

REPUBLIC OF TAJIKISTAN | PROFILE 2021

MIGRATION

GOVERNANCE

INDICATORS



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With research and analysis by



Required citation: International Organization for Migration (IOM), 2021. *Migration Governance Indicators Profile 2021 – Republic of Tajikistan*. IOM. Geneva.

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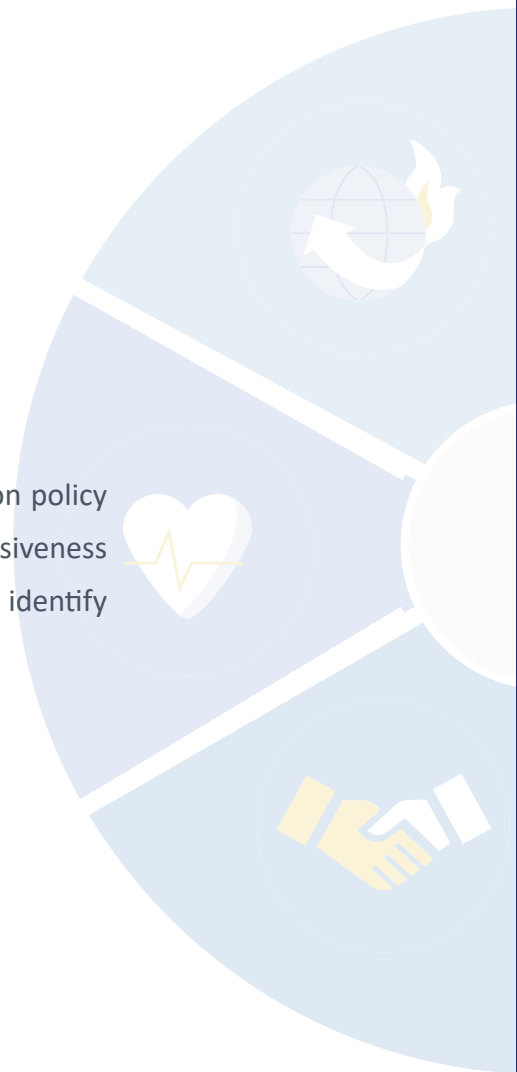
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## OBJECTIVE

The MGI aims to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.



The MGI can be used to spark a discussion within governments, with other relevant stakeholders in the country, on their migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

# INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.<sup>1</sup> The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is Target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.<sup>2</sup>

The incorporation of Target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.<sup>3</sup> The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with The Economist Intelligence Unit to develop the Migration Governance Indicators (MGI), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGI helps countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGI recognizes that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGI does not rank countries on the design or implementation of their migration policies. Finally, the MGI does not measure migration policy outcomes or institutional effectiveness. Instead, it takes stock of the migration-related policies in place and operates as a benchmarking framework that offers insights on policy measures that countries might want to consider as they progress towards good migration governance.

This country profile presents a summary of the well-developed areas of the migration governance structures of the Republic of Tajikistan (hereinafter referred to as Tajikistan), as well as the areas with potential for further development, as assessed by the MGI.<sup>4</sup>

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<sup>1</sup> IOM Standing Committee on Programmes and Finance, seventeenth session (S/17/4 of 29 September 2015), article 2.

<sup>2</sup> IOM Council, 106th session, Migration Governance Framework (C/106/40 of 4 November 2015), page 1, footnote 1. Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

<sup>3</sup> Ibid.

<sup>4</sup> The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of The Economist Intelligence Unit. Funding is provided by IOM's Member States.



# CONCEPTUAL FRAMEWORK

## MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

At the basis of

### PRINCIPLES

1. **Adherence** to international standards and fulfilment of migrants' rights.
2. **Formulates** policy using evidence and "whole-of-government" approach.
3. **Engages** with partners to address migration and related issues.

### OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively** address the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.

## MGI

### WHAT IT IS



A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures



A tool that identifies good practices and areas that could be further developed



A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG Target 10.7

Which supports the measurement of

### WHAT IT IS NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive



### TARGET 10.7

"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and **well-managed migration policies.**"



KEY

FINDINGS

The MGI is composed of around 90 indicators grouped under the 6 different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'  
RIGHTS  
PAGE 12

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT  
APPROACH  
PAGE 14

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS  
PAGE 16

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING  
OF MIGRANTS  
PAGE 18

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION  
OF CRISES  
PAGE 20

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY  
AND REGULAR  
MIGRATION  
PAGE 21

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.



## 1

## ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

### 1.1. International conventions ratified

**Table 1.** Signature and ratification of international conventions

Convention name	Ratified
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	<b>Yes (2007)</b>
United Nations Convention relating to the Status of Refugees (also known as Geneva Convention), 1951	<b>Yes (1993)</b>
United Nations conventions on statelessness, 1954 and 1961	<b>No</b>
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	<b>Yes (2007)</b>
United Nations Convention on the Rights of the Child (UNCRC), 1989	<b>Yes (1993)</b>
United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	<b>Yes (2002)</b>

### 1.2. Migration governance: Examples of well-developed areas

Migrants have the same rights as nationals in accessing State health services, with the exception of certain medical procedures which are more costly for migrants and stateless persons. This is the case even though it is not explicitly stated in existing legislations, including the Constitution (1994), the Law on the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Tajikistan (2018), the Healthcare Code (2017) and the Law on Migration (1999).

Migrants have the same status as citizens in accessing State-funded primary and general secondary education as outlined by the Law on Education (2013). Only a certain number of places offering vocational education programmes are free of charge, and these are allocated to nationals on a competitive basis. Migrants can be admitted to State institutions offering secondary vocational education on a fee-paying basis.

The Law on the Legal Status of Foreign Citizens and Stateless Persons (2018) states that foreign citizens and stateless persons with permanent residency in Tajikistan have the right to receive social protection “in accordance with the legislation of the Republic of Tajikistan and international legal acts recognized by Tajikistan” and that those without permanent residency have the right to receive social protection “on the grounds and in the manner established by the legislation of the Republic of Tajikistan”. The Law on State Social Insurance (1997) states that social insurance applies to everyone employed in Tajikistan regardless of citizenship.<sup>5</sup>

<sup>5</sup> State social insurance provides monetary support to insured persons who have lost their income due to illness, workplace injury, occupational disease, disability, pregnancy, having a child, old age, unemployment, bereavement or death. This is not applicable to migrants employed by intergovernmental organizations or foreign diplomatic missions.

Tajikistan is party to the Agreement on the Guarantees of the Rights of Citizens of the Member States of the Commonwealth of Independent States in the Field of Pension Insurance, a multilateral treaty signed in 1992 that guarantees the mutual portability of pension entitlements for nationals of Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

All temporary migrants residing regularly in the country are entitled to apply for permanent residence under equal conditions provided that they have been living in Tajikistan for at least six months, and if their current visa has been issued for a period of at least six months. The Constitutional Law on Citizenship (2015) outlines that ordinarily, immigrants can become citizens of Tajikistan once they have held permanent residency in Tajikistan for five continuous years, and during that period have not spent more than three months per year outside of the country.<sup>6</sup> In some instances, the period is reduced to two and a half years, and in some specific cases, residency requirements are waived altogether.<sup>7</sup>

The Constitutional Law on Elections for the President of the Republic of Tajikistan (1994) and the Constitutional Law on Elections for the Assembly of the Republic of Tajikistan (1999) guarantee the right to vote for all immigrant citizens of Tajikistan at parliamentary and presidential elections through the establishment of polling stations at diplomatic missions abroad.

### 1.3. Areas with potential for further development

The Law on Insurance and State Pensions (2010) gives equal pension rights only to foreign citizens and stateless persons with permanent residency. It does not include provisions for other migrants.

Only permanent residents and refugees have equal access to employment as nationals. All other migrants must apply for work permits issued by the Migration Service of the Ministry of Labour, Migration and Employment of the Population, which allows them to work for only one specific employer. To apply for a work permit, a migrant needs to present an employment contract from a sponsoring employer. If interested in self-employment, migrants must apply for a specific work permit.

Only citizens of Tajikistan can be employed in the civil service, military, and police or be elected to legislative, executive, and judicial bodies.

Tajikistan does not yet have a policy or strategy to combat hate crimes, violence, xenophobia or discrimination against migrants. The Constitution (1994) states that everyone is equal before the law, regardless of nationality, and the Penal Code (1998) criminalizes discrimination.

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<sup>6</sup> This does not include trips for education, health care or work.

<sup>7</sup> The reduction to two and a half years is applicable to stateless persons, foreign residents with at least one parent who is or was a citizen of Tajikistan, and foreign residents who were born in Soviet Tajikistan and previously held Soviet citizenship. The complete waiver is applicable to minors whose legal guardians are citizens of Tajikistan; minors residing in orphanages in Tajikistan; residents of Tajikistan who served in the Soviet military during the Second World War; stateless persons who were born in Soviet Tajikistan and reside in another post-Soviet State; and people recognized as having made an outstanding contribution to science, medicine, sport, or Tajikistan's economic, social or cultural development.



## 2

## FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

### 2.1. Migration governance: Examples of well-developed areas

The Ministry of Labour, Migration and Employment of the Population is responsible for designing and coordinating the implementation of migration policies. Its responsibilities are outlined by the Regulation on the Ministry of Labour, Migration and Employment of the Population (2014). The ministry includes the Department for Migration of the Population and the Migration Service. The former is responsible for developing Tajikistan's migration policies, while the latter is present in each district as a department or a section and is responsible for their implementation.<sup>8</sup>

The Migration Service is responsible for various migration-related issues, such as preventing irregular migration, monitoring immigration levels, issuing work permits to migrants and stateless persons, and monitoring compliance with immigration legislation. Its responsibilities further include coordinating with Tajik diplomatic missions abroad and diaspora communities and organizations. The State enterprise Agency for Employment Abroad is responsible for identifying prospects abroad for the labour migration of Tajik nationals. The Migration Service departments and sections are also present in all of Tajikistan's regions, and they discuss, coordinate and implement migration-related activities in partnership with the local government based on the charter of structures.

The Inter-ministerial Commission for Regulating of Migration Processes acts as a coordination mechanism and includes representatives from almost all ministries, including the Ministry of Foreign Affairs; Ministry of Labour, Migration and Employment of the Population; Ministry of Health and Social Protection of the Population; Ministry of Economic Development and Trade; Ministry of Education and Science; Ministry of Transport; and Ministry of Justice. The Inter-ministerial Commission meets at least twice a year to develop semi-annual workplans and allocate tasks for each ministry. Each ministry also reports its accomplishments on agreed plans and tasks to the Commission during the subsequent meetings.

Tajikistan provides public information about rules and regulations pertaining to migration. The Ministry of Foreign Affairs maintains a website providing consular information in English, Russian and Tajik for both nationals and foreign citizens. Some legal texts on migration are available in Russian and Tajik on Tajikistan's official online legislative database and on the website of the Ministry of Labour, Migration and Employment of the Population.

The Ministry of Labour, Migration and Employment of the Population sends yearly requests to local executive bodies and all ministries and agencies to identify their needs and capacity for migrant labour. The ministry then analyses and submits the findings to the Government to review and endorse quotas. The requested quotas are approved by an order of the President of Tajikistan. These quotas are set for the country, for different regions and for specific private-sector industries. In addition, private companies may recruit migrant workers based on bilateral agreements to attract highly skilled migrant workers, and this number is not included in the quota.

Tajikistan collects and publishes migration data on a regular basis. Every year the country's statistics agency, TajStat, publishes the *Demographic Yearbook of the Republic of Tajikistan*, which includes a chapter on migration. The 2018 edition (latest edition as of April 2021) contains data on the numbers of immigrants and emigrants for Tajikistan as a whole as well as for individual regions. This data is disaggregated by gender, education, marital status, age, ethnicity and country of origin/destination. In addition, the agency

<sup>8</sup> The National Strategy on International Labour Migration of Tajikistan Citizens expired in 2015, and a new strategy to cover the years 2021–2030 is under development as of April 2021. A modified version of the Law on Migration (1999) is also under development, and an interministerial working group has been established in this regard.

regularly conducts surveys on the labour market and publishes the reports in *Labour Market in the Republic of Tajikistan*.<sup>9</sup> Data on the number of foreign citizens working in Tajikistan, disaggregated by country of origin, is also included.

## 2.2. Areas with potential for further development

In 2001, the “concept of labour migration of the citizens of the Republic of Tajikistan abroad” was signed by the Government. Following that, the Ministry of Labour, Migration and Employment of the Population developed a Strategy on Migration and two programmes on labour migration of nationals abroad, and the last one expired in 2015. Under the leadership of the same ministry, a working group on the review and improvement of the draft Law on Labour Migration was established, and an updated document is under review by the Government as of April 2021.

The Migration Service, with the support of Mercy Corps, is developing a new website as of April 2021, with the aim of providing relevant information to migrants. The website will include a mobile application named Migrant Guide, which will contain information about the website, the Migration Service and other relevant information for migrants.

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<sup>9</sup> The latest available publication was in 2018 as of April 2021.

## 3

ENGAGES WITH PARTNERS TO ADDRESS  
MIGRATION AND RELATED ISSUES

## 3.1. Migration governance: Examples of well-developed areas

Tajikistan is a member of the Prague Process, a targeted migration dialogue and policy process promoting migration partnerships among the countries of the European Union, the Schengen Area, the Eastern Partnership, the Western Balkans, Central Asia, the Russian Federation and Turkey. It is also a member of the Almaty Process on Refugee Protection and International Migration, alongside Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Turkey and Turkmenistan. This process, which was established in 2013, promotes sustained dialogue and exchange of information on migration issues. In December 2019, Tajikistan joined the Eurasian Ombudsman Alliance, a human rights union of members from Europe and Asia where migration issues are widely discussed and the protection of the rights of migrants and their families is considered a priority.

Tajikistan has migration-related memorandums of understanding (MoUs) with several other countries. In 2017, Tajikistan and China signed an MoU relating to the “development of cooperation with regard to labour resources”. In 2018, Tajikistan and the United Arab Emirates signed an MoU which ensures that citizens of Tajikistan can work in the United Arab Emirates on the basis of an employment contract approved by the latter’s Ministry of Human Resources and Emiratisation.

Tajikistan participates in bilateral migration discussions with several other countries. As of April 2021, Tajikistan has signed several MoUs and a Protocol with the Russian Federation. The first MoU, on Labour Activity and Protection of the Rights of Citizens of the Russian Federation in the Republic of Tajikistan and Citizens of the Republic of Tajikistan in the Russian Federation, was signed in 2004, with a Protocol introducing changes to the MoU signed in 2013. According to the Protocol, citizens of Tajikistan are eligible for work permits in the Russian Federation valid for three years, without crossing international borders. The Procedures of the Stay of Citizens of the Republic of Tajikistan in the Russian Federation MoU was signed in 2013, and it allows citizens of Tajikistan to register within 15 days upon their entry in the Russian Federation.<sup>10</sup> In 2019, discussions between Tajikistan and the Russian Federation resulted in the signing of an agreement “on organized recruitment of citizens of Tajikistan for temporary work in the territory of the Russian Federation”.

The country also has a bilateral working group with the Russian Federation that meets biannually to discuss migration issues. During the fourteenth meeting of this working group, held in January 2020, participants stressed the importance of strengthening cooperation and agreed to eliminate and prevent cases of illegal actions against citizens of Tajikistan in the Russian Federation, among other things.<sup>11</sup>

While the Russian Federation and Kazakhstan are considered as the main destination countries for Tajik migrants, migration through new routes is being facilitated through agreements with other countries, such as the one with Uzbekistan on Mutual Trips of Citizens (2018). Tajikistan also cooperates with Kazakhstan, Belarus, Qatar, Turkey and India on migration-related matters. In 2018, Tajikistan signed an agreement with Kazakhstan relating to labour migration between them, focusing on sharing information and protecting the rights of citizens from both countries. While Tajikistan does not have an agreement on labour migration with India, around 200 scholarships are allocated yearly to Tajik students by the Government of India.

<sup>10</sup> Migrants register with the Main Directorate for Migration Issues of the Ministry of Internal Affairs of the Russian Federation located in the nearest town/district. The purpose of registration is to encourage regular migration and facilitate the collection of data on the arrivals and departures of foreign nationals.

<sup>11</sup> Due to the COVID-19 pandemic, the fifteenth meeting was not held in 2020 but has been rescheduled for the first half of 2021, as of April 2021.



Tajikistan formally engages members of diaspora and expatriate communities in agenda-setting and implementation of development policy. Members of the diaspora are invited to share their views with the authorities through the annual national forums on Engaging Diaspora for the Economic Development of the country. Diaspora organizations are invited by the Ministry of Labour, Migration and Employment of the Population with the support of international organizations. During the forums, various issues – such as the protection of migrants and their families, representation of culture, and diaspora engagement in economic development – are discussed. Members of the diaspora have also actively participated in the development of national strategies such as the National Development Strategy of the Republic of Tajikistan for the Period up to 2030, which was adopted in 2016.<sup>12</sup>

### 3.2. Areas with potential for further development

No arrangements for formal intraregional mobility have resulted from the official regional consultative processes of which Tajikistan is a member. Tajikistan is not part of any regional agreement specifically promoting labour mobility. However, since 2000 it has been party to a multilateral agreement guaranteeing a reciprocal visa-free regime with Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation. This agreement does not include provisions for work permits.

Tajikistan formally engages civil society organizations and the private sector in agenda-setting and implementation of migration-related issues on an ad hoc basis. For instance, non-governmental organizations and the private sector were consulted during the drafting of the Law on Migration (1999). Engagement is coordinated by the Ministry of Labour, Migration and Employment of the Population.

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<sup>12</sup> The strategy is divided into three phases of implementation – namely, 2016–2020, 2021–2025 and 2026–2030.



## 4

## ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

### 4.1. Migration governance: Examples of well-developed areas

The Labour and Employment Agency and the Migration Service monitor the labour market demand for immigrants, the domestic labour supply and the effects of emigrants on the labour market through joint quarterly job fairs each year. These allow both agencies to identify qualifications that are in demand in the labour market. In addition, TajStat conducts an annual labour market analysis and publishes the findings in *Labour Market in the Republic of Tajikistan*.

Tajikistan has formalized criteria for recognizing foreign qualifications. Article 29 of the Law on Higher and Postgraduate Professional Education (2009) mentions that State standards should ensure recognition of foreign undergraduate and postgraduate qualifications, and that the Ministry of Education and Science is responsible for the recognition of foreign qualifications. Furthermore, all students need to submit documents to the Ministry of Education and Science in order to have their foreign qualifications certified. The agreement between Tajikistan and the Russian Federation on the Recognition of Foreign Qualification and Equality of Documents on Education, Scientific Degrees and Titles (1998, reviewed 2002) allows for the mutual recognition of educational qualifications.

Tajikistan has in place some measures that promote the ethical recruitment of migrant workers. The Law on Licensing for Specific Types of Activity (2004) and the Regulation on the Specifics of Licensing Certain Types of Activities (2007) state that a license from the Migration Service is required in order to recruit migrant workers or carry out related activities such as assisting migrants in finding employment or applying for work permits. Companies with licenses are required to comply with Tajikistan's labour legislation as well as the terms of migrant workers' employment contracts, register migrant workers with the authorities within three days of their arrival, and submit a quarterly report to the Migration Service with statistics on foreign employees.

Tajikistan has also developed mechanisms to protect the rights of its nationals abroad. The Migration Service is responsible for helping to protect the rights, freedoms and lawful interests of citizens of Tajikistan working abroad. The Representation of the Ministry of Labour, Migration and Employment of the Population in the Russian Federation provides advice and support to labour migrants from Tajikistan, and is responsible for the protection of their rights in the Russian Federation.<sup>13</sup> According to the Law on Migration (1999), the Government facilitates the migration of citizens who wish to work overseas only to countries where their rights are protected. Article 8 of the Law specifically guarantees the protection of nationals' rights as migrant workers abroad.<sup>14</sup>

### 4.2. Areas with potential for further development

Tajikistan collects and publishes data on the labour market in Tajikistan annually. The latest reports available on TajStat's website are from 2014 and 2018, with the next report due for publication as of April 2021. In 2018, TajStat published a report on the labour market with data for the years 2010 to 2017, including statistics on the number of foreign citizens working in the country, disaggregated by nationality.

<sup>13</sup> The Representation of the Ministry of Labour, Migration and Employment is accountable to the ministry and works in close collaboration with the embassy of Tajikistan in the Russian Federation, which in turn is accountable to the Ministry of Foreign Affairs.

<sup>14</sup> Article 8 states: "The State will assist in the migration abroad of citizens of the Republic of Tajikistan with their consent, and only to those countries where their rights are protected. For the State, the guarantee of the protection of the rights of migrant workers abroad includes an existing legislation on labour and social protection of migrant workers; bilateral or multilateral agreements between a destination country and the Republic of Tajikistan on the protection of the rights of migrant workers abroad, as well as the adoption of positive practical measures to protect the rights of migrant workers in the destination county."

According to the Rules for the Issuance of Visas and Electronic Visas (2017), there are 18 categories of visas that can be issued to migrants and stateless persons. All labour migrants are covered under one category, regardless of the sector in which they are working or their specific labour skills.

Tajikistan has measures to promote gender equality in the labour force in general.<sup>15</sup>

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<sup>15</sup> Measures to promote gender equality in the labour force in general are provided by the Labour Code (2016), the Law on State Guarantees of Equal Rights and Opportunities for Men and Women (2005), and the State Programme to Train, Select and Hire Managers from among Gifted Women and Girls (2017–2022).



## 5

## EFFECTIVELY ADDRESSES THE MOBILITY DIMENSIONS OF CRISES

### 5.1. Migration governance: Examples of well-developed areas

Tajikistan has measures in place to manage large-scale population movements in times of crisis. The Evacuation Committee is responsible for moving people and property to safety during emergencies. The Committee's responsibilities are outlined by the Regulation on the Evacuation Committee of the Republic of Tajikistan (2000) and include: developing and implementing State policy for forecasting, preventing and responding to crises; coordinating bodies involved in evacuation; and improving and developing evacuation procedures. Furthermore, the Inter-Agency Contingency Plan for Population Influx, which is updated annually, aims to respond to a possible population influx from Afghanistan.

The Law on Protection of the Population and Territories from Natural and Man-Made Disasters (2004) explicitly states that foreign citizens and stateless persons in Tajikistan are covered by its provisions even if it does not include any specific measures targeting them.

### 5.2. Areas with potential for further development

Tajikistan's National Disaster Risk Reduction Strategy for 2019–2030 does not have specific provisions for addressing the displacement impact of disasters. The strategy does emphasize the importance of involving migrants in risk reduction measures.

Tajikistan does not have strategies in place for addressing migratory movements caused by the adverse effects of climate change, but the National Strategy for Adaptation to Climate Change of the Republic of Tajikistan for the Period up to 2030 identifies migration as a key topic to be addressed in climate change adaptation. The strategy recognizes various migration-related issues, such as internal migration resulting in loss of labour in the agricultural sector. It further mentions the development of a national policy to address migration related to environmental factors but does not propose more details.

Tajikistan has communication systems in place to provide information on the evolving nature of crises, as well as provision for the population to communicate their needs to the Government. The Committee of Emergency Situations and Civil Defense (CESCD) includes a Crisis Management Centre that operates 24 hours a day and a department responsible for communicating with the population, which publishes information on dangers, risks, and crises on its website and social media page, in Tajik and Russian. Migrants may seek assistance from the CESCD; however, the communication systems do not take into consideration the specific vulnerabilities faced by migrants and have no specific provisions to accommodate migrants' needs.

The Law on the State Border (1997) states that it is not considered a violation of the border for individuals to enter Tajikistan if they are compelled to do so by extraordinary circumstances, such as an accident, a natural disaster, to escape danger, to save lives or to seek urgent medical attention. The law does not make further exception for migrants in Tajikistan whose respective countries of origin are experiencing crises.



## 6

## ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

### 6.1. Migration governance: Examples of well-developed areas

The Border Forces, under the State Committee for National Security, are responsible for border management and control in Tajikistan. Their duties include carrying out immigration controls, preventing irregular border crossings, protecting the border against attack and invasion, and monitoring compliance within the State border regime. In addition, the Ministry of Internal Affairs ensures that all foreign citizens are registered at the ministry within 10 days of their arrival in Tajikistan.

Border staff receive regular specialized trainings. In accordance with the Law on Border Forces (2005), members of the Border Forces receive trainings in military educational institutions and training centres in Tajikistan and abroad. Trainings related to immigration and border control take place every three to six months. The Border Forces of Tajikistan have separate training content for male and female officers, with female border guards receiving training on specific cultural and gender-sensitive techniques.

Tajikistan offers support to facilitate the reintegration of its returning nationals. It has a dedicated reintegration centre for returning migrants, offering individual consultations, assessing professional skills, assisting with employment opportunities and supporting the opening of businesses. The Ministry of Labour, Migration and Employment of the Population also has four pre-departure orientation centres located in the capital city and three regional centres. The centres prepare migrants for the move and also engage with returning migrants.

The Law on Combating Human Trafficking and Providing Support to Victims of Human Trafficking (2014) defines the legal and organizational foundations of State policy on the issue, establishes general principles for the legal liability for related offences, defines the legal status of victims, and outlines measures for protecting and supporting victims. The Law names five institutions directly involved in combating human trafficking: the Prosecutor General's Office, the Ministry of Internal Affairs, the State Committee for National Security, the Drug Control Agency of Tajikistan, and the Customs Service. It also states that victims have the right to demand redress for the harm done to them, the right to a temporary and secure place to live in, as well as the right to freely receive legal aid, social and material aid, and medical aid.

The Law on Combating Human Trafficking and Providing Support to Victims of Human Trafficking further outlines that the authorized agencies of Tajikistan collaborate with foreign States to counteract trafficking, as well as with international organizations that help prevent and combat trafficking in persons and assist in the protection of victims' rights, in order to increase the effectiveness of counter-trafficking efforts. The primary areas of collaboration are in the development of bilateral and multilateral agreements, the optimization of collaborative efforts between specialized agencies in neighboring States, coordinating the activities of law enforcement agencies, and the joint creation and development of information systems. In this regard, the country has signed agreements with a number of countries such as Afghanistan, China, India, the Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, the Russian Federation, Saudi Arabia, Turkey, Ukraine, the United Arab Emirates and Uzbekistan on combating organized crime, extradition matters, and offering legal aid in criminal, civil and family cases.

The Law particularly mentions women and children as potential victims and assigns the Committee on Women and Family Affairs competencies related to these groups. For example, the Committee is responsible for guaranteeing the fulfilment of State programmes that reduce the likelihood of women becoming potential victims of trafficking, and is tasked with implementing measures that provide social

support to female victims of trafficking. In addition, Tajikistan has a National Action Plan for Counteracting Trafficking in Persons for 2019–2021 and an Interdepartmental Commission for the Suppression of Human Trafficking.

## 6.2. Areas with potential for further development

Tajikistan does not have a policy or strategy to ensure that migrant detention is used only as a measure of last resort. The Law on the State Border (1997) gives the Border Troops the right to detain violators of the State border, as well as “persons there is reason to suspect of having violated the state border”.

There are currently limited formal policies to attract citizens of Tajikistan who have emigrated from the country. Tajikistan provides special short-term loans to returning migrants rather than tax breaks. The Law on Combating Human Trafficking and Providing Support to Victims of Human Trafficking (2014) provides for the creation of the State Fund for the Provision of Aid to Victims of Trafficking in Persons to more effectively finance protection, social adaptation and social rehabilitation activities for victims of trafficking in persons. This fund has not yet been established as of April 2021.



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# ANNEXES

## MiGOF: Migration Governance Framework<sup>16</sup>

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – 3 principles and 3 objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.<sup>17</sup> IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of-government” approach;
- (iii) Engages with partners to address migration and related issues.

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

<sup>16</sup> IOM Council, Migration Governance Framework, 106th session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

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## The MGI process



# 1

### Launch of the MGI process

The first step of the process is to explain what the MGI entails to key government officials, in order to ensure full understanding of the project and complete buy-in.



# 2

### Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



# 3

### Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



# 4

### Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal<sup>18</sup> and uploaded on the IOM Online Bookstore.<sup>19</sup>

<sup>18</sup> You can find the profiles at <https://migrationdataportal.org/overviews/mgi#0>.

<sup>19</sup> Please see <https://publications.iom.int/>.



[www.migrationdataportal.org/mgi](http://www.migrationdataportal.org/mgi)

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