

In 2016, Kazakhstan made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government adopted a Plan of Action on the Elimination of the Worst Forms of Child Labor and carried out targeted child labor inspection raids, resulting in 45,000 site visits. It also carried out awareness-raising campaigns that reached over 1.2 million children. However, children in Kazakhstan engage in the worst forms of child labor, including in harvesting cotton and commercial sexual exploitation. The Government lacks a program to address child labor in harvesting cotton, 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 harvesting cotton and commercial sexual exploitation.(1-6) 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 (%)		109.2

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2016.(7)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 3, 2006.(8)

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, 9-16)
Industry	Construction,† activities unknown (3, 15)
Services	Work in markets and on the streets, including transporting and selling items (3, 14, 15, 17-19)
	Domestic work (3, 20)
	Working in gas stations (17, 20)
	Car washing (3, 15, 17-20)
	Working as bus conductors (3, 21)
	Working in restaurants† as waiters (17, 18, 20, 22)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation as a result of human trafficking (3-6)
	Forced begging as a result of human trafficking (4, 6)
	Forced labor in agriculture, domestic work, and construction, each sometimes as a result of human trafficking (4)

† 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 limited evidence that children from the neighboring countries of Uzbekistan and the Kyrgyz Republic migrate with their families to work in the cotton fields in Kazakhstan.(1, 23) There is no current, comprehensive research on child labor in Kazakhstan.




Kazakhstan

MODERATE ADVANCEMENT

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF 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, including its worst forms (Table 4). However, gaps exist in Kazakhstan's legal framework to adequately protect children from child labor.

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 (24)
Minimum Age for Hazardous Work	Yes	18	Article 26.1(2) of the Labor Code (24)
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 (24, 25)
Prohibition of Forced Labor	Yes		Article 7 of the Labor Code; Article 135 of the Criminal Code (24, 26)
Prohibition of Child Trafficking	Yes		Article 135 of the Criminal Code (26)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 134, 135, and 312 of the Criminal Code (26)
Prohibition of Using Children in Illicit Activities	Yes		Articles 132 and 133 of the Criminal Code; Article 26.1(2) of the Labor Code (24, 26)
Minimum Age for Military Recruitment			
State Compulsory	Yes	18	Article 31 of the Military Service Act (27)
State Voluntary	Yes	19	Article 38.1(2) of the Military Service Act (27)
Non-state Compulsory	Yes	18	Article 41 of the Law on Children's Rights; Article 132 and 267 of the Criminal Code (26, 28)
Compulsory Education Age	Yes	17 [‡]	Article 30 of the Constitution (29)
Free Public Education	Yes		Article 8.2 of the Education Act (30)

[‡] Age calculated based on available information

According to Article 26.1(2) 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.(29)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Health and Social Development, Committee on Labor, Social Protection and Migration	Enforce child labor laws and manage child labor cases at the province—or <i>oblast</i> —level.(21, 31)
Ministry of Education and Science	Receive child labor complaints and determine if law enforcement should investigate cases. Mediate cases of child labor in the agricultural sector and encourage parents to keep their children in school.(31) An official from the <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 at school during the academic year.(3) The Ministry of Education and Science’s Center for the Adaptation of Minors provides assistance to child victims of the worst forms of child labor, receives reports of child labor through its hotline, and makes referrals to appropriate government services or NGOs for further assistance.(32-34)
Ministry of Internal Affairs	Investigate criminal cases of the worst forms of child labor and train police in investigating the worst forms of child labor, including commercial sexual exploitation.(32, 35) The Anti-Trafficking Unit of the Criminal Police Department identifies and investigates cases of child trafficking.(31) Receive reports of child labor through its hotline and make referrals to services.(34)

Labor Law Enforcement

In 2016, labor law enforcement agencies in Kazakhstan took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown	Unknown* (36)
Number of Labor Inspectors	320 (21)	320 (3)
Inspectorate Authorized to Assess Penalties	Yes (37)	Yes (3)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown	Yes (36)
Training on New Laws Related to Child Labor	Unknown	Yes (36)
Refresher Courses Provided	Yes (21)	Yes (3)
Number of Labor Inspections	11,400 (38)	7,897‡ (36)
Number Conducted at Worksite	Unknown	Unknown
Number Conducted by Desk Reviews	Unknown	Unknown
Number of Child Labor Violations Found	400 (38)	60 (36)
Number of Child Labor Violations for Which Penalties Were Imposed	82 (38)	17 (36)
Number of Penalties Imposed That Were Collected	Unknown	17 (36)
Routine Inspections Conducted	No (21)	No (3)
Routine Inspections Targeted	N/A	N/A
Unannounced Inspections Permitted	Yes (39)	Yes (40)
Unannounced Inspections Conducted	Yes (21)	Yes (3)
Complaint Mechanism Exists	Yes (21)	Yes (3)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (21)	Yes (3)

* The Government does not publish this information.

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

The number of labor inspectors is insufficient for the size of Kazakhstan’s workforce, which includes over 9 million workers.(41) According to the ILO recommendation of 1 inspector for every 20,000 workers in transitional economies, Kazakhstan should employ about 450 inspectors.(21, 42, 43)

The President’s Decree No. 757 prohibited announced labor inspections.(44) Labor inspectors at the Ministry of Health and Social Development can conduct unannounced inspections only if they have evidence of labor violations or in response to complaints.(3)

Kazakhstan

MODERATE ADVANCEMENT

The Ministry of Education and Science, in cooperation with other government agencies, carried out targeted raids in areas in which children were likely to be engaged in child labor, such as local markets, gas stations, construction sites, bus stations, and nightclubs. The raids were part of an annual Twelve Days Against Child Labor and quarterly Children at Night Time campaigns to detect child labor, including its worst forms.⁽³⁾ The raids resulted in about 45,000 site visits cumulatively. As a result of such raids, 31 child laborers were identified.⁽³⁾

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Kazakhstan took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown	Yes (36)
Training on New Laws Related to the Worst Forms of Child Labor	Unknown	N/A
Refresher Courses Provided	Yes (21)	Yes (3)
Number of Investigations	22 (21)	13 (3)
Number of Violations Found	5 (21)	13 (36)
Number of Prosecutions Initiated	5 (21)	10 (36)
Number of Convictions	4 (21)	3 (36)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (21)	Yes (3)

In 2016, the Ministry of Internal Affairs' Legal Academy in the city of Karaganda and the Judicial Training Institute of the Supreme Court in the capital city of Astana held human trafficking trainings for 166 judges and 133 police officers. The Anti-Trafficking Unit employed 42 officers.⁽³⁾

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

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

Coordinating Body	Role & Description
The Institute of the Ombudsman for Children Rights	Control and monitor observance of the rights of children; receive and respond to complaints about violations of children's rights.
National Coordination Council on Child Labor	Implement the Plan of Action on the Elimination of the Worst Forms of Child Labor, adopted in 2016. ⁽⁴⁵⁾ Chaired by the Minister of Health and Social Development, includes representatives from four government agencies and NGOs. ⁽²¹⁾
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. ⁽⁴⁶⁾ Chaired by the Ministry of Internal Affairs and the Ministry of Healthcare and Social Development on a 2-year rotational basis. Its members include 14 state bodies, 2 international organizations, and 5 NGOs. In 2016, the Working Group continued to implement the Action Plan to Combat Human Trafficking (2015–2017). ⁽³⁾
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. ⁽³¹⁾ Met twice in 2016. ⁽³⁾

In 2016, the Government established the Institute of the Ombudsman for Children Rights to monitor observance of the rights of children, receive and respond to complaints about violation of children's rights; but it is unclear whether it addressed child labor.⁽³⁶⁾

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

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 years; (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 regional social partnership on 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 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, conduct of informational campaigns, and involvement of journalists and media resources.(36)
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.(47) In 2016, the Interagency Trafficking in Persons Working Group took actions to implement this policy, including conducting raids to detect and investigate cases of child labor, training criminal law enforcement officials, raising public awareness on child labor, including its worst forms, and providing services to victims of child trafficking.(3)

[†] Policy was approved during the reporting period.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

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 trafficking victims. Authorities can help victims or witnesses change residences, find employment, or change their physical appearance.(48) In 2016, Government-funded shelters provided services to child victims of human trafficking.(3)
Awareness-Raising Campaigns [†]	The Ministry of Education and Science, in cooperation with other Government agencies, carried out child labor awareness-raising campaigns that reached 1.2 million children, plus 200,000 adults, through conferences, meetings, competitions, and media reports.(3)

[†] 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, including its worst forms.(49)

Although the Government of Kazakhstan implemented programs to combat human trafficking and provide assistance to trafficking victims in 2016, research found no evidence that it has carried out programs to assist children engaged in child labor, particularly in the production of cotton.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

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

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

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 a signed employment contract.	2016
Enforcement	Publish information about the funding of the inspectorate and the number of inspections at worksites or by desk review.	2015 – 2016
	Increase the number of labor inspectors to meet the ILO recommendation.	2014 – 2016
	Resume routine labor inspections to enforce child labor laws, particularly targeting cotton fields and other areas where children are employed.	2013 – 2016

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
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 – 2016
	Institute programs to address child labor, particularly in the production of cotton.	2014 – 2016

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