

Central Asian Migrant Workers and Forced Labor in the Russian Federation

Peter Rocco

M.A. Candidate

Josef Korbel School of International Studies

Introduction

Forced labor is a phenomenon with deep roots in the Russian experience, from the *katorga*¹ of tsarist times to the Soviet-era GULag. But where the drudges of yesteryear toiled as prisoners in systems that served to remind all of the state's reach, today's variety have, drawn by the promise of high wages, generally come to work all too willingly - and the Russian state's role in their lives has been closer to neglect than total control. The face of forced labor in the Russian Federation (RF) today is that of the economic migrant from the nations of the Commonwealth of Independent States (CIS), the multilateral body that nominally replaced the USSR. I limit my discussion to three of these states – Uzbekistan, Kyrgyzstan, and Tajikistan (U/K/T). Below, I will attempt to explain why people are leaving these countries (push factors), why they go to Russia (pull factors), factors putting them at risk of falling victim to forced labor practices, and the response of the RF government to human trafficking and immigration issues more broadly. I will close with questions, difficulties, and conclusions that have risen from my research.

¹ Daly, Jonathan W. *Autocracy under siege: security police and opposition in Russia, 1866-1905*. DeKalb: Northern Illinois University Press, 1998.

Push Factors

Since the breakup of the Soviet Union, the economic fortunes of its constituent republics have taken divergent paths. Russia, by far the largest successor state, endowed with great wealth in natural resources, particularly oil and gas, is one of the largest economies in the world. With the exception of Kazakhstan – also possessed of great mineral wealth – the Central Asian states have fared less well. Uzbekistan has languished under the quixotic dictatorship of Islam Karimov. Its economy is largely closed; Uzbekistanis carry around huge rolls of 1,000 *som* notes to conduct their daily business.² Kyrgyzstan is a society divided both geographically (its territory bisected by the Tien Shan mountain range) and ethnically (there is a sizable Uzbek minority in the south).³ Tajikistan is the poorest country in the CIS. It too has a difficult geography, dominated by some of the highest mountains in the world, as well as an extensive border with Afghanistan that makes it an ideal entry point for smuggling heroin.⁴ Tajikistan has yet to fully recover from a civil war fought during the 1990s. Though official unemployment is an enviable 2.5 percent⁵, a 2006 estimate from UNESCO put the true figure at closer to 52 percent.⁶

U/K/T each qualify as “low income” by World Bank standards. In terms of gross national income per capita (PPP), Uzbekistan is 158 in the world – just below Honduras - and Kyrgyzstan and Tajikistan are 172 and 173, respectively, sandwiched between Cameroon and Lesotho.⁷ For the people, there are very few incentives to stay if one has the wherewithal to leave. For the governments, out-migration has two benefits: as a type of release valve for potentially restless populations of mostly young males, and as a source of revenue. Remittances make up 48.1

² Personal trip to Tashkent, Uzbekistan. August 2011.

³ CIA World Factbook. "Kyrgyzstan." Central Intelligence Agency, <https://www.cia.gov/library/publications/the-world-factbook/geos/kg.html>.

⁴ Bureau of Consular Affairs, U.S. Department of State. "Tajikistan: Country Specific Information." U.S. Department of State, http://travel.state.gov/travel/cis_pa_tw/cis/cis_1037.html.

⁵ TRADING ECONOMICS. "Tajikistan Unemployment Rate." <http://www.tradingeconomics.com/tajikistan/unemployment-rate>.

⁶ Ashurov, S. and Lola Dodkhudoeva. *Republic of Tajikistan: National Report on Adult Education*. Dushanbe: UNESCO, 2008.

⁷ World Bank. Gross national income per capita 2012, atlas method and PPP. 2013. Available from databank.worldbank.org/data/download/GNIPC.pdf.

percent of Tajikistan's GDP and 31.4 percent of Kyrgyzstan's.⁸ Though Uzbekistan officially denies that anyone leaves the country to look for work, previous estimates peg remittances at around 13% of GDP.⁹ Although there are a host of negative consequences – from family separations to price spikes due to the cash influx – both parties mutually benefit.

Pull Factors

There are currently 11 million migrants in Russia, making it the second-most popular destination in the world behind the United States.¹⁰ So, why Russia? First of all, as stated above, Russia is not only the largest economy in the CIS, it is one of the largest in the world, having recently claimed fifth place worldwide in GDP (PPP).¹¹ Per capita earnings in the RF are between seven and 14.7 percent higher than in U/K/T.¹² This likely understates the gap for most migrants, since they are presumably individuals making below-average salaries at home. Indeed, an ILO-sponsored study on forced labor in the RF revealed that migrants' most frequently-stated reasons for moving were poor earning prospects at home combined with the (perceived) ability to earn a great deal of money in Russia¹³

Equally important from the migrant's perspective is that there are jobs available in the RF. In fact, Russia has been experiencing acute labor shortages for several years due to a dramatic decline in population, estimated at up to one million persons annually.¹⁴

It is also easy to get to Russia from U/K/T. Geographic proximity aside (though that is a consideration), there is existing transportation infrastructure, since the RF and U/K/T were all previously one country. Migrants from CIS member countries are also able to enter Russia

⁸ World Bank staff calculation based on data from IMF Balance of Payments Statistics database and data releases from central banks, national statistical agencies, and World Bank country desks.

⁹ Crisis Group Asia. 2010. *Central Asia: Migrants and the economic crisis*. Brussels: International Crisis Group, 183.

¹⁰ United Nations Department of Economic and Social Affairs, Population Division. *Trends in International Migrant Stock: The 2013 Revision*. New York: United Nations, 2013.

¹¹ World Bank. "Gross Domestic Product 2012, PPP." World Bank, http://databank.worldbank.org/data/download/GDP_PPP.pdf.

¹² World Bank GNI per capita 2012.

¹³ Tyuryukanova, Elena. 2005. *Forced labour in the Russian Federation today: Irregular migration and trafficking in human beings*. Geneva: International Labour Organization.

¹⁴ Robarts, Andrew. "The Russian State and Migration: A Theoretical and Practical Look at the Russian Federation's Migration Regime." In *Migration, Homeland, and Belonging in Eurasia*, edited by Buckley, Cynthia J., Blair A. Ruble and Erin Trough Hofmann, 112. Washington, D.C.: Woodrow Wilson Center Press, 2008.

without a visa, which saves time and money on paperwork and also means it will be easy to make repeat trips, e.g., for seasonal work. A certain cultural familiarity (including knowledge of the Russian language) and the presence of diaspora communities also serve to facilitate the movement of people from U/K/T into the RF.

Risk Factors

Risk factors to migrants are manifested at several levels but chiefly through the personal characteristics/demographic profile of the migrants themselves and the weakness of the rule of law in the RF. The latter issue is seen most clearly through an examination of the following key areas: the state of human trafficking law, the state of migration law, official corruption, and the size and scope of the gray market. These factors all interact with each other to create a climate of exploitation.

Demographic Profile

Central Asian migrants are unfortunately vulnerable in the RF simply because they look different than most other people (NB: this obviously does not apply to areas where ethnic Russians are not a majority, but such places are few, and they tend not to be as popular of destinations for migrant workers). In a country where the vast majority is white, having darker skin, hair, and eyes sets one apart. Xenophobia has been on the rise in the RF in recent years, manifesting itself in nativism (“Russia for Russians!”), white supremacy, and even violent pogroms (still the preferred term of art in Russia). A recent incident saw hundreds of people rioting in a Moscow suburb after a Russian was stabbed by an Azeri.¹⁵ In addition to ethnic difference, up to half of Kyrgyzstani and Tajikistani migrants have a high school education or less and are aged between 18 and 35 (similar demographic information for Uzbekistani migrants was not readily available).¹⁶ These younger, less educated migrants tend not to know the Russian language as well as their older peers. These factors make them more vulnerable to fraud and coercion by corrupt officials and quick-talking employment agents or employers.

¹⁵ Malashenko, Alexey. "Biryulyovo: More than Just another Riot - Carnegie Moscow Center." Carnegie Moscow Center. October 31, 2013. <http://carnegie.ru/eurasiaoutlook/?fa=53465>.

¹⁶ Crisis Group Asia. 2010. *Central Asia: Migrants and the economic crisis*. Brussels: International Crisis Group, 183.

Human Trafficking Law

Russia has signed and ratified the Palermo Protocol. It has also passed laws banning all forms of trafficking.¹⁷ The drafting of these laws, however, has left some gaps that could easily be exploited, and implementation has been uneven. For example, Article 127.1 of the criminal code sets out the legal definition of human trafficking by way of an extensive list of specific forms of exploitation. This has the effect of excluding forms of exploitation not explicitly listed in the statute. By contrast, the Palermo Protocol lays out a minimum standard that automatically includes everything “above” the legal floor it sets.¹⁸ Thus poor drafting of the law is an invitation for unscrupulous employers and others simply to be more creative in their methods of exploitation.

Law enforcement has also tended to prioritize sex trafficking above labor trafficking. It is not entirely clear why this is the case. It should also be stated that a bigger problem than skewed enforcement is lack of enforcement. When migrants have been given the opportunity to tell their stories, they consistently state that turning to law enforcement for recourse is not an option, as they are either indifferent or actively hostile, sometimes even colluding with their exploiters.¹⁹

Another problem is the undeveloped state of jurisprudence in the area of trafficking crimes. This is perhaps inevitable with such a new set of laws, but there have been numerous instances of an initial trafficking charge later being switched to a different class of crime.²⁰

Migration Law

The migration regime of the RF is arguably the single most important factor in the vulnerability of migrant workers. Its demands on those wishing to stay and work in the country have undergone several rounds of major changes since the fall of the Soviet Union. Labor migration did not become a major phenomenon until the mid-1990s at which time hundreds of thousands of citizens of CIS states started flooding into the country for temporary work. While the RF welcomed these workers and arranged bilateral agreements on labor migration with a

¹⁷ Tyuryukanova, Elena. *Human trafficking in the Russian Federation: Inventory and analysis of the current situation and responses*. Moscow: UNICEF, ILO, CIDA (Canadian International Development Agency), 2006.

¹⁸ Vitkovskaya, Galina et al. 2009. *Countering the spread of slavery and human trafficking in the Russian Federation*. Moscow: International Organization for Migration, 15.

¹⁹ Tyuryukanova, Elena. 2005. *Forced labour in the Russian Federation today: Irregular migration and trafficking in human beings*. Geneva: International Labour Organization.

²⁰ Tyuryukanova, Elena. *Human trafficking in the Russian Federation: Inventory and analysis of the current situation and responses*. Moscow: UNICEF, ILO, CIDA (Canadian International Development Agency), 2006.

majority of CIS governments during this period, it did not set up a corresponding infrastructure within the appropriate government agencies to process, register, and place the newcomers. This led naturally to a spike in irregular migration, with migrants arriving and working without the proper documentation. From the outset then, there has been a marked discrepancy between the RF's desire for more labor and what it is willing to do to accommodate it.²¹

Early in the Putin era, around 2002, migration policy became more security-oriented. Much of Putin's popularity in this period was based on his tough handling of the second Chechen war and he took a similar tack on the question of "illegal" immigrants. Control of immigration questions was transferred to the Ministry of Interior, whose core competency is policing, and an emphasis was placed on carrying out raids and deportations. Empowering the police in this way gave rise to increased corruption, as migrants would be offered the chance to bribe their way out of trouble. This is a phenomenon that carries on to this day, as will be discussed below.

The same year a new law "On the Legal Status of Foreign Citizens on the Territory of the Russian Federation" was approved. The law reoriented RF policy around limiting the number of migrants allowed into the country and controlling their freedom of movement. This was accomplished through (among other things) strict timelines for registration and finding a residence and annual re-registration.²² The law had the opposite of its intended effect. The new bureaucratic and legal barriers did not stop people from entering the country and working. It simply prevented them from doing so legally.

After several years witnessing rising corruption, inefficiency, and public anger, Putin began to walk his policy back. In 2006, a limited amnesty was attempted in selected regions of the RF. The following year, two new laws passed that re-liberalized the regime in many ways: doubling the length of possible stays, issuing work permits directly to workers instead of employers, expedited permit approval procedures for, and relaxation of, residence requirements. The new regime, however, has tripped up on the same obstacle that impeded the first post-Soviet regime: overly-restrictive quotas. These are, in part, a product of an inefficient bureaucracy having no ability to communicate effectively with employers whose demand for labor is supposedly being

²¹ Ivakhnyuk, Irina. *The Russian Migration Policy and its Impact on Human Development: The Historical Perspective*. New York: UNDP, 2009.

²² Ibid.

met by the system. Without a remedy for that specific problem, this migration regime has thus far failed to stem the tide of illegal/irregular migration.²³

Corruption and the Gray Economy

The size of the gray or shadow economy is estimated to produce anywhere from 22 to 40 percent of the RF's annual GDP, greatly exacerbating the problem of labor exploitation.²⁴ Demand for labor has not dried up in light of ineffective migration policy. Instead, that demand has relocated into unregulated sectors of the economy. This creates a self-perpetuating cycle, as the gray economy gradually crowds out the legitimate economy, which creates more demand for illegal labor. An estimated 75 percent of illegal migrants receive payment "off the books," while another 80 percent have no written contracts.²⁵

Fanning the flames of this vicious cycle are corrupt officials. It often starts with the forgery of identification documents, which seemingly helps migrants but often only helps them find their way into an exploitative situation. Once in the country, the same identification will often be confiscated by police only to be returned after payment of a bribe. Bribes and shakedowns are common for the purchase or return of any and all necessary documents. Police officers often connive with employers engaged in exploitative labor practices, reporting workers who complain or simply forcing them back to their workplace.

Response

As has been discussed, governmental response to the problem of forced labor has been sorely lacking. All four countries under discussion have signed and ratified the Palermo Protocol, but none have effectively enforced it. Russia and Uzbekistan are listed as Tier 3 countries in the TIP Report, while Tajikistan and Kyrgyzstan are Tier 2.²⁶ To its credit, the Kyrgyzstani government has made efforts to raise awareness of trafficking issues among migrants and in the education system, and has set up a labor trafficking hotline. But at the end of the day, there is simply not enough governmental capacity among any of the sending countries individually. For that reason, much greater coordination is needed with the RF. The RF raising its foreign work permit quota

²³ Ibid.

²⁴ Tyuryukanova, Elena. *Human trafficking in the Russian Federation: Inventory and analysis of the current situation and responses*. Moscow: UNICEF, ILO, CIDA (Canadian International Development Agency), 2006.

²⁵ Ibid.

²⁶ United States Department of State. *2013 Trafficking in Persons Report*. Washington, D.C.: U.S. Department of State, 2013.

would be immeasurably helpful, as that would at least allow workers to come out of the shadows and be identified. It would not in itself prevent forced labor from taking place, but it would mitigate one major risk factor. Failing that, a more robust system of information-sharing about who is coming and going from each country would allow helpful parties to assist migrants in danger. Unfortunately, as law enforcement is all too often not a helpful party, the responsibility for assisting migrants has fallen to NGO's. There is not much information available about anti-labor trafficking NGO's in Russia – much more is available on anti-sex trafficking groups – but one excellent example is an organization called Fund Tajikistan which directly engages employers over disputes ranging from withheld pay to conditions approaching enslavement.²⁷

Conclusion

I faced several difficulties in conducting research for this project. The first was my inability to make effective use of Russian primary and secondary sources. Not long after starting, I knew that the process of working through a document to figure out whether it was unique and useful, followed by partially translating and distilling its contents, would simply be too time-consuming. Having said that, I believe my deficiencies with Russian were problematic but not decisively so. A reasonable amount of official data is available in English, though it is not often presented in as much detail as it is in the source language. At any rate, much of the official data is only truly useful as a point of comparison with estimates from non-governmental sources since the RF and U/K/T governments tend to underreport in-migration and out-migration, respectively.

A related problem is a relative lack of new sources in English. The comprehensive analyses I found by IOM and ILO were conducted in the middle of the last decade and do not appear to have been replicated since. The most recent information I found from reputable sources generally dates back no later than 2008-9 and the data was usually a few years older than that. Four or five years is hardly a lifetime, but it coincides exactly with the onset of the global financial crisis and its immediate aftermath, which had harsh consequences for the RF and all CIS out-migration countries, including U/K/T. The paper by Crisis Group Asia was the best critical analysis of the issue I was able to locate in English and that only reports up to the end of 2009. It may be that

²⁷ Human Rights Watch. 2009. *“Are you happy to cheat us?” Exploitation of migrant construction workers in Russia*. New York: Human Rights Watch.

projects are currently in the field and we will have new data soon. I suspect, however, that part of the problem is that foreign NGO's, which are the groups most likely to conduct and publish such research in the West, have simply found it more difficult to operate in Russia since passage of the law on "foreign agents" in 2009.²⁸

This speaks to the fundamental difficulty facing any study of trafficking and related issues – lack of solid data. Migrant workers in Russia, even those with the proper documentation, fall into the proverbial 'invisible population' category. As Crisis Group Asia puts it, these are people who "show the same lack of enthusiasm for engagement with Russian bureaucrats" that they do with their native officialdom. It is a perfectly rational survival strategy, but to the extent that this attitude extends to researchers and even aid organizations, it makes things extremely challenging to develop reliable data. This seems to be especially true for women migrants. A 2006 joint ILO-IOM Moscow study posited that women were being undercounted among the migrant laborer population in part because many of them work in private domestic work. The sequestered nature of their labor makes them even less likely to have full documentation than most other migrants and less likely to encounter strangers (such as interviewers and researchers).²⁹

Unfortunately, obtaining better data will likely depend on governments taking action to change underlying dynamics surrounding the current migration process. The RF government must cease its schizophrenic attitude toward immigration and chart a coherent, consistent path. It confronted reality in liberalizing certain migration requirements in 2006, but these have run up against the roadblock of unrealistically low quotas for work permits, which have the effect of funneling migrants right back into the underground economy. While the government must contend with xenophobic sentiment that occasionally turns violent, the true aggravating factor introduced by migrant workers is not a net reduction in available jobs but a lowering of standards - facilitated by their irregular status for such things as salaries and workplace safety.³⁰

A seemingly straightforward fix would be to lift, or even eliminate, the foreign work permit quota. This would have the immediate effect of decriminalizing the status of millions of workers. It would also have the added bonus of not automatically making criminals out of anyone who

²⁸ International Center for Not-for-Profit Law (ICNL). NGO law monitor: Russia. 2012. Available from <http://www.icnl.org/research/monitor/russia.pdf>.

²⁹ Vitkovskaya, Galina et al. 2009. *Countering the spread of slavery and human trafficking in the Russian Federation*. Moscow: International Organization for Migration.

³⁰ Malashenko, Alexey. "Biryulyovo: More than Just another Riot - Carnegie Moscow Center." Carnegie Moscow Center. October 31, 2013. <http://carnegie.ru/eurasiaoutlook/?fa=53465>.

employs these migrants. Russia recognizes its demographic reality, or else it would not have turned a blind eye to migration flows for so long. Policy needs to catch up with reality.

Though migration law likely offers the most comprehensive solution, criminal law has a role to play as well since, as we have seen, even legal migrants experience varying degrees of exploitation. Russian law is presently strong enough to provide robust enforcement against forced labor and other forms of human trafficking, although, as discussed above, some serious gaps do exist. Official corruption and simple unwillingness to enforce the law, however, present major obstacles to basic governance. This applies to politicians, law enforcement, and migration officials. Corruption is seemingly endemic to Russian bureaucracy. Even small progress in mitigating state corruption would be almost as great a miracle as making a dent in the forced labor problem.

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