

*In 2013, Kazakhstan made a minimal advancement in efforts to eliminate the worst forms of child labor. During the reporting period, the President signed into law several amendments and additions to existing laws. These bring current legislation into line with international standards, improve law enforcement's ability to respond to cases of trafficking in persons, and improve prosecution of human trafficking crimes. The Government also established a system for filing and responding to complaints about child labor through the police, education officials, labor inspectors, or one of the several government-operated hotlines. The Government also continued to fund anti-trafficking education campaigns that target potential child victims and public awareness activities, including a campaign on hazardous child labor in the Almaty and South Kazakhstan regions. However, children in Kazakhstan continue to engage in the worst forms of child labor in cotton farming. Funding is not adequate to carry out thorough labor inspections, and no data are available on the number of child labor investigations conducted during the reporting period.*



## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kazakhstan are engaged in the worst forms of child labor in cotton farming.(1-5) There is limited evidence that children from the neighboring countries of Uzbekistan and the Kyrgyz Republic migrate with their families to work in Kazakhstan's cotton fields.(3, 6, 7) 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)	5-14 yrs.	3.2 (79,690)
Attending School (%)	5-14 yrs.	90.7
Combining Work and School (%)	7-14 yrs.	3.6
Primary Completion Rate (%)		102.3

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2014.(8)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 3, 2006.(9)

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	Cotton farming† (1-5)
	Production of vegetables* (1-3)
Industry	Construction, activities unknown* (3, 10)
	Street work, work in markets, transporting goods in handcarts and unloading goods (3, 7, 11)
Services	Domestic work* (12, 13)
	Work in gas stations, activities unknown* (7)
	Car washing* (3, 7)
Categorical Worst Forms of Child Labor‡	Forced begging* (3, 6, 14)
	Commercial sexual exploitation sometimes as a result of human trafficking* (3, 6, 10, 14)

\* Evidence of this activity is limited and/or the extent of the problem is unknown.

† 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.

# Kazakhstan




## MINIMAL ADVANCEMENT

There is no current, comprehensive research on child labor in Kazakhstan. The last national child labor survey was conducted in 2006 and a baseline study prioritizing child labor in agriculture in the Almaty and South Kazakhstan areas was completed in 2012.(15, 16)

## II. LEGAL FRAMEWORK ON 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 relevant laws and regulations related to child labor, including its worst forms (Table 4).

**Table 4. Laws and Regulations Related to Child Labor**

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	16	Article 30 of the Labor Code (17)
Minimum Age for Hazardous Work	Yes	18	Article 179 of the Labor Code (17)
List of Hazardous Occupations Prohibited for Children	Yes		List of Hazardous Works and Occupations Prohibited to Persons Under 18 (18-20)
Prohibition of Forced Labor	Yes		Article 8 of the Labor Code (17)
Prohibition of Child Trafficking	Yes		Article 133 of the Criminal Code (21)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 122 and 124 of the Criminal Code (21)
Prohibition of Using Children in Illicit Activities	Yes		Article 132 of the Criminal Code (21)
Minimum Age for Compulsory Military Recruitment	Yes	18	Military Obligation and Military Service Act of 8 July 2005 (22)
Minimum Age for Voluntary Military Service	Yes	19	Kazakhstan Declaration on Ratifying the Optional Protocol in 2003 (22, 23)
Compulsory Education Age	Yes	17	Constitution (24, 25)
Free Public Education	Yes		Article 30 of the Constitution (24)

During the reporting period, the President signed into law several amendments and additions to existing laws which altered provisions of the criminal, administrative, and labor codes. These amendments bring current legislation into line with international standards, improve law enforcement's ability to respond to cases of trafficking in persons, and improve prosecution of human trafficking crimes.(3, 13) They clarify the definition of the term "exploitation of a person" to be consistent with the Palermo Protocol, enhance penalties for using minors' labor in a way that results in "substantial prejudice to their rights and legal interests," and expand overall protections for minors.(3, 13) The Labor Code was also updated to prevent persons convicted of crimes related to minors, including trafficking in persons, from securing employment in education, child care, recreation and/or health-related activities, sports, medical care, social services, or the arts.(3) Previously, the statute only applied to persons convicted of murder or purposeful personal injury.(3)

In 2013, the Government also issued Decree No. 411, eliminating the Departments for the Protection of Children's Rights in each of the 16 regions in Kazakhstan and transferring their duties to the regional Departments of Education.(3) Government officials report that the reorganization will allow closer coordination with education officials and eliminate a perceived duplication of functions.(3)

### 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).

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Labor and Social Protection (MLSP)	Enforce child labor laws and administrative offences punishable by fines.(14, 26) Manage child labor cases in the course of broader investigations.(3)
Ministry of Internal Affairs	Enforce child labor laws in criminal offenses and train criminal and migration police in investigating the worst forms of child labor, including commercial sexual exploitation.(3, 14, 26)
Center for the Adaptation of Minors	Refer child victims of child forced labor and human trafficking, commercial sexual exploitation, and/or involvement in illicit activities to the appropriate government services or NGOs for further assistance.(3)
Anti-Trafficking Unit in the Criminal Police Committee's Organized Crime Department	Investigate allegations of human trafficking, including trafficking of children.(27)

Labor law enforcement agencies in Kazakhstan took actions to combat child labor, including its worst forms. However, research found no evidence that criminal law enforcement agencies took such actions.

#### *Labor Law Enforcement*

The Ministry of Labor and Social Protection (MLSP) has approximately 320 labor inspectors. However, the majority of these are assigned to local level governments so there is a lack of coordination on the national level.(3) The MLSP reported that, while it did not conduct specific training on child labor for its inspectors, their periodic recertification requires competence on all facets of labor inspection, and that preparation for recertification includes some materials on combating child labor.(3) No statistics are available on official inspections or violations of child labor cases.(3)

In 2013, the Government established a system for filing and responding to complaints about child labor.(3) Instances of illegal child labor may be reported to the police, an education official, a labor inspector, or one of the several government-operated hotlines.(3, 5). An official from the Oblast-level Department of Education (local level) will respond and determine whether law enforcement should investigate the claim.(3) In cases where the alleged child labor occurs in an agricultural setting, local officials will meet with parents and school administrators to reinforce the message that, during the school year, children should be in school and not in the fields.(3)

During the reporting period, local news reported that the Prosecutor's office discovered that principals at 11 schools allowed over 700 students to skip school to harvest cotton in the South Kazakhstan Oblast. Principals and teachers at the schools were fined and subject to disciplinary actions.(3, 28, 29)

Despite ILO-compliant legislation and a commitment from the Kazakhstani Government to address child labor, efforts are undercut by a failure to adequately monitor workplaces such as cotton fields for incidences of child labor because funding is not adequate to carry out thorough inspections.(3, 14)

#### *Criminal Law Enforcement*

In 2013, the Government did not publicly release statistics on criminal violations related to child labor or provide data on official criminal inspections.(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 6).

**Table 6. Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
The National Coordination Council on Child Labor (NCCCL)	Coordinate efforts to address the worst forms of child labor, and prepare proposals and recommendations on implementing state policy to eliminate child labor. Chaired by Vice Minister of Labor, includes representatives from the Ministry of Internal Affairs, Ministry of Education, Prosecutor General's Office, Human Rights Ombudsman, and NGOs and meets semi-annually.(3, 12, 18, 30)
Committee for the Protection of Child Rights	Work to protect children against exploitation. Operates under the Ministry of Education.(3)
National Child Protection Department	Refer child labor cases to law enforcement and ensure that children receive rehabilitative services when needed.(30)
Regional Child Protection Departments	Work with law enforcement to help prevent and eliminate the worst forms of child labor under the Ministry of Education.(30)
Interagency Trafficking in Persons Working Group	Coordinate efforts to combat human trafficking.(27) Chaired by the Ministry of Justice and includes other relevant ministries and meets quarterly to report on each agency's anti-trafficking efforts.(6, 31)

During the reporting period, the National Coordination Council on Child Labor (NCCCL) continued its work to implement the 2012–2014 Joint Action Plan for the Elimination of the Worst Forms of Child Labor, conducted the “12 Days Against Child Labor” informational campaign to bring national awareness to child labor issues, and discussed the findings and work of the ILO child labor monitoring and reduction pilot project in South Kazakhstan Oblast.(3, 26)

In 2013, the Ministry of Labor and Social Protection, the ILO, and the Union of Producers and Exporters of Kazakhstan met for the 12<sup>th</sup> session of the NCCCL.(13, 32) Following the meeting, participants adopted a resolution to raise awareness of labor and migration laws for employers as well as disseminate promising practices of projects to prevent child labor in agriculture.(13, 32)

NGOs report that, while the NCCCL is largely effective, it is not adequately monitoring the results of implementation of the Joint Action Plan.(30) The NCCCL also lacks data on child labor migration in the regions.(30) Additionally, NGOs have complained of a lack of targeted financing of programs to prevent the worst forms of child labor on the local and national levels, especially in South Kazakhstan and Almaty Provinces, the most problematic areas of the country.(30)

### V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Kazakhstan has established policies related to child labor, including its worst forms (Table 7).

**Table 7. Policies Related to Child Labor**

Policy	Description
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	Maps out legislation and policies in Kazakhstan and both state and national programs on child labor and youth employment to facilitate future collaboration between the Government and its partners on these issues.(16)
National Action Plan to Combat Human Trafficking (2012–2014)*	Prioritizes the development of standards for shelter assistance for trafficking victims and the provision of services to vulnerable population groups, including children.(33, 34) Also includes the development of recommendations to improve regulation of the domestic labor market and the accession of Kazakhstan to the ILO Convention on Domestic Workers, the ILO Convention on Migration for Employment, and the ILO Convention on Migrant Workers.(34)

\*The impact of this policy on child labor does not appear to have been studied.

## VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Kazakhstan participated in and funded programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

**Table 8. Social Programs to Address Child Labor**

Program	Description
Combating Child Labor in Central Asia – Commitment Becomes Action (PROACT CAR Phase III)	\$1.4 million Government of Germany-funded, 5-year project that works to mainstream child labor issues into national policies and legislation, build the capacity of stakeholders, and provide direct services to children withdrawn from the worst forms of child labor.(13) Designed a pilot child labor monitoring system in the region using 2012 survey findings, which targets child laborers in cotton.(16, 35, 36) Increases the participation of Kazakhstan's Confederation of Employers in the elimination of child labor through two Action Plans for employers to address child labor in the vegetable and tobacco sectors in the Almaty region, and two Action Plans on Mainstreaming Child Labor into the Education Sector in Almaty and South Kazakhstan regions.(16) Continued its partnership with Philip Morris Kazakhstan (PMK) and worked to eliminate child and forced labor in tobacco production by providing assistance to migrant children in the Almaty region.(16, 37) In 2013, provided direct services to approximately 90 children of migrant workers in the tobacco industry.(3) Implemented "No child labor in domestic work in Kazakhstan" by the NGO "Union of Women of Intellectual Work" in partnership with the ILO-IPEC. Included a 3-month mini-program designed to prevent and eliminate child labor through public awareness raising, the collection of Action Plans, site visits by the NCCCL, and a 1-day Round Table in the South Kazakhstan region on the topic of "Children in domestic work as WFCL in South Kazakhstan."(12, 13)
National Awareness Raising Campaign†‡	Ministry of Education and Committee for Child Protection-led activities including press-conferences, round table discussions, seminars, trainings, debates, flash-mobs, telephone and personal counseling, and mass media programs. During the campaign, identified 76 children as involved in the worst forms of child labor and made 14 employers administratively liable as violators of the Labor Code.(12, 13)
100 Schools, 100 Hospitals Program‡*	Ministry of Labor and Social Protection and Ministry of Education program that increases children's access to schools through school construction and rehabilitation programs.(38) Continued to operate 18 Centers for Adaptation of Minors under the Ministry of Education, which houses 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.(30, 33, 39)
Assistance Hotlines‡*	Ministry of Internal Affairs and Ministry of Education and Science hotlines for child-related issues, including child labor and child trafficking. Refers all child labor and trafficking cases to the police and/or NGOs, who then refer victims to shelters or crisis centers.(27, 40, 41)
Assistance to trafficking victims‡*	Government-funded assistance that provides medical and legal assistance, pretrial safe houses, security services, housing, food, clothing, and transportation to trafficking victims. Authorities can help a victim or witness change residence, find another job, or change his or her physical appearance.(30)

\* The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

‡ Program is funded by the Government of Kazakhstan.

In 2013, the ILO-IPEC project ran a pilot project called the "Action Program Establishing and Piloting a Child Labor Monitoring System in Maktaaral district, South-Kazakhstan Region."(3, 7) The South Kazakhstan Oblast-based NGO *Sana Sezim* administered the program which sought to build capacity of national and local authorities, provide direct services for children involved in, or at risk of entering into, hazardous child labor in agriculture, as well as raise awareness of community members, the general public and the media.(13) In the South Kazakhstan Oblast it was reported that 3,287 children received free meals at schools in an effort to reduce the economic incentive for parents to send their children to gather cotton to contribute to the family economy.(3)

During the reporting period, ILO-IPEC trained trainers from the Federation of Trade Unions and the Trade Union of Education and Science of Kazakhstan and conducted a 2-day training for 25 representatives of the Education Trade Unions of South Kazakhstan region.(12) The training covered issues on child labor, mainstreaming child labor into education sector plans, and the Child Labor Monitoring System (CLMS).(12)

### 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 9).

**Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Enforcement	Collect and make available to the public information on all official inspections, child labor violations found during investigations, and child labor cases prosecuted for both labor law and criminal law offences.	2009 – 2013
	Create a labor inspection strategy that targets child labor in cotton fields and other places where children are commonly employed.	2013
	Supply adequate funding for child labor inspections.	2010 – 2013
Coordination	Improve the NCCCL's monitoring of the implementation of the Joint Action Plan for the Elimination of the Worst Forms of Child Labor and Implementation of ILO International Convention 182 for 2012 to 2014.	2012 – 2013
	Increase the NCCCL's access to data on child labor migration in the regions and improve the NCCCL's targeted financing of programs to prevent the worst forms of child labor on the local and national levels.	2012 – 2013
Government Policies	Assess the impact that existing government policies have on child labor.	2013
Social Programs	Conduct research to gather comprehensive data on child labor, including the activities carried out by children working in construction and in gas stations to inform policies and programs.	2013
	Assess the impact that existing programs have on child labor.	2010 – 2013

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