

# Kyrgyz Republic

## Incidence and Nature of Child Labor

Statistics on the number of working children under the age of 15 in the Kyrgyz Republic are unavailable.<sup>2318</sup> However, the government estimated that 2,000 to 15,000 neglected children were living and working on the streets nationwide, depending on the time of year.<sup>2319</sup> Children work selling goods (such as newspapers, cigarettes and candy), in transportation, loading and unloading goods, collecting aluminum and bottles, begging, cleaning and repairing shoes, washing cars, and selling narcotics.<sup>2320</sup> In southern rural areas, children work in mines. Children allegedly are also pulled out of school to harvest cotton. During summer vacations from school, children also work on commercial tobacco farms.<sup>2321</sup> Some schools have reportedly required students to participate in the tobacco harvest on fields located on school grounds.<sup>2322</sup> Children also are found working on family farms and in family enterprises such as shepherding or selling products at roadside kiosks.<sup>2323</sup>

Children are reported to work as prostitutes in urban areas throughout the country.<sup>2324</sup> The Kyrgyz Republic is considered to be primarily a country of origin and transit for the trafficking of children. While the extent of the problem is unknown, there are reports of girls trafficked for prostitution to the United

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<sup>2318</sup> LABORSTAT, *Kyrgyzstan: 1A-Total and economically active population by age group (Thousands)*, Geneva, [database online] 2004 [cited September 16, 2004]; available from <http://laborsta.ilo.org>.

<sup>2319</sup> Internal migrants make up some 80 percent of street children, who seek temporary shelter at public transportation stations and market places. See U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Kyrgyz Republic*, Washington D.C., February 25, 2004, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27846.htm>. See also ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan: An initial study*, draft working paper, Bishkek, 2001, 6. See also National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005: Comprehensive Development Framework of the Kyrgyz Republic to 2010, Expanding the Country's Capacity*, 2003, 56; available from [http://poverty.worldbank.org/files/Kyrgyz\\_PRSP.pdf](http://poverty.worldbank.org/files/Kyrgyz_PRSP.pdf).

<sup>2320</sup> ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 14. See also U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6d. See also Integrated Regional Information Networks, *Kyrgyzstan: IRIN Focus on Street Children in Bishkek*, July 6, 2001 [cited May 19, 2004]; available from [http://www.irinnews.org/report.asp?ReportID=9234&SelectRegion=Central\\_Asia&SelectCountry=KYRGYZSTAN](http://www.irinnews.org/report.asp?ReportID=9234&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN)

<sup>2321</sup> 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- 2003: Kyrgyz Republic*, Section 6c and 6d.

<sup>2322</sup> Proceeds from the harvest are collected by the schools and do not go to the children. See U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6c. 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*, 26; available from <http://www.crin.org/docs/resources/treaties/crc.24/kyrgystanNGOreport.doc>.

<sup>2323</sup> 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- 2003: Kyrgyz Republic*, Section 6d.

<sup>2324</sup> Children engaged in prostitution are primarily girls between 11 and 16. Boys are also engaged in commercial sex work. See Institute for War and Peace Reporting (IWPR), *Lost Children of Central Asia*, [press release] 2004 [cited June 1, 2004]; available from [http://www.iwpr.net/index.pl?archive/rca/rca\\_200401\\_257\\_2\\_eng.txt](http://www.iwpr.net/index.pl?archive/rca/rca_200401_257_2_eng.txt). See also IOM, *Trafficking in Women and Children from the Kyrgyz Republic*, Bishkek, November 2000, 21.

Arab Emirates, Turkey, and South Korea.<sup>2325</sup> The IOM reported girls as young as 10 years old are trafficked abroad.<sup>2326</sup>

The Constitution establishes free and compulsory education up to the secondary level, which is generally completed by the age of 14.<sup>2327</sup> In 2001, the gross primary enrollment rate was 102.0 percent, and the net primary enrollment rate was 82.5 percent.<sup>2328</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance rates are not available for the Kyrgyz Republic. The national economic crisis continues and declining family incomes have led to an increase in the number of children to drop out of school and take up work.<sup>2329</sup> In April 2003, the government passed a law on education to help the country meet mandatory basic education standards.<sup>2330</sup> Even so, residence registration limits access to education and other social services for refugees, migrants, internally displaced persons, and non-citizens.<sup>2331</sup> Numerous studies carried out by international aid agencies found the number of out-of-school children is higher than officially reported because long-term non-attendance of school or “hidden-dropout” is not taken into account.<sup>2332</sup>

Quality of education is poorest in rural areas. Rural schools account for over 80 percent of all schools in the country.<sup>2333</sup> Educational reforms have shifted the burden of financing education to regional authorities and families, often resulting in the inability of low-income families to pay for their children’s school supplies and other administrative fees.<sup>2334</sup> Approximately 10 percent of children have access to pre-school education, dramatically reducing children’s preparedness for school, and not all school-aged children have access to

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<sup>2325</sup> U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6f.

<sup>2326</sup> Girls from poor mountain villages are particularly vulnerable to being trafficked. Ibid.

<sup>2327</sup> 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; available from <http://www2.unesco.org/wef/countryreports/kyrgyz/contents.html>. See also Government of Kyrgyzstan, *Constitution*, (February 17, 1996), Article 32; available from [http://www.coe.int/T/E/Legal\\_Affairs/Legal\\_co-operation/Foreigners\\_and\\_citizens/Nationality/Documents/Bulletin\\_and\\_national\\_legislation/Kyrgyzstan%20Constitution%20of%20the%20Kyrghyz%20Republic.asp](http://www.coe.int/T/E/Legal_Affairs/Legal_co-operation/Foreigners_and_citizens/Nationality/Documents/Bulletin_and_national_legislation/Kyrgyzstan%20Constitution%20of%20the%20Kyrghyz%20Republic.asp).

<sup>2328</sup> World Bank, *World Development Indicators 2004* [CD-ROM], Washington D.C., 2004. 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.

<sup>2329</sup> UN Committee on the Rights of the Child, *Concluding Observations*, para. 55. A 2003 UNICEF-supported survey of 207 street and working children in Bishkek found that up to 90 percent did not attend school at all. See UNICEF’s Executive Board, *Draft Country Programme Document: Kyrgyzstan*, E/ICEF/2004/P/L.14, United National Economic and Social Council, April 1, 2004, 3; available from [http://www.unicef.org/about/04-PL14\\_Kyrgyzstan.pdf](http://www.unicef.org/about/04-PL14_Kyrgyzstan.pdf).

<sup>2330</sup> Education through grade 9 is free and mandatory. Article 4 focuses on securing free education through grade 11. See U.S. Embassy- Bishkek, *unclassified telegram no. 1189*, August 15, 2003.

<sup>2331</sup> U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 5.

<sup>2332</sup> National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 59.

<sup>2333</sup> UNICEF’s Executive Board, *Draft Country Programme Document: Kyrgyzstan*, 3. See also National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 60.

<sup>2334</sup> National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 59-60. See also U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 5.

secondary education.<sup>2335</sup> In 2001, a national survey on primary education quality found that 80 percent of primary schools lacked textbooks for all students, requiring students to purchase or rent textbooks, and 70 percent lacked teacher's guides.<sup>2336</sup> Wages of teachers start at the equivalent of USD 7 per month and are among the lowest paid in the world. This has impacted the ability to attract and retain professionals to the education sector, and affects the ability of schools to even provide all compulsory subjects.<sup>2337</sup> The severe deterioration of school buildings and lack of heat in winter months have closed schools. Without improvements in school infrastructure, improving teachers' performance and access to school materials will have little impact.<sup>2338</sup>

## 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.<sup>2339</sup> The Labor Code prohibits children under 18 years from working overtime hours or at night.<sup>2340</sup> Hazardous work is also prohibited for children under 18 years.<sup>2341</sup> The penalty for preventing a child from attending school ranges from a public reprimand to one year of forced labor.<sup>2342</sup> Both the Constitution and the Labor Code prohibit forced labor under most circumstances.<sup>2343</sup> Unfortunately, aspects of the Labor Code are contradictory.<sup>2344</sup> There are also many omissions and gaps pertaining to definitions of unhealthy and dangerous work.<sup>2345</sup> The Criminal Code provides for punishments up to 8 years in prison for the recruitment of adults and children for exploitation. According to Article 125, the restriction of freedom, unrelated to kidnapping, for adults and children can be punished with 7 to 10 years imprisonment.<sup>2346</sup>

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<sup>2335</sup> National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 59.

<sup>2336</sup> See Monitoring Learning Achievement: National Survey of Primary Education Quality, Ministry of Education and Culture, UNICEF, UNESCO, and the Center of Opinion Studies and Forecast, Bishkek, 2001, as cited in World Bank, *Project Information Document (PID) Concept Stage*, online, AB195, World Bank,, October 9, 2003; available from [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2003/10/21/000104615\\_20031021142432/Rendered/PDF/PID.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2003/10/21/000104615_20031021142432/Rendered/PDF/PID.pdf).

<sup>2337</sup> ADB, *Laying Groundwork to Boost Enrollment and Standards in Kyrgyz Schools*, [online press release] 2003 [cited June 1, 2004]; available from [http://www.adb.org/Media/Articles/2003/3378\\_Kyrgyz\\_Republic\\_Boost\\_Enrollment/default.asp](http://www.adb.org/Media/Articles/2003/3378_Kyrgyz_Republic_Boost_Enrollment/default.asp).

<sup>2338</sup> UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, 6.

<sup>2339</sup> Government of Kyrgyzstan, *Labor Code*, (1997), Article 317.

<sup>2340</sup> *Ibid.*, Article 321.

<sup>2341</sup> Examples of prohibited work include jobs in casinos and night clubs, and in the production, transportation, and marketing of alcohol, tobacco, narcotic and toxic products. See *Ibid.*, Article 319.

<sup>2342</sup> U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 5.

<sup>2343</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*, 1997, Article 12. See also *Constitution*, 1996, Article 28.

<sup>2344</sup> 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- 2003: Kyrgyz Republic*, Section 6d.

<sup>2345</sup> ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 33. See also U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6d.

<sup>2346</sup> ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*.

The Prosecutor's Office is responsible for enforcing child labor laws as well as monitoring the Ministry of Labor and Social Protection Inspectorate's activities.<sup>2347</sup> The government does not have a defined national child labor policy, administrative structures, or resources to effectively monitor or enforce child labor law.<sup>2348</sup> The Ministry of Internal Affairs (MVD) police has a division of child inspectors mandated to enforce child-related laws. The MVD runs two poorly equipped juvenile rehabilitation centers. During 2003, 1,203 street children were taken to these centers or returned to their families.<sup>2349</sup>

A violation of labor laws is punishable by a fine of up to USD 120 or a ban from working in particular occupations for up to 5 years.<sup>2350</sup> The Criminal Code forbids the recruitment of individuals for exploitation, the trading or selling of children, and coercion into prostitution.<sup>2351</sup> 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.<sup>2352</sup> In August 2003, the government criminalized trafficking through an amendment to the Criminal Code, punishable by up to 20 years imprisonment.<sup>2353</sup> From 2001 to 2003, 10 people were convicted of child trafficking, and 36 people have been convicted of crimes related to the production of child pornography, child prostitution, and sexual actions against children.<sup>2354</sup>

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

Representatives from the Government of the Kyrgyz Republic participated in an assessment mission carried out by ILO-IPEC in May 2004 where preliminary information was gathered about the child labor situation in Central Asia.<sup>2355</sup> As a result, USDOL provided funding to ILO-IPEC for a sub-regional project

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<sup>2347</sup> U.S. Embassy- Bishkek, *unclassified telegram no. 1189*.

<sup>2348</sup> *Ibid.* The needs of working children are not specifically addressed by the State Commission for Family, Women and Youth Affairs nor by the Commission for Under-age Youth Affairs, which is responsible for protecting children rights. Also, because there are no work contracts for under-aged children in Kyrgyzstan, the Ministry of Labor and Social Protection has no basis to regulate child labor. See ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 35.

<sup>2349</sup> The centers are located in Bishkek and Osh. U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 5.

<sup>2350</sup> Articles 124, 125, 142, and 143 of the Criminal Code US Embassy-Bishkek, *unclassified telegram no. 1189*, August 15, 2003.

<sup>2351</sup> 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, *Country Reports- 2003: Kyrgyz Republic*, Section 6f.

<sup>2352</sup> 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 Reports- 2003: Kyrgyz Republic*, Section 6f.

<sup>2353</sup> One person was convicted and sentenced to 5 years in prison in October 2003. U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 6f.

<sup>2354</sup> *Ibid.*, Section 5.

<sup>2355</sup> ILO-IPEC, *CAR Capacity Building Project: Regional Program on the Worst Forms of Child Labour*, project document, RER/04/P54/USA, Geneva, September 2004, 1. The Government of Germany provided funding in 2003 to carry out the mission. See ILO-IPEC Official, Active IPEC Projects as of May 1, 2004, USDOL Official, 2004.

that will further build capacity of national institutions to eliminate the worst forms of child labor in the Kyrgyz Republic and share information and experiences across the sub-region.<sup>2356</sup>

Since March 2004, the Government of the Kyrgyz Republic funds the Secretariat of the National Council to Combat Trafficking that was previously funded by an international organization.<sup>2357</sup> Over 900 justice and police personnel participated in training on trafficking issues in 2003.<sup>2358</sup>

The government's inter-ministerial body known as the New Generation program monitors child rights, addressing neglected children, the rising number of working children, and children without family care.<sup>2359</sup> The program is housed within the Ministry of Labor and Social Protection and activities should be carried out until 2010.<sup>2360</sup>

Addressing child poverty and education has been given priority in Kyrgyzstan's National Poverty Reduction Strategy as well as in the World Bank's Country Assistance Strategy for the Kyrgyz Republic.<sup>2361</sup> In early 2004, the government provided support for an education development project that will focus on improving sustainability of school facilities, improving quality and availability of school materials, and further developing a learning assessment system to effectively measure students' educational attainment.<sup>2362</sup> USAID is supporting the Basic Education Strengthening Program (2003-2006) that is improving in-service teacher training; learning material and textbook development; parent and community involvement in

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/ 31/92	✓
Ratified Convention 182	5/11/04	✓
ILO-IPEC Associated Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan (trafficking)		✓

<sup>2356</sup> Countries participating in the sub-regional project are Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan. See ILO-IPEC, *CAR Capacity Building Project*, vii.

<sup>2357</sup> U.S. Embassy- Bishkek, *unclassified telegram no. 126629*, June 8, 2004.

<sup>2358</sup> It is suspected that trafficking operations in Kyrgyzstan have involved the cooperation of police and immigration officials. See *Ibid.*

<sup>2359</sup> National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 55-56. New Generation is a consortium composed of international and national organizations that focuses on child welfare issues, and the program is directed from the Office of the Prime Minister. See UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, 8.

<sup>2360</sup> Integrated Regional Information Networks, *Kyrgyzstan: Focus on child labour*, [online] February 5, 2003 [cited May 19, 2004]; available from [http://www.irinnews.org/report.asp?ReportID=36924&SelectRegion=Central\\_Asia&SelectCountry=KYRGYZSTAN](http://www.irinnews.org/report.asp?ReportID=36924&SelectRegion=Central_Asia&SelectCountry=KYRGYZSTAN).

<sup>2361</sup> National Comprehensive Development Framework Council, *National Poverty Reduction Strategy 2003-2005*, 55 and 59. A rural education project is in the pipeline for possible support by the World Bank. The objectives of the project are to improve school attendance and quality of education in grades 1 through 11, and to improve community and parental involvement in school activities. See World Bank, *Project Information Document (PID)*. A direct investment into the education sector has not been by the World Bank, but economic adjustment projects have affected the sector indirectly. See World Bank, *Kyrgyz Republic Country Brief*, September 2002; available from <http://lnweb18.worldbank.org/eca/eca.nsf/Countries/Kyrgyz+Republic/3D00E03A802774EB85256C2500613D31?OpenDocument>.

<sup>2362</sup> The Government of Kyrgyzstan will contribute USD 120,000 in kind to the project in addition to the technical assistance grant of USD 600,000 provided by ADB's Japan Special Fund. See ADB, *Laying Groundwork to Boost Enrollment*.

education management; capacity of school administration; and school infrastructure rehabilitation.<sup>2363</sup> Through this program, community education committees were established and linked to pilot schools that will undergo infrastructure improvements. Beginning in 2004, these pilots will serve as training and resource hubs for other schools in the surrounding areas.<sup>2364</sup> The U.S. Department of Agriculture is also working with the government as part of a global effort to provide meals for schoolchildren.<sup>2365</sup>

The Government of the Kyrgyz Republic has established on-going national education programs such as Araket (1998-2005), Jetkincheck, and Kadry XXI Veka, which provide school supplies or other educational benefits for low-income families.<sup>2366</sup> Local community efforts have enabled some 11,000 children access to better quality education by improving the infrastructure of 36 schools in 4 rural areas of Nayrn province.<sup>2367</sup>

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<sup>2363</sup> USAID, *Kyrgyz Republic Portfolio Overview*, [online] [cited May 17, 2004]; available from [http://www.usaid.gov/locations/europe\\_eurasia/car/pdfs/overkyr.pdf](http://www.usaid.gov/locations/europe_eurasia/car/pdfs/overkyr.pdf).

<sup>2364</sup> *Ibid.* In the first year of the program, activities began in 11 principal pilot schools; 532 teachers of primary and secondary schools received training in modern teaching methodologies; and 21 schools administrators received training on school management practices. A working group was established at the Ministry of Education to find solutions to education finance issues. See USAID, *Data Sheet*, [online] 2004 [cited June 1, 2004]; available from <http://www.usaid.gov/policy/budget/cbj2005/ee/pdf/116-0340.pdf>.

<sup>2365</sup> Washington File, *U.S. Funds Will Provide School Meals in Latin America, Caribbean*, August 17, 2004; available from <http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html>.

<sup>2366</sup> *Araket* aims to improve the economy, eliminate poverty, and advance education. See UNESCO, *EFA 2000 Report: Kyrgyz Republic*. See also U.S. Department of State, *Country Reports- 2003: Kyrgyz Republic*, Section 5. *Jetkincheck* focuses on education problems in schools and increasing attendance. *Kadry XXI Veka* (Cadres of the 21<sup>st</sup> Century), funded by international organizations, supports students who continue education overseas. See ILO-IPEC and SIAR, *Child Labor in Kyrgyzstan*, 34.

<sup>2367</sup> Community mobilization programs get local authorities, communities and families involved in accessing resources to achieve children's right to education and social protection services. It is not clear from this source which organization implemented this activity and in what year. See UNICEF's Executive Board, *Draft Country Programme Document: Kyrgyzstan*, 5.