



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

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## Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

### Concluding observations on the second periodic report of Tajikistan\*\*

1. The Committee considered the second periodic report of Tajikistan (CMW/C/TJK/2) at its 415th and 416th meetings (CMW/C/SR.415 and 416), held on 3 and 4 April 2019. At its 429th meeting, held on 12 April 2019, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party, its replies to the list of issues (CMW/C/TJK/Q/2/Add.1) and the additional information provided by the high-level and multisectoral delegation, headed by Prosecutor General Yusuf Rahmon and comprising representatives of the Ministry of Labour, Migration and Employment, the Statistics Agency, the Presidential Office and the Permanent Mission of Tajikistan to the United Nations Office at Geneva.

3. The Committee appreciates the open and constructive dialogue held with the delegation.

4. The Committee notes that some States where Tajik migrant workers are employed are not parties to the Convention, which may constitute an obstacle to the enjoyment by migrant workers of their rights under the Convention.

5. The Committee welcomes the contributions made by civil society organizations in connection with the Committee's consideration of the second periodic report of Tajikistan.

#### B. Positive aspects

6. The Committee welcomes the State party's efforts to promote and protect the rights of Tajik migrant workers abroad, in particular with respect to Tajik migrant workers in the Russian Federation, including the establishment of the offices of the Migration Service in the Russian Federation and the conclusion of agreements with the Russian Federation to temporarily remove the names of Tajik citizens who had been placed on a list of prohibited individuals to enter the Russian Federation for minor administrative offences. The Committee also welcomes the State party's efforts to legalize the status of Tajik citizens who have exceeded their permitted length of stay in the Russian Federation. It appreciates the efforts made by the State party to provide passports to Tajik migrant workers in the Russian Federation by dispatching specialists to the cities and provinces in the Russian Federation

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\*\* Adopted by the Committee at its thirtieth session (1–12 April 2019).



with the largest numbers of Tajik citizens. The Committee also acknowledges the measures taken by the Migration Service to provide guidance and information to Tajik citizens prior to their departure.

7. The Committee notes with appreciation the ratification of the International Labour Organization (ILO) Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), in January 2014, and the ILO Home Work Convention, 1996 (No. 177), in May 2012.

8. The Committee welcomes the adoption of the following legislative measures:

- (a) The Labour Code of the Republic of Tajikistan, adopted in July 2016;
- (b) The Constitutional Law on Nationality of the Republic of Tajikistan, adopted in August 2015;
- (c) The revised Act on Trafficking in Persons and Assistance to Victims, adopted in July 2014.

9. The Committee welcomes the following institutional and policy measures:

- (a) The National Development Strategy for 2016–2030, adopted in December 2016, which has the aim of creating a framework for sustainable socioeconomic development in accordance with the Sustainable Development Goals, and includes targets and measures relating to the creation of new jobs in the State party and the diversification of external labour migration;
- (b) The National Strategy on Tajik Labour Migration for 2011–2015, adopted in October 2011, which aims to protect the rights and interests of Tajik migrant workers;
- (c) The Comprehensive Programme to Combat Trafficking in Persons, for the periods 2011 to 2013 and 2014 to 2016.

10. The Committee notes as positive that the State party voted in favour of the Global Compact for Safe, Orderly and Regular Migration adopted by the General Assembly on 19 December 2018 in its resolution 73/195, and recommends that the State party work towards its implementation, ensuring full compliance with the Convention.

## C. Principal subjects of concern and recommendations

### 1. General measures of implementation (arts. 73 and 84)

#### Legislation and application

11. The Committee notes the information provided by the State party that a bill on labour migration has been drafted, taking into consideration the previous concerns expressed by the Committee (CMW/C/TJK/CO/1, para. 9). The Committee regrets, however, that the bill has yet to be adopted, and thus there is an absence of comprehensive national legislation guaranteeing the rights of all migrant workers and members of their families, in accordance with the Convention.

12. **The Committee recommends that the State party ensure that the bill on labour migration is in line with the provisions of the Convention, other relevant international instruments and the Committee's previous recommendations (CMW/C/TJK/CO/1, para. 10). It urges the State party to adopt the bill without further delay.**

#### Articles 76–77

13. **The Committee reiterates its previous recommendation (CMW/C/TJK/CO/1, para. 14) that the State party consider making the declarations provided in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive and consider communications from States parties and individuals concerning violations of rights established by the Convention.**

### Comprehensive policy and strategy

14. While welcoming the information provided by the State party delegation regarding the adoption of a national plan of action between 2013 and 2017 to implement the Committee's previous recommendations, the Committee regrets the lack of clarification provided on the concrete results achieved. Moreover, while noting that a national strategy on Tajik labour migration and a corresponding plan of action were adopted between 2011 and 2016, it is concerned that the majority of the objectives were not implemented owing to a lack of financial resources. Furthermore, while appreciating the adoption of a new and broader national development strategy for the period 2016 to 2030, which reportedly includes measures for the strengthening of labour and social protection for Tajik migrant workers and members of their families, the Committee regrets the lack of information provided by the State party regarding the measures taken or envisaged to address the situation of foreign migrant workers and members of their families, and to ensure that their rights are protected and promoted in accordance with the Convention.

**15. The Committee recommends that the State party adopt a comprehensive gender-responsive and human rights-based migration policy and strategy to ensure the effective implementation of the Convention, which also address the rights of foreign migrant workers and members of their families. It also recommends that the State party provide sufficient human, technical and financial resources for their implementation.**

### Coordination

16. The Committee notes that all matters relating to migration and employment fall under the responsibility of the Ministry of Labour, Migration and Employment. It expresses concern, however, at the lack of coordination, exacerbated by unclear and overlapping mandates between the various agencies within the Ministry, such as the State Migration Service, the pre-departure preparation centres, the Agency for Employment Abroad, the representation of the Ministry in the Russian Federation and the Agency for the Labour Market and Employment. The Committee is also concerned about the inadequate human, technical and financial resources available to the Ministry for it to effectively carry out its work, including a lack of staff with expertise on issues relating to migration. It regrets the lack of sufficient monitoring and evaluation mechanisms to assess the impact of migration policies and programmes on the rights of migrant workers and members of their families.

**17. The Committee recommends that the State party:**

(a) **Clarify the functions and mandates of the agencies under the Ministry of Labour, Migration and Employment, and ensure that there is no overlap between the agencies, so as to improve coordination on matters relating to migration and employment;**

(b) **Ensure that the Ministry of Labour, Migration and Employment is provided with the human, technical and financial resources necessary for its effective operation;**

(c) **Ensure that there are effective monitoring and evaluation mechanisms in place to assess the impact of migration policies and programmes on the rights of migrant workers and members of their families.**

### Data collection

18. The Committee notes the data on migration flows collected by the Statistics Agency using migration cards, which are filled out at border crossing points. It expresses concern, however, at reports that the migration cards are not always completed upon departure, and even less so on return to the State party, which limits the utility of the data collected. The Committee is also concerned about the lack of a centralized data-collection system to gather information from different entities that collect and analyse migration-related data in order to effectively assess the implementation of the Convention. In particular, it regrets the lack of information available about the situation of foreign migrant workers and members of their families in the State party, migrant workers abroad and their conditions of employment,

children who migrate abroad, including unaccompanied children, spouses and children of migrant workers who are left behind in the State party, returnees and migrants in transit.

19. **The Committee recommends that the State party improve its data-collection system to ensure that data are collected on the situation of migrant workers and members of their families covering all aspects of the Convention, including foreign migrant workers, both documented and undocumented, and members of their families, migrant workers abroad and their conditions of employment, children who migrate abroad, including unaccompanied children, spouses and children of migrant workers who are left behind in the State party, returnees and migrants in transit. It also recommends that the State party ensure that the Statistics Agency receives adequate human, technical and financial resources and that collaboration with the embassies and consulates of the State party be enhanced to facilitate the compilation of data, including the systematic evaluation of the situation of irregular migrant workers abroad.**

#### **Independent monitoring**

20. The Committee notes that the mandate of the Human Rights Ombudsman, also referred to as the Commissioner for Human Rights, includes receiving complaints filed in writing by any person, including migrant workers. Nevertheless, the Committee expresses concern that the Office of the Ombudsman was accredited with B status by the Subcommittee on Accreditation of the International Coordinating Committee of National Human Rights Institutions (now known as the Global Alliance of National Human Rights Institutions) in March 2012, and lacks the adequate human, technical and financial resources to conduct its work effectively.

21. **The Committee recommends that the State party implement the recommendations made by the Subcommittee on Accreditation of the International Coordinating Committee of National Human Rights Institutions (now known as the Global Alliance of Human Rights Institutions) and provide the Office of the Human Rights Ombudsman with adequate human, technical and financial resources for it to discharge its mandate effectively, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

#### **Training on and dissemination of information about the Convention**

22. The Committee notes the steps taken by the State party to disseminate information on the provisions of the Convention through publications, the Internet and public events. Nevertheless, it remains concerned at the insufficient level of knowledge and awareness about the Convention and the provisions contained therein among officials and persons working in the area of migration, as well as among migrant workers. It also reiterates its previous concern about the lack of systematic and regular training on the content of the Convention for relevant public officials, civil society organizations and potential migrant workers (CMW/C/TJK/CO/1, para. 19).

23. **The Committee recommends that the State party:**

(a) **Develop education and training programmes on the rights of migrant workers and members of their families under the Convention, and that such programmes be made available to all officials and persons working in the area of migration, in particular law enforcement and border authorities, judges, prosecutors and relevant consular officials, as well as national, regional and local officials of the Migration Service, social workers and civil society organizations;**

(b) **Take further steps to ensure access by migrant workers to information and guidance on their rights under the Convention in all languages commonly used in the State party, in particular through pre-employment and pre-departure orientation programmes;**

(c) **Strengthen its work with civil society organizations and the media to disseminate information about the Convention and to promote it throughout the State party.**

### Participation of civil society

24. The Committee notes that the State party has undertaken joint activities with non-governmental organizations to promote and protect the rights of migrant workers and members of their families. However, it expresses concern that the amendments to the Law on Public Associations adopted in July 2015 and January 2019 may undermine the ability of non-governmental organizations to effectively carry out their work, including those whose activities relate to the promotion and protection of the rights of migrant workers and members of their families.

**25. The Committee reminds the State party that human rights defenders deserve special protection, as their work is critical for the promotion of human rights for all, including migrant workers and members of their families, and thus strongly recommends that the State party take all measures necessary to ensure that all non-governmental organizations can function effectively without interference, intimidation or other undue restriction, including by revising the amended Law on Public Associations.**

### Corruption

26. The Committee notes the measures taken by the State party, including the organization of training for staff in the Migration Service, the installation of video surveillance cameras at most border control points, on the premises of the Ministry of Internal Affairs and in the offices of senior officials at consulates, and the establishment of a helpline to allow individuals to lodge complaints and report acts of corruption perpetrated by officials. It also notes that three officers from the Migration Service were convicted of bribery, forgery of documents and fraud between 2016 and 2017. Nevertheless, the Committee remains concerned that the measures taken by the State party are insufficient to effectively eradicate corruption throughout all institutions with responsibilities relating to the Convention, including personnel working at its embassies and consulates abroad.

**27. The Committee recommends that the State party step up its efforts to combat corruption throughout all institutions, including in its embassies and consulates abroad, and ensure that all cases of corruption are effectively and thoroughly investigated, and that the individuals responsible are held accountable. It also recommends that the State party conduct awareness-raising campaigns with a view to encouraging migrant workers and members of their families claiming to be victims of corruption to report it.**

## 2. General principles (arts. 7 and 83)

### Non-discrimination

28. The Committee notes that section 7 of the Labour Code prohibits distinctions based on several grounds, including nationality, place of birth and national origin, with respect to recruitment for employment. However, it recalls the obligation of the State party to take effective legislative and policy measures to ensure the equality of opportunity for and equal treatment of migrant workers and members of their families not only in recruitment but also in all aspects of employment and occupation, and to guarantee, without discrimination, other civil, political, economic, social and cultural rights set out in the Convention.

**29. The Committee recommends that the State party take all legislative and policy measures necessary to ensure that all migrant workers and members of their families, both documented and undocumented, within the territory or subject to its jurisdiction, enjoy, without discrimination, all the rights recognized by the Convention, in accordance with article 7 thereof.**

### Right to an effective remedy

30. The Committee notes that the Migration Service offers free legal aid services to all individuals, including foreign citizens, and that, through the “Access to Justice” project, a State legal aid centre and State legal aid offices have been established in 18 districts in the State party. While appreciating the information that 28 foreign nationals contacted the State

legal aid offices between 2016 and 2018, the Committee regrets the lack of clarification provided on whether these individuals were able to receive any legal remedies.

**31. The Committee recommends that the State party continue to take measures to ensure that, in law and in practice, all migrant workers and members of their families, including those in an irregular situation, have opportunities equal to those enjoyed by nationals of the State party to file complaints, to have access to legal assistance and to obtain effective redress in the courts in cases where their rights under the Convention have been violated. It also recommends that the State party take additional measures to inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them in cases of violation of their rights under the Convention.**

### **3. Human rights of all migrant workers and members of their families (arts. 8–35)**

#### **Due process and equality before the courts**

32. The Committee notes the information provided by the State party that foreign citizens have access to interpreters free of charge in civil and administrative cases. It remains concerned, however, at reports that foreign citizens, including migrant workers, are not provided with interpreters in practice, and that they have insufficient time to appeal court decisions. In particular, the Committee notes that, according to article 150 of the Procedural Code on Administrative Violations, foreign citizens have one day to file an appeal for administrative decisions, while nationals of the State party have 5 to 10 days.

**33. The Committee recommends that the State party take the necessary steps, including the revision of article 150 of the Procedural Code on Administrative Violations, to ensure that, in all administrative and judicial proceedings, migrant workers and members of their families, particularly those in an irregular situation, are guaranteed due process on an equal basis with nationals of the State party before the courts and tribunals.**

#### **Expulsion**

34. The Committee expresses concern about operations that are conducted twice a year to search, identify and expel illegal foreign migrant workers. It is also concerned that migrant workers may be expelled from the State party on grounds that are not clearly defined, and that there is neither sufficient time nor clear procedures to challenge the expulsion orders. The Committee expresses further concern that migrant workers from the former republics of the Soviet Union who have lost their nationality, or are not currently in possession of any valid documents, and asylum-seeking migrant workers may be subject to administrative fines, criminal penalties and deportation.

**35. The Committee recommends that the State party:**

**(a) Ensure that the grounds for expulsion are clearly stipulated in law, that there is sufficient time and clear procedures are in place for migrant workers to challenge an administrative order of expulsion, and that migrant workers are aware of and can exercise their right to appeal against the order, with the possibility of a suspension of the expulsion order;**

**(b) Adopt the bill on amnesty to regularize the status of foreign citizens and stateless persons in the State party, and take interim measures to ensure that migrant workers from the former republics of the Soviet Union who have lost their nationality or are not currently in possession of any valid documents are not subject to administrative fines, criminal penalties or deportation;**

**(c) Ensure that asylum seekers are not subject to an administrative order of expulsion or return until each individual situation has been evaluated, in order to uphold the principle of non-refoulement and the prohibition of arbitrary expulsion.**

### Consular assistance

36. The Committee notes the information provided by the State party regarding the limited capacity of its consulates in the Russian Federation to effectively address the concerns of Tajik migrant workers in a timely manner, and that it plans to overhaul the structure of its embassies and consulates therein. While appreciating such plans and noting that two consulates general have been established in Saint Petersburg and Novosibirsk, the Committee remains concerned at the overall inadequacy of consular assistance and protection provided to Tajik migrant workers abroad, particularly outside the main cities in the Russian Federation, and in relation to cases involving deprivation of liberty and expulsion orders.

37. **The Committee recommends that the State party strengthen the ability of its embassies and consulates to protect the rights of Tajik migrant workers and members of their families abroad, particularly of those who are deprived of liberty or are subjected to an expulsion order, including through the conclusion of bilateral agreements for consular assistance and international cooperation, and by increasing the amount of human and financial resources allocated to its embassies and consulates. It also recommends that the State party provide systematic training to consular officials on the Convention and other international human rights treaties.**

## 4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

### Right to form trade unions

38. The Committee notes the information provided by the State party that the right of migrant workers and members of their families to form association and join trade unions is guaranteed in the Law on Trade Unions. However, it regrets the lack of information provided on how this right is enjoyed in practice by foreign migrant workers and members of their families in the State party for the promotion and protection of their rights and their economic, social, cultural and other interests, and notes that no trade union composed of migrant workers exists in the State party.

39. **The Committee recommends that the State party take effective measures to ensure that migrant workers and members of their families can fully exercise their right to form and be a member of associations and trade unions for the promotion and protection of their rights and their economic, social, cultural and other interests, in accordance with article 40 of the Convention and the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).**

### Right to vote and be elected in the State of origin

40. The Committee notes the measures taken by the State party to enable Tajik migrant workers and members of their families abroad to vote in elections, including the outreach activities organized by the Central Elections and Referendums Commission together with the Ministry of Foreign Affairs in the Russian Federation, and the establishment of polling stations in 27 foreign countries for the presidential elections held in 2013 and the election of the representatives of the lower chamber of Parliament in 2015. However, it expresses concern about:

(a) The absence of observers at the polling stations abroad to ensure compliance with international standards, and the lack of a centralized voter registry to enable nationwide cross-checks for potential multiple entries;

(b) The legislative changes introduced prior to the presidential election of 2013 and the parliamentary elections of 2015, which undermined the ability of Tajik migrant workers and members of their families abroad to nominate presidential candidates and have access to ballot stations.

41. **The Committee recommends that the State party take effective measures to guarantee the right of all Tajik migrant workers and members of their families living abroad to vote and be elected by facilitating their registration and participation in all**

**future elections, including by ensuring the accessibility and availability of polling stations and the presence of independent observers.**

#### **Right to transfer earnings and savings**

42. The Committee notes with appreciation that amendments were made in March 2018 to instruction No. 204 concerning procedures for money transfers with a view to facilitating the receipt of remittances by individuals without the need for a bank account. It also notes that the National Bank of Tajikistan has recommended that credit organizations open branch offices in remote mountainous regions to facilitate access to funds transferred from abroad. The Committee expresses concern, however, that in February 2016, the National Bank of Tajikistan issued an order requiring all money transfers in Russian roubles by individuals without bank accounts to be issued only in the national currency of the State party, and that, owing to the unfavourable official exchange rate, recipients of remittances from the Russian Federation continue to lose money.

43. **The Committee recommends that the State party take measures to facilitate the transfer of earnings and savings by migrant workers in the Russian Federation with preferential transfer and reception fees, and to make savings more accessible to members of their families.**

### **5. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)**

#### **Children in situations of international migration**

44. The Committee expresses concern at the lack of measures taken by the State party to protect children from human rights abuses during the entire migration process. It is particularly concerned that children who migrate abroad are deprived of family care, do not attend schools, and risk being detained and separated from their parents if the parents are found to be in violation of immigration laws. The Committee notes with particular regret the death in October 2015 of Umarali Nazarov, a five-month old baby, after he was separated from his mother while she was detained in the Russian Federation. It also remains concerned about the situation of children left behind in the State party who may be subject to violence, abuse, neglect and exploitation, and the lack of sufficient measures taken by the State party to ensure their protection.

45. **In line with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party:**

(a) **Take all measures necessary to ensure that the rights of children who migrate abroad are fully protected and that children are not separated from their parents or primary caregivers, including by strengthening efforts to engage with the authorities, national human rights institutions and civil society representatives in the destination countries;**

(b) **Take all measures necessary to ensure that children who are left behind by parents who migrate abroad are protected against violence, abuse, neglect and exploitation;**

(c) **Ensure that all decisions relating to migrant children take their best interests as a primary consideration, and that under no circumstances are children deprived of their liberty because of their migratory status or that of their parents;**

(d) **Strengthen efforts to ensure that cases of violation of the rights of migrant workers and members of their families abroad, including deaths, are effectively investigated, that individuals responsible are brought to account and that effective remedies are provided to rights-holders by the countries of destination, and, where relevant, undertake separate and independent investigations.**



### **International cooperation with countries of destination**

46. The Committee notes that the Ministry of Labour, Migration and Employment concludes bilateral agreements with countries of destination to ensure the welfare of Tajik migrant workers and their access to social benefits. However, it remains concerned that negotiations with the Russian Federation, which is the primary country of destination of Tajik migrant workers, are still ongoing with regard to social security, pensions and access to health care. Moreover, the Committee expresses concern at the lack of sufficient guarantees to ensure the protection of the rights of Tajik migrant workers in Qatar, including those who will be involved in the construction of sports facilities before 2022, given that the bilateral agreement between the two States has yet to be concluded.

**47. The Committee recommends that the State party step up efforts to conclude bilateral agreements with all countries of destination of Tajik migrant workers without further delay, and ensure that such bilateral agreements on labour migration comply with the Convention, refer to international human rights law and are legally binding.**

### **Recruitment agencies**

48. The Committee notes the information provided by the State party concerning the arrest of persons responsible for the recruitment of women for the purposes of labour exploitation abroad, and the subsequent return of some women to the State party. However, it regrets the lack of information requested by the Committee in its previous concluding observations on the prosecution and sentencing of responsible individuals and the status of those who remain abroad. It also remains concerned at reports that 15 private recruitment agencies currently operate in the State party, and that insufficient measures have been taken by the State party to regulate their activities to ensure that persons recruited through such agencies are not subjected to forced labour or modern forms of slavery in the countries in which they are employed.

**49. Recalling its previous recommendations (CMW/C/TJK/CO/1, para. 44), the Committee recommends that the State party:**

**(a) Adopt a regulatory regime for private recruitment agencies and strengthen the existing licensing system for recruitment agencies to ensure the rights of migrant workers, in accordance with the Convention;**

**(b) Enhance the monitoring and inspections of private recruitment agencies to prevent them from acting as intermediaries for abusive foreign recruiters;**

**(c) Ensure that private recruitment agencies provide thorough information to individuals seeking employment abroad and that they guarantee the effective enjoyment of all agreed employment benefits;**

**(d) Investigate illegal practices by private recruitment agencies, impose appropriate sanctions on those involved in exploitative practices, and ensure that victims receive support to return to the State party and have access to effective remedies, doing so in collaboration with the authorities of the relevant States.**

### **Return and reintegration**

50. The Committee notes the adoption of the State programme to promote employment for 2018 and 2019, which resulted in the employment of 222 individuals in permanent jobs. It also notes that the National Development Strategy for 2016–2030 includes measures for the reintegration of returning migrants and the promotion of full employment in the State party. However, it expresses concern that there are approximately 240,000 Tajik migrant returnees who have been denied re-entry into the Russian Federation, and that the support provided to such returnees is inadequate, including with regard to the provision of high-quality training and educational opportunities for professional development, and also regarding support for self-employment and entrepreneurship.

**51. The Committee recommends that the State party ensure that the measures taken to facilitate the reintegration of returning migrants are effectively implemented in practice. It also recommends that the State party ensure the provision of high-quality**

**training and educational opportunities for professional development, and adopt measures to support self-employment and entrepreneurship, such as those facilitating access to credit and loans.**

#### **Trafficking in persons**

52. The Committee notes with appreciation the measures taken by the State party to combat trafficking, including the adoption in July 2014 of a new version of the Act on Trafficking in Persons and Assistance to Victims, which aims to strengthen the protection of the rights of victims of trafficking, and in July 2016 of a decision clarifying the operating procedures of the national referral mechanism. It also notes the adoption of a comprehensive programme to combat trafficking in persons between 2011 and 2016. The Committee nevertheless expresses its concern at reports that the national referral mechanism is not fully operational and that support for victims is inadequate. It expresses further concern that efforts to combat trafficking in persons are undermined by the complicity of government officials in human trafficking offences.

53. **The Committee recommends that the State party:**

(a) **Implement the revised Act on Trafficking in Persons and Assistance to Victims, and provide adequate resources for the implementation of strategies to combat trafficking in persons, especially trafficking in women and children;**

(b) **Ensure that the national referral mechanism is fully operational to effectively identify victims of trafficking and guarantee them adequate support, including access to shelters and legal, medical and psychosocial assistance;**

(c) **Ensure that trafficked persons are not detained, charged or prosecuted for the illegality of their entry into or residence in the State party, or their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons;**

(d) **Ensure the prompt, effective and impartial investigation, prosecution and punishment of all acts of trafficking in persons and other related offences, including when the perpetrators are government officials;**

(e) **Systematically collect disaggregated data on trafficking in persons with a view to its prevention and the prevention of other forms of exploitation;**

(f) **Strengthen international, regional and bilateral cooperation to prevent trafficking in persons, including by exchanging information and harmonizing legal procedures to prosecute traffickers.**

#### **Repatriation of the bodies of deceased migrant workers or members of their families**

54. The Committee remains concerned at the significant number of deaths of Tajik migrant workers and members of their families abroad, especially in the Russian Federation, and the absence of standardized procedures and regulations to facilitate the repatriation of the bodies of the deceased.

55. **The Committee reiterates its previous recommendation (CMW/C/TJK/CO/1, para. 46) that the State party establish a mechanism and a fund for the repatriation to the State party of the bodies of deceased Tajik migrant workers and members of their families, and facilitate such repatriation.**

### **6. Dissemination and follow-up**

#### **Dissemination**

56. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.**

**Technical assistance**

57. The Committee recommends that the State party avail itself of international assistance for the implementation of the recommendations contained in the present concluding observations in line with the 2030 Agenda for Sustainable Development.

**Follow-up to concluding observations**

58. The Committee requests the State party to provide, within two years (that is, by 1 May 2021), written information on the implementation of the recommendations contained in paragraphs 12, 35 (a) and 47 above.

**Next periodic report**

59. The Committee requests the State party to submit its third periodic report by 1 May 2024. In doing so, the State party may wish to follow the simplified reporting procedure. The Committee draws the State party's attention to its harmonized treaty-specific guidelines (HRI/GEN/2/Rev.6).

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