mutual trust and developing common positions on foreign policy issues, including combating terrorism, extremism, separatism and cross-border crime. It also addressed issues related to migration and national diasporas. On 22 November 2023, the fifth meeting of ministers and leaders of government bodies of the Turkic states had been

convened in Bishkek. Discussions had been held on the member States' diasporas, with the idea of consolidating efforts to support compatriots abroad.

36. The labour quota was determined by the Cabinet of Ministers: in 2023 it had been set at around 16,000 and in 2024 it would be revised to 25,000. Citizens from the countries of the Commonwealth of Independent States were exempt from the need for work permits, and only required a "licence" for working, especially if they were cross-border workers. Remittances were sent through banks as well as through informal channels. Under certain conditions, it was possible for customers to obtain lower commissions on remittances from the banks.

37. The generally recognised principles and norms of international law and international treaties were enshrined in Kyrgyz national legislation. That included the provisions of the Convention, for which it was not necessary to make an explicit reference. Harassment or abuse by law enforcement officials against migrants and their families was not an issue, because Kyrgyzstan was mainly a country of origin, and there was no evidence of any violence committed by law enforcement agencies against migrants suspected of criminal activity.

38. **A representative of Kyrgyzstan** said that Kyrgyz people abroad were covered by the Kyrgyzstan Constitution, the Code of Offences and the International Migration Act as well as by international treaties to which Kyrgyzstan was a party and by decrees from the Cabinet of Ministers. If a stateless person committed an offence in Kyrgyzstan, the courts could rule that that person should be held in custody for up to 1 month before being removed from the country. Between 2014 and 2023, 29,000 such cases had come before the courts and 1,571 persons had been expelled.

39. **Mr. Bazarbaev** (Kyrgyzstan) said that seasonal workers were covered by agreements with employers in receiving countries, in particular in the United Kingdom and the Republic of Korea. There were currently 5,000 migrants in that situation, who worked in countries abroad for six-month periods.

40. **A representative of Kyrgyzstan** said that "blacklist" was the informal term used to refer to the list of foreign citizens prohibited from entering the Russian Federation. The Foreign Ministry had been working via its representatives in the Russian Federation to resolve that issue and, in 2022, had managed to obtain a positive decision on around 40,000 Kyrgyz citizens. Between 2014 and 2022, the Russian Federation had granted three amnesties enabling over 100,000 Kyrgyz nationals to regularize their situation without sanctions being imposed.

41. In 2021, the Kyrgyz consular service had worked hard to reduce the bureaucratic difficulties Kyrgyz citizens had faced in obtaining consular services, as well as the costs, which had been reduced by 40 to 80 per cent. Under Kyrgyz law, staff in the diplomatic service enjoyed equal rights, regardless of gender, including eligibility for vacancies. The proportion of women in the diplomatic service was 29.3 per cent. One possible reason for that relatively low figure might be the traditional gender roles related to the family in Kyrgyzstan.

42. **A representative of Kyrgyzstan** said that a law against illegal migration and people smuggling meant offenders could be imprisoned for up to 8 years. In all, 230 such cases had come to light in 2022. Eight companies had been discovered illegally smuggling Kyrgyz citizens abroad, generally to Europe, but more recently also to the United States of America. Article 320 of the Kyrgyz Labour Code prohibited discrimination, and 38 criminal cases had been brought in 2023.

43. **Ms. Dzumhur** said that she would encourage the State party to take action based on the concluding observations. It could always call on international organizations to provide technical assistance. As many aspects of the Convention were also covered by other international treaties, it was important for the State party to ensure that recommendations from other treaty bodies were also implemented.

44. **Mr. Taghi-Zada** (Country Rapporteur) said that he would like to know what methods were being developed to ensure that Kyrgyz citizens living overseas could benefit from consular services in order to vote in Kyrgyz elections. He wished to know if voting would

take place in person or online, how long the methodology would take to implement and in what year it was expected to begin.

45. He would welcome information on the number of labour migrants over recent years. Did the State party have forecasting agencies capable of examining past trends and predicting future ones? That was an important exercise, given the large proportion of young people in the country. Commending the State party for its efforts to increase the migration of highly skilled workers to Japan, he noted that no training had yet been put in place for those workers, nor had any specialized trainers from Japan been sought. What specific steps had the State party taken to implement that policy? Lastly, it would be useful to know the number of Kyrgyz migrant workers in the Russian Federation who had been employed as mercenaries and what specific steps, if any, the State party was taking to address that issue.

46. **Mr. Ünver** said that, while migration trends from the State party risked posing a challenge to Kyrgyz national identity, they also represented an opportunity for Kyrgyzstan to deepen its integration with the wider world. Moreover, remittances from Kyrgyz citizens working abroad accounted for one third of the gross domestic product, meaning that migrant workers were an important part of the national economy.

47. He wished to know if Kyrgyzstan intended to follow the example of other States with large numbers of workers overseas by providing extensive pre-departure information sessions and thereby reducing any inconsistencies between migrants' impressions of receiving countries and the reality following their arrival. Currently, the scarcity of such information contributed to the challenges faced by many Kyrgyz migrants. He hoped that one day a specific migration regime could be established among the member States of the Organization of Turkic States.

48. **Mr. Bazarbaev** (Kyrgyzstan) said that it was important for the Kyrgyzstan Government to continue working on ratification and accession to all key international treaties, including ILO Conventions Nos. 143, 181, 189 and 190. He would welcome the Committee's assistance in the process, as it would help the Government to build its capacity and apply international best practice.

The meeting rose at 1 p.m.