

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

On July 31, 2000, the Government of Kazakhstan created a Council for Children's Matters to analyze youth issues and offer policy advice.²³³⁷ A Presidential decree titled the "Outline of Children's Rights" also sets up special units among internal affairs authorities focusing on the affairs of minors. These special units deal specifically with child crime and the protection of the rights, interests, and freedoms of minors.²³³⁸ The National Commission for Women's and Family Issues and the Prosecutor General are leading efforts to combat trafficking of women and girls in Kazakhstan.²³³⁹ The Commission has joined with the Gender Crimes Unit of the Ministry of the Interior to conduct research on trafficking, and Commission representatives have engaged in some preventative activities.²³⁴⁰ With funding from USAID, IOM is implementing an anti-trafficking program in cooperation with government ministries. The program aims to raise awareness and develop a preventative action plan for the country.²³⁴¹

The Ministry of Education and Science has joined with local representatives and law enforcement agencies to conduct regular searches for school truants and provide services for children in need.²³⁴² The government provides free textbooks to children from large families, children who receive social assistance, and disabled, orphaned, and institutionalized children.²³⁴³ The ADB has approved two technical assistance grants of USD 600,000 to prepare a childhood development project and strengthen the education sector development strategy for the Government of Kazakhstan.²³⁴⁴ International organizations, such as UNICEF and UNESCO, have also implemented programs aimed at improving the country's education system.²³⁴⁵

²³³⁷ USAID, *Global Education Database 2000* [CD-ROM], Washington, D.C., 2000. The Council is also referred to as the Council for Youth Affairs. It is comprised of representatives from children's and young people's voluntary organizations. See The Government of Kazakhstan, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention of the Rights of the Child*, United Nations, Geneva, September 24, 2002, para 21.

²³³⁸ UN Committee on the Rights of the Child, *Initial Reports of States Parties due in 1996: Kazakhstan*, prepared by The Republic of Kazakhstan, pursuant to Article 44 of the Convention on the Rights of the Child, September 24, 2002.

²³³⁹ The Law Enforcement Coordinating Council is working on anti-trafficking strategies. See U.S. Department of State, *Trafficking in Persons Report- 2003: Kazakhstan*, online, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>. The government has partnered with NGOs to support the training of judges, prosecutors, and law enforcement employees on how to process trafficking cases. The government has also cooperated with NGOs to conduct trafficking prevention programs. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Kazakhstan*, online, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18374pf.htm>.

²³⁴⁰ U.S. Department of State, *Trafficking in Persons Report- 2003: Kazakhstan*.

²³⁴¹ Other participating organizations include businesses and NGOs. See USAID, *Selected USAID Anti-Trafficking Efforts in Central Europe and the Former Soviet Union*, in USAID's Women in Development Publications, [online database] September 2001 [cited August 15, 2003]; available from <http://www.genderreach.com/pubs/trafficking/ee.htm>. See also U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6f.

²³⁴² The Ministry of the Economy and the Ministry of Internal Affairs have set up a process and criteria for registering school age youth. See The Government of Kazakhstan, *Consideration of Reports*, paras. 274-75.

²³⁴³ *Ibid.*, para. 281.

²³⁴⁴ ADB, *Promoting Childhood Development in Kazakhstan*, in ADB, [database online] December 21, 2001 [cited August 27, 2003]; available from <http://www.adb.org/Documents/News/2001/nr2001212.asp>. See also ADB, *Updating Kazakhstan's Education Sector Strategy*, in ADB, [database online] January 2, 2003 [cited August 27, 2003]; available from <http://www.adb.org/Documents/News/2003/nr2003001.asp>.

²³⁴⁵ Dr. Serikzhan, H. Bereshev, and James G. Windell, *Child Labour in Kazakhstan*, ILO-IPEC, Geneva, September 1997., 19. See also UNESCO, *Education*, in UNESCO-Primary Education, [online database] 2001 [cited August 27, 2003]; available from http://www.unesco.org/education/primary/nat_activities.shtml.

Incidence and Nature of Child Labor

Recent statistics on working children under the age of 15 are unavailable.²³⁴⁶ However, 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.²³⁴⁷

Child labor tends to occur mostly in rural areas during harvest time, when children are employed in agriculture.²³⁴⁸ However, growth in the informal sector has led to increases in the involvement of young people in unregulated employment in urban areas.²³⁴⁹ Children in cities, 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.²³⁵⁰ Although the scope of the problem is unknown, local media reports indicate that child prostitution is a problem in Kazakhstan.²³⁵¹ There are also reports that children are sold or pawned by parents or guardians.²³⁵² Kazakhstan is reported to be a source country for trafficking in children (mainly teenage girls) to the United Arab Emirates, Greece, Turkey, Israel, South Korea, Cyprus, France, Italy, Portugal, Switzerland, Belgium, and Albania.²³⁵³ There are some reports that Kazakhstan is also a destination country for trafficking in children.²³⁵⁴

Under the Constitution and the Education Act, school is free and compulsory through grade 9 or up to the age of 16 years.²³⁵⁵ The Government also provides free secondary vocational and higher vocational education as well as

²³⁴⁶ National Labor Force surveys carried out by the Kazakhstan government do not collect employment statistics on children under 15 years. See ILO, *Laborsta*, in Laborsta, [online database] 2000 [cited August 22, 2003]; available from <http://laborsta.ilo.org>. In 1996, a national household survey on living standards found that 31.1 percent of children ages 7 to 14 were working only or working and studying in Kazakhstan. The survey also found that a higher percentage of children in Central Kazakhstan work without attending school than in other regions of the country. See 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.

²³⁴⁷ Dr. Serikzhan, Bereshev, and Windell, *Child Labour in Kazakhstan*, 3.

²³⁴⁸ Children tend to work in agriculture on family farms. 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* (ADB, 1998), 39. See also U.S. Embassy - Almaty, unclassified telegram, no. 6573, October 2001. See also "Kazakhstan: Economic Freedom," *Kazakh Service* (2003).

²³⁴⁹ The Government of Kazakhstan, *Consideration of Reports*, para. 345.

²³⁵⁰ Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 39, 108. See also Dr. Serikzhan, Bereshev, and Windell, *Child Labour in Kazakhstan*, 3.

²³⁵¹ 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*, 114-15. The Kazakhstan Today News Agency reported that a medical investigation conducted in several cities including Almaty discovered children as young as 10 suffering from sexually transmitted diseases as a result of being sexually abused by tourists. See Cheryl Eichorn, electronic communication to USDOL official, October 23, 2001.

²³⁵² Bauer, Boschmann, Green, and Kuehnast, *A Generation at Risk*, 108.

²³⁵³ Travel, employment and marriage agencies lured girls into trafficking with promises of good jobs or marriage abroad. See U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6f.

²³⁵⁴ Children were trafficked from the Kyrgyz Republic, Uzbekistan, and Tajikistan. See *Ibid.* See also U.S. Department of State official, electronic communication to USDOL official, February 2003.

²³⁵⁵ Students may begin technical training at grade 9. See U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 5.

free and compulsory preparation classes for children aged 5 and 6 years.²³⁵⁶ In 2000, the gross primary enrollment rate was 98.8 percent. In the same year, the net primary enrollment rate was 88.7 percent.²³⁵⁷ Primary school attendance rates are unavailable for Kazakhstan. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²³⁵⁸ The number of children enrolled in preschool grew by 10,500 in the year 2000, while the percentage of children enrolled in kindergarten increased by 2.1 percent.²³⁵⁹ However, government resources for education have declined by over 50 percent in the last decade.²³⁶⁰

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years with parental consent, providing that the work does not interfere with school attendance or pose a health threat.²³⁶¹ Children 16 years and older may independently sign work contracts.²³⁶² Children under 18 years are prohibited from working in dangerous conditions, overtime, or at night.²³⁶³ Children between the ages of 14 and 16 may not work more than 24 hours per week. Children between 16 and 18 may not work more than 36 hours per week.²³⁶⁴ The Constitution prohibits forced labor, except under a court mandate or in a state of emergency.²³⁶⁵ The Criminal Code was expanded in 1997 to include an article establishing penalties for the sale or purchase of minors.²³⁶⁶

Although the Code of Administrative Offences criminalizes the involvement of minors in the creation of pornographic products, there are no special prohibitions against involving children in the storage or distribution of sexual products or the use of images of minors for sexual purposes.²³⁶⁷ There are no specific laws prohibiting

²³⁵⁶ The Government of Kazakhstan, *Consideration of Reports*, points 257 and 67. 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, text books, training aids, and school meals for needy students. 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. See 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 Sports, pursuant to UN General Assembly Resolution 52/84, 2000; available from <http://www2.unesco.org/wef/countryreports/kazakhstan/contents.html>.

²³⁵⁷ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

²³⁵⁸ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

²³⁵⁹ The Government of Kazakhstan, *Consideration of Reports*, para. 263.

²³⁶⁰ 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*. See also Dr. Serikzhan, Bereshev, and Windell, *Child Labour in Kazakhstan*, 18.

²³⁶¹ The Government of Kazakhstan, *Labour Law of the Republic of Kazakhstan*, in force January 2000 1999; available from <http://natlex.ilo.org/txt/E99KAZ01.htm>, Section 11, no. 3.

²³⁶² *Ibid.*, Section 11, no. 1.

²³⁶³ Children between ages 16 and 18 years may not work more than 36 hours per week. Children between ages 15 and 16 years (or 14 and 16 years during non-school periods) may not work over 24 hours per week. See *Ibid.*, Sections 46-49.

²³⁶⁴ The Government of Kazakhstan, *Consideration of Reports*, para. 343.

²³⁶⁵ Government of Kazakhstan, *The Constitution of the Republic of Kazakhstan*, Article 24. See also The Government of Kazakhstan, "Labour Law", Section 6

See also The Government of Kazakhstan, *Labour Law*, Section 6.

²³⁶⁶ Aggravating circumstances include: engaging in the same act with two or more minors, selling body parts, and sale by a group of persons or by a person in a position of authority, in conjunction with trafficking or inciting the youth to commit immoral acts. See The Government of Kazakhstan, *Consideration of Reports*, para. 358. See also U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6f.

²³⁶⁷ The Government of Kazakhstan, *Consideration of Reports*, para. 355.

prostitution.²³⁶⁸ However, procuring a minor to engage in prostitution, begging, or gambling is illegal under the Criminal Code and punishable by up to 5 years imprisonment, or 8 years if the minor is trafficked abroad.²³⁶⁹ Article 330 of the Criminal Code criminalizes organized illegal migration, including the trafficking of minors across borders.²³⁷⁰ On May 15, 2003, Parliament approved amendments to the Code intended to strengthen its anti-trafficking campaign.²³⁷¹

The Ministry of Labor is responsible for enforcing child labor laws.²³⁷² However, reports indicate that regulations are inadequately enforced.²³⁷³

The Government of Kazakhstan ratified ILO Convention 138 on May 18, 2001 and ratified ILO Convention 182 on February 26, 2003.²³⁷⁴

²³⁶⁸ U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6f.

²³⁶⁹ *Criminal Code of the Kazakh Republic*, Articles 102, 03, 28, 201 and 15 available from <http://209.190.246.239/protectionproject/statutesPDF/KazakhstanFinal.pdf>. See also U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6f.

²³⁷⁰ U.S. Department of State, *Trafficking in Persons Report- 2003: Kazakhstan*. See also U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6f.

²³⁷¹ The amendments expand the law to cover the trafficking of persons from countries other than Kazakhstan for purposes of sexual or other forms of exploitation. They impose sentences of up to 4 years. See “Human Trafficking Criminalized in Kazakhstan”, [Legislationline.org](http://www.legislationline.org/), [online], May 19, 2003 [cited August 27, 2003]; available from <http://www.legislationline.org/news.php?topic=0&country=42&iorg=0&month=0&year=2003>. See also U.S. Embassy- Almaty, *unclassified telegram no. 2526*, May 2003.

²³⁷² U.S. Department of State, *Country Reports- 2002: Kazakhstan*, Section 6d.

²³⁷³ Dr. Serikzhan, Bereshev, and Windell, *Child Labour in Kazakhstan*, 18.

²³⁷⁴ ILO, *Ratifications by Country*, in ILOLEX, [online database] [cited August 20, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.