

# Kyrgyzstan

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

The Government of Kyrgyzstan has made efforts to improve the educational sector through various national programs. The Asian Development Bank supported the *Bilim* project, which included measures to ensure access to schools among poor populations and rehabilitate school facilities,<sup>1403</sup> and *Araket* and *Jetkincheck* are government education programs that provide school supplies or other educational benefits for low income families.<sup>1404</sup> The IOM, with funding from USAID, is implementing an anti-trafficking program in cooperation with government ministries to raise awareness, educate potential victims, and initiate a preventive action plan.<sup>1405</sup>

## Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Kyrgyzstan are unavailable. Children are reportedly found selling newspapers, cigarettes and candy, washing cars, or working in bazaars.<sup>1406</sup> In southern rural areas, children work in mines; they are pulled out of school to harvest cotton; and during the summer, when school is out, they work on commercial tobacco farms.<sup>1407</sup> Child labor is also found on family farms and in family enterprises such as shepherding or selling products at roadside kiosks.<sup>1408</sup> Children are reported to work as prostitutes in Bishkek, and girls as young as 13 years are trafficked to countries including the United Arab Emirates, Turkey, China, Russia, Germany, and Kazakhstan, to name a few.<sup>1409</sup>

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<sup>1403</sup> 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 120.

<sup>1404</sup> UNESCO, *The Education for All (EFA) 2000 Assessment: Country Reports—Kyrgyz Republic* [hereinafter *EFA 2000 Assessment*] at <http://www2.unesco.org/wef/countryreports/kyrgyz/contents.html> on 10/22/01. See also *Country Reports on Human Rights Practices for 2000—Kyrgyzstan* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=807>.

<sup>1405</sup> "Selected USAID Anti-Trafficking Efforts in Central Europe and the Former Soviet Union," USAID's Women in Development Publications, September 2001, at <http://www.genderreach.com/pubs/trafficking/ee.htm> on 10/23/01.

<sup>1406</sup> *Country Reports 2000*, Section 6d. See also "Kyrgyzstan: IRIN Focus on Street Children in Bishkek," Integrated Regional Information Networks, July 6, 2001 [hereinafter "IRIN Focus on Street Children"], at <http://www.reliefweb.int/IRIN/asia/countrystories/kyrgyzstan/200010706.phtml> on 10/22/01.

<sup>1407</sup> *Country Reports 2000* at Section 6d and UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child, Kyrgyzstan*, CRC/C/15/Add. 127 (Geneva: August 9, 2000) [hereinafter *Concluding Observations*], para. 55. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1996, Kyrgyzstan*, CRC/C/41/Add. 6 (Geneva, December 20, 1999) [hereinafter *Initial Reports of States Parties*], para. 81.

<sup>1408</sup> *Country Reports 2000* at Section 6d.

<sup>1409</sup> "Kyrgyzstan: Poverty Fuels Trafficking in Women and Girls," Integrated Regional Information

The Constitution establishes free and compulsory education up to the secondary level, which is generally completed by the age of 14.<sup>1410</sup> In 1995, the gross primary enrollment rate was 104.1 percent, and the net primary enrollment rate was 94.6 percent.<sup>1411</sup> The current economic crisis and declining family incomes has led to an increase in the number of children who drop out of school and take up work.<sup>1412</sup>

## Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years. However, work may begin at age 14, so long as children obtain the consent of parents or guardians and the work does not interfere with school attendance or pose a threat to their health and development.<sup>1413</sup> The Labor Code prohibits children under 18 years from working overtime hours or at night.<sup>1414</sup> Hazardous work is prohibited for children under 18 years of age.<sup>1415</sup> Both the Constitution and the Labor Law prohibit forced labor.<sup>1416</sup> The Criminal Code prohibits the recruitment of individuals for exploitation, trading or selling of children, and coercion into prostitution.<sup>1417</sup>

According to the IOM, weak legislation and a lack of coordination between government ministries results in the prosecution of few crimes related to the trafficking of people.<sup>1418</sup> Compli

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Networks, February 5, 2001, at <http://www.reliefweb.int/IRIN/asia/countrystories/kyrgyzstan/20010205.phtml> on 10/22/01. IOM, *Trafficking in Women and Children from the Kyrgyz Republic* (Bishkek, November 2000) [hereinafter *Trafficking in Women and Children*]. See also Kubat Otorbaev, "Kyrgyz Sex Trade Flourishes," International Eurasian Institute for Economic and Political Research, June 1, 2001, at [http://www.iicas.org/english/enlibrary/libr\\_04\\_06\\_01kg.htm](http://www.iicas.org/english/enlibrary/libr_04_06_01kg.htm) on 10/23/01.

<sup>1410</sup> *EFA 2000 Assessment*. See also Constitution of the Kyrgyz Republic (February 17, 1996) [hereinafter Constitution of the Kyrgyz Republic], Article 32, at <http://www.kyrgyzinvest.org/en/state/constitution.htm#g12> on 10/22/01.

<sup>1411</sup> *World Development Indicators 2000* (Washington, D.C.: World Bank, 2000) [CD-ROM].

<sup>1412</sup> *Concluding Observations* at para. 55.

<sup>1413</sup> Labor Code of the Kyrgyz Republic (September 18, 1997) [hereinafter Labor Code], Article 317, at [http://www.kyrgyzinvest.org/en/state/legal\\_e\\_lrt\\_lc.htm](http://www.kyrgyzinvest.org/en/state/legal_e_lrt_lc.htm) on 10/22/01.

<sup>1414</sup> Labor Code at Article 321. See also *Initial Reports of States Parties* at para. 262.

<sup>1415</sup> Article 319 prohibits "labor of persons under 18 years of age on hard works, works with harmful for health and/or dangerous labor conditions, underground works or work undermining their proper moral development (casino business, night clubs, and production, transportation and marketing of alcohol, tobacco, narcotic and toxic products)." See Labor Code at Article 319.

<sup>1416</sup> In both texts, forced labor is prohibited except in cases of war, natural disaster, epidemic, or other extraordinary circumstances, as well as upon sentence by the court. See Labor Code at Article 12. See also Constitution of the Kyrgyz Republic at Article 28.

<sup>1417</sup> Criminal Code of the Kyrgyz Republic (September 18, 1997), Articles 124, 159, 260, as cited in IOM, *Trafficking in Women and Children from the Kyrgyz Republic* (Bishek, November, 2000) [hereinafter *Trafficking in Women and Children*], 59. See also *Initial Reports of States Parties* at paras. 270-273.

<sup>1418</sup> *Trafficking in Women and Children*.

ance with labor legislation is monitored by state health agencies, trade unions, government departments, and commissions for minors.<sup>1419</sup> The Government of Kyrgyzstan ratified ILO Convention 138 on March 31, 1992, but has not ratified ILO Convention 182.<sup>1420</sup>

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<sup>1419</sup> Labor Code at Article 321. See also *Initial Reports of States Parties* at para. 262.

<sup>1420</sup> ILOLEX database: Kyrgyzstan at <http://ilolex.ilo.ch:1567/english/> on 10/22/01.

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