

In 2017, Kazakhstan made a moderate advancement in efforts to eliminate the worst forms of child labor. The Ministry of Education and Science, in cooperation with other government agencies, carried out targeted joint inspection operations in areas where child labor may occur, including 10,748 site visits. Additionally, the Prosecutor General's Office conducted an awareness-raising campaign, which identified approximately 300 victims of child pornography and took steps to shut down the criminal groups involved. Several government agencies provided training to police officers and judges on identification of child victims of commercial sexual exploitation and human trafficking. Lastly, the government carried out child labor awareness-raising campaigns through more than 26,000 events, reaching over 2.3 million children and adults. However, children in Kazakhstan engage in the worst forms of child labor, including in cotton harvesting and commercial sexual exploitation. The government lacks programs to address child labor in cotton harvesting, as well as current, comprehensive, and detailed research on child labor.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kazakhstan engage in the worst forms of child labor, including in cotton harvesting and commercial sexual exploitation. (1; 2; 3; 4; 5) Table 1 provides key indicators on children's work and education in Kazakhstan.

Table 1. Statistics on Children's Work and Education

| Children | Age | Percent |
|-------------------------------|---------|--------------|
| Working (% and population) | 5 to 14 | 3.2 (79,690) |
| Attending School (%) | 5 to 14 | 90.7 |
| Combining Work and School (%) | 7 to 14 | 3.6 |
| Primary Completion Rate (%) | | 108.8 |

Source for primary completion rate: Data from 2017, published by UNESCO Institute for Statistics, 2018. (6)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 3, 2006. (7)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

| Sector/Industry | Activity |
|---|---|
| Agriculture | Farming, including producing vegetables, weeding, collecting worms, and harvesting cotton† (1; 3; 8; 9; 10; 11; 12; 13; 14) |
| Industry | Construction,† activities unknown (13; 5) |
| Services | Working in markets and on the streets, including transporting and selling items (12; 13; 15; 16; 17; 5) |
| | Domestic work (18; 5) |
| | Working in gas stations (15; 18; 5) |
| | Car washing (13; 15; 16; 17; 18; 5) |
| | Working as bus conductors (19; 5) |
| | Working in restaurants† as waiters (15; 16; 18; 20) |
| Categorical Worst Forms of Child Labor‡ | Commercial sexual exploitation as a result of human trafficking (2; 4) |
| | Forced begging as a result of human trafficking (4; 5) |

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

There is no current and comprehensive research on child labor in Kazakhstan that can provide details about the number of children working in different sectors, the nature of their work, and the hazards involved.




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II. LEGAL FRAMEWORK FOR CHILD LABOR

Kazakhstan has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

| | Convention | Ratification |
|---|--|--------------|
|  | ILO C. 138, Minimum Age | ✓ |
| | ILO C. 182, Worst Forms of Child Labor | ✓ |
|  | UN CRC | ✓ |
| | UN CRC Optional Protocol on Armed Conflict | ✓ |
| | UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | ✓ |
|  | Palermo Protocol on Trafficking in Persons | ✓ |

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Kazakhstan's legal framework to adequately protect children from the worst forms of child labor, including the minimum age for work.

Table 4. Laws and Regulations on Child Labor

| Standard | Meets International Standards: Yes/No | Age | Legislation |
|---|---------------------------------------|-----|---|
| Minimum Age for Work | No | 16 | Article 31 of the Labor Code (21) |
| Minimum Age for Hazardous Work | No | 18 | Article 26.1(2) of the Labor Code; Article 153 of the Criminal Code (21; 22) |
| Identification of Hazardous Occupations or Activities Prohibited for Children | Yes | | Article 26.1(2) of the Labor Code; Decree of the Minister of Health and Social Development No. 944 of 2015 (21; 23) |
| Prohibition of Forced Labor | Yes | | Article 7 of the Labor Code; Article 135 of the Criminal Code (21; 22) |
| Prohibition of Child Trafficking | Yes | | Article 135 of the Criminal Code (22) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Articles 134, 135, and 312 of the Criminal Code (22) |
| Prohibition of Using Children in Illicit Activities | Yes | | Articles 132, 133, and 135.2(9) of the Criminal Code; Article 26.1(2) of the Labor Code (21; 22) |
| Prohibition of Military Recruitment | | | |
| State Compulsory | Yes | 18 | Article 31 of the Military Service Act (24) |
| State Voluntary | Yes | 19 | Article 38.1(2) of the Military Service Act (24) |
| Non-state | Yes | 18 | Article 41 of the Law on Children's Rights; Articles 132 and 267 of the Criminal Code (22; 25) |
| Compulsory Education Age | Yes | 17‡ | Article 30 of the Constitution (26) |
| Free Public Education | Yes | | Article 8.2 of the Education Act (27) |

‡ Age calculated based on available information

According to Articles 26.1(2) and 31 of the Labor Code, protections, such as the minimum age of employment and prohibitions on hazardous work, are not extended to children engaged in non-contractual employment. (21)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the Ministry of Labor and Social Protection that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|---|---|
| Ministry of Labor and Social Protection | Enforce child labor laws and conduct labor inspections through the Ministry's Committee on Labor, Social Protection and Migration. (5) |
| Ministry of Education and Science | Receive child labor complaints. (28) An official from the province- or <i>oblast</i> -level Department of Education responds to reports of child labor and determines whether law enforcement should investigate the case. If the case is in agriculture, local officials meet with parents and school officials to reinforce that children should be in school during the academic year. (29) The Ministry's Center for the Adaptation of Minors provides assistance to victims of the worst forms of child labor and makes referrals to appropriate government services or NGOs for further assistance. (5) |
| Ministry of Internal Affairs | Identify and carry out initial investigation of criminal cases of the worst forms of child labor. (5) Through the Anti-Trafficking Unit of the Criminal Police Department, identify and investigate cases of child trafficking. (28) The Anti-Trafficking Unit employed 42 officers. (5) |

Labor Law Enforcement

In 2017, labor law enforcement agencies in Kazakhstan took actions to combat child labor (Table 6). However, gaps exist within the operations of the Ministry of Labor and Social Protection that may hinder adequate labor law enforcement, including the appropriate number of inspectors.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

| Overview of Labor Law Enforcement | 2016 | 2017 |
|--|---------------|--------------|
| Labor Inspectorate Funding | Unknown* (30) | Unknown* (5) |
| Number of Labor Inspectors | 320 (29) | 320 (5) |
| Inspectorate Authorized to Assess Penalties | Yes (31) | Yes (31) |
| Training for Labor Inspectors | | |
| Initial Training for New Employees | Yes (30) | Yes (5) |
| Training on New Laws Related to Child Labor | Yes (30) | Yes (5) |
| Refresher Courses Provided | Yes (29) | Yes (5) |
| Number of Labor Inspections Conducted | 7,897† (30) | 10,748 (5) |
| Number Conducted at Worksites | Unknown | 10,748 (5) |
| Number of Child Labor Violations Found | 60 (30) | 7 (5) |
| Number of Child Labor Violations for Which Penalties were Imposed | 17 (30) | Unknown (5) |
| Number of Child Labor Penalties Imposed that were Collected | 17 (30) | Unknown (5) |
| Routine Inspections Conducted | No (29) | Yes (5) |
| Routine Inspections Targeted | N/A | Yes (5) |
| Unannounced Inspections Permitted | Yes (32) | Yes (32) |
| Unannounced Inspections Conducted | Yes (29) | Yes (5) |
| Complaint Mechanism Exists | Yes (29) | Yes (5) |
| Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services | Yes (29) | Yes (5) |

* The government does not publish this information.

† Data are from January 1, 2016 to September 30, 2016.

The number of labor inspectors is likely insufficient for the size of Kazakhstan's workforce, which includes over 8.9 million workers. (33) According to the ILO's technical advice of a ratio approaching 1 inspector for every 20,000 workers in transitional economies, Kazakhstan would employ about 449 inspectors. (34; 35)

The Ministry of Education and Science, in cooperation with other government agencies, carried out targeted joint inspection operations (raids) in areas in which children were likely to engage in child labor, such as local markets, gas stations, and construction sites. The operations were part of an annual Twelve Days Against Child Labor campaign to detect child labor. (5) The raids resulted in about 10,748 site visits, during which 7 child laborers were identified. (5) Research did not find information on whether penalties were imposed for violations of child labor laws. In addition to these raids, labor inspectors at the Ministry of Labor and Social Protection can respond to complaints of violations so long as they are not anonymous. (5)

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Criminal Law Enforcement

In 2017, the government’s criminal law enforcement agencies appeared to function adequately in addressing child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

| Overview of Criminal Law Enforcement | 2016 | 2017 |
|---|----------|---------|
| Training for Investigators | | |
| Initial Training for New Employees | Yes (30) | Yes (5) |
| Training on New Laws Related to the Worst Forms of Child Labor | N/A | Yes (5) |
| Refresher Courses Provided | Yes (29) | Yes (5) |
| Number of Investigations | 13 (29) | 10 (5) |
| Number of Violations Found | 13 (30) | 16 (5) |
| Number of Prosecutions Initiated | 10 (30) | 9 (5) |
| Number of Convictions | 3 (30) | 3 (5) |
| Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services | Yes (29) | Yes (5) |

In 2017, the Ministry of Internal Affairs’ Legal Academy in the city of Karaganda held training sessions for 143 police officers on the worst forms of child labor, including commercial sexual exploitation of children. In addition, 174 police officers were trained on victim identification and assistance. (5) The Supreme Court’s Judicial Training Institute trained 183 judges on the protection of human trafficking victims and prosecution of perpetrators. (5)

The Prosecutor General’s Office carried out an awareness-raising campaign on the prevention of commercial sexual exploitation of children. The campaign identified approximately 300 victims of child pornography in West Kazakhstan *Oblast* and took steps to shut down the criminal groups involved. (5)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role and Description |
|--|---|
| Committee for the Protection of Child Rights | Work to protect children from exploitation. Operate under the Ministry of Education and Science at the <i>oblast</i> -level departments of education. (28) In 2017, the Committee met twice. (5) |
| National Coordination Council on Child Labor | Implement the Plan of Action on the Elimination of the Worst Forms of Child Labor (2016–2017). (36) Chaired by the Minister of Health and Social Development, includes representatives from four government agencies and NGOs. (19) The Council did not meet in 2017. (5) |
| Interagency Trafficking in Persons Working Group | Coordinate efforts to combat human trafficking and recommend improvements to anti-human-trafficking legislation, prevention strategies, protection of victims, and prosecution of offenders. (37) Chaired by the Ministry of Internal Affairs and the Ministry of Labor and Social Protection on a 2-year rotational basis. Its members include 14 state bodies, two international organizations, and five NGOs. In 2017, the Working Group met once. (5) |
| Ombudsman for Children Rights | Monitor observance of the rights of children. Receive and respond to complaints about violations of children’s rights. In 2017, the Ombudsman’s office produced an internal report covering events of 2016. (5) |

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including the non-implementation of the Plan of Action on the Elimination of the Worst Forms of Child Labor.

Table 9. Key Policies Related to Child Labor

| Policy | Description |
|---|---|
| Plan of Action on the Elimination of the Worst Forms of Child Labor (2016–2017) | Addresses four priority areas: (1) child labor policy and legislation improvement, implementation, and monitoring, including the rights of children of migrants and seasonal workers and their access to education, and developing the list of light work for children ages 14–16; (2) child labor coordination between government agencies, including monitoring access to education for children of migrant and seasonal workers, reporting on implementation of international conventions on the worst forms of child labor, and developing a regional social partnership on the elimination of child labor; (3) prevention of child labor and rehabilitation of child laborers, including identifying and referring children to Centers for Adaptation and monitoring the implementation of ministerial orders on employment opportunities for youth over age 16 from dysfunctional or low-income families; and (4) promotion of public awareness on child labor, including conducting informational campaigns and overseeing the involvement of journalists and media resources. (30) Based on available information, it appears that this policy was not implemented in 2017. (5) |
| Action Plan to Combat Human Trafficking (2015–2017) | Aims to strengthen coordination among government ministries and with foreign governments and international organizations. Emphasizes victim assistance and prevention, specifically to prevent child labor in the production of cotton and construction, to provide access to education for children of stateless and foreign individuals permanently living in Kazakhstan, to monitor and exchange data on the trafficking of children and child pornography, and to enforce criminal laws on the worst forms of child labor. (38) In 2017, the Ministry of Interior blocked or removed child pornography websites from the internet. Social program activities were also carried out during the implementation of this policy. (39) |

In 2017, the Ombudsman for Children Rights, the Minister of Internal Affairs, the Minister of Healthcare, and the Minister of Labor and Social Protection signed a memorandum of understanding to ensure the safety of children, prevent children from being victims of crimes or from committing crimes, and protect children from child labor. UNICEF and Penal Reform International are expected to assist these agencies in monitoring the implementation of this memorandum. (5)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy of programs to address the problem in all sectors.

Table 10. Key Social Programs to Address Child Labor†‡

| Program | Description |
|------------------------------------|--|
| Assistance to Trafficking Victims† | Provides medical and legal assistance, pretrial safe houses, security services, housing, food, clothing, and transportation to human trafficking victims. Authorities can help victims or witnesses change residences, find employment, or change their physical appearance. (40) In 2017, seven new shelters were opened for victims of human trafficking, including children. (39) |
| Awareness-Raising Campaigns† | Raise public awareness on child labor issues. (5) In 2017, the Ministry of Education and Science, in cooperation with other government agencies, carried out child labor awareness-raising campaigns at more than 26,000 events, including seminars, conferences, and competitions. These events and their media coverage reached over 2.3 million children and adults. (5) |

† Program is funded by the Government of Kazakhstan.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (41)

Although the Government of Kazakhstan implemented programs to combat human trafficking and provide assistance to trafficking victims in 2017, research found no evidence that it has carried out programs to assist children engaged in child labor, including in the production of cotton.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Kazakhstan (Table 11).

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Table 11. Suggested Government Actions to Eliminate Child Labor

| Area | Suggested Action | Year(s) Suggested |
|---------------------|--|-------------------|
| Legal Framework | Ensure that the law's minimum age provisions and hazardous work prohibitions apply to all children, including those working without an employment contract. | 2016 – 2017 |
| Enforcement | Publish information about the funding of the Labor Inspectorate and the number of penalties for child labor violations and whether penalties were collected. | 2015 – 2017 |
| | Increase the number of labor inspectors to meet the ILO technical advice. | 2014 – 2017 |
| | Ensure that penalties are imposed for child labor cases identified during raids, led by the Ministry of Education and Science. | 2017 |
| Government Policies | Implement the Plan of Action on the Elimination of the Worst Forms of Child Labor. | 2017 |
| Social Programs | Conduct research to gather comprehensive data on child labor, including the activities carried out by children working in the construction and services industries, to inform policies and programs. | 2013 – 2017 |
| | Institute programs to address child labor, particularly in the production of cotton. | 2014 – 2017 |

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