

Kazakhstan

The Government of Kazakhstan continued to work with private companies and local and international NGOs to address child labor issues in tobacco farming during the reporting period. However, children continue to engage in arduous labor in tobacco and cotton. Gaps in the policy framework leave migrant agricultural workers particularly vulnerable to the worst forms of child labor.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.2*
Attending School	5-14 yrs..	90.7
Combining Work and School	7-14 yrs.	3.6

* Population of working children: 79,690

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 tobacco and cotton farming.³⁰⁴⁸ In cotton and tobacco fields, children work long hours in extreme heat and sun without proper protection; they do not have adequate access to water, nutrition, or sanitation; and they are exposed to harmful pesticides that can damage their health and growth.³⁰⁴⁹

In some regions, children constitute up to 50 to 60 percent of the total workforce in tobacco and cotton.³⁰⁵⁰ Children from neighboring countries Kyrgyzstan and Uzbekistan migrate along with their families to work in the fields of Kazakhstan.³⁰⁵¹ Some recent reports suggest a significant reduction in the incidence of child labor in tobacco and cotton during the 2010 harvests.³⁰⁵²

Children in urban areas do street work, including begging, unloading freight, portering and washing cars.³⁰⁵³ Children working on the streets may be exposed to multiple dangers, including severe weather, vehicle accidents and criminal elements.

Reports indicate that Kazakh children are trafficked internally for forced labor and prostitution. Girls are also trafficked into Kazakhstan for forced prostitution.³⁰⁵⁴ UNICEF reports that child exploitation and child trafficking may be seasonal corresponding to agricultural work and that during the warmer months, more children are visible living and working on the streets and therefore may be more vulnerable to traffickers.³⁰⁵⁵

There are also limited reports of children involved in drug trafficking.³⁰⁵⁶

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for employment in Kazakhstan is 16.³⁰⁵⁷ The Labor Code identifies a list of working conditions prohibited for children under age 18. These include gambling, working overtime, working in night-time entertainment establishments and carrying weights above a maximum standard. Children under 18 are also barred from the production, transport and trade in alcoholic products, tobacco goods, narcotics and psychotropic substances.³⁰⁵⁸ An updated list of hazardous work, including agricultural work,

prohibited to those under 18 was adopted by the Order of the Minister of Labor No. 185-II in 2007.³⁰⁵⁹

	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	16
	Free Public Education	Yes

Section 30 of the Constitution and the Education Act of 1999 call for compulsory and free education for children through secondary school.³⁰⁶⁰

The Labor Code prohibits forced labor, unless under a court mandate or in a state of emergency.³⁰⁶¹ In addition, the law prohibits trafficking in persons for forced labor and commercial sexual exploitation.³⁰⁶² Article 133 of the Criminal Code outlaws child trafficking.³⁰⁶³ Articles 122, 124 and 128 address child sexual exploitation.³⁰⁶⁴ The use of children in illicit activities is prohibited in article 132.³⁰⁶⁵

In November 2010, the Criminal Code was amended to strengthen penalties for using minors for prostitution, the production of pornography and pornographic entertainment.³⁰⁶⁶

Although education is free and compulsory through age 16, access to education is limited. In some cases, migrant children are denied school access because of a lack of proper registration or

are kept out of school by their parents who fear deportation.³⁰⁶⁷

Institutional Mechanisms for Coordination and Enforcement

The National Coordination Council to Combat the Worst Forms of Child Labor is responsible for coordinating 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.³⁰⁶⁸ The Council met in May 2010 to review a manual on child labor monitoring and the procurator general's latest child labor report and to make preparations for the June awareness raising campaign.³⁰⁶⁹ The Coordination Council determined that more work was needed to develop child labor monitoring.³⁰⁷⁰

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.³⁰⁷¹ The group meets quarterly to report on each agency's anti-trafficking efforts.³⁰⁷²

The Ministry of Labor and Social Protection enforces child labor laws and its labor inspectors monitor compliance.³⁰⁷³ In 2010, inspectors conducted 13,808 child labor inspections in the cotton and tobacco industries as well as the construction and entertainment sectors.³⁰⁷⁴ No data is available on the number of violations found, children assisted or child labor cases prosecuted.³⁰⁷⁵ According to a Ministry of Labor and Social Protection official, funding is not adequate for labor inspectors' needs.³⁰⁷⁶

The Child Protection Department for Almaty Oblast works with police to conduct investigations of markets to identify child laborers working as loaders.³⁰⁷⁷ In 2010, the Department of Education of the South Kazakhstan Oblast monitored schools to ensure that children were not sent to work in the cotton harvest.³⁰⁷⁸

The Government maintains 211 telephone hotlines and 168 offices to collect complaints on child-related issues, including child labor.³⁰⁷⁹ No standard referral procedure exists for victims of child labor.³⁰⁸⁰

In 2010, the Interior Ministry trained 79 criminal and migration police on cases involving the worst forms of child labor, including sexual exploitation.³⁰⁸¹

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.³⁰⁸² In 2010, the Government trained 79 police officers in recognition, investigation and prosecution of trafficking crimes.³⁰⁸³

In 2010, the police investigated 97 and prosecuted 48 human trafficking cases with 32 convictions.³⁰⁸⁴ The president also launched law-enforcement reform, which more clearly defined the roles of police, prosecutors and judges to address human trafficking and restructured police units with trafficking responsibilities.³⁰⁸⁵

Government Policies on the Worst Forms of Child Labor

The Ministries of Labor and Social Protection, Education, Interior, Justice and Culture and the prosecutor general's office are responsible for implementing the National Action Plan on the Worst Forms of Child Labor (2009–2011).³⁰⁸⁶ The plan calls for actions to develop a child labor monitoring system, raise awareness on child labor issues among government officials and the public, establish educational programs and strengthen and enforce child labor laws and policies. The plan includes educational programs to prevent migrant children from engaging in the worst forms of child labor.³⁰⁸⁷ The plan lacks concrete objectives and implementation has been slow. According to a Ministry of Labor and Social Protection official, some work has begun, but the majority of the action plan has not been carried out.³⁰⁸⁸

The Government has a national action plan specifically focused on combating human trafficking (2009–2011). The plan identifies actions to be taken, in particular, the establishment of crisis centers that provide shelter and rehabilitation services to victims.³⁰⁸⁹ It also calls for training police, prosecutors and judges on anti-trafficking cases; ratifying international agreements on human trafficking; and monitoring labor, tourist, model, and marriage agencies to limit their use by traffickers.³⁰⁹⁰ The Prime Minister's Interim Assessment, conducted in May 2010, found that implementation of the plan was weak.³⁰⁹¹

Kazakhstan's migrant policy outlines quotas for specific types of migrant laborers, including unskilled agricultural workers. The migrant policy officially allows for seasonal agricultural workers only from Kyrgyzstan, although Uzbekistan supplies many of the migrant cotton workers.³⁰⁹² Limited access to official migrant registration leaves children of such migrant workers unable to access education and vulnerable to the worst forms of child labor.

The National Action Plan on Human Rights (2009–2012) recommends improving systems for detecting and combating the worst forms of child labor and taking additional measures to fight human trafficking.³⁰⁹³

In 2010, the child protection department for Almaty Oblast produced a survey of family composition, education levels and working opportunities in the region.³⁰⁹⁴ The survey is intended to assist in the provision of social services, including enrolling migrant children into school.³⁰⁹⁵

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

The Government participated in a program on the elimination of the worst forms of child labor (2005–2010) that combated child labor through anti-poverty initiatives, improved education access, rehabilitation of exploited children,

public awareness and strengthened enforcement of child labor laws.³⁰⁹⁶ The Combating Child Labor in Central Asia: Commitment Becomes Action project began in January 2008 and ended in December 2010. It was funded by Germany for \$1.4 million.³⁰⁹⁷ With the conclusion of this project, it is unclear whether the Government will continue to participate in comprehensive child labor programs.

The Ministry of Education's 2007–2011 Children of Kazakhstan program has established support centers to reduce child labor and eliminate the worst forms of child labor.³⁰⁹⁸

The Almaty Oblast 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.³⁰⁹⁹ The question of whether these programs have an impact on child labor does not appear to have been addressed.

The Government has partnered with Philip Morris Kazakhstan (PMK) and NGOs to eliminate child labor in tobacco. The Department of Education works with PMK to eliminate barriers that have kept migrant children out of school.³¹⁰⁰ However, the Government's efforts with respect to child labor in the cotton-growing region of South Kazakhstan Oblast have been less extensive and primarily focused on punitive measures aimed at complicit school officials.³¹⁰¹

The Government funded a nationwide public awareness campaign against human trafficking.³¹⁰² It also offers rehabilitation and reintegration services to victims of trafficking, including women and children.³¹⁰³ In 2010, three shelters assisted 96 trafficking victims with legal, psychological and medical services.³¹⁰⁴ 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.³¹⁰⁵

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Collect data on the number of child labor violations found during investigations as well as children assisted and child labor cases prosecuted.
- Supply adequate funding for child labor inspection.

IN THE AREA OF GOVERNMENT POLICY:

- Revise the National Action Plan on the Worst Forms of Child Labor to include concrete objectives.
- Increase efforts to implement the National Action Plan on the Worst Forms of Child Labor and the National Action Plan on Trafficking in Persons.
- Ensure educational access for all children, including those of registered and unregistered migrant workers.

IN THE AREA OF SOCIAL PROGRAMS:

- Reinststate a comprehensive child labor action program to replace the programs that ended in 2010.
- Expand programs to address the worst forms of child labor, especially in the cotton sector.
- Further develop or expand programs to protect and assist victims of trafficking.
- Assess the impact that existing education programs have on child labor.

³⁰⁴⁸ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³⁰⁴⁹ U.S. Embassy- Chisinau, *reporting, February 3, 2010*.

³⁰⁵⁰ ILO-IPEC, *Elimination of Child Labour in Kazakhstan 2005-2010*, Geneva, 2010; available from www.stopdetrud.kz/download/publicacy/engfactsheet.pdf.

³⁰⁵¹ U.S. Embassy- Astana, *reporting, February 18, 2010*, para 2. See also U.S. Department of State, "Kazakhstan," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

³⁰⁵² U.S. Embassy- Astana, *reporting, August 31, 2010*, para 8. See also U.S. Embassy- Astana, *reporting, January 28, 2011*. See also U.S. Department of State, "Kazakhstan," in *Trafficking in Persons Report- 2011*, Washington, DC, June 27, 2011; available from <http://www.state.gov/g/tip/rls/tiprpt/2011/142760.htm>.

³⁰⁵³ U.S. Department of State, "Country Reports- 2010: Kazakhstan," section 7d.

³⁰⁵⁴ U.S. Department of State, "Kazakhstan," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>.

³⁰⁵⁵ UNICEF, *Risks and Realities of Child Trafficking and Exploitation in Central Asia*, Geneva, 2009, 31; available from www.unicef.org/ceecis/Child_trafficking_in_central_asia_FINAL_23_03.pdf.

³⁰⁵⁶ ILO-IPEC, *Elimination of Child Labour in Kazakhstan*.

³⁰⁵⁷ Government of Kazakhstan, *Labor Code of the Republic of Kazakhstan*, Law No. 25321, (2007), article 30; available from www.oit.org/dyn/natlex/docs/MONOGRAPH/76433/82753/F982631364/Microsoft%20Word%20-%20ENG%20KAZ.76433.pdf.

³⁰⁵⁸ *Ibid.*, article 179.

³⁰⁵⁹ ILO-IPEC, *Elimination of Child Labour in Kazakhstan*.

³⁰⁶⁰ ILO Committee of Experts, *Individual Direct Request*

concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Kazakhstan (ratification: 2003) Submitted: 2007, February 16, 2011; available from www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20458&chapter=9&query=Kazakhstan%40ref&highlight=&querytype=bool&contentxt=0.

³⁰⁶¹ Government of Kazakhstan, *Labor Code*, article 8.

³⁰⁶² U.S. Department of State, "Trafficking in Persons Report-2010: Kazakhstan."

³⁰⁶³ Government of Kazakhstan, *Criminal Code of the Republic of Kazakhstan*, Law No. 167, (1997), article 133; available from www.legislationline.org/download/action/download/id/1681/file/ca1cfb8a67f8a1c2ffe8de6554a3.htm/preview.

³⁰⁶⁴ *Ibid.*, articles 122, 124, 128.

³⁰⁶⁵ *Ibid.*, article 132.

³⁰⁶⁶ U.S. Embassy- Astana, *reporting, January 28, 2011*, para 2.1. See also U.S. Embassy- Astana, *reporting, February 15, 2011*, para 18.

³⁰⁶⁷ U.S. Department of State, "Country Reports- 2010: Kazakhstan," section 6. See also U.S. Embassy- Chisinau, *reporting, February 3, 2010*.

³⁰⁶⁸ ILO-IPEC, *Elimination of Child Labour in Kazakhstan*.

³⁰⁶⁹ U.S. Embassy- Astana official, E-mail communication to USDOL official, March 16, 2011.

³⁰⁷⁰ *Ibid.*

³⁰⁷¹ U.S. Embassy- Astana, *reporting, February 18, 2010*, 6.

³⁰⁷² U.S. Embassy- Astana, *reporting, February 15, 2011*, para 14.

³⁰⁷³ U.S. Embassy- Astana, *reporting, January 28, 2011*, para 4.1.

³⁰⁷⁴ U.S. Embassy- Astana, *reporting, February 15, 2011*, para 10.

³⁰⁷⁵ U.S. Embassy- Astana, *reporting, January 28, 2011*, paras 4.5-10.

³⁰⁷⁶ *Ibid.*, para 4.4.

³⁰⁷⁷ U.S. Embassy- Astana, *reporting, September 1, 2010*.

³⁰⁷⁸ U.S. Department of State, "Trafficking in Persons Report-2011: Kazakhstan."

³⁰⁷⁹ U.S. Embassy- Astana, *reporting, February 18, 2010*, 5.

³⁰⁸⁰ U.S. Embassy- Astana, *reporting, January 28, 2011*, para 5.2.

³⁰⁸¹ *Ibid.*, para 5.5.

³⁰⁸² U.S. Embassy- Astana, *reporting, February 18, 2010*, 6.

³⁰⁸³ U.S. Embassy- Astana, *reporting, February 15, 2011*, para 27.

³⁰⁸⁴ *Ibid.*, para 24.

³⁰⁸⁵ Ibid., para 11.

³⁰⁸⁶ U.S. Embassy- Astana, *reporting, February 18, 2010*, 7.

³⁰⁸⁷ U.S. Embassy- Chisinau, *reporting, February 3, 2010*.

³⁰⁸⁸ U.S. Embassy- Astana official, E-mail communication, March 16, 2011.

³⁰⁸⁹ Ministry of Foreign Affairs of the Republic of Kazakhstan, *Statement by H.E. Mr. Kanat Saudabayev, Secretary of State - Minister of Foreign Affairs of the Republic of Kazakhstan, Chairman-in-Office of the Organization for Security and Cooperation in Europe at the 13th session of the United Nations Human Rights Council*, [previously online] [cited September 17, 2010]; available from <http://portal.mfa.kz/portal/page/portal/mfa/en/content/ministry/minister/speeches/2010/The%2013th%20session%20of%20the%20the%20United%20Nations%20Human%20Rights%20Council> [hard copy on file].

³⁰⁹⁰ U.S. Embassy- Astana, *reporting, February 15, 2011*, para 48.

³⁰⁹¹ Ibid.

³⁰⁹² U.S. Embassy- Chisinau, *reporting, February 3, 2010*.

³⁰⁹³ Government of Kazakhstan, *National Human Rights Action Plan of the republic of Kazakhstan 2009-2012*, May 5, 2009, 75, 87; available from www.undp.kz/userfiles/plan_en.pdf.

³⁰⁹⁴ U.S. Embassy- Astana, *reporting, September 1, 2010*.

³⁰⁹⁵ U.S. Embassy- Astana official, E-mail communication to USDOL official, April 8, 2011.

³⁰⁹⁶ U.S. Embassy- Astana, *reporting, January 28, 2011*, para 7.1.

³⁰⁹⁷ ILO-IPEC official, E-mail communication to USDOL official, July 17, 2010.

³⁰⁹⁸ U.S. Embassy- Chisinau, *reporting, February 3, 2010*.

³⁰⁹⁹ U.S. Embassy- Astana, *reporting, September 1, 2010*.

³¹⁰⁰ U.S. Embassy- Astana, *reporting, August 31, 2010*.

³¹⁰¹ Ibid.

³¹⁰² U.S. Department of State, "Trafficking in Persons Report-2010: Kazakhstan."

³¹⁰³ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Kazakhstan*, June 2010, para 8.

³¹⁰⁴ U.S. Embassy- Astana, *reporting, February 15, 2011*, para 31.

³¹⁰⁵ IOM, *Kazakhstan does not allocate enough resources for physical protection of victims of human trafficking*, [previously online] November 6, 2008 [cited July 29, 2010]; available from http://iom.ramdisk.net/iom/artikel.php?menu_id=45&artikel_id=553&history_back=true [hard copy on file].