

Kazakhstan

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

The Government of Kazakhstan is an associated country of ILO-IPEC.¹⁹²⁹ The National Commission for Women's and Family Issues is leading efforts to combat trafficking of women and girls in Kazakhstan.¹⁹³⁰ With funding from USAID, IOM is implementing an anti-trafficking program in cooperation with government ministries that aims to raise awareness and develop a preventative action plan for the country.¹⁹³¹

It is mandated that Universal Compulsory Secondary Education Funds be established at schools in Kazakhstan in order to pay for education expenses, including clothes, shoes, textbooks, training aids, and school meals. The funds are provided by local governments and private sources (such as sponsorships) and total no less than 1 percent of the schools' current operational budgets, and are used to support needy and secondary school students.¹⁹³² Local education bodies also provide regular reports on the progress toward the goal of universal education.¹⁹³³ International organizations, such as UNICEF and UNESCO, also have implemented programs aimed at improving the country's education system.¹⁹³⁴

Incidence and Nature of Child Labor

The 1999 ILO Yearbook of Labor Statistics reported that 0.1 percent of children ages 10 to 14 years in Kazakhstan were working.¹⁹³⁵ However, in 1996, a national household survey on living standards found that 31.1 percent of children ages 7 to 14 were working or working and studying.

¹⁹²⁹ ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2002* (Geneva: ILO, 2002), 16.

¹⁹³⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Kazakhstan*, Washington, D.C., March 4, 2002, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8275.htm>.

¹⁹³¹ Other participating organizations include businesses and NGOs. See USAID, *Selected USAID Anti-Trafficking Efforts in Central Europe and the Former Soviet Union*, (USAID's Women in Development Publications), September 2001 [cited November 15, 2002]; available from <http://www.genderreach.com/pubs/trafficking/ee.htm>.

¹⁹³² Resolution #812 on Measures to Promote Further Reforms of Secondary Education System of the Republic of Kazakhstan, August 28, 1998 as cited in UNESCO, *Education for All 2000 Assessment: Country Report - Kazakhstan*, prepared by Ministry of Health, Education, and Sports, pursuant to UN General Assembly Resolution 52/84, 2000; available from <http://www2.unesco.org/wef/countryreports/kazakhstan/contents.html>.

¹⁹³³ Ibid.

¹⁹³⁴ Dr. Serikzhan H. Bereshev and James G. Windell, *Child Labour in Kazakhstan*, A report prepared for ILO-IPEC, ILO, Geneva, September 1997., 19. See also USAID, *Kazakhstan*, [online] 2002 [cited November 16, 2002]; available from <http://www.usaid.gov/country/ee/kz/#tup>. UNICEF is implementing a public awareness campaign on the rights of the child, in addition to running a major health and education program in Kazakhstan, 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 Kazakhstan and Kyrgyzstan* (Asian Development Bank, 1998), 128.

¹⁹³⁵ ILO, *Yearbook of Labor Statistics: Kazakhstan*, Geneva, 1999.

The survey also found that a higher percentage of children in Central Kazakhstan work without attending school than in other regions of the country.¹⁹³⁶ Educators interviewed for the ILO-IPEC Child Labor Survey in Kazakhstan estimate that over one-half of all children participate in labor activities at some time during their childhood.¹⁹³⁷

Children in rural areas work in agriculture, generally on family farms.¹⁹³⁸ Children in urban areas, including many homeless and abandoned children, can be found working at gas stations selling newspapers, magazines and other goods, wiping windshields and cleaning cars, conducting buses, loading and unloading goods, and begging and working in bazaars and small businesses, often alongside their parents.¹⁹³⁹ Although the scope of the problem is unknown, local media reports indicate that child prostitution is a problem in Kazakhstan.¹⁹⁴⁰ There are also reports that children are sold or pawned by parents or guardians.¹⁹⁴¹ Kazakhstan is reported to be a source country for trafficking in children to the United Arab Emirates, Greece, Turkey, Israel, and South Korea.¹⁹⁴² There are some reports that Kazakhstan is a destination country for trafficking in children.¹⁹⁴³

Under the Education Law, school is free and compulsory through grade nine or up to the age of 16 years.¹⁹⁴⁴ In 1998, the gross primary enrollment rate was 97 percent.¹⁹⁴⁵ In 1995, the gross and net primary attendance rates were 116.9 and 90.1 percent, respectively.¹⁹⁴⁶ However, since 1991, government resources for education have declined by over 50 percent.¹⁹⁴⁷ In 1994-1995, a lack of funds, mainly for transportation and heat, led to the closure of numerous primary schools and pre-schools.¹⁹⁴⁸

¹⁹³⁶ Understanding Children's Work: An Inter-Agency Research Cooperation Project at Innocenti Research Center, *Kazakhstan Living Standards Survey*, [online] [cited September 18, 2002]; available from http://www.ucw-project.org/cgi-bin/ucw/Survey/Main.sql?come=Tab_Country_Res.sql&ID_SURVEY=1095.

¹⁹³⁷ Bereshev and Windell, *Child Labour in Kazakhstan*, 3.

¹⁹³⁸ Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 39. See also U.S. Embassy - Almaty, unclassified telegram, no. 6573, October 2001.

¹⁹³⁹ Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 39, 108. See also Bereshev and Windell, *Child Labour in Kazakhstan*, 3.

¹⁹⁴⁰ A survey of school-age girls in Almaty suggests that prostitution is regarded as an acceptable profession given serious family economic problems. See Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 114-115.

¹⁹⁴¹ *Ibid.*, 108.

¹⁹⁴² U.S. Department of State, *Country Reports- 2001: Kazakhstan*, Section 6f.

¹⁹⁴³ *Ibid.* See also U.S. Department of State official, electronic communication to USDOL official, February 2003.

¹⁹⁴⁴ Students may begin technical training at grade 9. See U.S. Department of State, *Country Reports- 2001: Kazakhstan*, at Section 5.

¹⁹⁴⁵ *World Development Indicators 2002* [CD ROM], Washington DC, 2002.

¹⁹⁴⁶ USAID, *Demographic Health Survey 2002*.

¹⁹⁴⁷ Bereshev and Windell, *Child Labour in Kazakhstan*, 18. In 1990, 24.5 percent of the budget expenditures and 5.7 percent of GDP were spent on education. In 1998, percentages for budget expenditures and GDP were 11.2 and 3.0 respectively. See UNESCO, *Education for All 2000 Assessment*.

¹⁹⁴⁸ Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 46, 48. See also Bereshev and Windell, *Child Labour in Kazakhstan*, 19.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years with parental consent and providing that the work does not interfere with school attendance or pose a health threat.¹⁹⁴⁹ Children 16 years and older may independently sign work contracts.¹⁹⁵⁰ Children under 18 years are prohibited from working in dangerous conditions, overtime or at night.¹⁹⁵¹

The Ministry of Labor is responsible for enforcing child labor laws.¹⁹⁵² State labor inspectors are responsible for following up on labor-related complaints, conducting random inspections and levying steep fines for labor law violations.¹⁹⁵³ However, reports indicate that regulations are inadequately enforced.¹⁹⁵⁴ The Constitution prohibits forced labor, except under a court mandate or in a state of emergency.¹⁹⁵⁵ Involving a minor in prostitution, begging or gambling is illegal under the Criminal Code and punishable by up to three years imprisonment.¹⁹⁵⁶ Trafficking of children is prohibited.¹⁹⁵⁷

The Government of Kazakhstan ratified ILO Convention 138 on May 18, 2001 and ratified ILO Convention 182 on February 26, 2003.¹⁹⁵⁸

¹⁹⁴⁹ The Government of Kazakhstan, *Labour Law of the Republic of Kazakhstan*, 1999; available from <http://natlex.ilo.org/txt/E99KAZ01.htm>., Section 11, no. 3.

¹⁹⁵⁰ *Ibid.*, Section 11, no. 1.

¹⁹⁵¹ Children between ages 16 and 18 may not work more than 36 hours per week. Children between ages 15 and 16 (or 14 and 16 years during non-school periods) may not work over 24 hours per week. *Ibid.*, Section 46-49.

¹⁹⁵² U.S. Department of State, *Country Reports- 2001: Kazakhstan.*, Section 6d

¹⁹⁵³ The Administrative Code gives inspectors the authority to fine individuals guilty of violating labor legislation. However, the Criminal Code give the Prosecutors Office responsibility for prosecuting cases in which child labor is used illegally. The Criminal Code imposes fines of up to USD 25,000 (3,675,000 tenge) and two years imprisonment for employing a child under unhealthy or injurious conditions. See U.S. Embassy - Almaty, *unclassified telegram no. 6573*. See also U.S. Department of State, *Country Reports- 2001: Kazakhstan.*, Section 6d.

¹⁹⁵⁴ Bereshev and Windell, *Child Labour in Kazakhstan.*, 18

¹⁹⁵⁵ Government of Kazakhstan, *The Constitution of the Republic of Kazakhstan*; available from http://www.president.kz/articles/state/state_container.asp?Ing=eng&art=constitution., Article 24. See also The Government of Kazakhstan, *Labour Law.*, Section 6

¹⁹⁵⁶ Article 201 in the Criminal Code cited in The Protection Project, *Human Rights Report on Trafficking of Women and Children: Kazakhstan*, [online] [cited September 18, 2002]; available from <http://www.protectionproject.org>.

¹⁹⁵⁷ U.S. Department of State, *Trafficking in Persons Report- 2002: Kazakhstan*, Washington, D.C., June 5, 2002; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/>.

¹⁹⁵⁸ ILOLEX, *Database on International Labour Standards: Kazakhstan - Ratifications*, [online] 2002 [cited September 20, 2002]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>..