

Identity-based discrimination can be described as the [exclusion](#) of a particular group from the titular group, based on one's ethnic, linguistic, gender, and/or religious identity, along with the restriction of such groups' access to common socio-political and economic benefits provided by the state. In Kazakhstan, migrant workers from bordering nations form the excluded minority group and are deprived of many state protections. Kazakhstan re-opened its borders on [August 5](#)—however, many foreign [labourers cannot return](#) to their home countries as a result of poor employment prospects, financial hardship, and other factors. At present, stranded migrant labourers find themselves in a precarious position, although steps have been taken to resolve a number of issues. This article aims to investigate cases of identity-based discrimination against stranded migrant labourers in Kazakhstan during the COVID-19 pandemic. It argues that the roots of the ongoing discrimination lie deeper in the identity politics of Kazakhstan but that the problems have intensified during the pandemic.

## Discrimination against stranded migrants during the COVID-19 pandemic

Among the Central Asian states, Kazakhstan has been quick in responding to COVID-19 and was the first country to announce a nationwide [lockdown](#). On 15 March, President Tokayev declared a [state-wide emergency](#) from April 16 to May 14. Nur-Sultan and Almaty were fenced by roadblocks and sanitary posts, thus restricting the mobility of individuals inside and outside of these cities. The lockdown prevailed until May 11 and, at the time of writing in September, the measures are still in place along with a [“shelter in place”](#) policy. As of September, 23, Kazakhstan has recorded about 138,000 Coronavirus positive cases. However, despite the falling number of cases and Kazakhstan having ended its emergency in May, the economy has continued to weaken, with the state announcing measures to strengthen the country's economic structure [“urgently”](#).

However, the social system has also experienced tremors of division as the debate around identity politics have intensified due to local versus migrant issues. Some of these debates have stemmed from the facilities and privileges made available by the government for citizens while excluding foreigners and/or stranded migrants. For instance, the government has announced special relief packages, collectively called [“anti-crisis package,”](#) worth \$13 billion (9% of the GDP) for citizens, including those who have lost their jobs due to the lockdown. The anti-crisis package includes [“unemployment benefits](#) in the amount of \$100.42 per month, [with] no tax liabilities for up to 6 months and preferential loans” for local workers. The relief package has come after reports that the industrial sector was currently facing a loss from \$233 million to \$2.3 billion due to the lockdown, with further difficulties including hurdles in supply chains and a lack of available workers. However, these benefits have not been extended to foreign migrant workers, a group which consists of approximately [3.5 million](#) people, around 8% of the country's total population.

No relief aid regarding health or job has been granted to foreign migrant workers by the government. Migrants have nevertheless reported about the economic discrimination they are facing. In an interview conducted by the Central Asian Bureau of Analytical Reporting, [10 migrants](#) of Tajik origin who have been working in the construction sector at the Karaganda Oblast since 2015 explained that they have been stuck in the region since lockdown enforcements. They are stranded in camps or quarters provided by employers, though their accommodations have become temporary for most of them, as employers may ask them to vacate at any point. Many migrant workers in the [Zhibek Zholy \(Silk Road\) checkpoint](#) have complained that they have been made to

stay outdoors despite hot afternoons and cold nights. They have not only been deprived of their salary but cannot demand unemployment benefits as they hold no [residential permit](#) in Kazakhstan. Furthermore, in July, several migrant workers lost their jobs due to expenditure cuts.

Migrants have alleged that, while they have been denied work and payment, Kazakhstani workers continued to be paid. One migrant worker revealed that employers communicated to him that they cannot sacrifice jobs and payments to Kazakhstani workers and thus had to let go of Kyrgyz and Tajik workers instead. This is due to Kazakhstan's unfavourable migration laws towards foreign workers. According to the World Bank, seasonal migration among migrant workers of Uzbekistan to Kazakhstan will [fall by 95%](#) after the pandemic due to the economic, legal, and social hardships the country is facing. It is also stated that migrants' social security has been compromised, as there is no regional body to collectively speak for the rights of migrant workers.

Over the years, migrant workers have been exploited by recruiters, employers, authorities, and even xenophobic and radical nationalist groups who accuse them of ["stealing jobs from locals"](#). Tajik workers stranded in the Karaganda Oblast state that the cause of this discrimination is a ["lack of trust"](#) between migrant workers and employers, whereby the former are seen as flight risks by the latter. Such assumptions are made despite the fact that these migrant workers have worked for the informal and unorganised sector for decades without adequate legal and social security.

Migrants have also allegedly been denied COVID-19 testing and treatment by local doctors and hospitals. Such social discrimination from locals can be explained by the absence of a feeling of 'ethnic solidarity' toward Uzbek or [Kyrgyz migrants](#). Even Russian migrants enjoy a better status in Kazakhstan than Central Asian migrants. The former have still retained the jobs from which Uzbek and Kyrgyz migrants have been laid off. One Central Asian worker stated that when his group attempted to contact their [employers for assistance or help](#), they rarely met with success, as the families of the employers view migrant workers as "unhygienic" and "sick". Such taboos about migrants make it difficult for even empathetic doctors or employers to communicate with and help them.

Migrant workers are also viewed as outsiders even when they get a work or residence permit after staying in Kazakhstan for over a decade. Workers interviewed in the Karaganda Oblast have described the discrimination they face despite having official documentation, from all sides of the society, be it doctors, shop-owners, house-owners, or neighbors. Describing his experience with social discrimination at the time of the pandemic, a Tajik worker stated that one of his Tajik friends was [refused treatment](#) despite having permanent residency. He stated,

The medical team identified him as a foreign national from his appearance and it took much convincing to get him treatment as the medical team was not sure of the social and legal [protocols regarding migrant workers](#).

Workers additionally become worried and anxious about legal procedures that require them to produce various papers before presenting to healthcare facilities. More so than legal discrimination, these workers face social discrimination by landowners, who have asked migrants to vacate residences. Some Uzbek migrants live in [temporary residences](#), as locals deny them accommodation in contrast to their accommodation of Kazakh or Russian workers. Under such circumstances, migrants use their savings to survive in the country as local vendors despite not receiving food or other essentials.

While the social and legal discrimination faced by migrant workers is nothing new, the pandemic context is uniquely stressful. The migrant workers of Karaganda admit that they have been anxious and stressed for several months in terms of their [personal security](#) and commitments towards their families. In addition to these struggles, an unempathetic attitude and identity-based discrimination against Tajik, Kyrgyz, and Uzbek labourers have further diminished their morale and mental health.

Literature on the mental health of workers during COVID-19 suggests that migrant labourers are the [most vulnerable group to mental illness](#), as they are under immense pressure to survive. Studies also indicate that while migrant workers face social discrimination during normal times, the pandemic has exacerbated the stress they experience in half of the world, including Central Asia. While these workers are not being able to return home due to mobility restrictions, their chances of infection are almost [as high as frontline workers](#). This is mainly due to a lack of proper accommodation, access to food, and health care. Around the world, migrant workers face various problems, from lacking awareness about the virus and its effects, lacking knowledge on social distancing protocols, lacking the appropriate hygienic materials, such as toilets and sanitizers, and living in shared houses or apartments.

With these considerations in mind, there is little doubt that the pandemic has intensified discriminatory attitudes against migrant labourers. While some business owners are sympathetic to them, most migrants continue to struggle for secure access to food, basic medical aid, and permanent asylum in Kazakhstani industrial cities. Despite these issues, they are not in a position to return to their home-states, where they have no means of earning a livelihood.

## Identity politics and laws for foreign migrant workers

Identity politics in Kazakhstan is as old as its Soviet legacy. [Ethnic nationalism](#) is one of the core tenets of nation-building in Kazakhstan and, therefore, its identity politics is mainly driven by ethnic and linguistic identities. After 1991, Kazakhstan's nation-building was based on ethno-nationalism and the legal framework laid the foundation of a "[Kazakh first](#)" policy. Kazakh is the state language of Kazakhstan and the Kazakh people are given utmost priority in all sectors of public life—from education to employment to health and human rights.

While Kazakhs are the titular ethnic group and enjoy a superior status in terms of financial, political, and socio-cultural security, Russians also enjoy benefits due to the social capital they gained during Soviet period. Their status as ex-colonial masters have saved them from social stigma in an ethnically-divided Kazakhstani society. The same status enjoyed by Russian workers in Kazakhstan, however, is not shared by their [Uzbek, Kyrgyz, and Tajik counterparts](#).

As everywhere in the world, under Kazakhstani laws, the status of national workers is superior to foreign workers. Current labour laws, such as [Articles 23 and 24](#) of the Kazakhstani constitution I provides foreign migrants with the freedom of labour and choice of occupation, the right to safe working conditions, to just remuneration without discrimination, and to protection against unemployment. The labour law of 1999 amended previous laws and guaranteed the protection of life and hygiene to all workers, further prohibiting the employment of minors.

Despite such laws, however, reports of violations against migrant workers are numerous. For instance, the International Federation for Human Rights have discovered that migrant workers

often work under unhygienic conditions, are paid unequally (i.e., less than Kazakhstani and Russian workers for equal or similar work), are not guaranteed employment, and are barred access to basic health facilities. Most Tajik and Kyrgyz workers in Kazakhstan are not even [registered](#) and therefore remain deprived of various facilities. Such legal and financial strains have further cultivated social taboos and stigmas. The perception that migrant workers are inferior to local workers is widespread, as is the opinion of them as untrustworthy and harmful for ethnic Kazakhs.

According to an Eurasian Economic Union (EEU) report, while Kazakhstan is making efforts to extend social security rights to citizens of the EEU, migrant workers from Uzbekistan and Tajikistan, two countries that remain outside the Union, receive very limited access to social security benefits. They are deprived of not only equal remuneration for the untimely and unfair termination of jobs but also do not receive relief packages that other workers receive. Furthermore, foreign migrant workers are not covered by the law “On the Mandatory Social Insurance” and have therefore been barred from certain labour activities, such as occupational freedom that Kazakhstani and Russian workers enjoy during the pandemic. While non-nationals are allowed to work in state institutions, they are not authorized to self-employ or secure positions in strategically sensitive domains, such as private security companies. However, in the case of Russian migrant workers, working in private security firms is allowed on a [case by case basis](#). Discrimination faced by Central Asian migrant workers is thus grounded in the country’s labour laws, economic inequalities, social hierarchy, and ethno-national politics.

## Suggestions and conclusion

Although Kazakhstan’s legal framework on migration is well-developed and has been amended a number of times, e.g., as in [2013](#) for the purpose of allowing more protection to migrant industrial workers, there remains a gap with respect to the framework’s implementation due to a lack of consistency between the policies of different enforcement agencies. The problem lies in irregular meetings at ministerial levels and, even when such meetings are held, expert opinions are not consulted on migrant workers’ rights and security. There is also a lack of clarity around current rules and regulations related to migrants’ access to healthcare system, which creates confusion for health practitioners when it comes to testing or treating infected Uzbek or Kyrgyz workers.

Furthermore, state-intervention is required from Uzbekistan, Kyrgyzstan, and Tajikistan on the matter of their citizens working in Kazakhstan to ensure their safety. Amidst the grave insecurities in respect of access to food, shelter, health and physical protection, the home-state needs to make arrangements for its diaspora by either co-ordinating with the host country, i.e. Kazakhstan, or by itself ensuring the return of its workers to their home countries.

International organizations such as the International Labour Organization (ILO) need to exercise their power to prevent identity-based discrimination. Kazakhstan is a signatory to the ILO convention on the protection of workers and has ratified 24 contentions on workers’ human rights. To some extent, Kazakhstan has successfully fulfilled some of the conditions mentioned in the conventions, such as protecting migrant children from forced labour, but has failed to protect foreign migrants in the midst of a pandemic. A more inclusive form of nation-building, especially toward other Central Asians, would help facilitate the rise of regional cooperation and ensure better cultural interaction between the countries of the region.