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COUNCIL OF EUROPE
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Resolution 1639 (2008)[1]

Migration and mobility in the Euro-Asian region – Prospects for the future

Parliamentary Assembly

1. For centuries migration movements and human mobility have played an important role in the common history and socio-economic and cultural development of both Asia and Europe. In historical and contemporary terms, the Russian Federation and Turkey stand as eastern gates to Europe, connecting it to the Middle East, central Asia and the Far East.

2. After the break-up of the Soviet Union and the creation of independent states, new patterns of migration and mobility emerged. The nature of migration shifted from primarily forced migrations – as a result of military conflicts, social unrest, discrimination of ethnic minorities and economic crises – to voluntary economic migration. The transition to market economies has widened income gaps within the successor states and the regions of the Russian Federation. These economic disparities and the relaxation of traditionally tight borders have created strong incentives to migrate.

3. The member states of the Commonwealth of Independent States (CIS) remain socially and economically inter-related due to their common history as well as cultural and linguistic familiarity. The CIS common labour market could be an effective economic instrument to increase employment of the region's labour force, to balance labour market shortages with surpluses, to boost less-developed economies and to facilitate regional integration.

4. Looking beyond the CIS, the free movement of persons could be an important stimulant for economic development in a wider Euro-Asian region. While countries have considerable disparities in terms of economic development rates, they are complementary as a result of differences in demographic growth. The sharp population decline in Russia and Ukraine contrasts with the relatively high population growth rates in the central Asian states, in Transcaucasia, in the Middle East and the Far East.

5. Migration from China to Russia and other Euro-Asian countries is a growing phenomenon. The total number of Chinese migrants in Russia is sometimes estimated to be 1 million, even if the official figure for work permits was 230 000 in 2007. Contrary to migration exchanges within the CIS region, which facilitate regional integration, Chinese migration to Russia creates many challenges due to the widespread irregular employment of Chinese workers in the shadow economy run by the Chinese communities and due to the migrants' extremely low level of integration (Chinese enclaves). Moreover, the intense entrepreneurial activity of Chinese migrants, namely the export of Russian raw materials to China and the sale of cheap Chinese products, is perceived as a threat to the Russian economy.

6. As a result of porous borders, the visa-free regimes between most CIS countries and overly bureaucratic procedures for issuing residence and work permits, labour migration in the Euro-Asian region has been mostly irregular. It is estimated that 3 to 6 million undocumented migrants live in Russia, 30 000 in Ukraine, up to 15 000 in Belarus and 1 million in Kazakhstan.

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1. *Text adopted by the Standing Committee,* acting on behalf of the Assembly, on 28 November 2008 (see Doc. 11747, report of the Committee on Migration, Refugees and Population, rapporteur: Mr Iwiński).
See also Recommendation 1852 (2008).

7. Irregular migration and illegal employment of migrant workers are matters of concern for both receiving countries and countries of origin as they lead to a distortion of labour markets; to growth in the shadow economy; to corruption, crime and trafficking; to a loss of tax revenue; but above all to the exploitation of undocumented migrant workers and serious violations of their human rights.

8. The Parliamentary Assembly therefore welcomes a major shift in the policy of the Russian Federation, which is one of the most important countries of destination and transit in the Euro-Asian region. In January 2007, new legislation and regulations were adopted to simplify and facilitate the legal flow of migrant workers. Criminal and administrative laws were also reviewed and amended to reinforce sanctions against the illegal employment of migrants.

9. Given that the regulation of migration flows is a relatively recent political priority in the Euro-Asian region, it is crucial to assist the countries to establish standards with regard to the rights of migrant workers and their families and to raise awareness of human rights of all migrants, including migrants in an irregular situation.

10. In terms of standard setting, the Assembly recalls the European Convention on the Legal Status of Migrant Workers (ETS No. 93) and the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. It also recalls its Resolutions 1509 (2006) on human rights of irregular migrants, 1568 (2007) on regularisation programmes for irregular migrants, 1534 (2007) on the situation of migrant workers in temporary employment agencies (TEAs), 1437 (2005) on migration and integration: a challenge and an opportunity for Europe and 1462 (2005) on co-development policy as a positive measure to regulate migratory flows.

11. Attention is drawn to the need to intensify the activities of intergovernmental committees of the Council of Europe, the International Labour Organization (ILO) and the International Organization for Migration (IOM) in promoting standards and devising guidelines on how to apply them in the Euro-Asian context.

12. In the context of recent readmission agreements which were signed with the European Union, there is an urgent need to provide Russia, Ukraine and Turkey with assistance in developing standards and capacities to deal effectively with the readmission of undocumented migrants, including third country nationals and stateless persons who will be expelled from the European Union. In this regard, the Assembly recalls the 20 guidelines on forced return adopted by the Committee of Ministers in May 2005.

13. In terms of regional co-operation, the Assembly has a long-standing and fruitful co-operation with the Inter-Parliamentary Assembly of the Community of Independent States (IPA CIS) which undertakes important initiatives in the framework of CIS regional co-operation on migration, particularly with regard to bilateral and regional agreements on labour migration, harmonising legislation and facilitating the transfer of remittances. In April 2008, the IPA CIS and the Parliamentary Assembly adopted a joint declaration following the Conference on the Globalisation of Migration Processes and Problems of Legal Regulation.

14. Considering the above, the Assembly invites the main destination and transit countries in the Euro-Asian region – namely Russia, Turkey, Ukraine and Kazakhstan – to undertake the following steps with the assistance of the Council of Europe, the ILO, the IOM, the Organization for Security and Co-operation in Europe (OSCE) and the European Union:

14.1. with regard to labour migration to:

14.1.1. create or strengthen governmental services for migration;

14.1.2. harmonise data on migration flows;

14.1.3. analyse the economic sectors with labour shortages and identify current and future needs for migrant labour;

14.1.4. establish partnerships between the state employment services, state migration services, regional and local authorities, employers' associations, trade unions, private employment agencies, diaspora communities and NGOs working in the migration field;

14.1.5. develop norms on migrant labour in accordance with international standards and to include them in the Labour Code;

14.1.6. sign, ratify and implement the European Convention on the Legal Status of Migrant Workers;

14.1.7. sign, ratify and implement the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;

14.1.8. strengthen monitoring mechanisms and enforce labour migration legislation through labour inspection, dissuasive sanctions and penalties including criminal prosecutions;

14.1.9. facilitate integration of migrants and their families through the provision of housing and access to services, including health care and education for children;

14.1.10. monitor and sanction discriminatory practices against migrant workers;

14.1.11. use the guidance of the *Handbook on Establishing Effective Labour Migration Policies in Countries of Origin and Destination* published by the OSCE, ILO and IOM;

14.2. with regard to irregular migration to:

14.2.1. protect the human rights of undocumented migrants in accordance with its Resolution 1509 (2006);

14.2.2. sign, ratify and implement the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197);

14.2.3. reinforce control mechanisms to prevent exploitation of undocumented migrants by employers, employment intermediaries or agents, smugglers and traffickers;

14.2.4. consider regularising undocumented migrants who are gainfully employed in the shadow economy while taking into account lessons learned from the pilot regularisation programme which was undertaken by the Russian Federation in 2005.

15. The Assembly encourages the countries of origin in the Euro-Asian region to:

15.1. negotiate bilateral agreements with host governments to ensure that employers abide by regular employment contracts and make social security payments;

15.2. create partnerships with regional and local authorities, private recruitment agencies, employers, trade unions, diaspora communities and NGOs with a view to identifying job opportunities and to guaranteeing safe recruitment;

15.3. conduct information campaigns which provide potential migrants with knowledge of safe recruitment and employment procedures and their rights as migrant workers in the countries of destination;

15.4. provide language courses to labour migrants prior to their departure, in co-operation with cultural centres of the countries of destination;

15.5. set up assistance in destination countries through labour attachés;

15.6. in co-operation with countries of destination, closely monitor recruitment which is undertaken by employment agencies to minimise abuses and introduce criminal proceedings against serious offenders;

15.7. consider setting up migrant welfare funds with a view to providing support services to vulnerable migrants.

16. The Assembly urges the European Union to provide assistance programmes to help the Russian Federation, Ukraine and Turkey to develop standards and capacities to deal effectively with the readmission of undocumented migrants, including third country nationals and stateless persons who will be expelled from the European Union.