

Kazakhstan

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

As mandated in the 1999 Education Law, the Government of Kazakhstan is focusing on providing education to all children through the “AGuaranteed School Network”. Under the program, the government must open a school in every settlement or provide free transportation to schools farther away. The government also has a “Universal Education” program through which the Ministry of Education must conduct a bi-monthly national attendance review.¹³⁵¹ UNICEF and UNESCO have also implemented programs aimed at improving the education system.¹³⁵²

Incidence and Nature of Child Labor

In 1999, the ILO estimated that less than 1 percent of children between the ages of 10 and 14 in Kazakhstan was working.¹³⁵³ Homeless and abandoned children are found working on the streets selling newspapers, begging, or working in bazaars.¹³⁵⁴ Children also work on family farms, and parents bring their children to work alongside them in bazaars or markets.¹³⁵⁵ Although the scope of the problem is unknown, local media reports indicate that the prostitution and trafficking of children occurs.¹³⁵⁶

¹³⁵¹ U.S. Embassy–Almaty, unclassified telegram no. 8731, September 2000 [hereinafter unclassified telegram 8731].

¹³⁵² S. Bereshev and J. Windell, *Child Labour in Kazakstan*, report prepared for ILO-IPEC, 19, September 1997 [hereinafter Bereshev and Windell, *Child Labour*]. UNICEF is implementing a public awareness campaign on the rights of the child, in addition to running a major health and education program in Kazakstan, Turkmenistan, and Uzbekistan. See A. Bauer, N. Boschmann, D. Jay Green, and K. Kuehnast, “A Generation at Risk, Children in the Central Asian Republics of Kazakstan and Kyrgyzstan” (Asian Development Bank, April 1998) [hereinafter Bauer et al., “A Generation at Risk”], at 128.

¹³⁵³ The 1999 ILO *Yearbook of Labor Statistics* reported that 0.1 percent of the population between ages 10 and 14 were working. According to the ILO, 1,278 children were working. See ILO, *Yearbook of Labor Statistics, 1999: Kazakhstan* (Geneva, 1999).

¹³⁵⁴ Bauer et al., “A Generation at Risk”, 39 and 108. See also Bereshev and Windell, *Child Labour*, and unclassified telegram 8731.

¹³⁵⁵ Bauer et al., “A Generation at Risk,” at 39.

¹³⁵⁶ A survey of school-age girls in Almaty suggested that prostitution is regarded as an acceptable profession given serious economic problems in the family. See Bauer et al., “A Generation at Risk,” 114-115. Regionally, child prostitution and trafficking for sexual exploitation are of concern, but there are no official reports of such activity. In 2001, the Kazakhstan Today News Agency reported on a medical investigation revealing venereal diseases in children as young as ages 10 to 11, who were confirmed victims of sexual exploitation under the cover of tourism. See Cheryl Eichorn, U.S. Department of State, electronic correspondence to USDOL official, October 23, 2001 [correspondence on file].

School is free and compulsory through the secondary level, from grades one through nine, or up to the age of 14 years, under the Education Law.¹³⁵⁷ In 1996, the gross primary enrollment rate was 97.8 percent.¹³⁵⁸ However, since 1991, government resources for education have declined by over 50 percent. In 1994-95, a lack of funds, mainly for transportation, led to the closure of 558 schools.¹³⁵⁹

Child Labor Laws and Enforcement

The Labor Law sets the minimum age for employment at 14 years during non-school hours with the authorization of a parent or guardian.¹³⁶⁰ Children over the age of 16 years may independently sign work contracts.¹³⁶¹ Children under 18 years old are prohibited from working in dangerous conditions, overtime work, night work, and for excessive hours.¹³⁶² The government has published a list of over 2,000 occupations considered to be harmful or hazardous, and thereby prohibited for children under 18 years old.¹³⁶³ State labor inspectors are responsible for following up on labor-related complaints, conducting random inspections, and levying steep fines for labor law violations, but reports indicate that regulations are inadequately enforced.¹³⁶⁴ The Constitution prohibits forced labor, except upon the sentence of a court or in a state of emergency.¹³⁶⁵ Involving a minor in prostitution, begging, or maintaining a brothel is illegal under the Criminal Code.¹³⁶⁶ Kazakhstan ratified ILO Convention 138 on May 18, 2001, but has not ratified ILO Convention 182.¹³⁶⁷

¹³⁵⁷ Secondary school runs through grade nine, or age 14, at which point high school commences for grades 10 and 11, finishing when students are age 15 or 16. *See* unclassified telegram 8731. *See also* the Constitution of the Republic of Kazakhstan [hereinafter Constitution of the Republic of Kazakhstan], Article 30, at http://www.president.kz/articles/state/state_container.asp?Ing'eng&art'constitution on 10/22/01.

¹³⁵⁸ *World Development Indicators 2001* (Washington, D.C.: World Bank Group, 2001) [CD-ROM].

¹³⁵⁹ Bauer et al., "A Generation at Risk," at 48.

¹³⁶⁰ Bereshev and Windell, Labour Code, Article 210, as cited in *Child Labour*, Appendix IV. *See also* U.S. Embassy–Almaty, unclassified telegram no. 6573, October 2001 [hereinafter unclassified telegram 6573].

¹³⁶¹ Unclassified telegram 6573.

¹³⁶² Children between ages 16 and 18 may not work more than 35 hours per week. Children between ages 15 and 16 (or 14 and 16 years during non-school periods) may not work over 21 hours per week. *See* Labour Code, Articles 211-217, as cited in Bereshev and Windell, *Child Labour*, Appendices III and IV. *See also* unclassified telegram 6573.

¹³⁶³ Bereshev and Windell, *Child Labour*,. *See also* unclassified telegram 6573.

¹³⁶⁴ According to the Administrative and Criminal Codes, fines for violations of labor codes range from 50 MCU (USD 250) to 5,000 MCU (USD 25,000) and/or imprisonment, depending on damages to a worker's health. *See* unclassified telegram 6573. *See also* Bereshev and Windell, *Child Labour*.

¹³⁶⁵ Constitution of the Republic of Kazakhstan at Article 24.

¹³⁶⁶ *Human Rights Report on Trafficking of Women and Children: Kazakhstan*, The Protection Project, at <http://www.protectionproject.org>. *See also* unclassified telegram 8731.

¹³⁶⁷ ILOLEX database: Kazakhstan at <http://ilolex.ilo.ch:1567/english/> on 10/22/01.

NOTE: Hard copies of all Web citations are on file.