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SUMMARY AND RECOMMENDATIONS

“ARE YOU HAPPY TO CHEAT US?”

Exploitation of Migrant Construction Workers in Russia

HUMAN
RIGHTS
WATCH

“ARE YOU HAPPY TO CHEAT US?”

Photographs by Moises Saman





Women walk through a construction site in Moscow.
Millions of migrant workers work in Russia's
construction sector.

Russia's remarkable domestic construction boom—fuelled by high energy prices, the engine of the country's economic growth over recent years—has been made possible by millions of migrant workers, most from countries of the former Soviet Union. However, large numbers of these workers are subjected to abuse and exploitation by employers, employment agencies, and other intermediaries, and are victims of extortion and abuse by police and other officials. In the worst cases, migrant workers coming to Russia are trafficked into forced labor. The Russian government needs to rigorously enforce existing laws and develop new laws to better protect migrant workers from abuse and immediately establish effective complaint mechanisms accessible to all migrant workers.

Most migrant workers coming to Russia have limited employment opportunities in their countries of origin and seek employment in Russia in order to support themselves and their families at home. However, migrant workers told Human Rights Watch how employers in Russia failed to



provide the promised salaries and conditions, and instead cheated them of wages, forced them to work excessively long hours, threatened and physically abused them, and provided substandard on-site living conditions and unsafe working conditions. Employers in most cases refuse to provide migrant



workers with written employment contracts, as required under Russian law, making workers even more vulnerable to wage violations and other abuses and limiting their ability to access official avenues of redress. In some of the worst cases, employers, intermediaries, and employment agencies

Migrant workers from Central Asia build a mosque in central Moscow.



Migrant workers from Central Asia at an apartment complex construction site on the outskirts of Moscow.





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confiscated migrants' passports and forced them to work without wages, in some cases confining them to worksites or physically abusing them.

Work extracted under the menace of a penalty and for which a person has not offered him or herself voluntarily is forced labor and is banned under both international and Russian law.

In many instances police officials responsible for providing protection and facilitating redress themselves prey on migrants. Migrant workers report extortion during spot document checks, physical abuse by police and being forced to do menial work at police stations or other locations. Similarly, they report border guards, customs officials and others extorting money from them as they travel by train from their home counties to Russia.

According to the World Bank, Russia is home to one of the largest migrant populations in the world, second only to the United States. Although estimates vary widely, some 4 to 9 million of those migrants are workers, 80 percent of whom come from nine countries of the former Soviet Union with which Russia maintains a visa-free regime. Approximately 40 percent of migrant workers are employed in the highly unregulated construction sector.

Much of the abuse and exploitation migrant workers in Russia endure is at the hands of private actors—employers, employment agencies and the like. International human rights law obligates the Russian government to protect all people from abuse, including by private actors. In the case of migrant workers, the Russian authorities have in most cases failed to do so. They have not provided sufficient legal protections, nor have they made existing protections effective. The government has also failed to take adequate action against police or other officials who threaten or abuse migrant workers.

The Russian government should ensure effective regulation and monitoring of employment agencies and other intermediaries, and rigorous inspection and prosecution of abusive employers; accessible complaint mechanisms for victims of abuse; timely and effective investigations into allegations of abuse and the imposition of appropriate fines and sanctions. Russia must provide guarantees of protection for all victims of abuse irrespective of migration status.



Employers often require migrant workers to live on construction sites in overcrowded, poorly ventilated trailers like this one.

According to the World Bank, Russia is home to one of the largest migrant populations in the world, second only to the United States. Although estimates vary widely, some 4 to 9 million of those migrants are workers, 80 percent of whom come from nine countries of the former Soviet Union with which Russia maintains a visa-free regime. Approximately 40 percent of migrant workers are employed in the highly unregulated construction sector. A typical migrant construction worker traveling to Russia is a young man between 18 and 39, who leaves his family in his home country and enters Russia for six to nine months of seasonal employment, often for many years in a row. The migrant worker enjoys higher wages in Russia and most often sends or takes some remittances home to his family.

Human Rights Watch interviewed 146 migrants working or who had previously worked in construction in 49 cities or towns in Russia for this report. For many, migration for work is a long-term life strategy. Experts have determined that, in

contrast to earlier waves of better-educated and more skilled migrants, today's migrant workers are lower skilled, have lower levels of education, and have weaker knowledge of Russian. Most migrant workers have very little knowledge about their rights or available mechanisms for redress, making them more vulnerable to abuse and less able to seek protection from official agencies.

Liberalizing changes in migration legislation have simplified the work permit application process and obligatory residency registration for migrant workers. These reforms have helped many labor migrants regularize their short-term stay in Russia. However, not all migrant workers are able to do so easily due to remaining legal and procedural obstacles, such as a short, three-day period for obtaining residency registration; significant delays in issuing work permits; early expiration of quotas for work permits; and other bureaucratic obstacles. Migrants with irregular status are more vulnerable to abuses and less willing to seek assistance from government agencies out of real fears that approaching any official person or body will result in a fine or expulsion.

When seeking to work in Russia, migrants frequently use the services of intermediaries, including state and private



employment agencies and individuals who act as unofficial recruiters, including family members, diaspora groups, and others, both in Russia and in their home countries for assistance with job-placement, travel, obtaining residency registration and work permits, or other services. The vast majority of these intermediaries are informal. However, even formal employment agencies are subject to little regulation in Russia and in labor-sending countries. While only some intermediaries are responsible for trafficking, others do little to ensure that the work terms and conditions offered by employers are carried out, and often send workers to employers who, while not necessarily rendering workers into situations of forced labor, nonetheless fail to fulfill commitments and are abusive. Other intermediaries provide false residency registrations and work permits.

For example, Human Rights Watch interviewed four men who were among a group who traveled to Russia in May 2008 on an employment agency's promise of construction work in Sochi for the equivalent of about US\$800-1,000 per month, a small fortune in Tajikistan. Once the group arrived in Krasnodar, a Russian city 250 km from Sochi, the agency's representative simply abandoned them. With no job and no

Migrant workers from Tajikistan living in a shantytown on the outskirts of Moscow. About 1,500 migrants, mostly working in construction, live in this small concentration of makeshift shacks without electricity or running water.

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money to buy return tickets home, some of the workers found an employment agency in Krasnodar that also promised them construction work, but then confiscated their passports and sold the men to the director of a sunflower seed processing factory, who forced the men to work long hours doing heavy physical work.



Passengers at the Kazan train station in central Moscow wait to board a train headed for Uzbekistan. Police often target migrant workers for bribes as they arrive or depart Russia, as well as at other locations.



Under the recent reforms in migration legislation, many more workers entering Russia are using simplified methods to obtain residency registration and work permits. However, the legality of migrant workers' longer-term stay is not based only on obtaining these necessary documents, but hinges on their employer providing them with a written employment contract [in Russian, *trudovoi dogovor*]. Without a written employment contract, a migrant worker's residency status expires after 90 days and the worker becomes irregular. Once irregular, migrant workers are highly vulnerable to being cheated of wages and other abuse, and are reluctant to seek redress through official channels because they fear possible fines or expulsion from Russia.



Migrant workers from Tajikistan wait along a highway on the edge of Moscow hoping to be hired as day laborers on construction sites around Moscow.

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Tohir T. (not his real name), a 30-year-old worker from Tajikistan described to Human Rights Watch his experience working in Ivanovka, near Tambov in western Russia, on a hotel construction site in late 2006 and early 2007. Tohir T.'s employer did not provide a contract and cheated him of promised wages. "I worked for [over] three months and was owed US\$500, but they only paid us US\$300 for two months and for the rest of the work they didn't pay us at all. ... It was pointless to complain. We simply took what they gave us and left."





Central Asian migrants work at a construction site in Moscow.



Sakhoba holds her child at their home in the village of Lyakan, in northern Tajikistan. Sakhoba's husband left his family to work in Russia, in hopes of earning a decent salary and saving money to support his family.



Even when they do not receive their monthly pay as promised, some migrant workers continue on their construction sites, hoping that their employer will pay them. Azamat A. (not his real name), from Kyrgyzstan, oversaw a brigade of about 40 men working on a large construction project at a university in Moscow in 2007. They worked nearly three months, but were paid very irregularly. Azamat A. told Human Rights Watch, “Many workers left when they were not paid, but we needed to get paid, so we stayed on and continued to work.” The subcontractor then promised to pay one large sum after completion of the work. When this payment was also withheld, Azamat A. and other brigadiers continued to live on the site for about three months, hoping to receive money owed to them. In December 2007, Azamat A. finally gave up waiting and returned to Kyrgyzstan; the subcontractor still owes him and his workers some one million rubles (US\$42,220).

“Many workers left when they were not paid, but we needed to get paid, so we stayed on and continued to work.”

The absence of a written employment contract also leaves migrant workers vulnerable in cases of workplace accidents because workers cannot access state-sponsored accident insurance that depends on employer contributions for all legal employees. While some workers reported that their companies ensured that injured workers received medical treatment or compensation for their injuries, in many cases employers did not provide any assistance to workers. Vladimir V. (not his real name), a 27-year-old welder from Kyrgyzstan told Human Rights Watch that while he was working on private houses outside of Moscow he fell and was wounded in the abdomen. He and his co-workers treated the wound themselves, because, Vladimir V., said, “To go to a doctor is expensive. I didn’t have any insurance. They told [my boss] to take me to the doctor, but it didn’t do any good.”

The refusal of employers to provide written employment contracts to migrant workers is so pervasive that workers whose employer refuses to provide a contract see little reason to seek out an alternative employer in the hopes of obtaining one. In many cases where migrant workers have been placed in jobs by individual recruiters or employment agencies, they may be additionally pressured to stay with the employer selected for them.

In some cases documented by Human Rights Watch, when migrant workers protested or complained to their employers about cheated wages or poor work or living conditions, their employers responded with violence or threats. One Kyrgyz



Children play in Vakhdat, Tajikistan, where most adult men have left the village to work as migrant workers in Russia.

migrant worker working at a construction site in Krasnoyarsk told Human Rights Watch about an attempt by several workers to organize a strike in August 2006 in response to the company's failure to pay wages: "[We] gathered that day and decided to strike. We... came to the foreman ... He said, 'You'll get your money on December 31...' He called the guards. They started to beat one worker from Samarkand [Uzbekistan] in front of us. We all went back to our work places."

The Federal Work and Employment Service, also known as Rostrud, the main body responsible for oversight and enforcement of labor law, conducts full investigations of workers' complaints only when the worker has a written employment contract with his or her employer or an employment relationship is otherwise not disputed. Although

all workers with or without employment contracts have the right to seek redress for violations through courts as well as through the prosecutor's office, courts are reluctant to hear cases in which workers cannot prove formal work relations through the existence of a written employment contract.

Further, migrant workers rarely pursue official complaints because they are unaware of avenues of redress or how to access them; they fear being punished for their irregular status; they lack resources to pursue complaints; or simply because they lack faith in official protection.

In the absence of readily available and accessible mechanisms, migrant workers instead turn to other sources for help, including their embassies or consulates, for example in recouping cheated wages or restoring confiscated passports. Most often, migrant workers turn to diaspora groups or informal contacts for assistance. In smaller numbers, migrant workers access non-governmental organizations providing services to migrants. Most of these groups



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respond to complaints similarly, principally by calling employers and asking them to “do the right thing,” vis-à-vis the worker. In the few cases do these groups appeal to official Russian government agencies, and, when they do, they rarely achieve results. Informal channels can produce positive results for the migrant workers fortunate enough to know how to access them. But these informal mechanisms are no substitute for an official system of protection that is so badly needed in Russia.

Tajik women prepare lunch in Vorukh in northern Tajikistan. Many of their husbands have left the village to work as migrant laborers in Russia.

Under international human rights law, Russia has the obligation to protect the rights of all individuals in its territory or otherwise in its jurisdiction against abuses committed by private and state employers, intermediaries, and individuals. Russia must also take effective measures to prevent, punish, investigate, and redress the harm caused to individuals’ rights and provide effective remedies to those so harmed. Specifically, Russia is obligated to guarantee the right of all persons on its territory to be free from ill-treatment, as well as to ensure basic labor rights protections, including by preventing trafficking into forced labor. Regarding non-citizens’ rights at work, the United Nation’s Committee on the Elimination of Racial Discrimination has stated that once an employment relationship has been initiated and until it is

terminated, all individuals, *even those without work permits*, are entitled to the enjoyment of labor and employment rights.

Human Rights Watch recommends to the Russian government to strengthen its monitoring of the implementation of labor and migration laws and rigorously investigate and prosecute employers in violation of the laws, regardless of the affected workers' migration or contractual status. To help ensure protection of migrant workers, Russia should also further refine migration laws to eliminate remaining obstacles for migrant workers to legalize their stay and work in Russia. At the same time, migrant workers who face abuses at the hands of employers, police, or others should be able to file complaints regarding labor violations and abuses threatening their life and health without fear of retribution in the event that their migration status is irregular. The prosecutor's office and Rostrud should review complaints promptly and effectively and hold perpetrators accountable. Both Russia and countries whose workers seek to work in Russia should take measures to effectively regulate employment agencies and other intermediaries, and undertake rights awareness-raising campaigns for migrant workers both before they depart their home countries and once they are in Russia.



Women from the village of Lyakan in northern Tajikistan gather early in the morning at the border with Kyrgyzstan hoping to be hired as day laborers on the Kyrgyz side of the border. The women try to maintain a minimum income until their husbands return from seasonal work in Russia.





Tajik women harvest in a field near the village of Chorku, Tajikistan. Most of the adult men from this and many other towns and villages in Tajikistan have left to work as migrant laborers in Russia, leaving many women to harvest local crops.



Khujand, Tajikistan.

Kakhramon Musabaev, a former migrant worker from Tajikistan, lost a portion of both legs from frostbite after fleeing an abusive employer. Musabaev secured a job in Russia through an employment agency in Tajikistan, but the agency later confiscated his passport and placed him with an employer who forced him to work without wages and beat him.



KAKHRAMON'S STORY

My name is Kakhramon Musabaev. I was born in 1977.

In November [2003] I saw a commercial on television that advertised an opportunity to work in Volgograd, Russia, that would pay \$100 per month, which included housing and food. We left on November 27th to take the bus. The [employment agency] promised the trip would take seven days, but in reality it took 12—and by then all our food had run out. We were also promised [housing in] apartments, but when we got there we had to set up tents.

We had been working for a month when they sold three of us [workers] to another farmer. We were bought for 2,000 [rubles] each, and our passports were taken away.

We were promised us 3,000 [rubles]—\$100 per month and I worked for six months without any pay.

We worked harvesting, there were carrots and onions, and later cabbage. They tricked us, didn't give us money, and then said that they would kill me. I heard that they wanted to keep me for the winter, not let me go home.

So I ran away.

I heard that [I could get] a bus [back to Tajikistan] 30 kilometers away.

Kakhramon could not board the bus because the agency had confiscated his passport. Fearing the police, Kakhramon again fled.

I left, and went into the woods, and got lost—I was alone.

It was the 15th of December, 2004. I had frostbite – both hands and both legs. Two Russian guys found me and took me to the hospital.

They tried to treat me for a month, and then they said no—we have to amputate. Both legs.

Kakhramon's mother paid the employment agency to bring him home.

They charged me a lot for the hospital. And then, after the amputation, I was in Khujand for two more months. Or maybe three and a half.

I went to Dushanbe to get prosthetic limbs for both legs, but they didn't fit. They operated again. I went back to Dushanbe six months later and they helped me, the Red Cross...

And then we filed a lawsuit against the employment agency I used.

She [the prosecutor] kept saying, 'why did you go to Russia?' To earn money, of course! She kept saying I was the one to blame. I didn't understand ... the prosecutor was like this. And now I lay here.

The court found the Tojikkhorichakor employment agency responsible for inflicting damage to Kakhramons' health, but awarded him, a father of two, only 1500 somoni (US\$430). So far no damages have been paid.

*Excerpt from Human Rights Watch interview with Kakhramon Musabaev.
Khujand, October 2008.*





A migrant worker from Central Asia at work at the Moscow City business complex. Construction has been a major engine of Russia's growth in recent years and has relied on millions of migrant workers, the vast majority of whom come from countries of the former Soviet Union.

KEY RECOMMENDATIONS

Additional recommendations can be found in the full text of the report.

The Russian government and regional governments whose citizens seek employment in Russia should act immediately to ensure workers can migrate and work in conditions of dignity and respect for their human rights. Human Rights Watch's central recommendations are listed below. More detailed recommendations are set forth at the end of this report.

TO THE RUSSIAN GOVERNMENT

- Establish accessible, effective complaint mechanisms and rigorously investigate complaints of abuse made by migrant workers, irrespective of a migrant workers' contractual status or migration status.
- Rigorously investigate and prosecute employers who confiscate passports, deny workers legal contracts, withhold wages, and force employees to work long hours, or commit other violations of Russian law.
- Rigorously enforce the legal requirement for employers to provide written employment contracts to workers, including migrant workers.
- Establish a clear regulatory framework for state and private employment agencies, individual employment recruiters and other intermediaries, and adequately fund mechanisms for regular monitoring of these entities, which should include, at a minimum, unannounced agency visits and document audits to verify compliance with the regulatory framework.
- Cooperate with the nine governments of the former Soviet Union with whom Russia maintains a non-visa regime, to facilitate prosecutions and investigations of abusive employers in Russia, including by facilitating the involvement of victims who have already returned home.

TO LABOR-SENDING COUNTRIES' GOVERNMENTS

- Develop or expand public awareness-raising for prospective migrant workers.
- Cooperate with Russia to facilitate prosecutions and investigations of abusive employers in Russia, including by facilitating the involvement of victims who have already returned home.
- Establish a clear regulatory framework for state and private employment agencies, individual employment recruiters and other intermediaries, and adequately fund mechanisms for regular monitoring of these entities, which should include, at a minimum, unannounced agency visits and document audits to verify compliance with the regulatory framework.
- Enhance the labor departments of embassies and consulates in Russia to assist migrant workers.

“ARE YOU HAPPY TO CHEAT US?”

Exploitation of Migrant Construction Workers in Russia

Russia is home to an estimated 4 to 9 million migrant workers, over 40 percent of whom work in the construction industry. Large numbers of Russia's migrant construction workers, who overwhelmingly come from other countries of the former Soviet Union in search of steady work and decent wages, suffer abuses ranging from non-payment of wages, excessively long working hours, physical and psychological abuse, and unsafe working conditions. In the worst cases, migrant workers have been trafficked from their home countries into forced labor in Russia.

Employers routinely refuse to provide migrant workers with written employment contracts, as required under Russian law, making workers especially vulnerable to wage violations and other abuses and limiting their ability to access official avenues of redress.

Many migrant workers also suffer abuse at the hands of police and other officials. Police regularly target ethnic minorities, including migrant workers, for petty extortion, as well as in some instances physical abuse and harassment.

Russia deserves credit for liberalizing some of its migration laws in recent years. However, the authorities have not done enough to ensure protection of migrant workers from abuse, including from private actors. Russia must protect all victims of abuse irrespective of contractual or migration status.

The government should ensure rigorous labor inspections, prosecution of abusive employers, and effective regulation of employment agencies and other intermediaries. It should also develop accessible complaint mechanisms for victims and timely and effective investigations into allegations of abuse. In addition, further reform in migration law is necessary to allow workers to more easily regularize their stay, making them less vulnerable to abuse, and more likely to seek protection from state agencies.

Cover: Migrant workers at a construction site in Moscow.

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