

Progress of the World's Women: In Pursuit of Justice

Summary of the launch activities in Kazakhstan and Tajikistan, December 2011

This is a summary of the launch activities dedicated to UN Women's first flagship report in Kazakhstan on December 7th and Tajikistan on December 5th. The launch in the two countries was organized in a form of consultations with local and international partners with a specific focus on enforcement of rights and access to justice for female labour migrants.

UN Women has been particularly focusing on these issues due to the current ongoing intensive policy debates within two countries with actual development needs and great labour migration. Migration within the CIS accounts for as much as 13.5% to 16.2% of world migration (depending on how it is calculated, inflows or outflows). The experts¹ estimate that:

- 80% of labour migrants in CIS migrate within CIS region (mainly to Russia and Kazakhstan);
- a bigger number of migrants within the CIS region come from the sending countries: Kyrgyzstan, Tajikistan (20% of economically active population) and Uzbekistan (7% of economically active population);
- undocumented migration represents a large proportion of immigration: 3-3,5 million in Russia.

Unfortunately, labour migration is not regulated effectively by regional countries to ensure an adequate coverage of demand for external labour force and efficient regulations to supply the labour force based on key standards, norms and commitments related to universal human rights for migrants and members of their families. It results in increasing a number of irregular labour migrants, especially women in the informal economy.

Since Kazakhstan and Tajikistan both are now working to further improve policies and legislation regulating the labour migration and strengthen regional cooperation in this field, the launch of UN Women's report contributed to consultations undertaken by partners in this thematic area. This also provided a strong opportunity to start an advocacy in these two countries to increase awareness and improve the understanding of key national partners, including mass media and human rights defenders, on rights, needs and problems of domestic workers in the CIS region, particularly the one from female labour migrants considered as the most invisible part of migrants. . There is no any reliable statistics on domestic workers and female migrants; and domestic work is excluded and unprotected by labour and social protection legislation and is not mentioned in any interstate/bilateral agreements, nor in regulations on labor migration. The official statistics state that the share of women migrants in Russia from CIS represents 15%. However, in accordance with the experts' estimations, the share of women migrants represents 30% of the total number of labour migrants, and for some occupations like domestic work it is going up to 80%². That's why the new ILO Convention 189 on Decent Work for Domestic Workers which sets out that domestic workers must have the same basic labour rights and guarantees as other workers was particularly brought to attention of the partners participating in the launch events in both countries.

The launch events in these two countries covered by UN Women/IOM/WB ongoing regional programme on migration for Central Asia (CARMP) supported by UK Government allowed to bring issues of women's human rights and their equal access to justice into consultations with CARMP's national and international partners from new perspectives and also start a dialogue on needs and priorities of female migrants – domestic workers from the new ILO Convention's provisions.

¹ Source: A Needs Assessment of Women Migrants Workers: Central Asia and Russia, UNIFEM, 2009

² Source: A Needs Assessment of Women Migrants Workers: Central Asia and Russia, UNIFEM, 2009

The summary of the launch by countries:

✓ Tajikistan - 5 December 2011, Conference room at the Ombudsman's office in Dushanbe



The event was attended by the representatives of Parliament, Presidential Office, various ministries, civil society and international organizations that work on ensuring effective access to justice and gender equality in Tajikistan. The event was hosted by UN Women, OHCHR and SDC and facilitated by the Ombudsman of Tajikistan, the Ombudsman of Yekaterinburg region (Russia) and CEDAW Committee member.

"In terms of relevancy and urgency of the problem, the choice of the second theme of this presentation - female labor migration - is very timely", said Mr. Andrey Pogrebnyak, acting UN Resident Representative, at the opening session.

"The global economic crisis hits both developed and developing countries, as well as the most backward countries in the world, forcing large group of people to migrate for better paid jobs. Women become particularly vulnerable to the negative consequences of the labor migration".

Mr. Mikula Peter, head for SDC office in Tajikistan, said: *"Today's event is not only dedicated to the presentation of the first major publication by a new UN structure – UN Women, but it is also one of the first public events dedicated to women's issues by the Ombudsman Office of Tajikistan..... I would like to assure, that the Swiss Government will continue facilitating this sort of dialogue for the best of labour migrants, especially women and their families.... There is still a long way to go, where all people have same rights and same responsibilities, where any kind of discrimination is eliminated and all people have same opportunities and rights for choice. Only sincere believe, joint actions, trust and understanding can make this possible".*



Ms. Svetlana Merzlyakova, the Ombudsperson for Sverdlovsk region, Russia³, informed that 89% of labour migrants in this region of Russia are between the age of 18 and 49 years, but there is no reliable data concerning domestic workers, however the practice demonstrated an increase of the number of this category of labour migrants in Russia. The lack of labour contract, overdue wages, a lack of access to free health services and medical insurance, unfair deportation and a high level of corruption of local police and migration service staff are usually pointed by labour migrants as the key challenges for a safe labour migration. Her presentation was followed by active discussions by participants which resulted in concrete practical recommendations aimed to improve access of labour migrants, especially female migrants to legal and other services ensuring their human rights.

³ Russia is the country of destination for the majority of labour migrants from Central Asia. More than 90% of labour migrants from Tajikistan work in Russia

Issues of VAW and, especially, a need to improve the state response to VAW and domestic violence, was highlighted by Ms. Dubravka Simonovic, member of CEDAW Committee. She specifically pointed some important measures stated by CEDAW in regard to reduction of discrimination against women in the work place both in the countries of origin and destination of female migrants. The follow up measures are needed to eliminate discrimination against women in the field of employment and ensure treatment for women and men. She also highlighted equal rights for women and men to decent work, equal remuneration, benefits and equal treatment as well as their right to work in a safe environment.



Mr. Armen Harutyunyan, OHCHR Regional representative for Central Asia, shared with the participants that Tajikistan has recently undergone the Universal Periodic Review by the Human Rights Council and has received 131 recommendations. Many of them were related to the improvement of the situation of women. Several countries recommended Tajikistan to ratify the Optional Protocol to CEDAW. The situation of the women migrants also is a serious issue. OHCHR intends to continue its cooperation with the Ombudsman institutions at regional level on improvement of the situation of migrant workers, including female migrants.



The short documentary "Access to Justice: Voices of labour migrants" presented at the beginning of the event highlighted migrant's perception on justice: they see justice not only as an access to legal services, but as their universal rights for equal access to public services - healthcare, education for children, social protection; as well as the right for life without violence and discrimination.

"We all are human beings: no matter migrants or citizens of the working country. That is the reason why our rights should not be violated. Migrants should have same access to essential services – healthcare, education and others—as citizens of host country" – a response by the Tajik female migrant to the question "What does Access to Justice mean for you?"

In his concluding remarks, Mr. Zarifjon Alizoda, Ombudsman of Tajikistan, said that to ensure an efficient women's access to justice, a high professionalism and competency, tolerance and non-discriminatory attitude from the side of representatives of the national justice system are equally important as a better understanding and knowledge of women themselves about their human rights.

Recommendations made by the participants of the event for national and regional institutions dealing with labour migration regulations will be finalized and circulated among the wide range of stakeholders.

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✓ Kazakhstan - 7 December 2011, Conference room at the OTYRAR independent television-radio company, Shymkent, the South Kazakhstan region

The event was attended by local journalists, representatives of the local administration and governance institutions and members of the Media and Migration Network operating under UN Women/IOM joint regional programme on migration for Central Asia and Russia (CARMP, supported by UK Government). It was covered by local media.



The presentation of the report was followed by Q&A session concluded by the statement that in order to improve women's access to justice within the CIS region, priority should be given by the states to improvement of gender and human rights responsiveness of the legal frameworks regulating labour relations and labour migration, access to property, economic resources and social services, family rights and responsibilities and prevention of VAW at all levels. During the discussions the following was pointed out: in case of non-ratification of UN Convention on rights of labour migrants and members of their families (none of main migrants-receiving countries in CIS ratified the

Convention), CEDAW has to be applied by the state to protect rights of female migrants (reference to General Recommendations N 26), especially in regard to a model labour contract for domestic workers that regulates their access to services and labour rights.



An additional impulse for honest dialogue on issues of safe migration, existing barriers for regular labour migration and lack of efficient services for migrant was given by the presentation of the documentary film "Working Guests" (**Работающие Гости**) by the local film production company AURORA with a support of UN Women.

Having watched the documentary film, open discussions between journalists attending the event, representatives of local state institutions dealing with labour migration (migration service

department, labour inspection department, Trade Union, the private recruiting agency, etc.) and representatives of ethnic diasporas (Kyrgyz, Tajik and Uzbek) were held. Participants also used a chance to talk with migrants who come for the mobile legal consultations organized by UN Women and IOM partners within the premises of the OTYRAR company in parallel to the launch.





Male migrants usually work at the construction sector, Almaty, Kazakhstan



*"We are not criminals - we earn an honest penny. And we want to be treated with respect as all other people!"
(Female migrant from Kyrgyzstan in Kazakhstan)*

Participants agreed that a pro-active position and advocacy by Media and Migration Network will influence a better recognition, enforcement and monitoring of human rights of migrants and members of their families by policy makers, as well as the integration of these standards into national policy and legislation and regional agreements regulating labour migration. It was decided to continue further advocacy by the Media Network and disseminate widely the appeal by the Network to journalists' communities in CIS.

The Media and Migration Network welcomed an announcement on the creation of the Caribbean Domestic Workers Network on 13 November 2011 and hope that it would result to ratification of ILO Convention by countries of this region and further replication of this practice by other countries worldwide.

A photo exhibition "Migration without risks" was organized in the frame of the launch of the UN Women's report. Best photos from participants representing CIS countries were exhibited. Below are some of them:



Photo by Alla Pyatibratova, Osh, Kyrgyz Republic



Photo by Anna Udiyayova, Saint Petersburg, Russia

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The Russian version of the documentary film could be downloaded from https://rapidshare.com/files/887022944/fin_01.12.11.mp4. English version is under development.

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United Nations Entity for Gender Equality
and the Empowerment of Women



IOM International Organization for Migration
СБМ Созмони Байқалмағалии Муҳоҷират
МОМ Международная Организация по Миграции

