



Social Research Center
American University of Central Asia

Discrimination Against Internal Migrants in the Kyrgyz Republic

Analysis and Recommendations

Bishkek • 2009



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The report is prepared by experts of the Social Research Center (SRC) of the American University in Central Asia (AUCA) for the project titled “Discrimination Against Internal Migrants in Kyrgyzstan: Ways to Overcome”. The project is conducted by the SRC, AUCA and supported by the Open Society Institute. The report presents analysis of the legislation on residence registration and recommendations on simplifying the process of residence registration for internal migrants in the Kyrgyz Republic.

This publication is addressed, first of all, to the governmental decision-makers, representatives of organizations dealing with migration issues, as well as representatives of academia, research institutes and to the wider public who are interested in political and socio-economic development in Kyrgyzstan.

Any use of materials from this publication must be cited.

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I. ANALYSIS OF THE OVERALL SITUATION WITH RESPECT TO INTERNAL MIGRANTS' RIGHTS

Introduction of the institution of *propiska* (residence registration) in the 1920s was explained by the special conditions existing at that time, which required “population registration in cities, towns and agglomerations of new houses, decongesting these areas of the persons, not engaged in socially useful work, as well as clearing of sheltering kulak, criminal and antisocial elements in order to strengthen the dictatorship of the proletariat”.¹

Eventually, however, despite the fact that the kulaks had been dispossessed and then disappeared as a social class, antisocial elements had been isolated in the camps, and no one encroached on the strengthened proletarian dictatorship, the compulsory *propiska* procedure was intentionally kept in force. The reason for maintaining the *propiska* requirement was that such a procedure provided the authorities with full information about all the citizens and their movements. Gradually, the nature of the institution of *propiska* changed, assuming a permissive character and becoming one of the public administration institutions.

Maintaining the current registration procedure, which is only a modified form of the Soviet *propiska*, in today's Kyrgyzstan the authorities again justify the procedure based on the need for accurate, complete and regularly updated information on the number of migrants and the structure of migration flows, which is necessary to prevent the rise in spontaneous migration processes. The state program of regulating the migration processes in the Kyrgyz Republic for 2007-2010, approved by the Decision of the Government of the Kyrgyz Republic of September 25, 2007 # 433, notes that “the lack of reliable and

¹ Decree of the All-Russian Central Executive Committee and People's Commissars Council of 27 December 1932 “On the Establishment of a Common Passport System in the USSR and Mandatory Registration of Passports”.

complete data on the number of migrants and the structure of migration flows makes it difficult to find the best ways to regulate migration. In this regard, it is necessary to enhance the interagency cooperation, using the most advanced methods for recording and registering the migrants and appropriate technical equipment for the agencies concerned”.¹

Indeed, in recent years spontaneous migration has affected important aspects of life in Kyrgyzstan and significantly influenced the socio-economic development of the country. Therefore, the regulation and stabilization of migration have become among the top priorities of state policy in the Kyrgyz Republic.²

The sharp rise in unemployment in the countryside and small towns, lack of adequate infrastructure, low levels of health and educational services and lack of social protection force the population, mostly of working age, leave their places of residence and move to more developed regions.

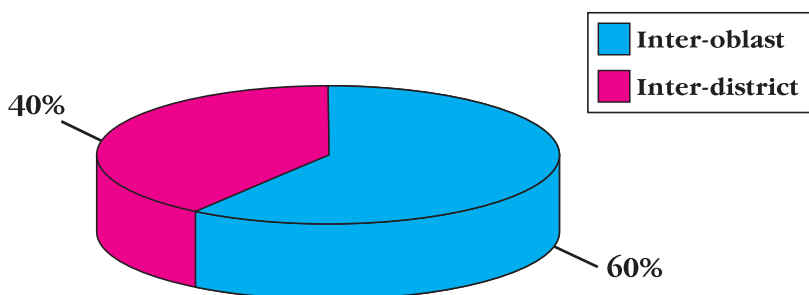
When dealing with migration issues, the mass media, various agencies and organizations mainly focus on the issues of external migration. For many reasons, the process of internal migration remains in the shade. And this is while, according to the Social Research Center at the American University of Central Asia (hereinafter - SRC AUCA), the scope of internal migration several times exceeds that of external migration. For example, in the Lyaylyak district of Batken oblast (region) the number of external migrants is 10 percent of the total number of the people who left their homes. Of these, 7 percent left for the Russian Federation and 3 percent left for Kazakhstan, while 90 percent of the migrants settled in other oblasts and in the capital of Kyrgyzstan (57 percent - in Bishkek, 3 percent - in Tchui and Issyk-Kul oblasts, 30 percent - in the areas nearby to Lyaylyak).³

¹ State Program of the Kyrgyz Republic on the Regulation of Migration Processes for 2007-2010. Paragraph 2.5.

² State Program of the Kyrgyz Republic on the Regulation of Migration Processes for 2007-2010.

³ Research conducted by SRC AUCA “Discrimination against Internal Migrants in Bishkek”. www.src.auca.kg

According to the National Statistics Committee, from 1991 to 2005 the total number of movements between the oblasts of the country amounted to 889, 921 people. There is every reason to believe that today this figure has already exceeded one million. However, the recorded figures of internal migration mobility, composing the official statistical base, do not include all the internal migrants, because most of them, due to complicated bureaucratic rules, do not comply with the procedure of residence registration/de-registration. Hence, the dominant part of the population, moving inside Kyrgyzstan, remains outside the statistical record. In the overall flow of internal migration the predominance of inter-oblast migration over the inter-district one has been found.



The information on the migrants' origin, according to the research of SRC AUCA, shows the basic direction of internal migration – “from the impoverished and overpopulated South to the richer and less densely populated northern oblasts, especially to Bishkek”.¹ It is worth mentioning that this process is of a spontaneous nature.

Naturally, such a spontaneous migration, like any other spontaneous phenomenon, has more negative than positive moments. The opinion of state authorities on this matter is clearly stated in the Concept of State Migration Policy of the Kyrgyz Republic until 2010, approved by the Presidential Decree of 30 April 2004, # 151.² According to this concept:

¹ Ibid.

² Concept of State Migration Policy of the Kyrgyz Republic until 2010.

- the increase in spontaneity of migration processes entails sharp deterioration of the socio-economic life of rural population and the population of small towns, which loses its most active part of the working age;
- the prevailing directions and scopes of internal migration flows destroy the regional demographic balance and rational distribution of population throughout the country;
- reducing number and composition of the population in strategically important border regions, traditional highland areas of distant-pasture cattle tending and rural periphery limit the human resources potential for the development of an agricultural sector of the economy of the Republic;
- excessive concentration of population in the capital and other centers, having socio-economic, territorial and infrastructural limitations, leads to overpopulation, enhancement of social tensions and worsening situation in the labor markets.

It is hard to disagree with this. However, the problems of big cities, abandoned villages and employment must be solved not through the restriction of the constitutional right for free movement and choice of place of residence. They must be solved in other ways and especially through raising the level of socio-economic development of the oblasts. But, as the economy of the country makes it impossible for governmental bodies to solve the migration problem by financial and economic levers, legal mechanisms are the only ways to keep the population of villages and small towns from moving to other oblasts and cities. Although the Constitution of the Kyrgyz Republic and the Law “On internal migration” of 16 October 2002 # 114 declare the right to freedom of movement and choice of place of residence, thus barring any restrictions on its realization, one may clearly see the intention by the agencies, regulating the registration procedure of internal migrants, is to control the flow of migrants from the periphery to the center, in particular to Bishkek.

An analysis of the urbanization processes and the history of such metropolises, as New York, London, Tokyo, Cairo and others, have shown that it is virtually impossible to stop migration by legal restrictions. Urbanization

and migration are natural processes of human development that cannot be controlled.

The State program and the Concept of state migration policy of Kyrgyzstan convincingly justify the need to constantly monitor the migration flows, using the procedure of residence registration of internal migrants. At the same time, understanding the real situation, governmental bodies acknowledge that the current registration system does not meet the challenges it was supposed to meet. Therefore, the State program on the regulation of migration processes identified the question of improving the record and registration system of the population migration as problematic.

The problem is that the current procedure is based on conflicting legal regulations and personal bureaucratic “decisions” made by individual officials, responsible for registration. As a consequence, the procedure:

- 1) does not motivate a law-abiding migrant to comply with the required procedure, even on pain of responsibility for failure to register. Even if one in three migrants evades the registration system, the State is no longer able to operate a complete database of statistics on the number of migrants and the structure of migration flows to meet the challenges, posed by spontaneous migration;
- 2) does not permit legalization of internal migrants' living in their places of stay. The lack of residence registration (*propiska*) results in restricting the realization of migrants' basic rights and freedoms, because, in many cases, educational, medical, social and other services, as well as the process of hiring, depend on the registration. This very fact, to some extent, creates social tension in the places of residence of migrants, as the lack of a document proving the fact of registration, according to the migrants, raises negative attitudes towards migrants and does not allow them to work and earn equally with the city residents, live well, send their children to urban schools, receive medical care in urban clinics and hospitals and coexist peacefully with the city residents.

The only logical conclusion that may be drawn from the above mentioned points is that if the State wants to receive the information on the number

of internal migrants and to prevent artificially created hotbeds of social tension in the cities, it must create the conditions, under which a migrant himself, not under the fear of punishment and persecution, would seek to comply with the legal requirement of registration. We believe this can be achieved only through an extreme simplification of the procedure for residence registration (propiska). Unfortunately, today in Kyrgyzstan one cannot see any active measure in this direction.

II. NATIONAL LEGISLATION ON THE RULES AND PROCEDURE FOR REGISTRATION

II.1. Ostensible notification character of registration

All international human rights treaties and agreements, to which the Kyrgyz Republic is party, proclaim that every person is entitled to all the rights and freedoms, mentioned in those treaties and agreements, and draw particular attention of the member states to the inadmissibility of any forms of discrimination on any grounds and circumstances.

Fundamental human rights documents find the right to free movement and choice of the place of residence as one of the most important human rights.

For example, point 1 of Article 13 of the Universal Declaration of Human Rights states that everyone has the right to freedom of movement and residence within the borders of each state. The International Covenant on Civil and Political Rights Similar has similar provisions: “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence”.¹

With the adoption of the Constitution of independent Kyrgyzstan in 1993, the right to freedom of movement and choice of residence became a constitutional rule, and the Soviet institution of propiska, significantly restricting the citizens in exercising this right, no longer corresponded to the Principal Law of the country.

¹ The International Covenant on Civil and Political Rights, adopted by the UN General Assembly on 16 December 1966, p.1 Art.12. The Kyrgyz Republic joined it on 12 January 1994 by the Decision of Jogorku Kenesh of KR #1406.

Having joined on 12 January 1994 the International Covenant on Civil and Political Rights, the Kyrgyz Republic assumed an additional commitment to ensure its citizens the right to freedom of movement and choice of residence throughout the country.

The adoption of the Law of KR “On internal migration” in 2002, to some extent, was a significant step forward. The Law imposed a notification character of the registration with minimal requirements for those who wished to register, declared that registration was not a legislative factor, which meant that the fact of having or not having the registration cannot be a ground for restriction or a condition for the realization of a citizen’s rights and freedoms, and defined a clear list of conditions, under which the restriction of the right to freedom of movement and choice of residence and stay is permissible.

At the same time, this Law reproduces the institution of “registration” in the place of short-term stay,¹ which existed in the Soviet Union although in limited use, and is one of the principal drawbacks of the Law. The essence of this procedure is that the citizens, arriving in any location for a short period of time, must through a bureaucratic procedure inform the authorities of their whereabouts.

By its nature, and, most importantly, with a strict compliance with the rules of the Law of KR “On internal migration” by the officials, responsible for the registration, such a form of registration does not infringe on the right to freely move and choose the place of residence or stay. Freely choosing the time and place of movement inside the country, a person, in accordance with the due procedure, is obliged to inform or simply to notify the relevant agencies, responsible for the registration, which are the bodies of internal affairs and local self-government.

Registration on notification, carried out in different forms, is a fairly common practice in many countries of the world.

¹ Statute on the passport system in USSR, point 22, approved by the Decision of the Government of KR of 17 October 1994 #775.

In Israel, registration is carried out in city and district offices of the Ministry of the Interior. The main point of registration is that a citizen must be assigned to a polling station, so that the state could ensure his franchise. The registration does not have any other purposes, that is why it is not mandatory.

In Canada a citizen is obliged to inform the State of his formal place of residence. The only requirement for this place is that a person must respond to the letters coming to this address. A person must report on his actual location of living only if he receives social or unemployment allowance.

In the United States of America, whose population exceeds the population of Kyrgyzstan several dozen times, there are no special problems with the control of internal and external migration. In the United States only foreign citizens are required to register. U.S. citizens are obliged to register their address and changes to it only if they own auto-vehicles. For example, in California it is enough to orally notify the relevant agencies within ten days of changing the address, and, writing a new address on a small piece of paper, carry it along with a driving identity. It is important that in the United States, unlike in the post-Soviet states, including Kyrgyzstan, the citizens are not forced to register their addresses for the sake of the registration itself, and **the fact of having an identity card with the address does not give a citizen any special rights in this area.**

Although the Law of KR “On internal migration” says that the established procedure for registration at the place of residence has a notification character, its real application paints a different picture, as it is based more on the regulations adopted by state authorities and local governments, that contradict the provisions of the Law, and on the purely personal, often subjective attitudes of officials, who are responsible for the registration.

The problem is that in the process of its realization the right to freedom of movement and choice of residence or stay, declared by the Constitution of the Kyrgyz Republic and the Law of KR “On internal migration”, faces many bureaucratic barriers, created by the regulations of lower legal force. Thus, those regulations, even if indirectly, hinder the realization of the constitutional right to freedom of movement and choice of residence and stay. The number of those barriers is growing. At the same time, the number of rights and freedoms, which are restricted because of a citizen’s non-compliance with the bureaucratic rules of registration, is also growing, and that is already a violation of other provisions of the Constitution of the Kyrgyz Republic and provisions of international treaties, which prohibit any form of discrimination in the realization of human rights and fundamental freedoms.

This conclusion can be confirmed by an analysis of the existing legislation on internal migration and the registration procedure for internal migrants.

II.2. Inconsistency between the registration procedure regulations, adopted by governmental bodies and local administration, and the law

Currently, the residence registration procedure is determined by the Law of KR “On internal migration”, adopted by the Jogorku Kenesh of the Kyrgyz Republic on 28 June 2002 (as amended by the Law of KR of 16 October 2002 #144) and the Statute “On the rules of registration and de-registration of citizens of the Kyrgyz Republic”, approved by the Decision of the Government of the Kyrgyz Republic of 4 December 2004 (hereinafter – the Statute).

Realizing his constitutional right to free movement within the Kyrgyz Republic, a person, changing his place of residence, in accordance with the Law of KR “On internal migration” (hereinafter – the Law) must register at the place of stay. The Statute creates certain conditions for the realization of this right, which, being included in a legal act, gain the force of law.

For example, when a law-abiding migrant arrives at a new site for more than 45 days, in accordance with the requirements of point 1 of Article 17

of the Law and paragraph 26 of the Statute, he must within 5 working days submit to the body, responsible for registration, a standard application for registration and a document certifying his identity.

Once again we should emphasize that, until this moment, the requirement to register does not create any obstacles to the realization of human rights to freedom of movement and choice of residence and stay. A person may go and settle anywhere but must be so kind as to meet the registration requirement. According to the Law, a registering body is obliged to register a citizen at the place of residence on the same day as this citizen presents two documents, required for registration:

- 1) an application for registration in due form;
- 2) a document certifying his identity.

In this case, a citizen cannot be refused registration. This is, actually, the essence of the notification character of registration.

However, as the results of the conducted studies have shown, in reality the situation is quite the opposite, and the registering bodies interpret the provisions of the Law quite differently.

In fact, the basic regulatory document for the internal affairs bodies, responsible for registration, has been the directions of the Ministry of Internal Affairs "Procedure for implementation of the Statute on passport system in the Kyrgyz Republic" (hereinafter referred to as Directions), approved by the Decree of the Ministry of Internal Affairs of the Kyrgyz Republic of 17 January 1995 #23 "restricted" (as amended by the Decree of the Ministry of Internal Affairs of the Kyrgyz Republic of 22 October 2001 #449).

Despite the fact that the Statute on passport system in the Kyrgyz Republic became invalid in July 2002 because of the adoption of the Law of KR "On internal migration", the bodies of internal affairs continued to follow the above mentioned Statute for an additional two and half years until its revocation in January 2005.

And this was despite the fact that the rules set by the Directions directly contradicted the provisions of the Law of KR "On internal migration", which can be seen in the following comparative table.

Positions	Law of KR “On internal migration”	Directions of the Ministry of Interior of KR “Procedure for implementation of the Statute on passport system in the Kyrgyz Republic”
The maximum period of stay, which does not require registration	45 days	3 days to 6 months
The period within which a person must register at the place of arrival	within 5 working days	within 3 days from the date of arrival (excluding weekends and holidays)
Documents required for registration	1) an application in due form; 2) a passport or another document certifying the identity of a citizen	1) a passport or another document certifying the identity of a citizen; 2) an application for registration at the place of residence in the form 1; 3) a temporary registration card in the form 3, issued at the place of permanent residence by a body of local government or a body of internal affairs; 4) a document, serving as a ground for a citizen's temporary residence at residential premises (contracts of rent, social rent, lease (sublease) of residential premises) or applications of persons, providing accommodation to the citizen (point 52)
The powers of registering bodies	A registering body must register a citizen at the place of stay, which is not the place of his residence, on the same day as the citizen submits documents for registration.	The relevant officials of passport and visa services of the internal affairs bodies within 3 days from the date of receipt of documents for registration must register citizens at the place of their stay or notify them about the reasons for refusal in written form (p. 54)

In January 2005, a joint Decree of the State Agency of Information Resources and Technologies at the Government of the Kyrgyz Republic and the Ministry of Internal Affairs of the Kyrgyz Republic revoked the Directions. New Directions have not been worked out or approved. It turns out that no departmental document today regulates the functions and authorities of passport service officers or the rules and procedures, which were specified in the revoked Directions in detail.

For example, according to Point 26 of the Statute, registration of citizens at the place of stay is implemented with issuance of a registration card established by the Ministry of Internal Affairs of the Kyrgyz Republic. Earlier the regulatory Directions specified the form and procedure for filling in, issuing and recording of temporary registration cards. Although the Directions have been revoked, and no other document has been approved, temporary registration cards are still issued, and the procedure for their issuance and record remains the same.

All the orders and decisions of the Ministry of Internal Affairs and the Department of passport and visa services, concerning registration and de-registration of citizens (even if they exist) are not open for public and expert analysis and evaluation, because they are marked “restricted”.

“Rules of temporary residence permit for citizens, actually residing in Bishkek”, approved by the Decision of the Bishkek City Administration on 23 May 1998 (hereinafter - Rules) also contain provisions that directly contradict the Law of KR “On internal migration”. For example, in accordance with Clause 6 of the Rules, registering authorities, which in Bishkek are the bodies of internal affairs, are granted the right to demand *“another document, serving as a ground for a temporary residence permit”*, which is not allowed by the Law. Besides, the lack of a public list of *“other”* documents creates the grounds for abuse of authority.

Most commonly a migrant evades registration because of the reasons that are beyond his will, when he cannot submit the documents required by some passport services officers, which actually, according to the Law of KR “On internal migration”, he is not obliged to provide. In particular, it is a document, which serves as “the grounds for a citizen’s temporary residence in residential

premises (contracts of rent, social rent, lease [sublease] of residential premises) or applications of persons, providing accommodation to the citizen”, specified by the revoked Directions. Despite the fact that the Directions have been revoked and the requirement to submit such a document contradicts directly the Law “On internal migration” and the Statute, such practice still exists, which was confirmed by the results of the interviews among migrants.

It is very difficult for a migrant and his family to find accommodations in big cities, where he could officially register. In most cases what migrants find is cheap housing with the possibility of half-legal residence. Usually, the owner of housing hides his rent incomes and does not wish to buy a costly patent in a tax office. An official announcement of renting an accommodation out to a migrant’s family would also lead to higher payment for utilities (water, central heating, cleaning, etc.) for the owner. Therefore, the owner refuses to sign a formal contract of rent with a migrant and provide a document confirming that the migrant really lives in that apartment (or house). At the same time, failure to provide such contract or an application from the owner of the dwelling, according to the Directions, was the grounds for refusing registration. As the practice of requiring this document still exists, there continue to be cases of refusal of registration if a migrant fails to submit it.

Other reasons for migrants’ non-compliance with the registration requirement, as the research of SRC AUCA demonstrate are the lack of information and time to register as well as the red tape. That shows the complexity of the registration process.

Thus, the above-mentioned legal regulations, contradicting the Constitution of the Kyrgyz Republic and the basic Law of KR “On internal migration” could force a migrant violate the law, and consequently his rights could be significantly limited just because of the lack of registration (residence permit).

Unfortunately, the requirements, contained in Article 48 of the Law of KR “On internal migration”, according to which state bodies must bear responsibility for failure to comply with the provisions of this Law while adopting legal or other acts on its practical realization, have not been implemented. Any legal acts, restricting the rights provided by this Law, are invalid in whole or in the relevant part since their adoption.

Of course, the laws of the Kyrgyz Republic provide for the procedure of appealing against a decision or an action (non-action) of state bodies, local self-governments and officials in civil proceedings, as well as a procedure for citizens to dispute the legal regulations, contradicting the law. But the vast majority of migrants are not even aware of the existence of such procedures.

At the same time, prosecutors and the Ombudsman (Akyikatchy) of the Kyrgyz Republic, according to the Procedural Law, have the right to challenge in court the recognition of a legal act of a state body, local self-government or an official, violating the rights and freedoms of citizens, as contradictory to the law. Unfortunately, they have not done anything.

II.3. Restriction of the internal migrants' rights and freedoms because of the lack of registration

According to Article 2 of the International Covenant on Civil and Political Rights, the fact of changing residence or stay by a citizen should not diminish the obligation of the State to respect and ensure the other rights stipulated by the Covenant. These are: the right to liberty and personal immunity, the right to freedom of expression, the right to take part in public affairs directly or through freely elected representatives, the right to be admitted to public service in the country on general equality terms, the right to equal protection by the law without any discrimination, etc.

Article 2 of the International Covenant on Civil and Political Rights

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The fact of change of residence should not be a ground for limitation of the rights, stipulated by the International Covenant on Economic, Social and Cultural

Rights. These are the right to work and just and favorable working conditions, the right to social services, the right to an adequate standard of living for a citizen and his family, including adequate food, clothing and housing and the continuous improvement of living conditions, the right to the highest attainable standard of physical and mental health, education, etc.

Article 2 of the International Covenant on Economic, Social and Cultural Rights

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Similar provisions are contained in the Constitution of the Kyrgyz Republic and the Law of KR “On internal migration”.

Law of the Kyrgyz Republic “On internal migration”.

Article 10. Guarantee of rights and freedoms irrespective of the registration

Each citizen of the KR shall enjoy his/her rights and freedoms, guaranteed by the Constitution and laws of the KR in the whole territory of the KR irrespective of the fact of registration at the place of residence. **The lack of the fact of registration may not serve the grounds for restriction of rights and freedoms of citizens** (emphasis added by author).

Although the migration legislation declares that the lack of the fact of registration shall not serve the grounds for restriction of rights and freedoms of citizens, the provisions of other laws and legal acts call the guarantees of protection of the rights and the legitimate interests of internal migrants in serious question. This becomes obvious from the comparative analysis of the legislation, regulating the provision of public services by the State.

Right to education

The UN Convention on the Rights of the Child, to which Kyrgyzstan has been a party since 12 January 1994, declares that States Parties recognize

the child's right to education. With a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular, encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child ... (Article 28 "b").

As early as December 1960, the UN General Conference on education, science and culture, reminding that the Universal Declaration of Human Rights asserts the principle of non-discrimination and proclaims the right of everyone to education, adopted the Convention against Discrimination in Education. The Kyrgyz Republic joined this Convention in June 1995. Becoming a party, the Kyrgyz Republic committed itself to take legislative measures, necessary to eliminate any discrimination in the admission of pupils to educational institutions, as required in Article 3 "b" of the Convention, and to make secondary education in its different forms universally available and accessible to all.

Non-discrimination in exercising the right to education, declared by international treaties, has been consolidated in all the legal acts that establish the principles of state education policy, implementation of the educational process and the activities of educational organizations and the principles of receiving education in the Kyrgyz Republic.

For example, Art. 3 of the Law of KR "On education" of 30 April 2003 # 92 (as amended by the Laws of KR of 28 December, 2006 # 225, of 31 July 2007 # 111 and of 31 July 2007 #115) stipulates that citizens of the Kyrgyz Republic have the right to education regardless of gender, nationality, language, social and economic status, occupation, religious and political beliefs, **place of residence and other status.**

In accordance with paragraph 43 of the Standard Statute on general educational institution, approved by the Minister for Education, Science and Culture of the Kyrgyz Republic on 16 September 1997 # 376/1, the founder establishes the procedure for admission to educational institutions at the level of elementary, general and basic education, providing admission of all of the persons subject to education, residing in the territory and having the right to receive general education; **those, not residing in this territory, may**

be refused admission only because of the lack of free places in the institution.

In accordance with paragraph 21 of the Standard Statute of KR on pre-school educational institution, approved by the Ministry of Education, Science and Culture of the Kyrgyz Republic of 16 September 1997 # 376/1, **children of migrants must be admitted to pre-school institutions first.**

The program “Access to education” (Zhetkinchek), approved by the Decree of the President of the Kyrgyz Republic of 11 February 1999 # 41 (as amended by the Decrees of the President of KR of 17 April 2004 and 9 June 2004), in order to ensure the access to education for all children and the youth, search and introduction of new ways and mechanisms for real protection of the rights of all children to education, identified **the unhindered access to public schools for children regardless of location and living conditions** as one of the most important tasks.

However, the practice of implementing these progressive provisions of legislative acts, prohibiting all forms of restriction and infringement on the right to education of children of internal migrants on the grounds of the lack of registration, is accompanied by gross violations.

An educational system is an essential part of urban infrastructure. 13 percent, or one seventh, of the total population of Bishkek is of school age. Education expenses make up almost a third of the city budget. The system of secondary education is the most extensive government network of the city, which includes about 90 schools. However, due to the insufficient number of new educational institutions needed to meet the large influx of the migrant population, the city schools are overcrowded, many schools work in two or three shifts, and teachers are extremely busy. The estimated capacity of schools in the city now is far behind the actual number of occupied places in schools.

These circumstances have led to the decline in access to education due to the lack of registration, because directors of schools refuse migrants’

children in admission to school. In reality, such children are simply not registered, they are often not accepted to school,¹ which is a violation of the Regulations “On the procedure for registering children and adolescents of school age”, approved by the Decision of the Government of the Kyrgyz Republic of 14 November 1997 #667. Only teachers perform the mandatory August and January registration, while the representatives of the territorial public self-government do not participate in that process. District educational centers do not monitor the process. Even for Bishkek natives it is hard to send their children to a selected school, if this school is not located in the micro-district where the child is registered.²

Permanent commission of the Bishkek Kenesh members found all those violations during the readiness checks of Bishkek educational institutions to the new academic year. From the Committee’s conclusions: “Nevertheless, several schools violate the Law of KR “On Education” by setting certain conditions for school admission, which significantly reduces the opportunity of receiving the guaranteed school education for all citizens of the city. A number of educational institutions require payment of entrance fees from 500 to 12,000 soms (Schools #6, #13, #28, #64). In school # 24, referring to the provisions of paragraph 43 of the Standard Statute “On educational institution”, there is a practice of 50 som monthly charges for pupils, residing in other micro-districts. This Statute says that those, not residing in the territory, may be refused admission only because of the lack of free places in school. In secondary school # 50, children residing in the micro-district are accepted only on condition of having the residence registration.”³

Although Bishkek Kenesh deputies of educational institutions draw these examples from the results of the readiness checks for 2000-2001 academic year, taking into account the growing city population, this problem remains topical today, judging by the answers of the interviewed migrants.

¹ Bishkek Kenesh. Decision “On Readiness of Educational Institutions in Bishkek for the Academic Year of 2000-2001”, 8 November 2000 #43. Appendix cl.12

² Ibid.

³ Ibid. Appendix.cl.6

This research has conducted two surveys among heads of street/apartment committees and among migrant workers. The first interview was conducted among heads of street/apartment committees to determine the approximate number of unregistered people residing in the micro-districts, new housing areas and the areas around the markets of Bishkek. The survey revealed that about 25 percent of Bishkek residents are not registered at the place of residence.

The second survey was conducted among migrant workers in the markets and the labor exchange of Bishkek. The purpose of the survey was to analyze the situation of migrant workers (without registration) for the admission of their children to Bishkek public schools, access to health care services, social protection of migrants, their participation in elections, as well as identifying the factors, impeding the process of registration.

According to the results of the research, **55 percent of internal migrants** experienced difficulties in sending their children to school precisely because of the lack of registration.

In that situation, when the problem is legally regulated but nobody implements the laws, internal migrants find their own solutions:

- 40 percent gave a bribe;
- 33 percent settled the matter with help of friends;
- 13 percent sent their children to another school;
- 13 percent chose other options (through the Ministry, left the children with relatives in the place of origin, did not send their children to school).¹

Often those artificially created obstacles which stand in the way of internal migrants' children having access to school serve as an excuse for their parents, who encourage their children to work for the benefit of the family budget. Being aware of this situation, the Government of the Kyrgyz Republic adopted the Resolution "On some issues of future development of educational system in the Kyrgyz Republic" of 2 June 2008 #260, which instructed the Ministry of

¹ Research "Discrimination against internal migrants in Bishkek" conducted by SRC AUCA, www.src.auca.kg

Education and Science together with other departments to develop a mechanism for encouraging the children of internal migrants to study.

The right to health care

The basic principles of the state health policy in the Kyrgyz Republic, according to Article 4 of the Law of KR “On health care in the Kyrgyz Republic”, adopted by the Jogorku Kenesh (Parliament) on 11 November 2004 (as amended by the Law of KR of 28 December 2006 #224), are the respect for citizens’ rights to health, social justice, equality, accessibility of health and prophylactic assistance and social protection of citizens in the event of loss of health.

Article 61 of this Law stipulates that citizens have the inalienable right to health care, which is provided to all citizens, regardless, among other things, of the place of residence, by granting equal opportunities to exercise the right to medical-sanitary and medical-social assistance, as well as providing citizens with health care throughout the Republic.

These provisions of the Law, determining legal, economic and social principles of health care of citizens of the Kyrgyz Republic, fully comply with the requirements of the Constitution and international treaties in the field of human rights, prohibiting discrimination in the realization of rights and freedoms on any grounds, including changing the place of residence.

For instance, in accordance with the requirements of paragraph 14 of the “Rules of temporary registration of citizens, actually residing in Bishkek”, approved by the Decree of Bishkek City Administration on 23 May 1998, district doctors, in case unregistered citizens, seek medical help, are obliged to report about it to the bodies of internal affairs. The rules do not specify whether doctors should still provide medical assistance in such cases. If not, it is certainly a violation of the right to health care and medical assistance, not to mention the violation of medical ethics and the Hippocratic Oath.

As the results of the research of SRC AUCA have shown, the majority of migrants or their families (82%) sought medical assistance and 20% of

them were refused medical treatment. The main reasons for the refusal were the lack of registration (in 9 out of 11 cases) and the lack of money. Of those who never sought medical assistance, the majority (58%) did so because they had not been sick or treated themselves. Among those, who did not seek medical assistance, 30 percent did so because of the lack of registration. These figures demonstrate that the residence registration and money are two major factors, leading to the discrimination against migrants in medical institutions. Thus, the situation creates a fertile ground for bribery. The results of the same research have shown that nearly half of migrants (44%) had to bribe medical personnel to receive treatment.¹

The right to social protection

The Universal Declaration of Human Rights states that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.²

Furthermore, recognition of the right of everyone to social security, including social insurance, is the obligation of each State Party in the International Covenant on Economic, Social and Cultural Rights.³

From the content of Article 10 of the Law of KR “On internal migration” follows that the lack of registration at the place of residence should not be the grounds for restriction of the rights and freedoms of citizens. However, the provisions of two legal acts, establishing the legal framework for regulation in the field of social services and social protection of the population in

¹ Research “Discrimination against internal migrants in Bishkek” conducted by SRC AUCA, www.src.auca.kg

² The Universal Declaration of Human Rights, Article 25, 10 December 1948, adopted by the UN General Assembly.

³ The International Covenant on Economic, Social and Cultural Rights, Article 9, 16 December 1966, adopted by the UN General Assembly. The Kyrgyz Republic joined it on 12 January 1994 by the Decision of the Jogorku Kenesh of KR #1406.

the Kyrgyz Republic, make realization of the right to social security and protection dependent on the registration of a person in the bodies of internal affairs.

For example, in accordance with Article 22 of the Law of KR “On the principles of social services to the population of the Kyrgyz Republic”, adopted by the Jogorku Kenesh on 19 November 2001 (as amended by the Laws of KR of 12 April 2003 # 71 and of 22 July 2005 #111), pensions and allowances are paid **according to the place of residence of a pensioner and a beneficiary under the registration by the internal affairs bodies of the country.**

Although the rule, established by this Law, in principle does not infringe on the essence of the right to receive pensions or allowances, in practice it creates real inconveniences for internal migrants. For example, a migrant, who settled in Bishkek in the search for additional means of livelihood, has to spend more money than they receive in pension for transportation expenses in order to travel to the place of his registration and receive pension or allowance. Supporters of this rule suggest that migrants travel only once in three or four months and receive the money accumulated during this time. But these suggestions are also impractical, because even in this case, migrants would have to spend about a third of that amount to cover transportation costs.

The Law of KR “On state benefits in the Kyrgyz Republic”, adopted on 5 March 1998 (as amended by the Laws of KR of 30 April 2001 # 36, of 12 January 2002 # 4, of 16 October 2002 # 144, of July 1, 2004 # 81, of 13 August 2005 # 148 and of 27 July 2006 # 133), is the main legal act governing the granting and the payment of state benefits in the Kyrgyz Republic. This Law regulates the payment of a large list of benefits, including a monthly allowance for disabled children, for the ICP patients, for the children with HIV and AIDS, for the children with I, II and III disability statuses since childhood, for the children in the event of loss of a breadwinner (in case if they are not entitled for pension), for the children born of mothers, living with HIV/AIDS, until they reach the age of 18 months, a monthly social allowance for the disabled with no pension rights, etc.

In accordance with articles 17 and 21 of the Law, granting and payment of public benefits are also implemented **at the place of registration of a beneficiary**. According to the established procedure, the application for granting a social benefit is submitted to the bodies of social protection **at the place of residence (registration) of citizens**. Social benefits are paid to beneficiaries by district (city) offices of the postal service for the current month **at the place of registration**.

Or, according to the Regulations “On the recognition of disabled persons”, approved by the Decision of the Government of the Kyrgyz Republic of 31 December 2002 #915 (as amended by the Decisions of KR of 8 July 2004 # 508, of 3 February 2005 #56, of 19 August 2005 # 388), depending on the extent of the dysfunctions of the body and limitation of life a person, who is recognized disabled, I, II or III disability status is determined, and children under 18 years old are granted the category of “disabled child”. A Medical Social Expert Commission **at the place of registration** conducts medical and social assessment of such persons.

In other words, migrant mothers, staying in Bishkek, cannot receive social allowances for their children in Bishkek, according to the Law of KR “On state benefits in the Kyrgyz Republic”, and migrants with disabilities to define or confirm their disability status, also have to travel to the place of their registration in order to undergo medical and social examination.

According to the research conducted in this project, 37 percent of internal migrants or their families received pensions and social benefits before their arrival in Bishkek. Among them today:

- 7% – receive pensions and benefits in Bishkek;
- 43% – do not receive anything;
- 33% – receive pensions or benefits upon their return to oblasts;
- 14% – receive pensions or benefits through their friends by proxy.

The right to freedom of labor and choice of occupation

In accordance with Article 6 of the International Covenant on Economic, Social and Cultural Rights, the States parties to the Covenant recognize the

right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.

The Constitution of the Kyrgyz Republic enshrines, and, consequently, guarantees the right of everyone to freedom of labor, disposition of one's ability to work, choice of profession and occupation, as well as the right to remuneration for work and social protection.

However, paragraph 13 of the above mentioned "Rules of temporary registration of citizens, actually residing in Bishkek" establishes the practice, according to which, people, not registered temporarily or permanently in Bishkek, are not granted the right to trade and services, and that is a direct violation of the right to freedom of labor and the choice of occupation, stipulated by Articles 14 and 28 of the Constitution of the Kyrgyz Republic and by the provisions of the International Covenant on Economic, Social and Cultural Rights.

Being deprived of the opportunity to choose a profitable occupation in the trade or service industries, law-abiding migrants are forced to go to labor exchanges, construction sites and small factories and to work as construction workers or perform small casual work.

As the results of the SRC AUCA research have demonstrated, 59 percent of internal migrants tried to find a job in Bishkek. 70 percent of them had problems with finding a job because of the lack of registration (residence permit).¹

95 percent of the migrants, interviewed in this research, did not sign any employment contract. This is mainly due to the fact that the Code of administrative responsibility of the Kyrgyz Republic in the article 387 establishes an administrative penalty for hiring a person without registration, which is a fine in the amount of two estimate indicators. The amount of this fine is increased to three estimate indicators for the same actions, committed repeatedly within a year after the administrative punishment. Also, the Bishkek authorities in the "Rules of temporary registration of citizens actually

¹ Research "Discrimination against internal migrants in Bishkek" conducted by SRC AUCA, www.src.auca.kg

residing in Bishkek”, in case of repeated violations, have promised to take measures, including closing down businesses, organizations, trade facilities, etc., in which employers hire the migrants without registration, which violates the provisions of the Civil Code of the Kyrgyz Republic.¹

If no employment contract exists, there may be abuses by employers, because the migrants, having no contract with the employer and no legal status in the city, do not dare to complain about mistreatment.

Those migrants, who are not afraid of the statutory administrative penalties, work at Bishkek numerous markets and try to find a common language with representatives of law enforcement agencies to avoid fines or not to get sent to a reception center.

Suffrage

The Constitution of the Kyrgyz Republic grants citizens the right to elect and to be elected. In accordance with Clause 3, Article 22 of the Code of KR “On elections in the Kyrgyz Republic”, the fact of permanent or prevailing residence shall be basis for including a citizen of the Kyrgyz Republic into the main or additional electoral registers.

According to the legal acts on migration, registration serves as a proof of a citizen’s residence at a place. The existing barriers to the registration at the place of residence (stay) entail serious obstacles to a citizen’s (migrant’s) exercise of suffrage. He is not included into the electoral registers at the place of his residence, because he does not have registration. And he cannot be included in additional electoral registers, because the legislation on elections has additional requirements for that.

Probably, the above explains why 90 percent of internal migrants did not participate in elections, of whom 76 percent did not participate specifically because of the lack of registration.

¹ Rules of temporary registration of citizens actually residing in Bishkek, paragraph 10, adopted by the Decision of the Bishkek City Administration on 23 May 1998.

II.4. Responsibility of internal migrants and procedural aspects

Legal acts, establishing the responsibility for living without registration, and the practice of their implementation require special attention.

In accordance with Article 384 of the Code of Administrative Responsibility of the Kyrgyz Republic (hereinafter – CAR), a Kyrgyz citizen, violating the registration procedure, may be subject to an administrative fine of up to 50 soms. Such small punishment will be exercised only if this citizen has a document certifying his identity during the check. In this case, a militia officer draws up a report of administrative violation, which is considered by an official of the structural department of a relevant body of internal affairs, who adopts the decision on the imposition of penalty. If, however, during the check a migrant has no document certifying his identity, no matter if he lost it or simply left at home, he is suspected of committing an administrative violation – “living without registration” - and delivered to the court, on the decision of which he may be subjected to administrative detention for up to 15 days in a reception-center while his identity is established.

In reality, planned raiding checks, aiming at finding the persons without registration, conducted by the agents of internal affairs, end with administrative detention of dozens of citizens who stay in reception-centers for several days. Length of stay depends on how soon any of the relatives or friends of the detainees bring a passport or other documents certifying identity, or on how soon the passport offices at the place of residence of the detained migrants reply to the request from the administration of reception-centers.

The absurd situation is that, in order to pay an administrative fine of 50 soms for living without registration, a citizen stays in detention for several days while his identity is established.

On 17 March 2008, the Human Rights Protection Center “Kylym Shamy” issued a press release, which informed the public on hearings held by the Sverdlovsk district court of Bishkek for persons, detained by the law enforcement officers on the grounds of the lack of registration in Bishkek.

“Kylym Shamy”: Militiamen detain dozens of citizens in reception-centers for the lack of a passport at the moment of check, while judges release them¹

On 14 March 2008 in Sverdlovsk district court, there was a judicial examination of cases of more than thirty people, detained for a day or longer in reception-centers because of the lack of passports.

The Director of the Human Rights Protection Center “Kylym Shamy”, Aziza Abdirasulova, and the acting Director of the Coalition “For Democracy and Civil Society”, Dinara Oshurahunova, accidentally saw that in Sverdlovsk district court of Bishkek there were approximately 30 people, guarded by militia, who one by one went in the courtroom. The human rights defenders found out that all those people had been detained by militia for having no passports (or copy) at the time of check, which is why most of them stayed in a reception-center of the Bishkek Chief Department of Internal Affairs for more than one day. As the detained told, the militiamen did not let them go home even after their passports were brought to the reception-center.

Before the human rights defenders came to the court, the judge Esenaliev and Secretary Duysheeva had already considered the cases of several people. Aziza Abdirasulova was present in the courtroom since 10:51am, when the case of Manayev Nurik Sharapovich, born in Issyk-Kul oblast but now residing in the “Alamedin-1” micro-district of Bishkek, was considered. He was detained in the “Vostok-5” micro-district because of the lack of an identity document. After detention the militiamen took his fingerprints, and after that, according to Manayev, they did not let him even wash his hands. Having considered the case, the judge said: “kebeten normalnyi ele eken” (the man seems normal) and released him.

10:54. Kiseleva Elena, born in 1977 and registered in Kazakhstan, but residing in the village of Nijnayaa Alarcha, entered the courtroom. She was detained by militia and taken to the courtroom. Due to the fact that she had lost her passport, she was taken to the reception-center three times, while the necessary certificate was not issued. As she needed a lawyer, the judge asked her to wait until a public lawyer came.

¹The article was published at “Svobodnoe pokolenie” (Free generation) electronic network on 17 March 2008.

At 11:00 the case of Nagov Lee was considered. According to his words, he was born in Kazakhstan. He said that he needed social protection. Perhaps, he might have suffered from mental deviation, because he claimed that he lived in Korday, but there was a disaster in the past month, leaving all the houses destroyed, and that repeated three times. He was said that Korday belongs to Kyrgyzstan, and he arrived in Bishkek to find out the real situation. However, militia detained him. The judge also released him, but no one cared of his social protection.

Then the judge considered the case of Egeshov Kalys Belekovich, a resident of Kant, who, according to his words, "had just started his work in the "Vostok-5" micro-district, of Bishkek where he was allocated a room. He had no job in Kant. He had no documents or registration either". The judge decided to detain him for one day, which Egeshov had already undergone.

Zhayloobaev Mirlan, born in Issik-kul but living in Bishkek, had with him a younger brother at the age of 7 years old. He was detained but his brother was left alone in the city, and he could have lost his way. When a friend brought Mirlan's documents to militia, the militia officers told that Mirlan was under arrest. The judge, after listening to the "Offender", said that he might be free and had the right to complain against the militiamen. The judge asked a militiaman to give Zhayloobaev Mirlan a certificate that his identity had been established.

At 11:09 Kiseleva Elena re-entered the courtroom, but again alone. She refused the services of a lawyer. Militiamen told her identity could not be established because of the lack of a document, that's why they had to detain her every time. The judge explained that she should take a certificate from a street committee, where she lives, and released her.

At 11:15 the same judge considered the case of Arstanbekov Aytimbek, originally from Aksy, residing in the "Ak-Bosogo" district of Bishkek. He had worked in the service of urban landfills, but since his passport had expired, he was unemployed. Despite the fact that his passport was in the village and should have been ready within two months, a militia officer named Ismail detained him, and he had to spend one day in a reception-center. The judge decided to detain him for one day, which Arstanbekov had already underwent.

At 11:20 the judge considered the case of Ashimbaev Almaz Abdyganievich, born in 1989 coming from Naukat district of Osh oblast,

actually residing in the village of “Ak-Orgoo”. The document certifying his identity (certificate of birth) was taken by a person who had lent Ashimbaev 300 soms. The judge asked him to take his document back from the lender and always carry it. He also was released.

Arykbaev Albert, a 19-year old citizen, living in the “Ak-Bosogo” district and working on a construction site together with his home-folks, was also detained. The judge who considered his case in 11:25, advised him to always carry a photocopy of his passport and released him.

One may only be astonished at the impunity of some law enforcement officers who abuse their power and violate human rights to freedom of movement, freedom from violence, etc. Since the country has not declared a passport regime, its citizens can stay in its country without a passport or its copy. Moreover, the state authorities must solve the problem with the issuance of passports - despite the declarative statements that the problem has been solved, many citizens are still not able to obtain passports in due time. Besides, it is legally wrong and inhuman to detain citizens on the grounds of simple lack of an identity document at the moment of check.

The Human Rights Protection Center “Kylm Shamy” once again appeals to the representatives of law enforcement bodies – please, do not exceed your powers. We would not be surprised to know that through such detentions some unscrupulous law enforcement officers found a source of illegal extraction of wealth.¹

The Human Rights Protection Center “Kylm Shamy”

17 March, 2008, Bishkek

¹The article is provided here with the corrections of the author.

III. PROJECT INITIATIVES OF THE WORKING GROUP

In this section, the Working Group provides its own vision of a simplified procedure for the temporary registration (temporary residence permit).

Before working out this procedure, the Working Group identified four key reasons, impeding the effective use of the current registration procedure and the voluntary and absolute registration of migrants at the place of actual residence. This conclusion is based on the results of a questionnaire survey, conducted by SRC AUCA during this research in September 2008:

- 1) the complexity of the registration procedure (it takes a long time and requires submission of an unspecified number of documents). 44 percent of the respondents explained their non-compliance with the requirements of the registration law by this reason.
- 2) poor knowledge of legal issues by internal migrants. The answers of 28 percent of the respondents brought us to such a conclusion.
- 3) some migrants do not register because they have to turn to militia. This view has been supported by the opinion of 28 percent of the respondents.
- 4) as for the required documents, in most cases, a migrant refrains from registration at the place of residence because of the lack of a paper, confirming the fact of his residence in a particular house/apartment, which he must submit to militia for registration. The reasons why migrants cannot obtain this document were already described in this report.

The optimal solution for this situation is the active involvement of territorial local self-governments as public assistants to the bodies of internal affairs, which cannot properly perform the functions of registering migrants due to insufficient human resources.

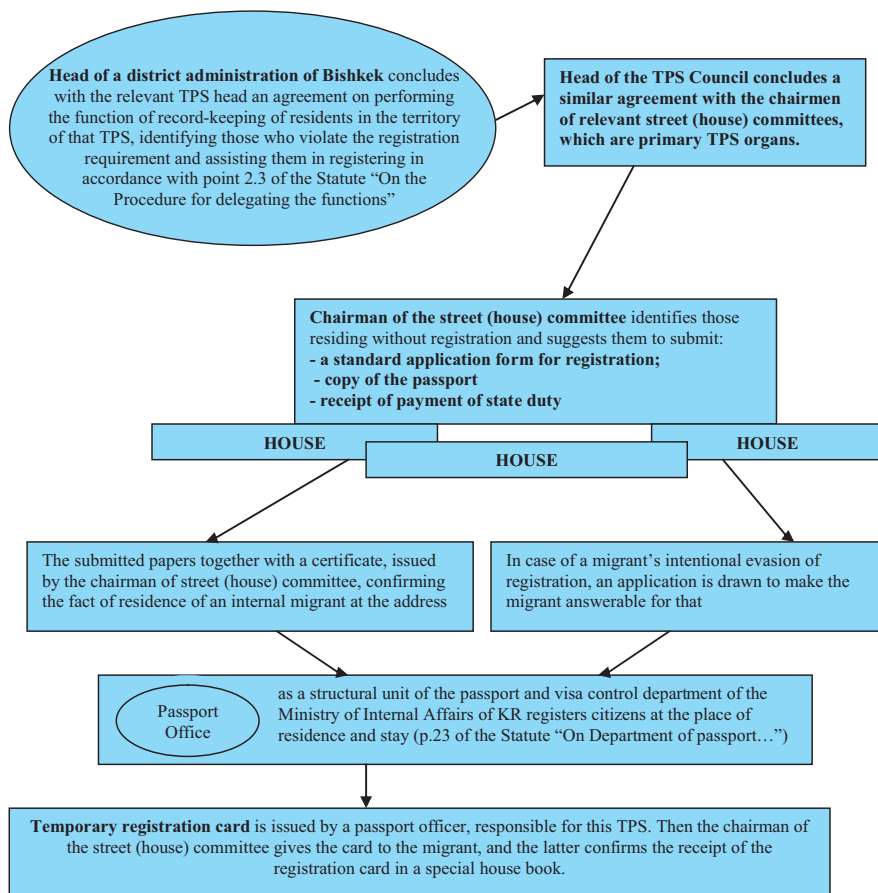
In accordance with point 3 Part 6 Article 20 of the Law of KR “On local self-government and local public administration” of 29 May 2008 # 99, registration of citizens, monitoring of the implementation of the passport regime rules and registration/de-registration of citizens, according to the established procedure, can be delegated to the bodies of local self-government. In their turn, local Keneshes (councils), their executive and administrative bodies and local public administration, according to Article 52 of that Law, on a contractual basis may authorize the bodies of territorial public self-government (TPS) for their functions.

The necessary legal and regulatory framework for the smooth introduction of territorial local self-government into the new procedure for temporary registration of persons at the place of their residence in Bishkek has long been developed and operated effectively. On its basis, the TPS bodies successfully perform many functions of local administrations in various areas (see the samples of model contracts in the appendix).

For instance, on 9 July 2003, the Statute “On the Procedure for delegating specific functions of district administrations of Bishkek to the Councils of territorial public self-government of the city” and the form of a model agreement were approved by the Bishkek City Kenesh deputies (Decision #182). In accordance with Clause 2.3 of this Statute, the district administrations of Bishkek may, for example, delegate to the TPS bodies the function of record-keeping of residents and identification of citizens, residing without registration. Clause 4.11 of this Statute provides that the TPS bodies, while performing the delegated functions, have the right to assist law enforcement agencies in monitoring the citizens’ compliance with the passport regime.

The delegation of responsibilities agreement is concluded between the chairman of a TPS Council and the head of a district administration of the mayor’s office in Bishkek. The chairman of the TPS Council concludes similar contracts with the chairmen of street (house) committees, Housing and Construction Cooperatives, condominiums and housing associations. In accordance with Clause 1.8 of the Statute, a territorial group of the Bishkek Kenesh deputies to the area, mayor’s office and a district administration implement the control over the proper and effective execution of the delegated functions by a TPS Council.

In graphic form, the proposed new procedure for temporary registration at the place of residence looks like this.



Implementation of such a model procedure in Bishkek does not present any difficulty. The head of a district administration of the Mayor's office, in accordance with the Statute of Bishkek City Kenesh, concludes with the chairman of a TPS council an agreement on the performance of the functions

of record-keeping of residents in the territory of that TPS, identifying those who violate the registration requirement and assisting them in registering at the place of residence in accordance with the law. In addition to a detailed description of the delegated functions, the agreement specifies the terms of funding and logistical support for their implementation, responsibilities of the parties.

Chairman of a TPS Council, in their turn, conclude similar agreements with the chairmen of primary TPS organs, i.e. street (houses) committees, which, in accordance with Clause 12 of the Statute “On the bodies of territorial self-government in Bishkek”, approved by the Decision of the Bishkek City Kenesh of 21 February, 2006, #183, have already been empowered and now actively carry out the work on record-keeping of residents of neighborhoods, streets, houses, promoting the citizens’ compliance with the passport regime and identifying the persons residing without registration.

Under the new procedure, the chairman of a street (house) committee, having learned that there is a new tenant (migrant) in the accountable to him area, proposes this tenant (migrant) to fill out a standard application form for registration at the place of residence, a copy of a passport or another document certifying his identity and a receipt of payment of state duty. Having received those documents, the chairman issues a certificate that this person (name, surname, patronymic, date and year of birth) really lives in a particular address (micro district (street), number of the house and the apartment), signs it and puts a seal of the relevant street (house) committee. Then the chairman of the street (house) committee submits the documents to a passport service officer, responsible for that particular district. On the same day this passport service officer is obliged to issue a temporary registration card of standard form, which the chairman of the street (house) committee gives to the migrant, and the latter confirms the receipt of the registration card in a special house book (apartment card). At the end of the registration period, if the migrant keeps on living in the same house/apartment, the chairman of a street (house) committee proposes him to fill out a standard application form to extend the temporary registration at the place of residence and pay the state duty. Then the chairman, according to the same procedure, receives a registration renewal card (or a new temporary registration card) in the passport services office and gives it to

the migrant, and the latter confirms the receipt of the registration card in a house book (apartment card).

If a migrant ignores the chairman's proposals, the latter is obliged to report to the bodies of internal affairs to institute administrative proceedings against this migrant for the willful failure to comply with the required registration rules and residence without registration.

It is appropriate to increase the period of time for registration, allowed by the Law of KR "On internal migration", from 5 to 10 days, as well as the period, for which a temporary registration card is issued, from 6 months to 1 year. To encourage chairmen of street (house) committees, an option of remuneration for their services should be considered. A migrant can pay this amount together with the state duty, and that sum of money would be accumulated in the local budget, distributed among the TPSs and then paid to the chairmen of street (house) committees. The amount of that remuneration would depend on the number of registrations performed. There is no doubt that a migrant would agree to pay a certain amount of remuneration for the service, which saves him from dependence on the owner of housing in obtaining the proof of his residence at this address and, most importantly, legalizes his residence in the city for 1 year. The Working Group believes that this amount may be around 30-50 soms.

All fears that public organizations would not be able to cope with such an important task are groundless.

First, the proposed procedure does not entrust chairmen of street (house) committees with all the authority to register internal migrants. They should only assist the bodies of internal affairs that really experience shortage of human and financial resources so that they could properly implement the function of registering migrants. It should be noted that the question is only about the procedure of registration at the place of stay (temporary registration). The bodies of internal affairs will retain their authority to register. The function of assistance in registering and identifying those who violate the registration requirement is not new for chairmen of street (house) committees, because it is specified in the Statute "On the bodies of territorial self-government in Bishkek", approved by the Decision of the Bishkek City Kenesh of 21 February, 2006,

#183. However, the functional responsibilities of street (house) committees in their involvement in registration of internal migrant workers are specified in such a way, that it is only enough for them to do something in this direction. The current status does not encourage them to achieve a positive effect of this activity, and they have no motivation to identify and register the undocumented persons. In our view, the potential of territorial public self-government should be more actively used, as provided by the national policy of decentralization of state administration and development of local self-government. In matters of internal migrants registration, chairmen of street (house) committees will be of great assistance to the bodies of internal affairs.

Second, the implementation by TPS bodies (street, house committees) of the powers, assigned to them, will be strictly coordinated and monitored. In these purposes, in accordance with the requirements of Clause 1.7 of the Statute “On the Procedure for delegating specific functions of district administrations of Bishkek to the Councils of territorial public self-government of the city”, district administrations of Bishkek Mayor’s office have already established special departments, as legal entities, to coordinate the activities of the TPS bodies, which already operate effectively.

Advantages of the proposed procedure for temporary registration are the following:

- all housing premises are under the supervision of TPSs and their bodies. The chairman of a street (house) committee learns about any changes in the number of the tenants in his area quickly enough to take effective measures to register new tenants-migrants or to punish them in the case of evasion of registration. Good coordination and control over the TPS activities in their implementation of the delegated functions together with a certain financial incentive would lead to maximum registration coverage of internal migrants. This is explained by the fact that the proposed procedure obliges chairmen of street (house) committees to achieve registration of an internal migrant at the place of his stay. A law-abiding migrant is registered by the bodies of internal affairs with the assistance of the chairman of a street (house) committee and receives a temporary registration card. If a migrant intentionally evades registration, the chairman of a street (house) committee submits an

application, and the bodies of internal affairs impose an administrative penalty on this migrant, and, in the end, he will be registered at the place of stay;

- substantial simplification of the registration procedure;
- the fact that the chairman of a street (house) committee, which is a responsible TPS person, issues, signs and seals the certificate, confirming a migrant's residence in a particular house/apartment, **solves one of the main problems of the current registration procedure – the requirement to submit to militia a document, confirming the fact of his residence in a particular house/apartment** (the reasons why migrants often cannot obtain and submit this document have already been mentioned above);
- the previously mentioned advantages confirm that the **new procedure would be more effective**, even without a direct contact between internal migrants and passport services officers of internal affairs;
- solution to the problem of internal migrants' unawareness of legal regulations. Chairmen of street (house) committees become a kind of propagandists, who remind "forgetful" internal migrants about their obligation to register at the place of stay and explain how they should act, as law-abiding citizens. Moreover, in accordance with the proposed procedure, chairmen of street (house) committees provide maximum assistance to internal migrants in the process of their registration.

IV. CONCLUSIONS AND RECOMMENDATIONS

The conducted research has revealed two main reasons, which, though indirectly, restrict the internal migrants' right to freedom of movement, residence and stay and severely restrict their other constitutional rights and freedoms because of the lack of registration (residence permit):

- 1) the continued application of regulatory legal acts of the state and local authorities, which are in conflict with the Law of KR "On internal migration". That leads to the violation of the rights and freedoms of migrants, guaranteed by the Constitution of the Kyrgyz Republic and the international treaties, to which the Kyrgyz Republic is a State Party;
- 2) impractical and bureaucratic procedures and rules of migrants' registration at the place of residence, which do not motivate a migrant to comply with them, even under the threat of administrative punishment.

All of the following recommendations of the Working Group are eventually aimed at solving these two major problems.

1. Bring legal regulatory acts of the state and local authorities in accordance with the Law of KR "On internal migration", and for this purpose:

- to recommend the Mayor's office of Bishkek City to revoke "The rules of temporary registration of citizens, actually residing in Bishkek", approved by the decision of the mayor's office of Bishkek of 23 May, 1998 # 285-a;
- to recommend the Ministry of Internal Affairs of the Kyrgyz Republic to develop and approve departmental Directions, regulating the procedure for implementation by the employees of passport and visa service and other services of internal affairs of the Statute "On the rules of registration and de-registration of citizens of the Kyrgyz Republic at the

place of residence and stay”, which complies with the requirements of the Law of KR “On internal migration”;

- to recommend the Ministries and departments of Kyrgyz Republic to take a detailed inventory of departmental regulations in order to find and eliminate the rules, restricting constitutional rights and freedoms of internal migrants on the grounds of the lack of registration at the place of stay (temporary registration).

2. Make an addition to Article 22 of the Law of the Kyrgyz Republic “On the principles of social services provided for the population of the Kyrgyz Republic”, adopted by the Parliament on 19 November 2001 (as amended by the Laws of KR of 12 April 2003 #71 and 22 July 2005 #111), providing for the possibility of pension and benefits payments both at the place of residence of a pensioner and a beneficiary, according to the registration made by the internal affairs bodies, and at the place of the pensioner’s (beneficiary’s) stay.

3. Make an addition to Article 17 of the Law of the Kyrgyz Republic “On state benefits in the Kyrgyz Republic”, adopted by the Jogorku Kenesh of the Kyrgyz Republic on 11 February 1998, which establishes the right to apply for a state benefit to a body of social protection both at the place of residence of citizens and the place of their stay.

4. Make an addition to Article 17 of the Law of the Kyrgyz Republic “On state benefits in the Kyrgyz Republic”, adopted by the Jogorku Kenesh of the Kyrgyz Republic on 11 February 1998, which establishes the possibility of payment of state benefits by district (city) post offices at the places of permanent and temporary registration.

5. Recommend the Government of the Kyrgyz Republic to instruct the relevant Ministries and departments to develop the mechanisms for implementation of the changes made to existing laws, which are indicated in paragraphs 2, 3 and 4 of these recommendations.

6. Recommend the Government of the Kyrgyz Republic to support the new procedure for the registration of internal migrants at the place of stay, developed by the Working Group of SRC AUCA, and in this regard:

- to initiate amendments and additions to the Law of the Kyrgyz Republic “On internal migration” of October 16, 2002 #114;
- to make corresponding changes in the Statute “On the rules of registration/de-registration of citizens of the Kyrgyz Republic at the place of residence and stay”.

7. In case if the Government of the Kyrgyz Republic supports the initiatives of the Working Group of SRC AUCA on the introduction of the new procedure for the registration of internal migrants at the place of residence:

- to recommend the Mayor's office of Bishkek to instruct the heads of district administrations to conclude detailed agreements with the heads of TPS bodies on delegation of the function of identifying those violating the requirement to register, and to provide assistance to TPS Councils in registering migrants at the place of residence;
- to recommend the heads of district administrations of Bishkek and the heads of departments, coordinating the activities of TPS bodies of district administrations, to specially monitor the process of implementation by the TPS bodies of the delegated function to identify those violating the requirement to register, and to provide assistance to TPS Councils in registering migrants at the place of stay.

V. APPENDICES

Appendix 1

MODEL AGREEMENT
on delegation of specific functions of a district administration
of the Mayor's Office of Bishkek to a Council of Territorial
public self-government

1. Parties to the agreement

1.1. _____
(full title of a delegating body)
represented by _____
_____ on the one part,
(full name of the head)

and a Council of territorial public self government (hereinafter - Council),
represented by _____
_____ on the other part,
(full name of the head)

concluded this Agreement as follows:

2. Scope of the agreement

2.1. _____ district administration of the Mayor's Office of Bishkek delegates to the TPS Council № _____ of _____ district its following powers and functions:

...

- keeping a record of residents in the territory of TPS, identifying those who violate the registration requirement and assisting them in registration at the place of stay in the registering bodies in accordance with the law;

- coordination of the work of street (house) committees, Housing and Construction Cooperatives, condominiums and housing associations in their implementation of the delegated functions;

...

2.2. TPS Council № _____ of _____ district assumes the above functions and powers delegated to it by _____ district administration of the Mayor's Office of Bishkek.

3. Obligations of the parties

To perform the above-mentioned delegated functions and powers, the signatories of the treaty, assume the following responsibilities:

3.1. _____ district administration of the Mayor's Office of Bishkek pledges:

- to provide the TPS Council with necessary facilities, equipment, telephone communication, finance the cost of their maintenance (payment for the labor of specialists of TPS bodies, Head of the TPS Council, Vice-Head of the TPS Council, a specialist of the TPS Council, chairman of a street/house committee, payment for utilities maintenance), to transfer for ownership, when possible, economic entities, residential and non-residential fund, as well as a part of its financial, material and other resources to the TPS Council and to street/house committees;

- to finance the activities of TPS Council and of street/house committees on its territory on the basis of its estimates of expenses for the current fiscal year, approved by the head of the district administration of the Mayor's Office of Bishkek and by the head of the territorial deputy group of Bishkek city Kenesh and accorded with the department, coordinating the activities of the TPS bodies.

3.2. The TPS Council № _____ of _____ district pledges:

- to sign an agreement with the chairmen of street (house) committees, Housing and Construction Cooperatives, condominiums and housing associations in its territory, to jointly perform the delegated functions;

- within the agreed time to perform effectively the delegated functions and report to the _____ district administration of the Mayor's Office of Bishkek on their implementation;

- while performing the delegated functions to strictly abide by the requirements of the "Statute On the Procedure for delegating specific functions of district administrations of Bishkek", the "Statue on the procedure for financial and logistical performance of specific functions of district

administrations of Bishkek, delegated to the bodies of territorial public self-government of the city”, “Regulations on the collection and spending of budget funds in the TPS bodies of Bishkek”, approved by Bishkek city Kenesh deputies;

- in its work to be guided by the orders and decisions of the head of a district administration of the Mayor's office in Bishkek, concerning the performance of the delegated functions.

3.3. Head of a TPS Council is a person, responsible for the targeted use of funds and equipment and strict compliance with the agreement. In the event of theft, embezzlement and improper use of funds, he will be prosecuted in accordance with law of the Kyrgyz Republic.

4. Additional obligations of the parties

4.1. _____ district administration of the Mayor's office of Bishkek pledges:

- to reimburse the costs of training or improving the qualification of the specialists of the TPS Council; if possible, to provide their working place with a computer;

- in accordance with the law of the Kyrgyz Republic, to improve housing conditions through the allocation of land for individual housing construction.

4.2. TPS Council № _____ of _____ district pledges:

- to improve the qualifications of the TPS Council specialists;
- to ensure the training of the TPS Council specialists in “Public and municipal administration” major;
- to ensure that the TPS Council specialists, to some extent, study a foreign language and work with computer.

4.3. Working day: “in accordance with the rules of internal labor schedule”, “flexible working day”, “Irregular working hours” (underline the appropriate).

4.4. The TPS Council specialists have the right to annual labor leave during _____ working calendar days, including: _____ basic working (calendar) days; _____ additional working (calendar) days.

5. Other terms of the agreement

5.1. Monitoring of the activities of the TPS Council and its street/house committees in their performance of the delegated functions is implemented

by the head of the district administration of the Mayor's office of Bishkek and the head of the territorial deputy group of Bishkek city Kenesh to the district, the Department, coordinating the TPS activities and financial authorities of the city and district.

5.2. The Agreement has two copies, having equal force, and comes into effect from the date of its signing.

5.3. The terms of security of official secrecy in working with financial documents are specified (designed) in a separate signed document.

5.4. The Agreement may be terminated in case of:

- failure to comply with the terms of the agreement by one of the parties;
- abolition or reorganization the TPS Council;
- unforeseen circumstances that prevent the parties' fulfillment of the terms of the agreement.

5.5. In the event of a failure to resolve disputes or claims between the parties, they are solved in the courts under the current laws of the Kyrgyz Republic.

6. Agreement liability:

6.1. The parties are liable for their failure to comply with the terms of the agreement without valid reasons and rights' limitation or for damaging, according to the current laws of the Kyrgyz Republic.

7. Changing the terms of the Agreement

7.1. The parties may, if necessary, change the terms of the agreement at the initiative of one party.

7.2. The specific content of a change to the agreement is formalized by an attachment to this agreement. When changing several terms simultaneously, the agreement is subject to renegotiation in the form of signing a new agreement.

7.3. Every change, made to an attachment to the Agreement, is signed by the parties and sealed.

7.4. An attachment (renegotiated Agreement) must be in two copies and is transmitted to each party for storage.

8. The addresses and signatures of the parties to the Agreement:

The TPS Council _____

office of Bishkek

address _____

(Date, Signature)

Seal

_____ district
administration of the Mayor's

address _____

(Date, Signature)

Seal

MODEL AGREEMENT
on the performance of specific functions
of a district administration of the Mayor's office of Bishkek,
delegated to a Council of territorial public self-government

1. Parties to the agreement

1.1. _____
_____ (Further - Council)

_____ (full name of a TPS Council)

represented by _____
_____ on the one part,

_____ (full name of the head)

and the chairman of the street (house) committee № _____, Housing and Construction Cooperative, condominiums and housing associations, which are in territory of the TPS Council, _____ on the other part, concluded this agreement on the following:

2. Scope of the agreement

2.1. The Council in the accord with the _____ district administration of the Mayor's office of Bishkek entitles the chairman of the street (house) committee, Housing and Construction Cooperative, condominium and housing association to perform the following powers and functions delegated:

...
- keeping a record of residents in the territory of TPS, identifying those who violate the registration requirement and assisting them in registration at the place of stay in the registering bodies in accordance with the law;

- coordination of the work of street (house) committee, Housing and Construction Cooperative, condominium and housing association in their implementation of the delegated functions;

...
2.2. Chairman of the street (house) committee, Housing and Construction Cooperative, condominium and housing association assumes the above-

mentioned functions and powers, delegated to the TPS Council by the district administration of the Mayor's office of Bishkek.

3. Obligations of the parties

To perform the above-mentioned delegated functions and powers, the signatories of the treaty assume the following responsibilities:

3.1. The TPS Council pledges:

- to provide necessary financial funds, on the basis of expenses estimates for the current fiscal year, approved by the head of the district administration of the Mayor's Office of Bishkek and by the head of the territorial deputy group of Bishkek city Kenesh and accorded with the department, coordinating the activities of the TPS bodies, to the street/house committee, Housing and Construction Cooperative, condominium and housing association to pay labor remuneration for the head of the street/house committee, Housing and Construction Cooperative, condominium and housing association, as well as to make improvements in the territory of the street/house committee;

- to conclude together with the chairmen of the street (house) committee a contract with providers of communal services at its territory to work together.

3.2. Chairman of street (house) committee, Housing and Construction Cooperative, condominium and housing association pledges:

- within the agreed time to perform effectively the delegated functions and report to the TPS Council on their implementation;

- while performing the delegated functions to strictly abide by the requirements of the "Statute On the Procedure for delegating specific functions of district administrations of Bishkek", the "Statue on the procedure for financial and logistical performance of specific functions of district administrations of Bishkek, delegated to the bodies of territorial public self-government of the city", "Regulations on the collection and spending of budget funds in the TPS bodies of Bishkek", approved by Bishkek city Kenesh deputies;

- in its work to be guided by the orders and decisions of the head of the TPS Council and of the head of a district administration, concerning the performance of the delegated functions.

3.3. Chairman of the street (house) committee, Housing and Construction Cooperative, condominium and housing association is a person, responsible for the strict implementation of the agreement and for collecting taxes and other funds, entrusted to it by the TPS Council. In the event of theft, embezzlement and improper use of funds, he will be prosecuted in accordance with law of the Kyrgyz Republic.

4. Other terms of the agreement

4.1. Monitoring of the activities of the chairman of the street (house) committee, Housing and Construction Cooperative, condominium and housing association in the performance of the delegated functions is implemented by the head of the TPS Council.

4.2. The Agreement has two copies, having equal force, and comes into effect from the date of its signing.

4.3. The terms of security of official secrecy in working with financial documents are specified (designed) in a separate signed document.

4.4. The Agreement may be terminated in case of:

- failure to comply with the terms of the agreement by one of the parties;
- abolition or reorganization the street (house) committee, Housing and Construction Cooperative, condominium and housing association;
- unforeseen circumstances that prevent the parties' fulfillment of the terms of the agreement.

4.5. In the event of a failure to resolve disputes or claims between the parties, they are solved by the district administration and the Department, coordinating the activities of the TPS bodies.

5. Agreement liability:

5.1. The parties are liable for their failure to comply with the terms of the agreement without valid reasons and rights' limitation or for damaging, according to the current laws of the Kyrgyz Republic.

6. Changing the terms of the agreement

6.1. The parties may, if necessary, change the terms of the agreement at the initiative of one party.

7. The addresses and signatures of the parties to the Agreement:

The street (house) committee,
Housing and Construction Cooperative,
condominium or housing association of

The TPS Council of _____
_____ district
address _____

(Date, Signature)

_____ district
address _____

(Date, Signature)

Seal

Seal



**To the Minister of Education and
Science of the Kyrgyz Republic
Prof. Boldzhurova I.S.**

The Social Research Center at the American University in Central Asia is implementing the project “Discrimination against internal migrants in the Kyrgyz Republic: Analysis and recommendations”. The main purpose of this project is to improve the process of legalizing domestic migration into Bishkek and assist the most vulnerable and discriminated group of internal migrants who are not registered in the city.

To achieve the purpose of the research, conducted by the project experts, we need the information, which is under the jurisdiction of Your department.

Based on the above mentioned and acting in accordance with the Law of the Kyrgyz Republic “On Access to Information Held by Government Bodies and Bodies of Local Self-Government”, please, provide the following information:

1. Do any normative acts of the Ministry of Education and Science contain the requirement of registration (residence permit) for children's admission to public schools?
2. Is the registration (residence permit) required for children's admission to public studio schools of creativity?

Thank You very much in advance for the cooperation,

Best regards.

Signature

Aida Alymbaeva
Director
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American University in Central Asia
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Email address: alymbaeva_ai@mail.auca.kg

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**КЫРГЫЗ РЕСПУБЛИКАСЫНЫН
БИАИМ БЕРҮҮ ЖАНА ИЛИМ
МИНИСТРАЛИГИ**



**МИНИСТЕРСТВО
ОБРАЗОВАНИЯ И НАУКИ
КЫРГЫЗСКОЙ РЕСПУБЛИКИ**

MINISTRY OF EDUCATION AND SCIENCE OF THE KYRGYZ REPUBLIC

257 K.Tynystanov st., Bishkek 720040
Email address: monk@monk.bishkek.gov.kg

4 September 2008

No. 03-2/4251

**American University in Central Asia
Social Research Center**

Ac.No. 3456 of 18 August 2008

The Ministry of Education and Science of the Kyrgyz Republic informs on the following.

As for the first question, according to paragraph 42 Ch.4 of the "Standard Provision For Educational Institutions" (Decree of the Ministry of Education, Science and Culture of 17/07/1997), the procedure of admission to an educational institution is determined by the founder of this educational institution and is recorded in the Charter of the educational institution. And, according to paragraph 43 Ch.4, the Founder establishes the procedure for admission of the people, residing in the territory, that are eligible for education. Admission of the children, not residing in the territory, may be exercised only when there are seats available.

As for the second question, if the registration is required for children's admission to public studio schools of creativity, the Ministry of Education and Science informs that the registration is not required for children's admission to such schools.

Deputy Minister

Signature

Ivannikov A.G.

Ex.Mambetova S.S.
622076

0 1 9 6 9 4



American
University
of Central Asia



Social
Research
Center

**To the Minister of Health
of the Kyrgyz Republic
Mambetov M.A.**

The Social Research Center at the American University in Central Asia is implementing the project ““Discrimination against internal migrants in the Kyrgyz Republic: Analysis and recommendations”. The main purpose of this project is to improve the process of legalizing domestic migration into Bishkek and assist the most vulnerable and discriminated group of internal migrants who are not registered in the city.

To achieve the purposes of the research, conducted by the project experts, we need the information, which is under the jurisdiction of Your ministry.

Based on the above mentioned and acting in accordance with the Law of the Kyrgyz Republic “On Access to Information Held by Government Bodies and Bodies of Local Self-Government”, please, provide the following information:

1. Do any normative acts of the Ministry of Health of the Kyrgyz Republic contain the requirement of registration (residence permit) for the access to medical institutions of Bishkek?
2. Does the registration (residence permit) or its absence influence the types and amount of services provided by the medical institutions of Bishkek?

Thank You very much in advance for the cooperation,

Best regards.

Signature

Aida Alymbaeva
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American University in Central Asia
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MINISTRY OF HEALTH OF THE KYRGYZ REPUBLIC

Moskovskaya st. 148, Bishkek 720040

Fax: 66-07-17

Email: mz@med.kg

9 September 2008

No. 04-1/5-5124

**Social Research Center
American University in Central Asia**

In response to Your request, we are providing the following information:

1. The registration requirement for the access to the services of medical institutions in Bishkek is regulated by the "Temporary Rules of the Population's Registration to the Groups of Family Doctors in Tchui, Issik-kul and Jalal-Abad provinces and in the city of Bishkek", enforced by the order of the Ministry of Health of the Kyrgyz Republic of July 21, 2003, No.312. The document was registered in the Ministry of Justice of the Kyrgyz Republic on August 8, 2003, the registration number 84-03 (The copy is attached).

These rules were adopted to ensure the *people's right to freely choose a group of family doctors* and their access to competent medical-sanitary services in the Kyrgyz Republic.

According to paragraph 4.3 of the above-mentioned order, the following citizens, having identity documents, can get registered to the Groups of family doctors: citizens of the Kyrgyz Republic (residing in the territory during more than 3 months) and other citizens, including foreigners, stateless persons, refugees, who are financed according to capita standard.

The citizens of the Kyrgyz Republic, not registered to the Groups of family doctors, foreign citizens, stateless persons and refugees, not having the compulsory medical insurance, are entitled to receive medical-sanitary assistance after their registration to the Groups of family doctors, for a fee, according to the adopted price-list.

2. Residence permit or its absence do not influence the types and amount of services provided by the medical institutions of Bishkek.

Deputy Minister

Signature

M. Karataev

Appendix 5



American
University
of Central Asia



Social
Research
Center

Mr. Degenbaev T.I.,
Head of the Bishkek Chief Department
of Internal Affairs,
Bishkek, Kyrgyzstan

25 July 2008

Dear Taalaybek Ismailbekovich,

The Social Research Center (www.src.auca.kg) at the American University in Central Asia is conducting the research "Internal migrants in the Kyrgyz Republic: the problems of temporary/permanent registration and the ways of their solution". This research aims at analyzing the existing procedures, regulating the issues of internal and permanent registration of the citizens of KR who arrive in Bishkek, identifying the problem zones and proposing the ways of improving the situation.

To get a full picture for this research, we would like to ask You and Your department to provide the information on the number of officially registered citizens of the Kyrgyz Republic, who have a temporary residence permit in Bishkek for July 1, 2008.

Thank You very much in advance for the cooperation,

Best regards.

Signature

Aida Alymbaeva
Director
Social Research Center
American University in Central Asia
Tel. 66 40 89
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Кыргыз Республикасы
**БИШКЕК ШААРДЫК
ИЧКИ ИШТЕР БАШКЫ
БАШКАРМАЛЫГЫ**



Кыргызская Республика
**ГЛАВНОЕ
УПРАВЛЕНИЕ ВНУТРЕННИХ ДЕЛ
ГОРОДА БИШКЕК**

The Kyrgyz Republic
BISHKEK CHIEF DEPARTMENT OF INTERNAL AFFAIRS

61 Toktogul st.
720332 Bishkek

29 August 2008

No.16/8-8349

**Social Research Center
American University in Central Asia**

Here we are sending to You the information on the citizens of the Kyrgyz Republic, temporarily registered with "BI" certificates, who arrived in Bishkek from other provinces.

The Attachment contains 1 page.

**Deputy Head
Militia Colonel**

Signature

B. Nurmanbetov

**“BI” registration of the citizens of the Kyrgyz Republic for
7 months of 2008**

#	COUNTRY	July
1	Osh Province	726
2	Jalal-Abad Province	793
3	Naryn Province	446
4	Talas Province	357
5	Tchui Province	447
6	Batken Province	417
7	Issi-kul Province	511
8	Bishkek	106
9	USA	8
10	Federative Republic of Germany	37
11	Canada	1
12	Kazakhstan	36
13	Russia	170
14	Other countries	25
	Total	4080

Head of OPVK CDIA of Bishkek
Lieutenant Colonel

Signature

S. Buzurmankulova

Ulugbek Azimov, Taalaibek Azimov

**Discrimination Against Internal Migrants
in the Kyrgyz Republic**

Analysis and Recommendations

Editor *Charter Morris*

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