

Kyrgyzstan

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

The Government of Kyrgyzstan is an associated country of ILO-IPEC.²⁰⁰⁸ With funding from USAID, IOM is cooperating with the government to implement an anti-trafficking program that aims to raise awareness and develop a preventative action plan for the country.²⁰⁰⁹ Kyrgyzstan President Akayev signed the National Anti-Trafficking Plan on July 11, 2002.²⁰¹⁰

The government has recently set up an organization called New Generation, composed of international and national organizations, to focus on child welfare issues.²⁰¹¹ The Center for Child Protection established in 1998 by the “Children in Risk” organization cooperates with the Ministry of Education, Science and Culture, the Department of Employment and the Mayor of Bishkek to address child labor issues. The Center provides a safe house for homeless children, a medical program, a food program, and a professional orientation program to teach children involved in low-skilled work a trade.²⁰¹² The Center for Social Adaption, supported by Norwegian and UNDP funds, cares for homeless, abused and neglected children.²⁰¹³

²⁰⁰⁸ ILO-IPEC, *All About IPEC: Programme Countries*, [online] 2002 [cited October 4, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm. In 2001, ILO-IPEC conducted a study on child labor in Kyrgyzstan. See ILO-IPEC, *Child Labor in Kyrgyzstan: An initial study*, draft working paper, Bishkek, 2001, 8.

²⁰⁰⁹ Other participating organizations include businesses and NGOs. USAID, *Trafficking in Persons, USAID's Response*, USAID's Office of Women in Development, Washington, D.C., September 2001, [cited December 27, 2002]; available from <http://www.genderreach.com/pubs/trafficking/ee.htm>.

²⁰¹⁰ US Embassy- Bishkek, *unclassified telegram no. 1425*, September 2002.

²⁰¹¹ Education to Combat Abusive Child Labor, *Child Labor Country Briefs: Kyrgyzstan*, [online] January 15, 2002 [cited November 15, 2002], 4; available from <http://www.beps.net/ChildLabor/Database.htm>.

²⁰¹² “Children in Risk” is supported by the Holland Interchurch Aid and Interchurch Organization for Partnership Development. See ILO-IPEC, *Child Labor in Kyrgyzstan*, 36.

²⁰¹³ Education to Combat Abusive Child Labor, *Child Labor Briefs*, 4. The Youth Human Rights Group focuses on eradicating youth illiteracy through legislative efforts. See ILO-IPEC, *Child Labor in Kyrgyzstan*, 36. The Kyrgyz Children's Fund also monitors the situation of children in the country and advocates on their behalf. See U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Kyrgyz Republic*, Washington D.C., March 4, 2002, 1573-76, Section 5 [cited December 27, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8276.htm>.

The Government of Kyrgyzstan has made efforts to improve the educational sector through various national programs.²⁰¹⁴ Araket²⁰¹⁵ and Jetkincheck²⁰¹⁶ are national education programs that provide school supplies or other educational benefits for low-income families. The Ministry of Education, Science and Culture has taken steps to improve access to education by providing financial assistance and transportation to schools.²⁰¹⁷ In addition, the ADB supported the National Education Training Program (Bilim) project, which included measures to ensure access to schools among poor populations, restructure curricula, recruit and retain teachers, decentralize the education system, and rehabilitate school facilities.²⁰¹⁸

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Kyrgyzstan are unavailable. However, 5,000 to 7,000 children are estimated to be living and working on the streets.²⁰¹⁹ Some of the common occupations in which children are engaged include selling goods (newspapers, cigarettes and candy), transportation (loading and unloading goods), collection (aluminum and bottles), begging, cleaning and repairing shoes, washing cars, agriculture, and prostitution.²⁰²⁰ In southern rural areas, children work in mines. Children are also reported to be pulled out of school to harvest cotton. During the summer, when school is out, they work on commercial tobacco farms.²⁰²¹ Some schools have also reportedly required students to participate in the tobacco

²⁰¹⁴ NGOs also work in education issues. 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, April 1998, 120. See also ILO-IPEC, *Child Labor in Kyrgyzstan*, 33.

²⁰¹⁵ *Araket* aims to improve the economy, eliminate poverty, and advance education. See UNESCO, *Education for All 2000 Assessment: Country Reports-Kyrgyz Republic*, prepared by Ministry of Education, Science, and Culture, pursuant to UN General Assembly Resolution 52/84, 1999, [cited December 27, 2002]; available from <http://www2.unesco.org/wef/countryreports/kyrgyz/contents.html>.

²⁰¹⁶ *Jetkincheck* focuses on education problems in schools and increasing attendance. See ILO-IPEC, *Child Labor in Kyrgyzstan*, 34. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1573-76, Section 5.

²⁰¹⁷ Assistance targeted students in the Chuim Jalal-Abad, and Issuk oblasts. See ILO-IPEC, *Child Labor in Kyrgyzstan*, 34.

²⁰¹⁸ Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 120. See also ILO-IPEC, *Child Labor in Kyrgyzstan*, 33.

²⁰¹⁹ ILO-IPEC, *Child Labor in Kyrgyzstan*, 6.

²⁰²⁰ *Ibid.*, 14. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d. See also Integrated Regional Information Networks, "Kyrgyzstan: IRIN Focus on Street Children in Bishkek", IRINnews.org, July 6, 2001, [cited December 27, 2002]; available from http://www.irinnews.org/report.asp?ReportID=9234&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN.

²⁰²¹ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child, Kyrgyzstan*, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, CRC/C/15/Add.127, Geneva, August 9, 2000, para. 55. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1996*, CRC/C/41/Add.6, prepared by Government of Kyrgyzstan, pursuant to Article 44 of the Convention on the Rights of the Child, December 20, 1999, para. 81.

harvest on fields located on school grounds.²⁰²² Children are also found working on family farms and in family enterprises such as shepherding or selling products at roadside kiosks.²⁰²³

Kyrgyzstan is primarily considered to be a country of origin and transit for the trafficking of children.²⁰²⁴ Children are reported to work as prostitutes in Bishkek, and girls as young as 13 years are trafficked to countries such as the United Arab Emirates, Turkey, China, Russia, Germany, and Kazakhstan.²⁰²⁵ The Islamic Movement of Uzbekistan is rumored to recruit boys under 18 and the 1999 incursions into Kyrgyzstan, allegedly by Islamic Movement supporters, may have involved child soldiers.²⁰²⁶

The Constitution establishes free and compulsory education up to the secondary level, which is generally completed by the age of 14.²⁰²⁷ However, residence registration limits access to social services, including education for refugees, migrants, internally displaced persons, and non-citizens.²⁰²⁸ In 1998, the gross primary enrollment rate was 103.9 percent, and the net primary enrollment rate was 85.0 percent.²⁰²⁹ Primary school attendance rates are unavailable for Kyrgyzstan. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²⁰³⁰ The current economic crisis and declining

²⁰²² Proceeds from the harvest are collected by the schools and do not go to the children. See U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6c. Students sometimes participate in labor training classes involving cleaning and collecting waste. "Subbotnics" (labor days) are also arranged in city areas. See UN Committee on the Rights of the Child, *NGO Commentaries to the Initial Report of the Kyrgyz Republic on the UN Convention on the Rights of the Child*, 27 [cited January 2, 2003]; available from <http://www.crin.org/docs/resources/treaties/crc.24/kyrgystanNGOreport.doc>.

²⁰²³ Families tend to be large and consider it necessary for children to begin work at a young age to support their families. See U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d.

²⁰²⁴ U.S. Department of State, *Trafficking in Persons Report- 2002: Kyrgyzstan*, Washington, D.C., June 5, 2002, 67 [cited December 27, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6f.

²⁰²⁵ Girls as young as 10 from poor mountain villages are drawn into prostitution. See U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6f. See also IOM, *Trafficking in Women and Children from the Kyrgyz Republic*, Bishkek, November 2000. See also Kubat Otorbaev, *Kyrgyz Sex Trade Flourishes*, International Eurasian Institute for Economic and Political Research, June 1, 2001, [cited October 23, 2001]; available from http://iicas.org/english/enlibrary/libr_04_06_01kg.htm. See also Integrated Regional Information Networks, "Kyrgyzstan: Poverty Fuels Trafficking in Women and Girls", February 5, 2001, [cited January 2, 2003]; available from http://www.irinnews.org/report.asp?ReportID=1759&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN.

²⁰²⁶ Coalition to Stop the Use of Child Soldiers, "Kyrgyzstan," in *Global Report 2001*, 2002, [cited January 2, 2003]; available from <http://library.amnesty.it/cs/childsoldiers.nsf/ffffdbd058ae1d99d80256adc005c2bb8/657e305c7e2eb4d680256b1e0042b11c?OpenDocument&Highlight=0,Kazakhstan>.

²⁰²⁷ UNESCO, *EFA 2000 Report: Kyrgyz Republic*. See also Government of Kyrgyzstan, *Constitution*, (February 17, 1996), Article 32, [cited October 4, 2002]; available from <http://www.kyrgyzinvest.org/en/state/constitution.htm#gl2>.

²⁰²⁸ U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1573-76, Section 5.

²⁰²⁹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington D.C., 2002.

²⁰³⁰ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

family incomes have led to an increase in the number of children who drop out of school and take up work.²⁰³¹ Students who have stayed in school have had to pay administrative fees.²⁰³²

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16. Children aged 14 years may work with parental consent, providing the work does not interfere with school attendance or pose a threat to the child's health and development.²⁰³³ The Labor Code prohibits children under 18 years from working overtime hours or at night.²⁰³⁴ Hazardous work is also prohibited for children under 18 years.²⁰³⁵ The penalty for preventing a child from attending school ranges from a public reprimand to one year of forced labor.²⁰³⁶ Both the Constitution and the Labor Law prohibit forced labor under most circumstances.²⁰³⁷

Unfortunately, aspects of the Labor Code are contradictory.²⁰³⁸ There are also many omissions and gaps pertaining to definitions of unhealthy and dangerous work.²⁰³⁹ The lack of national policy on child labor has resulted in few administrative structures to monitor child labor.²⁰⁴⁰ Ideally, compliance with labor legislation is monitored by state health agencies, trade unions, government

²⁰³¹ UN Committee on the Rights of the Child, *Concluding Observations*, para. 55.

²⁰³² U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1573-76, Section 5.

²⁰³³ Government of Kyrgyzstan, *Labor Code*, (1997), Article 317 [cited October 4, 2002]; available from http://www.kyrgyzinvest.org/en/state/legal_e_lrt_lc.htm. National legislation on child labor is guided by the ILO Minimum Age Convention 1973 and the Convention on the Rights of the Child. However, transforming international policy into national policy has been a slow process. See ILO-IPEC, *Child Labor in Kyrgyzstan*, 32.

²⁰³⁴ *Labor Code*, 1997, Article 325. See also UN Committee on the Rights of the Child, *Initial Reports of States Parties: Kyrgyzstan*, para. 262.

²⁰³⁵ 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*, 1997, Article 319.

²⁰³⁶ U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1573-76, Section 5.

²⁰³⁷ 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*, 1997, Article 12. See also *Constitution*, 1996, Article 28.

²⁰³⁸ Article 285 sets the age for employment in morally and physically dangerous work at 21. However, Article 319 prohibits youth under 18 from engaging in such work. The Labor Code allow children between the ages of 14 and 16 to perform strenuous work with parental consent. However, minors under the age of 18 cannot work underground. See U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d.

²⁰³⁹ ILO-IPEC, *Child Labor in Kyrgyzstan*, 33. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d.

²⁰⁴⁰ The State Commission for Family, Women and Youth Affairs, responsible for coordination and implementing state policy addressing the needs of children and youth, and the Commission for Under-age Youth Affairs responsible for protecting children rights, do not deal with working children. The Ministry of Labor and Social Protection has no basis for the regulation of child labor because no contracts for under age children exist. See ILO-IPEC, *Child Labor in Kyrgyzstan*, 35. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d.

departments (including the Prosecutor's Office and the State Labor Inspectorate), and commissions for minors.²⁰⁴¹ The Prosecutor's Office and the State Labor Inspectorate are responsible for enforcing labor laws. Given resource constraints, however, the government does not enforce child labor laws adequately.²⁰⁴² There are 700 to 800 child inspectors in the country assigned to protect child welfare. Abandoned and orphaned children are typically considered to be a law enforcement problem due to the absence of a well-established tradition of social welfare.²⁰⁴³

Trafficking is not specifically prohibited by law, although the Criminal Code forbids the recruitment of individuals for exploitation, the trading or selling of children, and coercion into prostitution.²⁰⁴⁴ According to IOM, weak legislation and a lack of coordination between government ministries results in the prosecution of few crimes related to the trafficking of people.²⁰⁴⁵

The Government of Kyrgyzstan ratified ILO Convention 138 on March 31, 1992 but has not ratified ILO Convention 182.²⁰⁴⁶

²⁰⁴¹ UN Committee on the Rights of the Child, *Initial Reports of States Parties: Kyrgyzstan*, para. 262.

²⁰⁴² U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6d.

²⁰⁴³ Children living and working on the streets are frequently rounded up in sweeps and institutionalized. *Ibid.*, Section 5.

²⁰⁴⁴ Government of the Kyrgyz Republic, 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*, 59. See also U.S. Department of State, *Trafficking in Persons Report: Kyrgyzstan*, 67. See also U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6f.

²⁰⁴⁵ IOM, *Trafficking in Women and Children from the Kyrgyz Republic*, 29. Government agencies involved in anti-trafficking include: the Ministry of Foreign Affairs, the Ministry of Interior, the National Security Service, the Ministry of Health, the State Procurator's Department, the State Agency of Migration and the State Committee for Tourism, Sport and Youth policy. See U.S. Department of State, *Country Report- 2001: Kyrgyz Republic*, 1576-79, Section 6f. See also U.S. Department of State, *Trafficking in Persons Report: Kyrgyzstan*, 67.

²⁰⁴⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 16, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.