

Kazakhstan

In 2011, Kazakhstan made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government of Kazakhstan, along with NGOs and private companies, conducted national and regional public awareness campaigns on hazardous child labor and human trafficking; approved the National Action Plan to Combat Human Trafficking (2012-2014); worked with international organizations to conduct a baseline study on child labor in agriculture in Almaty and South Kazakhstan and participated in ongoing projects to combat the worst forms of child labor, including children working in tobacco farming. However, gaps in interagency coordination and monitoring and enforcement of child labor laws continue to exist and migrant children continue to have limited access to education. Children continue to engage in dangerous agricultural work, including in cotton.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	3.2 (79,690)
Attending School	5-14 yrs.	90.7
Combining Work and School	7-14 yrs.	3.6
Primary Completion Rate		116.2

Sources:

Primary completion rate: Data from 2011, published by UNESCO Institute for Statistics, 2012.(2)

All other data: Understanding Children's Work Project's analysis of statistics from UNICEF MICS, 2006.(1)

Prevalence and Distribution of the Worst Forms of Child Labor

Children in Kazakhstan are engaged in the worst forms of child labor, many of them in cotton farming. In cotton fields, children work long hours in extreme heat and sun without proper protection; are without adequate access to water, nutrition, or sanitation; and are exposed to harmful pesticides that can damage their health and growth.(3-5) Children from the neighboring countries of the Kyrgyz Republic and Uzbekistan migrate along with their families to work in the fields of Kazakhstan.(13) However, recent reports suggest a significant reduction in the worst forms of child labor in the production of tobacco during the 2010 and 2011 harvests in Kazakhstan is due to a decline in the overall production of tobacco as well as an increase in child labor elimination efforts in that sector.(5-9)



There is evidence that children work in the production of vegetables, but the scope and prevalence of the problem is unknown.(5, 10, 11) Recent reports have also indicated that some of these children have been trafficked into the production of vegetables.(11) Children's work in agriculture commonly involves unsafe activities, such as using potentially dangerous machinery and tools, carrying heavy loads and applying harmful pesticides.(12)

Children in urban areas beg and unload goods from trucks on the streets.(4, 13) Children working on the streets may be exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements.(14)

There is also evidence that children are forced into begging and prostitution.(6, 15) There is limited evidence that children from neighboring countries are trafficked for construction.(11) Children are trafficked for forced labor to Kazakhstan. Girls from neighboring countries are trafficked for prostitution.(8, 11, 16)

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment is 16.(17) The minimum age for employment for light work is 14.(6, 17)

The Labor Code identifies a list of working conditions prohibited for children under age 18.(18) These include gambling, working overtime, working in night-time entertainment establishments and carrying weights above a maximum standard. Children under age 18 are also barred from the production, transport, and trade of alcoholic products, tobacco goods, narcotics and psychotropic substances.(18) In 2007, the Ministry of Labor and Social Protection of the Population of the Republic of Kazakhstan updated the list of hazardous work and occupations prohibited to those under age 18. This list prohibits children from working in a number of sectors and activities, including the production

of cane, opium, tobacco and cotton, and agricultural work involving the use of pesticides and herbicides.(19, 20) The Ministry is currently reviewing instructional guidelines on how to identify child labor cases. Once the review is complete, the guidelines will be appended to an List of Hazardous Work.(5) The Government is also developing a list to define “light work” for children ages 14 to 15. The list awaits final approval from the Ministry of Labor and Social Protection.(5)

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

The Labor Code prohibits forced labor, unless under a court mandate or in a state of emergency.(18) In addition, the Penal Code prohibits trafficking in persons for forced labor and commercial sexual exploitation.(8) Recent legal reforms in 2010 have strengthened the trafficking in persons initiatives clearly defining the roles and responsibilities of enforcement officials.(16) The Criminal Code prohibits and prescribes penalties for the sale or trafficking of children, the sexual exploitation of children—including prostitution and pornography—and the use of children for illicit activities such as begging and the transportation and trade of drugs.(21, 22) The compulsory recruitment age for the military is 18, and the voluntary recruitment age for the military is 19.(23)

The law provides for free and universal education for Kazakhstani children. The education law specifies that primary and secondary education are mandatory for Kazakhstani children.(9) The Ministry of Education Decree 468 states that seasonal migrants are not allowed to access education in Kazakhstan, although Kazakhstan and the Kyrgyz Republic have

a bilateral agreement allowing Kyrgyz migrant workers to access social services in Kazakhstan, including education.(10) Philip Morris Kazakhstan (PMK) and NGOs help facilitate migrant workers’ access to education.(10) However, in practice, some Kyrgyz migrant children face barriers to access education because they lack the required documentation or are discouraged from attending school by their parents, who fear deportation. In addition, some Kyrgyz children who access education face obstacles in receiving completion certificates.(17)

Institutional Mechanisms for Coordination and Enforcement

The National Coordination Council to Combat the Worst Forms of Child Labor coordinates efforts to address the worst forms of child labor. It also prepares proposals and recommendations on implementing state policy on eliminating child labor. The Council is overseen by the Ministry of Labor and Social Protection.(19) In May 2011, the Council met to discuss a number of items, including the 2012-2014 National Action Plan on the Worst Forms of Child Labor (approved in February 2012), the South Kazakhstan pilot child labor-monitoring program and a child labor public awareness campaign.(6, 24) Despite the National Coordination Council’s efforts to combat child labor, reports indicate that interagency cooperation remains a challenge to program implementation.(6)

The Interagency Trafficking in Persons Working Group, which is chaired by the Ministry of Justice and includes other relevant ministries, has the primary responsibility of coordinating efforts to combat human trafficking.(4) The group meets quarterly to report on each agency’s anti-trafficking efforts.(16)

The Ministry of Labor and Social Protection is responsible for the enforcement of child labor laws.(6) Ministry officials have acknowledged that the funding available for inspectors is not adequate to carry out thorough inspections.(6) No data are available on the number of labor officers trained on the issue of child labor or the number of child labor investigations, violations, prosecutions and convictions. In 2011, the Interior Ministry trained 150 criminal and migration police in investigating the worst forms of child labor, including sexual exploitation.(6) The Almaty Child Protection Department works with the police to conduct investigations of markets to identify migrant children who work as loaders.(25)

The South Kazakhstan Child Protection Department works with the Prosecutor’s office and the police to conduct investigations of children working in the cotton harvest.(10, 15) However, enforcement has, at times, punished

teachers whose students have been working in the cotton fields even though teachers have not been involved in requiring students to work in the cotton fields.(9, 10)

The Government maintains three hotlines for child-related issues, including child labor and child trafficking, operated by the Ministries of Justice, Internal Affairs and Education and Science. All child labor and trafficking cases are referred to the police and/or NGOs, which are then referred to shelters or crisis centers.(26)

The Anti-Trafficking Unit in the Criminal Police Committee's Organized Crime Department employs 35 officers responsible for investigating allegations of human trafficking, including trafficking of children.(4) In 2011, the Ministry of Interior identified 84 trafficking victims, investigated 111 trafficking cases and prosecuted 82 trafficking cases. Research reveals information pertaining to the nationality and gender but not the age of the trafficking victims, so it is unclear how many victims were children.(27)

Government Policies on the Worst Forms of Child Labor

The Ministry of Labor and Social Protection was responsible for coordinating the National Action Plan on the Worst Forms of Child Labor (2009-2011). The Plan coordinated efforts to combat child labor, including strengthening legislation and policies on child labor, creating a child labor monitoring system, raising awareness on child labor and creating regional programs to address child labor.(28) During the reporting period, the Government failed to meet the majority of the Plan's objectives. Government agencies responsible for implementation critiqued the Plan for not adequately integrating into existing government programs related to child protection and for relying too heavily on international organizations to meet its objectives.(6) On February 10, 2012, the Government approved the Joint Action Plan for the Elimination of the Worst Forms of Child Labor and Implementation of ILO International Convention 182 in the Republic of Kazakhstan for 2012-2014.(24) However, the Plan still awaits the approval of relevant line ministers.(24, 29)

The Government completed its National Action Plan to Combat Human Trafficking (2009-2011). The Plan provided financial assistance to trafficking victims; trained police, prosecutors and judges and ratified international agreements on trafficking. Research has revealed that the Plan was critiqued for failing to develop standards for shelter assistance, mostly due to a lack of understanding of the roles and responsibilities of government agencies.(27) To address these shortcomings,

the Government's upcoming National Action Plan to Combat Human Trafficking (2012-2014), approved during the reporting period, will prioritize the development of standards for shelter assistance for trafficking victims and the provision of services to vulnerable population groups.(27)

The National Action Plan on Human Rights of the Republic of Kazakhstan (2009-2012) recommends improving systems for detecting and combating the worst forms of child labor and for taking additional measures to fight human trafficking.(30)

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government, along with international organizations and NGOs, conducted a public awareness campaign on hazardous child labor in the Almaty and South Kazakhstan region.(31) The Government also participated in a \$1.4 million German-funded, ILO-IPEC-implemented child labor project (2010-2013).(32) During the reporting period, the project conducted a baseline study prioritizing child labor in agriculture, such as cotton, tobacco and vegetables, in the Almaty and South Kazakhstan areas. The results of this baseline study are expected to contribute to a child labor monitoring system pilot project in the region in 2012.(32, 33)

During the reporting period, the Ministry of Labor and Social Protection created a national web site on child labor, which includes materials on national and international legislation, and public awareness materials on combating child labor.(5) The Ministry of Education and Science's 2007-2011 Children of Kazakhstan Program piloted alternative employment programs for children of legal working age and created radio public awareness campaigns against child labor.(6) The Almaty Region's Department of Education employs special commissions to assess the education level of children who have missed long periods of school—a problem that occurs frequently for child laborers. The Department also works closely with the Child Protection Department, which provides poor students with uniforms and school supplies.(25) The question of whether these programs have had an impact on child labor does not appear to have been addressed.

During the reporting period, the Government continued its partnership with PMK and with NGOs to eliminate child and forced labor in the production of tobacco by communicating standards and responsibilities to stakeholders, monitoring and auditing child and forced labor violations and remediating child and forced labor violations.(6) PMK's child labor project provides a summer camp for migrant and local children of

tobacco workers; increases migrant children's access to school, increases access to vocational school for migrant children ages 14 to 17; creates sport and crafts facilities in remote farms and pilots a community center for education and training.(7) The Almaty provincial education body, the Department of Education, works with PMK to eliminate the barriers that have kept migrant children out of school.(34)

The Government funded a nationwide public awareness campaign against human trafficking.(8) Additionally, the Government operates four shelters for trafficking victims, including children. The fourth shelter in Petropavlovsk was opened in November 2011.(35) The Ministry of Education operates the Centers for Adaptation of Minors which house street children, migrant children and children in difficult situations after being picked up by the police for truancy, curfew violations, lack of documentation and other minor

infractions.(27, 35, 36) However, despite these efforts, IOM has indicated that the Government does not allocate enough resources for the protection and reintegration of victims of trafficking, especially the protection of victims following the conclusion of a trial.(37) From July to September 2011, the National Human Rights Centre (Ombudsman Office), with support from UNICEF, IOM and the USG, conducted a study of vulnerable children and youth in seven urban areas in Kazakhstan with the goal of informing government efforts to enhance and reform the child protection system and reduce children's vulnerabilities to risky behaviors, human trafficking and sexual exploitation.(11)

The Ministry of Labor and Social Protection and the Ministry of Education's ongoing "100 schools, 100 hospitals Program increases children's access to schools through school construction and rehabilitation programs.

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Kazakhstan:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Develop regulations that allow for all migrant children to access education.	2011
Coordination and Enforcement	Ensure effective interagency cooperation in coordinating efforts to combat child labor.	2011
	Supply adequate funding for child labor inspections.	2010, 2011
	Train labor inspectors on child labor issues.	2011
	Collect and make available to the public information on child labor violations found during investigations and child labor cases prosecuted.	2009, 2010, 2011
	Eliminate punitive measures for teachers whose students work during cotton harvests.	2011
Social Programs	Assess the impact that existing education programs have on child labor.	2010, 2011
	Further develop or expand programs to protect and assist victims of child trafficking.	2009, 2010, 2011
	Facilitate Kyrgyz migrant families' ability to obtain legal documents required to access school and to receive school completion certificates.	2011

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