

The Central Asia Fellowship Papers

No. 12, January 2016

Propiska as a Tool of Discrimination in Central Asia

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This paper discusses the residency registration system (better known as *propiska*) in post-Soviet Central Asia as a barrier to basic human rights and equal access to social welfare benefits. Although the Central Asian states justify the existence of *propiska* as a means to ensure social justice, this paper argues that it is mainly a means of discrimination because it excludes a large part of population from the welfare system. *Propiska* is a major issue for Central Asian citizens. Access to the most basic human rights depends on *propiska*, including political (voting), social (access to medical care, housing, and education), and economic (employment) rights. Yet this issue has garnered scarce attention from the international community.

The paper aims to spur international discussion about the tangle of problems that the *propiska* system creates for ordinary citizens, and to serve as an instrument for the international human rights community to understand the issue and advance realistic solutions. The study is based on previous research, media sources, and statistical data generated by state authorities and international organizations. In addition to secondary sources, I conducted interviews with local and foreign experts, NGO staff, activists, and representatives of the relevant state bodies in the five Central Asian states. A series of 124 semi-structured interviews with internal migrants were also conducted in Astana, Kazakhstan, in November-December 2014, within the framework of a survey that tried to supplement two larger surveys conducted in 2009¹ and 2011² about the causes of mass violations of registration procedure by the population.³

This paper looks at the five Central Asian countries (Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, and Turkmenistan) due to their similar historical and cultural backgrounds. It does not cover issues of registration of foreign citizens. The first part discusses the distinctiveness of the *propiska* from other forms of residence registration adopted around the world, thus defining the importance of the issue for the international community's agenda, and briefly examines transformations and particularities of the registration system in each of the five states. In the second part, I outline the barriers that *propiska* poses to the everyday lives of citizens, while the third section demonstrates how people find ways to bypass the system. Finally, the paper offers some recommendations to international human rights institutions and states for reforming the system.

Historical Overview

Origins of Propiska

Propiska has its roots in the internal passport system, which was an integral part of serfdom (*krepostnichestvo*) in the Tsarist Empire, and was meant to keep control over peasants by

¹ *Vnutrenniaia migratsiia v Kazakhstane v period ekonomicheskogo krizisa* (Almaty: Republican Public Association "Shanyrak," 2009).

² Meruyert Makhmutova, *Vnutrenniaia migratsiia molodezhi v Kazakhstane: na primere goroda Almaty* (Almaty: Center for Analysis of Social Problems, 2012.).

³ For instance, a survey conducted in Almaty (Makhmutova, 2012) indicated that more than half of respondents were unregistered. Respondents were selected by availability sampling, a door-to-door survey was conducted in single-room occupancies (so-called *malosemeykas*), in the poorest urban areas, where migrants rent cheap rooms (Zhangeldin and Asan-kaigy streets), as well as in markets ("Artyom" and "Shanghai" bazars) and train and bus stations. If possible, we carried out detailed unstructured interviews with respondents. Prior to the questionnaire, the respondents were informed that the survey was conducted on an anonymous basis and commissioned by an international NGO, "Soros Foundation Kazakhstan".

preventing them from moving to cities.⁴ Similarly, internal passports were widely used in feudal Western Europe but had been abolished practically everywhere by the beginning of the 20th century.⁵ Before the 1917 Revolution the most vocal critics of repressive Tsarist police measures, including the passport system, were Bolsheviks. For example, in his address “To the Rural Poor” Vladimir Lenin wrote:

Social-democrats demand complete freedom of movement and enterprise for the people. But what does "freedom of movement" mean? [...] It means that passports must also be eliminated in Russia (in other states, passports have long since disappeared), [...] that no policemen, no *zemstvo* civil servant will have the power to stop people from living and working wherever they see fit. [...] Isn't this a case of feudal serfdom? Isn't it insulting people?⁶

The passport system was abolished shortly after the 1917 Revolution. However, the construction of a Stalinist society was incompatible with freedom of movement, and in a few years, the passport system was restored in a partly altered form, giving rise to the institution of residence registration or *propiska*, which was introduced in the Soviet Union in 1932 for the purposes of:

Maintaining population records of the cities, workers' settlements and buildings and liberating these places from persons who are not engaged in socially useful work, and clearing *kulak*, criminal and anti-social elements in order to strengthen the dictatorship of the proletariat.⁷

Some analysts of the *propiska* system argue that “the passport system had from the very outset been meant in the first place as an instrument of repression and police control, and in the short run even more crudely as a purging tool” for the emerging Stalinist regime and subsequent repressions.⁸ Eventually, a policy of managing migration became a part of an overall policy for the transition to firm central control and planning. The planned economy required a stable and predictable distribution of the population, thus migration was to be an orderly process where administrative control would replace inefficient or absent market signals.⁹

Propiska was a part of a “seamless web of repression and inducement”¹⁰ that involved numerous agencies administering each aspect of the everyday life of an ordinary Soviet citizen. In the Soviet Union, the state exercised a virtual monopoly over housing, especially in major cities. Most housing was obtained through employment, which also was exclusively public. Large enterprises were responsible for providing housing for their employees, as well as social and welfare services, food, cultural, sporting, and leisure activities, child care, education and

⁴ For a detailed historical analysis of the passport system in Tsarist and Soviet times see Mervyn Matthews, *The Passport Society: Controlling Movement in Russia and the USSR* (Boulder: Westview Press, 1993).

⁵ Serguey Ivanov, Anatolii Vichnevski, and Sergei Zakharov, “Population Policy in Russia,” in Graziella Caselli, Jacques V. Allin, and Guillaume Wunsch, eds. *Demography: Analysis and Synthesis*, vol. IV, 424, accessed October 14, 2015, <https://www.hse.ru/data/345/987/1234/PDF.pdf>.

⁶ Vladimir Lenin, *To Rural Poor (An Explanation for the Peasants of What the Social-Democrats Want)*, 5th ed., vol. 7, *The Complete Collected Works* (Moscow: Publishing House of Political Literature).

⁷ Decree of the All-Russian Central Executive Committee and People's Commissars Council, *On the Establishment of a Common Passport System in the USSR and Mandatory Registration of Passports*, 1932.

⁸ Gijs Kessler, “The Passport System and State Control over Population Flows in the Soviet Union, 1932–1940,” *Cahiers du monde russe* 42, no. 2/4 (2001): 478.

⁹ Cynthia Buckley, “The Myth of Managed Migration: Migration Control and Market in the Soviet Period,” *Slavic Review* 54, no. 4 (1995): 905.

¹⁰ Matthew A. Light, “What Does It Mean to Control Migration? Soviet Mobility Policies in Comparative Perspective,” *Law and Social Inquiry* 37, no. 2 (2012): 409.

training, primary health care, public transport and infrastructure for the local community.¹¹ Moreover, “the state’s control of housing promoted the surveillance of residents. Residential building managers (known in Russian as *upravdomy*) were required to report illegal activities in their buildings to the police, including unauthorized residence.”¹²

With the disappearance of the Soviet system of distribution of social benefits and rights, as well as the need for strict control over movement of citizens within the country, the existence of *propiska* was no longer necessary, at least in principle.¹³ In October 1991, the Soviet Constitutional Review Committee recognized the authorization procedure for registration as unconstitutional and contradictory to the international obligations of the Soviet Union.¹⁴

The Propiska System in Central Asian States after Independence

After the dissolution of the Soviet Union, some post-Soviet countries abolished the *propiska* regime. It was eliminated in Georgia and Moldova. Notification registration was adopted in the Baltic states. Russia, Ukraine, Belarus and the Central Asian republics formally abolished the *propiska* and replaced it with residence registration. However, in practice, all of the Central Asian states preserved modified *propiska* to varying degrees, often changing only the name.¹⁵ *Propiska* status is inscribed in the passports of all Central Asian citizens, with the exception only of Kazakhstan.

Kazakhstan

In the first years after independence, there was a trend towards liberalizing internal migration policies. Due to the weakening of the state role in the country’s economic life and the collapse of the public welfare system, the practice of requesting residence registration at places of employment, medical institutions, and schools had been gradually diminishing.

Overall, the government had long been quite liberal towards the mass movement of population from rural to urban areas, as it allowed for the reduction of social tensions associated with poverty and a lack of employment opportunities. Moreover, until 2015, the state territorial development strategy supported managed rural-urban migration as a fundamental approach to population resettlement.¹⁶ With an improving economic situation and developing public welfare system, which the municipal authorities were not interested in extending to migrants, the question of providing social services and employment according to place of registration returned to the administrative agenda.

At the same time, due to an increase in birth rates, the demand for kindergartens and schools increased sharply, and with it the interest of local authorities to limit these services to the locally

¹¹ Simon Clarke, *The Formation of Labour Market in Russia* (Cheltenham, UK: Edward Elgar, 1999), 57.

¹² Light, *op. cit.*, 409.

¹³ Dzhamilya Asanova, Vadim Ni, Askar Kaliyev, and Malik Mussabekov, *Systema registratsii grazhdan Respubliki Kazakhstan* (Almaty: Public Association “Association of Women “Moldir”, 2010), <http://mognovse.ru/huz-otchet-po-rezulestatam-issledovaniya-obshestvennoe-obedinenie-stranica-1.html>.

¹⁴ *Conclusion of the Constitutional Review Committee of the USSR on “Permissive Nature of Citizens’ Propiska,”* 1991.

¹⁵ In Tajikistan, Uzbekistan, and Turkmenistan “rebranding” did not happen. *Propiska* is still an official term used for registration system. See *Analiz systemy registratsii grazhdan Kyrgyzskoi Respubliki po mestu zhitel’sstva i mestu prebyvaniya* (Bishkek: Social Fund “Legal Clinic Adilet”, 2013), <http://adilet.kg/ru/news/full/30>.

¹⁶ Asanova, *op. cit.*

registered population.¹⁷ As a result of the gradual tightening of the registration system, some urban centers introduced quotas on registration for incoming populations. For example, in Almaty, registration is tied to living conditions and sanitary standards, according to which at least 15 square meters of floor area per person must be allowed. Members of parliament regularly support introducing similar restrictions in other regions.¹⁸ Imangali Tasmagambetov, then the mayor of Astana, also suggested restrictions on registration in the capital.¹⁹

The introduction of modern information and communication technologies to public administration practices (in particular, the principle of ‘one window’ and the e-government portal) significantly optimized the registration process in recent years. The automation of state administration procedures has eliminated the practice of withdrawing from the previous place of registration (*vypiska*) and the issuance to citizens of a registration book (the so-called house book or *domovaya kniga*). Furthermore, citizens are now allowed to choose public outpatient hospitals within the locality in which they are registered.²⁰ Although this reform helped to improve the quality of public medical services, it has left out citizens residing in a locality other than the one indicated in their registration document. The reform also allowed for registration at the place of work, however only in cases where one is living at one’s place of work.²¹ In addition, from January 1, 2013, every citizen of Kazakhstan was assigned an individual identification number, which replaced the current tax account and individual social code.

Kyrgyzstan

In Kyrgyzstan, similar to Kazakhstan, the *propiska* system was legally replaced by residence registration. An analysis of Kyrgyz legislation on registration shows that *propiska* was preserved in a somewhat liberalized form.²² Some experts argue that this “rebranding” was largely under pressure from international organizations, which demanded the government respect the right to freedom of movement.

Overall, despite active public discussions around this problem since 2012 (involving more than 40 international and local NGOs, ministerial-level hearings, and involvement of the ombudsman), the registration situation in Kyrgyzstan is currently not very different from Kazakhstan.²³ Legislative provisions are designed in such a way that a significant portion of population does not have the possibility to register. Most often citizens violate the registration regime because they cannot provide documents certifying their legitimate stay in the residential premises (rental contracts, written consent of the housing owner, certificates of property ownership).²⁴

¹⁷ Ibid.

¹⁸ See “V Kazakhstane khotiat ogranichit’ propisku v Astane i Almaty,” *TengriNews*, July 12, 2012, http://tengrinews.kz/kazakhstan_news/v-kazahstane-hotyat-ogranichit-propisku-v-astane-i-almaty-224794/ and “Ogranichit propisku v odnom pomeshchenii po primeru Almaty predlozil mazhilismen,” *Zakon.kz*, January 15, 2014, <http://www.zakon.kz/4596463-ogranichivat-propisku-v-odnom.html>.

¹⁹ “Akim Astany vvedet ogranichenie na propisku v stolitse,” *Nur.kz*, January 27, 2014, <http://news.nur.kz/299899.html>.

²⁰ Code “On Public Health and Health Care System” of the Republic of Kazakhstan, vol. 193– IV, 2009.

²¹ For example, watchmen or some construction workers who live at the construction sites.

²² Social Fund “Legal Clinic Adilet”, *op. cit.*

²³ De-registration (or *vypiska*) is a procedure reverse to *propiska*, i.e. an official procedure of annulment of one’s registration, which results in a “departure slip” (*listok ubytiya*), a certificate of de-registration. Such certificate is a required part of the application package for a *propiska* in Central Asia (except in Kazakhstan).

²⁴ Ulugbek Azimov and Taalibek Azimov, *Discrimination Against Internal Migrants in the Kyrgyz Republic: Analysis and Recommendations* (Bishkek: Social Research Centre, 2009),

Given the lack of economic opportunities in rural areas, a significant portion of the population leaves their homes for Russia and Kazakhstan, but even more go to domestic urban centers (mainly Bishkek). The state position towards such phenomenon can be found in the Concept of State Migration Policy of the Kyrgyz Republic until 2010: “spontaneous” migration is said to deteriorate the socio-economic situation in rural areas, destroy demographic regional balance and “rational” distribution of population, “reduce the number and composition of the population in strategically important border regions”, lead to overpopulation and social tensions, and put pressure on urban infrastructure and labor markets.²⁵

Nevertheless, Kyrgyzstan, like Kazakhstan, is actively working on introducing modern information technologies to administrative practices. However, the objectives behind introducing such systems are different in the only democratic state of Central Asia. In 2014, President Atambayev articulated the need to establish a comprehensive Unified State Register of the Population²⁶ “based on the biometric data of citizens, which could be the basis for reliable population statistics and a systematic approach to preventing violations of the electoral process.”²⁷ The population register would function based on biometric data and personal identification numbers assigned to each citizen. The registry should allow for the simplification and optimization of bureaucratic processes related to monitoring population data and providing public services. In fact, such a registry has a great potential to facilitating *propiska* reform, gathering population statistics, taxing and budgeting, as well as being an intermediary in distributing public services.

Tajikistan

Partially due to the civil war (1992-1997), Tajikistan has a large number of people living without identification documents. According to the head of the UNHCR office in Tajikistan, Kevin J. Allen, the number of stateless people in the border regions is around 40,000 persons.²⁸ Most of them are de-facto citizens of Tajikistan. Some had no financial or physical way to renew their Soviet passports or lost their documents and have been living without them for two decades.²⁹

Although this issue is much wider than an absence of registration, statelessness and *propiska* issues are closely interdependent. Identification documents in Tajikistan (as well as in the rest of the Central Asian states) are issued by territorial subdivisions of the Ministry of Internal Affairs, according to the place of registration.³⁰ However, registration is only performed upon submission of identification documents.³¹ People without them cannot register. Internally

https://www.auca.kg/uploads/Migration_Database/Discrimination%20of%20internal%20migrants%20in%20KR,%20eng.pdf.

²⁵ *Concept of State Migration Policy of the Kyrgyz Republic until 2010*, 30 April 2004.

²⁶ *Regulation on the Unified State Register of the Kyrgyz Republic*, 2013, <http://cbd.minjust.gov.kg/act/view/ru-ru/7270?cl=ru-ru>.

²⁷ “Report on Monitoring of the Process of Biometric Registration in the Kyrgyz Republic” (Bishkek: “Taza Shailoo” Association, 2015), <http://www.tazashailoo.kg/web/documents/materials/241.pdf>.

²⁸ Lilia Gaisina, “LGB-soobshchestvo v Tajikistane. Kakovo eto zhit’ bez dokumentov?,” *Asia-Plus*, accessed December 12, 2015, <http://news.tj/ru/news/lbg-soobshchestvo-v-tadzhikistane-kakovo-eto-zhit-bez-dokumentov>.

²⁹ *Ibid.*

³⁰ *Rules for Issuing Passports of Citizens of Republic of Tajikistan*, Article 5, paragraph 49, 2014.

³¹ *Ibid.*

displaced people and returning refugees are especially affected, as they often lose their documents due to conflict and thus have difficulties registering in their new place of residence.³²

Overly complex bureaucratic procedures for registration further complicate the situation. To register, a citizen of Tajikistan has to submit a written consent of not only the owner of the property, but also of all the adult dwellers of it.³³ As *propiska* status is indicated in the passport, it creates an additional set of problems associated with renewing the passport every time a citizen's place of registration changes.³⁴ On the more positive side, the "Concept of Establishing E-Government in the Republic of Tajikistan until 2020" envisions the introduction of information and communication technologies in the public administration. This includes the development of a database of persons, the primary function of which would be to generate and assign identification numbers to individuals. Moreover, it includes addresses standardization, which would allow for the development of a single address register with the assignment of an identification number to each address.³⁵ Those measures, at least in principle, should "simplify registration procedures, facilitate targeted electronic services, coordinate the establishment and development of information systems, and improve cooperation among the departmental information systems based on the use of common identification numbers."³⁶

Uzbekistan

While some liberalization happened in Kazakhstan and Kyrgyzstan, Uzbekistan's *propiska* system has significantly tightened since the collapse of the Soviet state, at least in the country's capital, Tashkent, and in the Tashkent region. Population flows into Tashkent became firmly controlled after the 1999 terrorist acts. On February 26, 1999 president Islam Karimov signed a decree on improving the passport system of the Republic of Uzbekistan, according to which the Ministry of the Interior would develop guidelines and introduce permanent residence in Tashkent on the basis of the conclusions of the special commission on registration, created with the district administrations (*khokimiyats*).³⁷

Tashkent became a virtually closed city, where only public servants, personnel of the Ministry of Interior Affairs (MVD), and the families of citizens already residing there are permitted to move legally. Notaries were prohibited from registering sales or purchases of property in Tashkent if the buyer did not have a permanent *propiska* in the capital. In 2011, a new law on the categories of citizens subject to permanent residence in the city of Tashkent and the Tashkent region was introduced, expanding the closed area to the Tashkent region (*oblast*).³⁸

It is also not as easy to "buy" a *propiska* in Uzbekistan as it is in Kazakhstan or Kyrgyzstan. The *mahalla* institute of community self-government has "semi-policing"³⁹ functions and works at

³² See for example Recommendation 1544 (2001) of the Parliamentary Assembly of the Council of Europe, "The Propiska System Applied to Migrants, Asylum-seekers and Refugees in Council of Europe Member States: Effects and Remedies."

³³ *Regulations on the Passport System in the Republic of Tajikistan*, Article 23, 1997, http://base.spinform.ru/show_doc.fwx?rgn=20469.

³⁴ *Ibid*, Article 3, paragraph 9.

³⁵ *The Concept of Establishing E-Government in the Republic of Tajikistan*, 2011, <http://medialaw.asia/posts/13-03-2013/69915.html>.

³⁶ *Ibid*, Section 4.2, paragraph 19,.

³⁷ Alexander Benoure, "Tashkentskaia propiska: mechta ne stanet iav'iu," *FerganaNews.com*, March 5, 2012, <http://www.fergananews.com/articles/7302>.

³⁸ *Ibid*.

³⁹ An interview with anonymous human rights activist from Uzbekistan.

identifying every newcomer and reporting him or her scrupulously to the state authorities. However, non-resident citizens found ways to work around the rules. For example, buying an apartment and registering it to relatives with a Tashkent *propiska*, who then would “gift” the apartment back and thus make those from the provinces full citizens of the capital.⁴⁰ Another common practice is to register parents or grandparents as owners of the apartment, which would allow all members of the extended family to be registered – children and grandchildren. But even provided a place to register, there are cases when people wait up to six years for the official approval of their *propiska* in Tashkent.⁴¹

Like its neighbors, Uzbekistan is developing a system of electronic government, including the creation of unified population databases,⁴² which through the generation and assignment of personal identification numbers should assist in gathering and easing access to population statistics, facilitate the conduct of election campaigns, as well as “provide the necessary assistance to law enforcement and supervisory authorities in maintaining law and order and ensure the effectiveness of interagency cooperation of departmental information systems.”⁴³

Turkmenistan

Although Turkmenistan’s migration law guarantees that the absence of *propiska* or registration cannot serve as grounds for restricting the rights and freedoms of citizens of Turkmenistan,⁴⁴ it is a highly debatable statement. The Turkmen system of *propiska* is probably the most restrictive of Central Asia.

It was nearly impossible for a newcomer (even a close relative) to obtain registration in the capital, Ashgabat, in the period between 1998 and 2012. Today a person trying to obtain a *propiska* in Ashgabat must submit the application plus written consent from all persons living in the private house or apartment. Further, the written consent of the tenants is submitted to housing management (*domoupravlenie*), then to the appropriate District Housing Trust, and then to the Housing Department of the city of Ashgabat.⁴⁵ In practice, it looks like this: the whole family, even if they are ten or more people, and the citizen wishing to be registered must visit all of these institutions, passports in hand, and each time sign to convey their consent to register an additional person; “As a result, huge queues accumulate at the entrance to the Housing Department, with people starting to gather at two o’clock in the morning in order to get a chance to be admitted during the working day.”⁴⁶

⁴⁰ Benoure, *op. cit.*

⁴¹ Anonymous human rights activist, *supra*.

⁴² *On Measures for Further Development of National Information and Communication System of the Republic of Uzbekistan*, 2013.

⁴³ “Databases as a Fundamental Aspect in the Development of E-Government,” May 27, 2015, http://www.egovernment.uz/ru/press_center/performance/bazy-dannykh-kak-osnovopolagayushchiy-aspekt-v-razvitiielektronnogo-pravitelstva/?sphrase_id=7022.

⁴⁴ *Law “On Migration” of the Republic of Turkmenistan*, 2012, <http://turkmenistan.gov.tm/?id=1174>.

⁴⁵ “Stolichnaia propiska,” *Khronika Turkmenistana*, November 14, 2015, <http://www.chrono-tm.org/2012/11/stolichnaya-propiska/>.

⁴⁶ *Ibid.*

Case 1⁴⁷

... I am registered in my apartment in another town. I cannot sell that apartment until I de-register from there; no one would buy an apartment with people registered there. But I have no place to register in Ashgabat, where I live, as my husband refuses to register me in his apartment.

I have my mother living in Ashgabat in her own apartment, but it is not allowed to register new people in Ashgabat, even close relatives, except for spouses.

I would buy my own apartment, if I could sell my old one. However, while I have no *propiska*, I am not allowed to perform any manipulations with real estate – I cannot be gifted one, cannot purchase, sell or be involved in fractional ownership.

I am pregnant, and without *propiska* I cannot register at a hospital or get any certificates for my baby, including a birth certificate. I will have to go to my hometown for every service I need.

Anonymous online forum participant, Ashgabat, 2013

Maintenance of the Unified Population Register is included in the Turkmen migration law as one of its main objectives.⁴⁸ Although the description of the register is quite vague in the law itself and additional information is scarce, one can assume that the register is similar to those in other Central Asian states (as well as worldwide). Development of such systems might simplify the monitoring of population movements and facilitate the distribution of social welfare services – thus it could assist, at least in theory, in reforming obsolete, opaque, and heavyweight Soviet-style registration systems. However, these systems will not be able to control the movement of population as *propiska* has.

Defining *Propiska*: Why Discuss It?

Propiska has a control function at its core

Residence registration is a widely accepted practice and *per se* does not contradict international standards of administrative regulations, as it provides the administrative apparatus with essential information about its population and allows for the effective management of resources.⁴⁹ However, in most countries residence registration systems are notification-based and aimed at collecting statistical information about the population and its movements; planning and budgeting (taxation and distribution of social benefits); and enabling communication between state and citizens through their registered addresses.

But the system of registration adopted in Central Asia differs by adding two more functions, which give the institute of *propiska* its control character: managing population movements and ensuring law and order. Thus, *propiska* is a form of residency registration, but it is distinct in the objectives the state pursues in adopting it.⁵⁰ While most of registration systems around the world are designed to collect information, *propiska* has a security function at its core. Arguably,

⁴⁷ Anonymous, “Propiska... bud’ ona neladna!” September 27, 2013, https://deti.mail.ru/forum/semeynye_otnosheniya/semja_i_emejnye_otnosheniya/propiska_bud_ona_neladna/?page=3.

⁴⁸ Law “On Migration” of the Republic of Turkmenistan, *supra*, Articles 4 and 44.

⁴⁹ “The Issue of Internal Registration (Propiska),” Background Paper 2, OSCE Human Dimension Implementation Meeting (Warsaw, October 1998), <http://www.osce.org/odihr/16646?download=true>.

⁵⁰ Malika Tukmadiyeva, *Puti reformirovaniia systemy registratsii naseleniia po mestu prozhivaniia v Respublike Kazakhstan* (Almaty: Soros Foundation Kazakhstan, 2015): 21, <http://ca-network.org/archives/4363>.

the Soviet *propiska* was “in the core of the means by which the MVD controlled the Soviet population”⁵¹, “in the heart of police power”.⁵²

Some experts attribute tightening of *propiska* to the approaching transfer of power in some of the Central Asian countries: the presence of large numbers of young, uneducated, disgruntled citizens in the capital cities is considered an undesirable risk factor for social instability.⁵³ Police ‘clean up’ campaigns are not rare in capitals and suburbs, especially before national celebrations or important international events. Recent celebrations of the Day of Neutrality of Turkmenistan were, for instance, accompanied by large-scale *propiska*-checking operations on the streets, bus stops, bazaars, construction sites, and roads to Ashgabat; the campaign engaged employers and communal, transport, and housing authorities. Citizens without *propiska* were evicted from rented houses and flats, and nonresident cars entering the capital were turned back.⁵⁴

The *propiska* system is designed in a way that deliberately deprives a significant part of population the very possibility to follow the law and register legally. According to a survey of young internal migrants in Almaty, only one-tenth live at their place of official registration and half of the migrants are registered in the city itself.⁵⁵ Similarly, in Kyrgyzstan, according to some calculations, about 20% of Bishkek residents lack *propiska*.⁵⁶ In Uzbekistan, according to estimates there are more than one million itinerant laborers from the provinces without registration in Tashkent.⁵⁷

This leads to the question of what the most common reasons of such a widespread violation of the law on registration are. Seventy-nine percent of the respondents to a survey of internal migrants in Astana explained their non-registration by absence of their own housing, as did 52% of the respondents in Almaty.⁵⁸ Registration is only possible if a citizen is able to present evidence of the legitimacy of his or her residence (property, consent of the landlord/employer, etc.), which is not always feasible. It is not a secret that the housing problem remains one of the most acute social issues in all of the Central Asian countries. For example, according to statistics from the National Analytical Center Samruk-Kazyna, 29% of Kazakhstani people do not have their own homes.⁵⁹ Owners of rental housing often refuse to register their tenants for different reasons – often to avoid taxes and utility fees (which are charged per registered person in a given apartment) or simply due to the red tape involved. A survey conducted in Bishkek confirms that another widespread reason for citizens’ non-registration is a lack of necessary documents: passports, certificates of departure (*listok ubytiya*), or documents for housing (especially relevant for dwellers of “illegal” settlements).⁶⁰

⁵¹ Simona Pipko and Albert J. Pucciarelli, “The Soviet Passport System,” *The International Lawyer* 19, no. 3 (1985): 917.

⁵² John Torpey, “Revolutions and Freedom of Movement: An Analysis of Passport Controls in the French, Russian, And Chinese Revolutions,” *Theory and Society* 26, no. 6 (1997): 852.

⁵³ Benoune, *op. cit.*

⁵⁴ “Ashgabat ‘zachshichshaiut ot priezzhikh,” *Khronika Turkmenistana*, December 8, 2015, <https://habartm.org/archives/4114>.

⁵⁵ Makhmutova, *op. cit.*, 36.

⁵⁶ “Bez bumazhki ty bukashka. Grazhdanskoe obchshestvo Kyrgyzstana prizyvaet otmenit’ institut propiski,” *FerganaNews.com*, October 17, 2011, <http://www.fergananews.com/articles/7134>.

⁵⁷ “On the Laws and Practices of the Republic of Uzbekistan Regarding the Rights of Citizens to Free Movement and Choice of Residence” (Uzbek-German Forum for Human Rights): 5.

⁵⁸ Makhmutova, *op. cit.*, 36.

⁵⁹ “Vo skol’ko oboidetsia arendnoe zhil’e v RK,” *Kn.kz*, September 16, 2013, <http://www.kn.kz/news/44839/>.

⁶⁰ FerganaNews.com, 2011, *op. cit.*

How is Propiska an Impediment to Social Rights?

Some experts explain the rationale behind preserving *propiska* as “no man – no problem”.⁶¹ Some of the strongest proponents of preserving *propiska* are indeed municipal governments, which are interested in avoiding some parts of the population to access social services. As a result, *propiska* generates a whole stratum of “illegal” citizens in their own country. Such situations contribute to discrimination, abuses, and exploitation of unregistered citizens by public authorities, private entities, and employers; it deprives citizens from the social protection of the state and induces marginalization.⁶²

Today, for citizens in any of the Central Asian states, it is illegal to reside in a place different from the one indicated in the registration certificate, as well as impossible (at least legally) to qualify for a whole set of political, economic, and social rights (See Table 1).

Table 1. Social welfare benefits unavailable without proper registration

Service/ State	Kazakhstan ⁶³	Kyrgyzstan ⁶⁴	Tajikistan	Turkmenistan	Uzbekistan
Apply for identification documents (passport, birth or death certificates, residency permit, driving license etc.)	X	X	X	X ⁶⁵	X
Register marriage	X	X	X	X ⁶⁶	X
Obtain basic social benefits, including pensions, maternity benefits, unemployment/ disability, and/or other allowances	X	X	X ⁶⁷	X ⁶⁸	X

⁶¹ Aibek Damir, “Propiska porozhdaet rabstvo i korruptsiiu,” *Radio Azattyk*, October 28, 2011, http://rus.azattyk.org/content/kyrgyzstan_blog_propiska/24374050.html.

⁶² Tukmadiyeva, *op. cit.* For a detailed discussion on the role of *propiska* in producing homelessness and inciting marginalization see Svetlana Stephenson, *Crossing the Line: Vagrancy, Homelessness and Social Displacement in Russia* (Hampshire: Ashgate, 2006).

⁶³ Nikolai Tarara et al., *Otchet o monitoringe realizatsii prava na svobodu peredvizheniia v chasti ob"iazatel'noi registratsii po mestu zhitelstva* (Almaty: Soros Foundation Kazakhstan, 2015).

⁶⁴ Social Fund “Legal Clinic «Adilet”, supra.

⁶⁵ *The List of Documents Required to Obtain (replace) Passport of a Citizen of Turkmenistan for Exit from and Entry to Turkmenistan*, Section 5, 2013, <http://migration.gov.tm/ru/pages/67>.

⁶⁶ *Family Code of the Republic of Turkmenistan*, Article 17, 2012, <http://www.turkmenistan.gov.tm/?id=779>.

⁶⁷ *Law of the Republic of Tajikistan "On Pension Provision of Citizens of the Republic of Tajikistan*, 1993, http://www.mehnat.tj/pdf_doc/37pensionnoe_obespechenie.pdf.

⁶⁸ *Code “On Social Security” of the Republic of Turkmenistan*, Articles 32, 58, 59, 73, 76, 78, 80, 114, 135. 2012, <http://www.parahat.info/law/kodeks-turkmenistana-o-socialnom-obespechenii>.

Qualify for public housing	X	X	X	X ⁶⁹	X
Purchase housing property				X	X ⁷⁰
Get a bank loan/ open a bank account	X	X		No information	No information
Obtain education in public schools, kindergartens, and/or colleges/ universities	X	X	X	X	X
Qualify for public healthcare	X	X	X	X	X
Participate in elections	X	X	X	X	X
Be legally employed	X	X	X	X	X ⁷¹
Register a business	X	X		X	X
Obtain vehicle registration and/or a driver's license	X	X	X	X	X
Access to justice	X	X		No information	X

The system of distribution of social benefits and services is tied to the place of registration of the beneficiary, which causes logistical problems and increases the costs of services for obtaining or changing identification documents, receiving pensions and other payments, or getting inquiry papers (*spravka*), which are often required in order to obtain services or payments (See Case 3).

Case 2⁷²

... I did not receive a summons to the court because it was sent to my residence address, where I have not lived for five years. As a result, I learned about the hearing a few minutes before it started.

Vera, 35 years old, Astana, 2014

⁶⁹ *Housing Code of the Republic of Turkmenistan*, Article 72, 2013, <http://www.turkmenistan.gov.tm/?id=3540>.

⁷⁰ A local permanent “propiska” is needed for a citizen to be able to register a property in Tashkent. See “Propiska v Tashkente: mozhno li kupit' kvartiru v Tashkente, ne imeia stolichnoi propiski?,” *UyBor.uz*, April 2, 2015, <http://uybor.uz/blog/ru/content/propiska-v-tashkente-mozhno-li-kupit-kvartiru-v-tashkente-ne-imeya-stolichnoy-propiski>.

⁷¹ Moreover, a permanent propiska is required for legal employment, while citizens with temporary registration are qualified for a temporary employment contract limited by the period of registration's validity (6 months) with the possibility of extension.

⁷² A series of anonymous interviews with internal migrants in Astana, Kazakhstan, November 11-December 11, 2014.

Moreover, the system is prone to forming vicious cycles, for instance, it is impossible to obtain *propiska* without having a proper identification document (a passport or national ID), whereas, *propiska* is required in order to apply for a passport or ID (See Case 4).⁷³

Case 3⁷⁴

Adilet came to Bishkek from Jalal-Abad. He said that two years ago, when he had appendicitis, he appealed to city hospital №4, but due to lack of registration it was not accepted. The same thing happened in the republican hospital. In the end, he was able to get treatment through family connections.

Due to the imperfections of the registration system, instead of being a means of distribution of social benefits, *propiska* restricts access for certain parts of the population to those benefits. Therefore, the inadvertent violators of the registration procedure are typically the most vulnerable, low-income groups in a population: migrants from rural areas, refugees, internally displaced persons, young families, orphanage graduates, former inmates, large families, people with disabilities, and homeless people. Buying a house in the city for those groups is an impossible task, but the lack of registration does not allow them to claim municipal, so-called “affordable housing” or arrange a mortgage.

Case 4⁷⁵

... I wanted to apply for a public housing program, but without a residence permit, according to the law I could not do that. They said I should register somewhere temporarily. I twice “bought” registration, but after expiry of the agreed period, the owners of apartments de-registered (vypisyvali) us, thus we lost our place in the akimat queue for housing, and with it the right to get an apartment through public housing program. A vicious circle.

... Since 2002, we had to move 28 times, moving to different rented apartments, which is getting more expensive with every year. My kids cannot start a family, get higher education, get a permanent job, borrow from banks, or apply for public housing. They [children] all work for private individuals to pay for someone else's (rented) apartment and survive in our native Kazakhstan.

Appeal to the President of the Republic of Kazakhstan Nursultan Nazarbayev from Director of ‘Anshi Balapan’ Foundation, A.K. Izembaeva, 10 September 2013

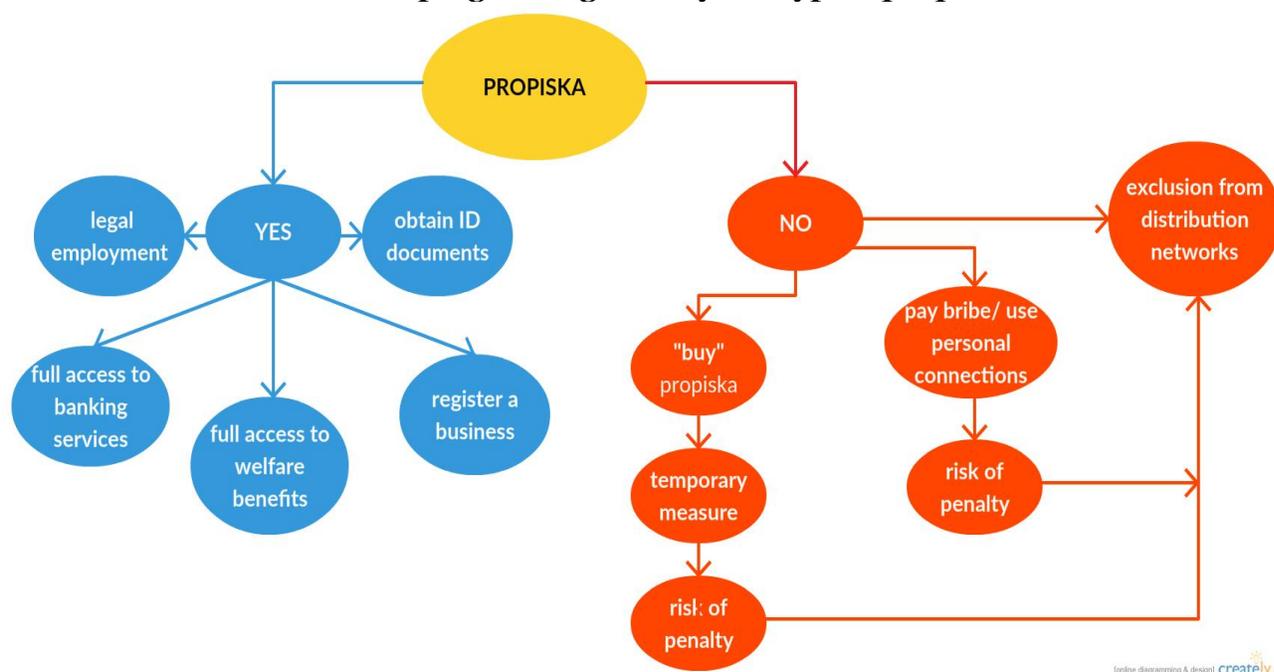
Coping Strategies: Ways to Bypass the System

Citizens who are unable to register legally have two options: 1) An inclusive method – acquiring a fictitious urban registration or, if there is such a possibility, registering with relatives/ friends; 2) An exclusive method – deciding not to register, thereby falling out of the state distributional networks and social security system (See Scheme 1).

⁷³ Tukmadiyeva, *op. cit.*, 27.

⁷⁴ FerganaNews.com, 2011, *op. cit.*

⁷⁵ A.K. Izembaeva, “Pros’ba o pomochshi ili o izmenenii v zakone o propiske grazhdan RK,” Open Letter to the President of the Republic of Kazakhstan, September 10, 2013, <http://forpresident.ru/prosba-o-pomoshhi-ili-o-izmenenij-v-zakone-o-propiske-grazhdan-rk.html>.

Scheme 1. Coping strategies: ways to bypass *propiska*

Propiska also serves as a means for extortion for officials at various levels of the state hierarchy: from policemen and officials at the passport offices to schools and hospital administrators. In the aforementioned survey in Astana, 22% of respondents said that they had an experience paying for a fictitious registration. Callboards in Kazakhstan and Kyrgyzstan are full of advertisements with offers of “100% reliable *propiska*”. An average price for a temporary *propiska* in Astana is 6,000 tenge (around \$20), in Almaty – 15,000 tenge (\$53).⁷⁶

Case 5⁷⁷

...Not everyone can buy propiska... not everyone can afford it. Especially if the family is not small. Here I am, for example, with my 11-year-old daughter - it's been already three years that we are citizens without propiska. Fines do not scare me - I have no money to pay them.

Anonymous. Astana. 2014

Usually, after an agreed period of time, the owner of the residence annuls the *propiska* through a simple procedure of de-registration (*vypiska*), which does not require the presence or consent of the registered. The new owner can also annul a *propiska* when the property is sold.

According to the interviewed internal migrants in Astana, neighborhood officials – most often employees of the Centers of Population Service (CONs) and migration police officers – are involved in the business of selling fake *propiskas*.⁷⁸ Sometimes they register a “client” into a random apartment without informing the owner, who might never learn about a new resident.

⁷⁶ Tukmadiyeva, *op. cit.*, 19.

⁷⁷ A series of anonymous interviews with internal migrants in Astana, Kazakhstan, November 11-December 11, 2014.

⁷⁸ *Ibid.*

In Tashkent and Ashgabat, where it is almost unrealistic for citizens from other regions to obtain a *propiska* legally, bribing an official can cost up to \$8,000.⁷⁹

Case 6⁸⁰

... As I failed to register at home, I went to the head of a housing cooperative (KSK) and gave him a gift to get a permanent resident there.

Moldir Women's Public Association survey, Almaty, Kazakhstan, 2010

According to the coordinator of the Kazakhstan-based European Commission Project 'Shanyrak – our common home', Mahambet Abzhan, the system is not conducive to the effective control of migration, but only increases the "corruption potential of the whole sphere. For internal migrants it is much easier to give a policeman a bribe of 1,500-2,000 tenge (\$7-10) than to pay a fine of about 40,000 tenge (\$142)".⁸¹

Case 7⁸²

Like others, I occasionally give money to policemen. But there were times when I had no money. Then, the policemen, unable to get money from me, forced me to work in their homes or at their friends' homes, doing various types of work.

Dilbar Nazarova, a mother of two children from Kashkadarya province, Tashkent

According to the survey conducted by the Uzbek-German Forum for Human Rights, 98% of the surveyed internal migrants in Tashkent said that they were constantly paying bribes in order to be able to live and work in the capital: "The local authorities regularly carry out checks and raids to apprehend persons without residency permits and registrations. Also, unwitting violators of the residency regime have to pay bribes to the police inspectors, who are mostly neighborhood policemen (*uchastkovyi inspektor militsii*), and live 'under their protection,' that is they pay bribes on a regular basis as 'dues' in exchange for a peaceful life."⁸³

Case 8⁸⁴

The four of us live in a rented apartment. A district police officer takes 10,000 soums [equivalent to \$8-10 – ed.] from each of us every month. He comes every month on a certain date.

Anvar T. from Kashkadarya, age 32, historian by training, Tashkent

⁷⁹ "\$7,000 zaprosil chinovnik za propisku v Turkmenskoi stolitse," *Khronika Turkmenistana*, April 28, 2013, <http://www.chrono-tm.org/2013/04/7000-zaprosil-chinovnik-za-propisku-v-turkmenskoy-stolitse/>.

⁸⁰ Asanova, *op. cit.*

⁸¹ "V Kazakhstane uzhestochat nakazanie za otsutstvie propiski," *Nur.kz*, April 1, 2010, <http://www.nur.kz/147635.html>.

⁸² "On the Laws and Practices of the Republic of Uzbekistan Regarding the Rights of Citizens to Free Movement and Choice of Residence" (Uzbek-German Forum for Human Rights, n.d.).

⁸³ *Ibid.*

⁸⁴ *Ibid.*

Arguably, *propiska* in the major cities of Central Asia is limited to those citizens who have the financial means to either pay bribes or buy property, leaving behind the most impoverished parts of the population.⁸⁵

Connections through family and friends are arguably the most reliable and widespread method of obtaining *propiska* “even during the most limiting of times.”⁸⁶ In Tashkent, where only limited categories of citizens are eligible for *propiska*, arranged marriages between Tashkent legal residents and potential migrants are said to be commonplace (See Case 9). Fictive marriage arrangements are not uncommon in Ashgabat either. *Fergananeews.com* reported a court case where a woman and her daughter were stripped of their *propiska* by a court decision after getting divorced: “The Deputy Chairman of the Supreme Court Cherkezov stated confidently that she married without intent to create a family, but for the purpose of registration.”⁸⁷ The woman acquired a disability during the court process and without *propiska* was unable to get health insurance and formalize her disability status.⁸⁸

Case 9⁸⁹

You enter into a sham marriage with a man with a Tashkent propiska, and a year later he registers you in his apartment without the right to property. Later you get divorced. No children are necessary. And here you have a propiska. I have relatives who did so.

Anonymous online forum participant, Potrebiteli.uz

Conclusions

Registration systems in Central Asian states are contradictory not only to adopted international obligations,⁹⁰ but also to the countries’ own constitutions, which guarantee freedom of movement and choice of residence. The registration systems entail serious restrictions leading to the unequal access of citizens to rights such as voting and being elected, recognition before the law, working, creating a family, accessing education or health care, professional development, and freedom of labor. Excluding large groups of the population from the formal life of society contributes to their marginalization and in some cases, criminalization. These restrictions further create fertile ground for corruption by civil servants and law enforcement officials, encouraging bribery and extortion in their daily services. Such conditions are ideal ground for the development of shadow economies outside of state control.

In its current state, the *propiska* system creates more problems than it solves. The functions for which *propiska* was designed are not fulfilled: it does not provide social protection and is not effective in controlling population flows. As long as motivations for migration persist, methods for bypassing administrative restrictions develop. *Propiska* does not provide reliable statistical

⁸⁵ Damian S. Schaible, “Life in Russia’s ‘Closed City’: Moscow’s Movement Restrictions and the Rule of Law,” *New York University Law Review* 76 (2001): 356.

⁸⁶ Buckley, *op. cit.*, 908.

⁸⁷ Natalia Shabuntz, “Beskonechnii beg po krugu. Sud, kotorogo v Turkmenistane net,” *FerganaNews.com*, February 28, 2013, <http://www.fergananeews.com/articles/7641>.

⁸⁸ *Ibid.*

⁸⁹ “Propiska v Tashkente,” *Potrebiteli.uz*, January 25, 2015, <http://potrebiteli.uz/potrebiteli/navigator-po-lente/detail.php?ID=3600>.

⁹⁰ E.g. the Universal Declaration of Human Rights, UN International Covenant on Civil and Political Rights, the principles of freedom of movement recorded in OSCE commitments, etc.

information; it is not effective in ensuring security, as criminals easily avoid the system. It does not ensure better communication between the state and citizens.

There is a need to develop an alternative, more effective, transparent and fair procedure of residence registration. Such a system should take into account the interests of the state without compromising basic human rights. It should be less burdensome for states and citizens, and able to provide reliable vital information for effective public administration. New systems of population databases and individual ID numbers can help, but they might also threaten citizens' personal information and facilitate state surveillance. Keeping in mind high levels of corruption in Central Asia, the creation of such systems requires special attention to the protection of privacy and data security. Cases where entire databases of Ministries of the Interior were available for purchase on the black market are notorious. Thus, the authorized state agencies should not have access to all the information on a given citizen; the agencies only should have access to the information that is related to its direct tasks.⁹¹

Recommendations

For state agencies

1. "Un-tie" social benefits from residency: citizenship should be the only requirement for access to social services.
2. Fully embrace possibilities offered by modern technologies. The experience of the Baltic States in reforming their registration systems might be useful. If done correctly, competent public authorities with access to a common database using a unique identification number at any time would be able to get accurate information about the residence of citizens. The reform would not require additional financial investment, as all of the Central Asian states already have, to different extents, introduced electronic population registries and assigned individual identification numbers to their citizens.
3. In the development of such databases, particular attention must be given to the privacy and personal data protection of citizens.
4. Minimize the administrative obstacles to the registration of all groups of the population. The possibility of registering at municipal offices is one of the most effective and simple ways to ensure registration of homeless people, for example.
5. The burden of checking the reliability of information submitted by citizens must be borne by the state apparatus, e.g., by the institution of district inspectors (*uchastkovye inspektory*).
6. Over-centralization of resources and opportunities is at the core of the issue of "spontaneous and irregular migration"⁹² and resulting pressures on urban infrastructure. Creation of employment, educational, social-cultural and other opportunities outside of the capital cities is an essential element of preventing out-migration from regions to the centers. For example, surveys show that graduates of universities tend to stay in the cities where they studied. The establishment of quality universities outside of capital cities might be an effective way of diversifying migration routes, at least among younger, educated populations.⁹³

⁹¹ OSCE, "Guidelines on Population Registration" (Warsaw: Organization for Security and Co-operation in Europe, 2009).

⁹² *Law of the Kyrgyz Republic "On Internal Migration,"* 2002, <http://demoscope.ru/weekly/knigi/zakon/zakon092.html>.

⁹³ Makhmutova, *op. cit.*

For NGOs and international organizations

1. Conduct awareness-raising work targeted at government agencies as well as with communities. The myth of the necessity and usefulness of *propiska* is widespread not only among government officials, but also among populations.
2. Contribute to the provision of technical expertise and financial assistance in developing information systems and population databases to promote administrative reforms.
3. Provide technical expertise on fiscal reform in order to decrease the resistance of host cities to accept newcomers, thus promoting more positive attitudes toward abolishing *propiska* systems in large urban centers.
4. Conduct consistent monitoring of the compliance of states on the international obligations they have undertaken regarding freedom of movement and other rights limited by the *propiska* system.
5. Facilitate effective distribution of job information among populations, especially in rural areas. Provision of information on social protections, legal counseling for internal migrant workers is essential in preventing violations of their rights by law enforcement personnel as well as employers.

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