Parliamentary **Assembly**
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COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Doc. 11223
26 March 2007

Migrant workers in Russia

Written Question No. 503 to the Committee of Ministers

Reply from the Committee of Ministers
adopted at the 990th meeting of the Ministers' Deputies (21 March 2007)

I. Written Question No. 503 by Mrs Postoico (Doc. 11052)

Considering that there are many migrant workers in the Russian Federation from the former countries of the Commonwealth of Independent States (CIS);

Noting that recently, instances of the violation of the rights of these workers have become much more frequent and of unprecedented severity, involving torture, unlawful arrests, confiscation of identity papers and forced labour,

Mrs Postoico,

To ask the Committee of Ministers,

What practical measures have been taken by the Russian Federation to bring an end to such occurrences.

II. Reply by the Committee of Ministers

1. The Committee of Ministers is aware of the problems raised by the Honourable Parliamentarian. It refers to the European Commission against Racism and Intolerance's third report on the Russian Federation adopted on 16 December 2005 and made public on 16 May 2006. In its report, ECRI noted that although immigration for work purposes constituted the major part of current immigration in the Russian Federation, ECRI had been informed that it was very difficult for an employer to obtain the permit necessary to hire foreigners and for foreigners to obtain the right to enter and stay in the country to work. ECRI was particularly concerned by the negative impact of such a situation on foreigners who had come to Russia to work. Both NGOs and the Russian authorities have indicated that the majority of foreigners employed in Russia work illegally, often without permission from the authorities and even more often without a contract. The ECRI report also contains information on the problems encountered with the system of residence registration of migrant workers. According to the report, a person without registration can be refused access to many public services, such as state pensions and allowances, social insurance, health protection and medical aid. The Committee of Ministers further notes from the report that employers are said to refuse to employ a person without registration and that schools often refuse to enrol children whose parents do not have a residence registration stamp.

2. The Committee of Ministers also points out that the Commissioner for Human Rights has noted that the problems of migrant workers in Russia are related to their illegal status, i.e. no registration, no identity papers, no social assistance and no protection from exploitation. He notes that this entails other serious problems such as corruption, extortion and arbitrary detention.[1]

[1] Visits to the Russian Federation 15 to 30 July 2004, 19 to 29 September 2004, CommDH(2005)2, issued 20 April 2005, pp. 52-61.

3. The Committee of Ministers wishes to inform the Honourable Parliamentarian that in the context of its examination of the question, the Permanent Representation of the Russian Federation to the Council of Europe supplied additional information to the Committee of Ministers, illustrating recent steps taken by the Russian Federation to give higher priority to issues concerning migrant workers, and the thorough review of relevant national legislation that has been carried out. As a result, criminal and administrative laws have been amended to reinforce sanctions against the illegal employment of migrants, and new legislation and regulations to facilitate the flow of legal migrant workers entered into force on 15 January 2007. Special governmental structures and procedures have been established to ensure the implementation of the new rules in the area of migration. The focus has been to reinforce the responsibilities of the Russian authorities and employers as far as the regulations on foreign workers' admission and stay as well as their rights' protection are concerned. Those measures have been designed both to protect the national labour market and to provide the means to combat illegal migration with special attention to and care for the protection of migrant workers' rights.

4. With regard to human rights of migrants, the information given by the Russian Federation states that the articles concerning trafficking in human beings and slave labour in the Federal Law on the legal status of foreign citizens have been included in the Criminal Code and are therefore now considered as severe or very severe criminal offences liable to prison sentences of up to fifteen years. The Russian Federation has stressed interest in the experience of other Council of Europe member states in the fight against illegal migration, and has expressed its intention to strengthen co-operation with the governments concerned and with the European Union with respect to illegal migration.

5. Furthermore, the Committee of Ministers would like to recall that the Council of Europe carries out activities to promote the rights of migrant workers in the member states. The 2002 Helsinki Conference of European Ministers responsible for migration and integration affairs set clear guidelines for action to address issues of integration of migrants and their access to employment, and labour migration will be the theme of the 8th Ministerial Conference to be held in Kyiv in autumn 2008. It is expected that the conference will serve as a forum for discussion of issues of labour migration from the countries of eastern and central Europe, and will make proposals for improved management of migration within and from these regions.