

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

The Government of Kyrgyzstan is an associated country of ILO-IPEC.²⁴⁴³ The Ministry of Education, Science, and Culture, the Department of Employment, and the Mayor of Bishkek cooperate with the Center for Child Protection established in 1998 by the “Children in Risk” organization 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.²⁴⁴⁴ In 2002, the government collaborated with trade unions, NGOs, and the ILO to hold conferences in an attempt to raise awareness about child labor.²⁴⁴⁵ With funding from USAID in 2001, IOM began cooperating with the government to implement an anti-trafficking program that aims to raise awareness about the issue in the country.²⁴⁴⁶ The program also contributed to the development of the National Anti-Trafficking Plan, which was signed by President Akayev on July 11, 2002.²⁴⁴⁷

The government has also created New Generation, a consortium of international and national organizations that focuses on child welfare issues.²⁴⁴⁸ The Center for Social Adaptation, supported by Norwegian and UNDP funds, cares for homeless, abused, and neglected children.²⁴⁴⁹ In the fall of 2002, Prime Minister Nikolai Tanayev also created a working group with the responsibility of drafting a Children’s Code.²⁴⁵⁰

In April 2003, President Akayev initiated new efforts to help reduce poverty and send 50,000 low-income children back to school.²⁴⁵¹ The Government of Kyrgyzstan has established national education programs such as Araket²⁴⁵² and Jetkincheck²⁴⁵³, which provide school supplies or other educational benefits for low-income families. Since 1992, the World Bank has provided support for basic education.²⁴⁵⁴

²⁴⁴³ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited July 9, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm. In 2001, ILO-IPEC provided support for a study on child labor in Kyrgyzstan. See ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan: An initial study*, draft working paper, Bishkek, 2001, 8.

²⁴⁴⁴ “Children in Risk” is supported by the Holland Interchurch Aid and Interchurch Organization for Partnership Development. See ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 36.

²⁴⁴⁵ US Embassy-Bishkek, *unclassified telegram no. 1189*, August 15, 2003.

²⁴⁴⁶ Other participating organizations include businesses and NGOs. USAID’s *Trafficking in Persons* report suggests that National Anti-Trafficking Plan is a product of USAID/IOM collaboration. USAID, *Trafficking in Persons, USAID’s Response*, USAID’s Office of Women in Development, Washington, D.C., September 2001; available from <http://www.genderreach.com/pubs/trafficking/ee.htm>.

²⁴⁴⁷ US Embassy- Bishkek, *unclassified telegram no. 1425*, September 2002. USAID, *Selected USAID Anti-Trafficking Efforts*.

²⁴⁴⁸ Education to Combat Abusive Child Labor, *Child Labor Country Briefs: Kyrgyzstan*, [online] June 22, 2002 [cited October 10, 2003]; available from <http://www.beps.net/ChildLabor/Database.htm>.

²⁴⁴⁹ *Ibid.*, 4. See ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 36.

²⁴⁵⁰ The group consisted of the Ministry of Justice Representatives, affiliates from the “New Generation” program and members from the NGO Children in Danger. The Children’s Code will be a legal document that addresses every aspect of a child’s life. This includes human rights, child labor concerns, and penalties for child labor exploitation. No current information is available on the progress of this Children’s Code. US Embassy-Bishkek, *Unclassified telegram no. 1189*.

²⁴⁵¹ *Ibid.*

²⁴⁵² *Araket* aims to improve the economy, eliminate poverty, and advance education. See UNESCO, *Education for All 2000 Assessment: Country Reports-Kyrgyz Republic*, prepared by Culture, pursuant to UN General Assembly Resolution 52/84, 1999; available from <http://www2.unesco.org/wef/countryreports/kyrgyz/contents.html>.

²⁴⁵³ *Jetkincheck* focuses on education problems in schools and increasing attendance. Kadry XXI Veka, funded by international organizations, supports students who continue education overseas. See ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 34. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Kyrgyz Republic*, Washington D.C., March 31, 2003; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18374.htm>.

²⁴⁵⁴ World Bank, *Kyrgyz Republic Country Brief*, September 2002; available from <http://lnweb18.worldbank.org/eca/eca.nsf/Countries/Kyrgyz+Republic/3D00E03A802774EB85256C2500613D31?OpenDocument>.

Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in Kyrgyzstan are unavailable.²⁴⁵⁵ However, 5,000 to 7,000 children were estimated to be living and working on the streets.²⁴⁵⁶ Some of the common occupations where children are working include selling goods (such as newspapers, cigarettes and candy), transportation, loading and unloading goods, collecting aluminum and bottles, begging, cleaning and repairing shoes, washing cars, agriculture, and selling narcotics.²⁴⁵⁷ In southern rural areas, children work in mines. Children allegedly are also pulled out of school to harvest cotton. During summer vacations from school, they work on commercial tobacco farms.²⁴⁵⁸ Some schools have also reportedly required students to participate in the tobacco harvest on fields located on school grounds.²⁴⁵⁹ Children are also found working on family farms and in family enterprises such as shepherding or selling products at roadside kiosks.²⁴⁶⁰ Children are reported to work as prostitutes in Bishkek.²⁴⁶¹

Kyrgyzstan is considered to be primarily a country of origin and transit for the trafficking of children.²⁴⁶² Girls as young as 13 years are trafficked to countries such as the United Arab Emirates, Turkey, China, and Germany.²⁴⁶³ The Islamic Movement of Uzbekistan is rumored to recruit boys under 18 to serve as armed members of opposition groups, and the 1999 incursions into Kyrgyzstan, allegedly by Islamic Movement supporters, may have involved child soldiers.²⁴⁶⁴

The Constitution establishes free and compulsory education up to the secondary level, which is generally completed by the age of 14.²⁴⁶⁵ On April 30, 2003, the government passed a new law on education to help the

²⁴⁵⁵ LABORSTA, ILO Bureau of Statistics; [database online] 2003 [cited August 22, 2003]; available from <http://www.ilo.org/stat/>.

²⁴⁵⁶ ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 6.

²⁴⁵⁷ Ibid., 14. See also U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*. See also Integrated Regional Information Networks, "Kyrgyzstan: IRIN Focus on Street Children in Bishkek", IRINnews.org, July 6, 2001; available from http://www.irinnews.org/report.asp?ReportID=9234&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN.

²⁴⁵⁸ 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 Reports- 2002: Kyrgyz Republic*. 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*.

²⁴⁵⁹ Proceeds from the harvest are collected by the schools and do not go to the children. See U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*. Students sometimes participate in labor training classes involving cleaning and collecting waste. "Subbotnics" (labor days) are also arranged in city areas. 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*; available from <http://www.crin.org/docs/resources/treaties/crc.24/kyrgstanNGOreport.doc>.

²⁴⁶⁰ 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 Reports- 2002: Kyrgyz Republic*, Section 6d.

²⁴⁶¹ See Ibid., 1576-79 Section 6f. See also IOM, *Trafficking in Women and Children from the Kyrgyz Republic*, Bishkek, November 2000.

²⁴⁶² U.S. Department of State, *Trafficking in Persons Report- 2003: Kyrgyzstan*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>. U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, Section 6f.

²⁴⁶³ Girls as young as 10 from poor mountain villages are drawn into prostitution. See U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, 1576-79 Section 6f. See also IOM, *Trafficking in Women and Children from the Kyrgyz Republic*. See also Kubat Otorbaev, *Kyrgyz Sex Trade Flourishes*, International Eurasian Institute for Economic and Political Research, June 1, 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; available from http://www.irinnews.org/report.asp?ReportID=1759&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN.

²⁴⁶⁴ Coalition to Stop the Use of Child Soldiers, "Kyrgyzstan," in *Global Report 2001, 2002*; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001/%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

²⁴⁶⁵ UNESCO, *EFA 2000 Report: Kyrgyz Republic*. See also *Constitution*, (February 17, 1996); available from <http://www.kyrgyzinvest.org/en/state/constitution.htm#g12> [hard copy of file].

country meet mandatory basic education standards.²⁴⁶⁶ Residence registration limits access to social services, including education, for refugees, migrants, internally displaced persons, and non-citizens.²⁴⁶⁷ In 2000, the gross primary enrollment rate was 103.2 percent, and the net primary enrollment rate was 82.5 percent.²⁴⁶⁸ 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.²⁴⁶⁹ The economic crisis and declining family incomes have led to an increase in the number of children who drop out of school and take up work.²⁴⁷⁰ According to the U.S. Department of State, in August of 2003, there were 4,000 children not attending school and many that do attend, do so irregularly. Students who have stayed in school have to pay administrative fees.²⁴⁷¹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 16 years. Children who are 14 may work with parental consent, provided that work does not interfere with school attendance or pose a threat to the child's health and development.²⁴⁷² The Labor Code prohibits children under 18 years from working overtime hours or at night.²⁴⁷³ Hazardous work is also prohibited for children under 18 years,²⁴⁷⁴ however, aspects of the Labor Code relating to hazardous work are contradictory.²⁴⁷⁵ A violation of labor laws is now punishable by a fine of up to USD 120 or a ban from working in particular occupations for up to 5 years.²⁴⁷⁶

Both the Constitution and the Labor Law prohibit forced labor under most circumstances.²⁴⁷⁷ The Criminal Code provides for punishments of up to 8 year prison sentences for the recruitment of adults and children for exploitation. The restriction of freedom, unrelated to kidnapping, for adults and children can be punished with 7 to 10 years of prison sentence according to Article 125.

²⁴⁶⁶ Article 4 focuses on securing free elementary and secondary education through grade 11. US Embassy- Bishkek, *unclassified telegram no. 1425*.

²⁴⁶⁷ U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, 1573-76, Section 5.

²⁴⁶⁸ World Bank, *World Development Indicators 2003* [CD-ROM], Washington D.C., 2003. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²⁴⁶⁹ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

²⁴⁷⁰ UN Committee on the Rights of the Child, *Concluding Observations*, para. 55.

²⁴⁷¹ U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, 1573-76, Section 5.

²⁴⁷² *Labor Code*, (1997); 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 SIAR ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 32. The penalty for preventing a child from attending school ranges from a public reprimand to one year of forced labor. See U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, Section 5.

²⁴⁷³ *Labor Code*, 1997, Article 325.

²⁴⁷⁴ *Ibid.*, Article 319.

²⁴⁷⁵ 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 allows 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 Reports- 2002: Kyrgyz Republic*, 1576-79 Section 6d. See also ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 33. See also U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, Section 6d.

²⁴⁷⁶ Article 124, Article 125, Article 143, Article 142 of the Criminal Code, as cited in US Embassy-Bishkek, *Unclassified telegram no. 1189*.

²⁴⁷⁷ 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.

The Prosecutor's Office is responsible for enforcing child labor laws as well as monitoring the State Labor Inspectorate's activities.²⁴⁷⁸ Given resource constraints, however, the government does not enforce child labor law adequately.²⁴⁷⁹ In addition, despite the fact that compliance with labor legislation is monitored by state health agencies, trade unions, government departments, and commissions for minors,²⁴⁸⁰ the lack of national policy on child labor has resulted in few administrative structures to monitor the problem.²⁴⁸¹ Similarly, although there are 300 labor inspectors in the country assigned to protect child welfare, abandoned and orphaned children are typically considered to be a law enforcement challenge due to the absence of a well-established tradition of social welfare.²⁴⁸²

Until recently, laws prohibiting trafficking in persons were inconsistently enforced. The Criminal Code forbids the recruitment of individuals for exploitation, the trading or selling of children, and coercion into prostitution.²⁴⁸³ 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.²⁴⁸⁴ At the end of June 2003, the Legislative Assembly adopted a law criminalizing trafficking. Government leaders are spearheading anti-trafficking initiatives.²⁴⁸⁵

The Government of Kyrgyzstan ratified ILO Convention No. 138 on March 31, 1992, but has not ratified ILO Convention No. 182.²⁴⁸⁶

²⁴⁷⁸ U.S. Embassy- Bishkek, *unclassified telegram no. 1189*, August 15, 2003.

²⁴⁷⁹ *Ibid.*

²⁴⁸⁰ UN Committee on the Rights of the Child, *Concluding Observations*, , para. 262.

²⁴⁸¹ 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 and SIAR, *Child Labor in Kyrgyzstan*, ,35.

²⁴⁸² Children living and working on the streets are frequently rounded up in sweeps and institutionalized. U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*, Section 5.

²⁴⁸³ 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*. See also U.S. Department of State, *Trafficking in Persons Report: Kyrgyzstan*, ,67. See also U.S. Department of State, *Country Reports- 2002: Kyrgyz Republic*.

²⁴⁸⁴ IOM, *Trafficking in Women and Children from the Kyrgyz Republic*. 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 Reports- 2002: Kyrgyz Republic*. See also U.S. Department of State, *Trafficking in Persons Report: Kyrgyzstan*, 67.

²⁴⁸⁵ US Embassy- Bishkek, *unclassified telegram no. 1425*.

²⁴⁸⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 14, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>. On June 26, 2003 the government submitted its recommendation for the ratification of ILO Convention 182 to the Parliament. In fall 2003, the Parliament is expected to ratify the convention. US Embassy-Bishkek, *Unclassified telegram no. 1189*.