

# Kyrgyz Republic

*The Government has a legal and policy framework in place to address the worst forms of child labor. Children continue to work in exploitive situations in agriculture. Little information is available to assess whether the legal and policy framework is successfully enforced or implemented.*



## Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.5%
Attending School	5-14 yrs.	84.0%
Combining Work and School	7-14 yrs.	4.8%

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Kyrgyz Republic are exploited in the worst forms of child labor, many in agriculture.<sup>2791</sup> Children work in tobacco and cotton. During the cotton harvesting season, classes are canceled in some schools in southern Kyrgyz Republic and children are sent to work in the fields.<sup>2792</sup> Children working in agriculture are exposed to extreme heat and may engage in potentially harmful activities, such as operating heavy machinery/tools and transporting heavy loads.<sup>2793</sup>

Although evidence is limited, there is reason to believe the worst forms of child labor are used in other sectors including: the mining of coal and gold; the digging of silicon from landfills; in the harvesting of rice and in the raising of cattle.<sup>2794</sup> Children have also worked as porters and in construction.<sup>2795</sup>

Children are engaged in prostitution and the illicit distribution and sale of drugs.<sup>2796</sup> There are reports that children are trafficked internationally for forced labor and commercial sexual exploitation, but evidence is limited.<sup>2797</sup>

## Laws and Regulations on the Worst Forms of Child Labor

The 2006 Children's Code forbids the worst forms of child labor, identifies the minimum age for employment, and the types of work that children may not perform, and it indicates the rights of children to vocational education and employment as appropriate to their age and health.<sup>2798</sup> The minimum age for work is 16 but children may work at age 14 with the permission of a parent or guardian. The minimum age for hazardous work is 18.<sup>2799</sup> The law forbids the use of forced or unhealthy work for minors, night work, work involving heavy lifting, and underground work. It guarantees minors rest periods.<sup>2800</sup> The law also prohibits forced labor, including by children.<sup>2801</sup> In addition, the Kyrgyz Republic's Minors' Rights (Protection and Defense) Act prohibits using a minor for work beyond his or her capacity.<sup>2802</sup>

During the reporting period, new municipal-level laws were enacted, enabling minors without complete identification documents, who are potentially at risk for child labor, to gain access to education and health services.<sup>2803</sup>

A new constitution was approved on June 27, 2010, which includes language forbidding child labor.<sup>2804</sup>

The Criminal Code prohibits adults from involving minors in criminal activity, particularly prostitution.<sup>2805</sup> The 2005 Prevention and Combating Trafficking in Persons law criminalizes trafficking for the purposes of both sexual exploitation and forced labor.<sup>2806</sup> The minimum age for military recruitment is 18.<sup>2807</sup>

	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	14
	Free Public Education	Yes

### Institutional Mechanisms for Coordination and Enforcement

The Government has a Coordination Council on Child Labor.<sup>2808</sup> The Ministry of Labor, Employment and Migration, (MLEM) coordinates and implements efforts to combat trafficking in persons.<sup>2809</sup>

MLEM’s State Labor Inspectorate and the Prosecutor General’s Office enforce child labor laws.<sup>2810</sup> The State Prosecutor General’s office in the first 10 months of 2009 identified 184 cases of illegal use of child labor. According to the Prosecutor General’s office, in 30 cases the defendants were found guilty and received administrative punishments, 28 defendants were instructed to stop violating the law, 16 cases were under review, and two criminal cases were started.<sup>2811</sup>

The Ministry of Interior enforces laws against the use of minors in prostitution and other illicit activities.<sup>2812</sup> The State Prosecutor General enforces trafficking in persons laws.<sup>2813</sup>

### Government Policies on the Worst Forms of Child Labor

In 2008, the Government adopted a State Program of Action of Social Partners for the Elimination of the Worst Forms of Child Labor for the years 2008 to 2011.<sup>2814 2815</sup>

In 2007, the President of the Kyrgyz Republic signed a Country Development Strategy for 2007-2010 that reportedly incorporates the country’s State Program of Action of Social Partners to Eliminate the Worst Forms of Child Labor.<sup>2816</sup> The Kyrgyz Republic’s Education Development Strategy for 2007-2010 acknowledges the problem of child labor.<sup>2817</sup>

In September 2008, the Government passed the National Action Plan against Human Trafficking. Its goals include increasing public awareness and increasing social protection for trafficking victims.<sup>2818</sup> With funding from the UN and assistance from the Government of Japan and the Republic of Korea, the Government has begun to input passport and citizenship-related records in a centralized digital database.<sup>2819</sup>

### Social Programs to Eliminate or Prevent the Worst forms of Child Labor

The Government continued to provide in-kind assistance for NGO-operated shelters for trafficking victims, including one specifically for children.<sup>2820</sup>

The Kyrgyz Republic has participated in donor-funded regional child labor projects. Project strategies included capacity building, protecting children from the worst forms of child labor, implementing programs for children found in the worst forms of child labor, and measures to address the agricultural sector.<sup>2821</sup> The projects also integrated policies for combating the worst forms of child labor with education, training, and youth employment policies, and they used research as a tool to raise awareness about the worst forms of

child labor. Research included an assessment of the health and working conditions of children working in the cotton, rice, and tobacco sectors.<sup>2822</sup> The health assessment of working children was presented to the children's parents. One project established Resource Centers on the Worst Forms of Child Labor and disseminated information on child labor through public and parliamentary hearings, a TV talk show, and other means.<sup>2823</sup> A study found that, after these activities, parents in rural areas were more aware of the risks associated with jobs their children may be hired for and will no longer let them do this work.<sup>2824</sup>

In 2009, the Government of Kyrgyzstan opened a resource center for street children with UNDP as a part of the State Program of Action with Social Partners to Eradicate the Worst Forms of Child Labor. The resource center provides training to street children and helped the children find age-appropriate work when

they reached the legal working age.<sup>2825</sup> In addition, the Government participated in a national survey on child labor during 2008 and 2009.<sup>2826</sup>

The Combating Child Labor in Central Asia: Commitment Becomes Action project began in January 2008 and ends in December 2010. It is funded by Germany at a level of \$1,405, 402.<sup>2827</sup>

The Government has also supported programs aimed at keeping children in school, including New Generation, Jashtyk (Youth) and Jetkinchek (Access to Education).<sup>2828</sup>

Some of these social programs appear to be too limited in scope to protect all children engaged in the worst forms of child labor, particularly in mining and commercial sexual exploitation.

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

#### IN THE AREA OF ENFORCEMENT:

- Ensure effective enforcement actions in sectors where the worst forms of child labor are prevalent, including agriculture.
- Increase labor inspections during the cotton harvesting season, especially in southern Kyrgyz Republic.

#### IN THE AREA OF POLICY AND PROGRAMS:

- Ensure that classes in southern Kyrgyz Republic are not canceled during the harvesting season and that children remain in school.
- Continue to increase public dissemination of information on the worst forms of child labor to parents, employers, and workers in rural areas.
- Expand social programs to combat the worst forms of child labor, particularly in mining and commercial sexual exploitation.

<sup>2791</sup> 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 on working children and children combining working and schooling are from 2006. Data on school attendance are from 2005. 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.

<sup>2792</sup> U.S. Department of State, "Kyrgyz Republic," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136089.htm>. See also Asia Human Rights Commission, *Kyrgyzstan*:

*Children Labor to Pay School Fees*, [online] [cited April 1, 2010]; available from <http://acr.hrschool.org/mainfile.php/0188/340/>.

<sup>2793</sup> Ibid. See also Ramazon Dyrlydaev and Severine Jacomy, *Rights of the Child in Kyrgyzstan*, Geneva, February 2004; available from [http://www.crin.org/docs/resources/treaties/crc.37/Kyrgyzstan\\_OMCT\\_ngo\\_report.pdf](http://www.crin.org/docs/resources/treaties/crc.37/Kyrgyzstan_OMCT_ngo_report.pdf).

<sup>2794</sup> U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic.” See also Asia Human Rights Commission, *Children Labor to Pay School Fees*. See also Sari Schutrum-Boward, “Kyrgyz Child Labor in Coal Mines,” *The Guilfordian*, September 8, 2007; available from <http://media.www.guilfordian.com/media/storage/paper281/news/2007/09/07/World/Kyrgyz.Child.Labor.In.Coal.Mines-2956765.shtml>. See also Ilan Greenberg, *There’s Money in Dirt, for Those Who Find Bits of Silicon*, [online] 2006 [cited April 1, 2010]; available from [http://www.nytimes.com/2006/09/05/world/asia/05kyrgyzstan.html?\\_r=1&pagewanted=print](http://www.nytimes.com/2006/09/05/world/asia/05kyrgyzstan.html?_r=1&pagewanted=print).

<sup>2795</sup> Dyrlydaev and Jacomy, *Rights of the Child in Kyrgyzstan*. See also U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic.”

<sup>2796</sup> U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic.”

<sup>2797</sup> Ibid.

<sup>2798</sup> ILO-IPEC, *IPEC Evaluation: CAR Capacity Building Project: Regional programme on the worst forms of child labour in Central Asia through education and youth employment (Eye Project)*, RER/04/54/USA P.340.04.400.054, International Labour Office, Geneva, October-December 2007.

<sup>2799</sup> U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic.”

<sup>2800</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Second periodic reports of States parties due in 2001*, CRC/C/104/Add.4, April 5, 2004.

<sup>2801</sup> U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic.”

<sup>2802</sup> UN Committee on the Rights of the Child, *Second periodic reports of States parties due in 2001: Kyrgyzstan*.

<sup>2803</sup> U.S. Embassy- Bishkek, *reporting*, February 5, 2010.

<sup>2804</sup> U.S. Embassy- Bishkek official, E-mail communication to USDOL official, November 12, 2010.

<sup>2805</sup> UN Committee on the Rights of the Child, *Second periodic reports of States parties due in 2001: Kyrgyzstan*.

<sup>2806</sup> U.S. Department of State, “Kyrgyz Republic (Tier 2),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>.

<sup>2807</sup> U.S. Embassy-Bishkek, *reporting*, February 17, 2009.

<sup>2808</sup> UN Committee on the Rights of the Child, *Second periodic reports of States parties due in 2001: Kyrgyzstan*.

<sup>2809</sup> U.S. Embassy- Bishkek, *reporting*, March 2, 2010.

<sup>2810</sup> U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic.”

<sup>2811</sup> UN Committee on the Rights of the Child, *UN Committee on the Rights of the Child Third and Fourth Report on Kyrgyz Republic presented in accordance with article 44 of the Convention on the Rights of Child: The Kyrgyz Republic 2003-2009*; available from <http://www.mz.kg/ru/pravachild/>.

<sup>2812</sup> U.S. Embassy- Bishkek, *reporting*, February 5, 2010.

<sup>2813</sup> U.S. Embassy- Bishkek, *reporting*, March 2, 2010.

<sup>2814</sup> ILO-IPEC, *IPEC Evaluation: CAR Capacity Building Project*. See also U.S. Embassy-Bishkek, *reporting*, February 17, 2009.

<sup>2815</sup> The ILO-IPEC evaluation also references a “National Program on the Elimination of WFCL” and it is unclear whether this is a separate program.

<sup>2816</sup> ILO-IPEC, *IPEC Evaluation: CAR Capacity Building Project*.

<sup>2817</sup> Science and Youth Policy of the Kyrgyz Republic Ministry of Education, *Education Development Strategy of the Kyrgyz Republic (2007-2010)*, 2006; available from <http://planipolis.iiep.unesco.org/upload/Kyrgyzstan/Kyrgyzstan%20Education%20Development%20Strategy%202007-2010.pdf>.

<sup>2818</sup> U.S. Embassy- Bishkek, *reporting*, March 2, 2010.

<sup>2819</sup> Ibid.

<sup>2820</sup> Ibid.

<sup>2821</sup> ILO-IPEC, *IPEC Evaluation: CAR Capacity Building Project*.

<sup>2822</sup> Ibid.

<sup>2823</sup> Ibid.

<sup>2824</sup> Ibid.

<sup>2825</sup> Government of the Kyrgyz Republic, *National Report of the Kyrgyz Republic presented in the framework of Universal Periodic Review of UN Council for Human Rights, approved by decree of the Government #61*, February 2, 2010; available from [http://www.mfa.kg/file/kg\\_humanrights\\_nationalreport\\_ru.pdf](http://www.mfa.kg/file/kg_humanrights_nationalreport_ru.pdf).

<sup>2826</sup> ILO-IPEC, *Action against child labour: 2008-2009: IPEC Progress and Future Priorities*, International Labour Office, Geneva, February 2010; available from <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=12813>.

<sup>2827</sup> ILO-IPEC official, E-mail communication, July 17, 2010.

<sup>2828</sup> U.S. Embassy- Bishkek, *reporting*, March 16, 2009.