

Kazakhstan

The Government of Kazakhstan has initiated several policies to address worst forms of child labor; however, gaps remain in the implementation of policies and programs to address the worst forms of child labor in agriculture.

Statistics on Working Children and School Attendance

| Children | Age | Percent |
|---------------------------|-----------|-------------|
| Working | 5-14 yrs. | 3.2% |
| Attending School | 5-14 yrs. | 90.7% |
| Combining Work and School | | unavailable |



Prevalence and Distribution of the Worst Forms of Child Labor

Children in Kazakhstan are exploited in the worst forms of child labor, most commonly in agriculture.²⁵⁸³ Children are found in cotton and tobacco fields, where they work long hours in extreme heat and sun without proper protection; they do not have adequate access to water, nutrition, or sanitation; and they are exposed to harmful pesticides that can damage their health and growth.²⁵⁸⁴

In some regions children constitute up to 50 to 60 percent of the total workforce in tobacco and cotton fields.²⁵⁸⁵ These children mainly come from low-income families in the area, but children from the neighboring countries of Kyrgyzstan and Uzbekistan migrate along with their families to work in the cotton and tobacco fields of Kazakhstan as well.²⁵⁸⁶ Recent reports suggest that the incidence of child labor in these sectors may have declined during the 2010 harvests.²⁵⁸⁷

Children also work in urban areas as street vendors and porters,²⁵⁸⁸ where they face dangers such as severe weather, bearing heavy loads, accidents caused by proximity to traffic, and vulnerability to criminal elements.

Reports indicate that Kazakh women and children are trafficked for forced prostitution within Kazakhstan

and internationally. Women and children are also trafficked from Central Asian countries, Russia, and Ukraine to Kazakhstan and forced into prostitution.²⁵⁸⁹ Kazakhstan has high rates of internal child trafficking and it has been noted that child exploitation and child trafficking is seasonal corresponding to agricultural work.²⁵⁹⁰ While research shows that girls are trafficked internationally and internally for sexual exploitation, boys tend to be trafficked internationally for labor exploitation.²⁵⁹¹

There are also indications that the incidence of child prostitution and children's involvement in drug trafficking may be on the rise.²⁵⁹²

Laws and Regulations on Worst Forms of Child Labor

The minimum age for employment in Kazakhstan is 16.²⁵⁹³ The Labor Code identifies a list of conditions or occupations that are prohibited for children under age 18. These include gambling, working overtime, night-time entertainment establishments, moving weights above a maximum standard, and the production and transportation of and trading in alcoholic products, tobacco goods, narcotics, and psychotropic substances.²⁵⁹⁴ Article 148 of the Criminal Code establishes penalties for violation of the labor laws that cause severe harm to the rights and interests of citizens, including children.²⁵⁹⁵

The Labor Code prohibits forced labor,²⁵⁹⁶ unless under a court mandate or in a state of emergency.²⁵⁹⁷ In addition, the Criminal Code prohibits trafficking in persons for both forced labor and commercial sexual exploitation.²⁵⁹⁸ Tourist agencies are governed by mandatory licensing laws, which were created to help the Government prevent the trafficking and forced prostitution of women and children.²⁵⁹⁹

The Government prohibits the recruitment of children under the age of 18 in the military.²⁶⁰⁰

| | | |
|---|--|-----|
|  | C138, Minimum Age | ✓ |
| | C182, Worst Forms of Child Labor | ✓ |
|  | CRC | ✓ |
| | CRC Optional Protocol on Armed Conflict | ✓ |
| | CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography | ✓ |
|  | Palermo Protocol on Trafficking in Persons | ✓ |
|  | Minimum Age for Work | 16 |
| | Minimum Age for Hazardous Work | 18 |
|  | Compulsory Education Age | 16 |
| | Free Public Education | Yes |

Institutional Mechanisms for Coordination and Enforcement

The National Coordination Council to Combat the Worst Forms of Child Labor is responsible for coordinating government and other efforts to combat the worst forms of child labor. The Council was established under the Ministry of Labor and Social Protection and meets two times a year.²⁶⁰¹ The Council is chaired by the Vice Minister of Labor and includes representatives of the Ministry of Interior, Education, Prosecutor General's Office, Human Rights Ombudsman's Office, the National Commission on Family Issues and Gender Policy, and NGOs.²⁶⁰²

The Interdepartmental Committee on Human Trafficking, which is chaired by the Ministry of Justice

and includes other relevant ministries, has the primary responsibility of coordinating efforts to combat human trafficking.²⁶⁰³

The Ministry of Labor and Social Protection enforces child labor laws and its labor inspectors monitor compliance.²⁶⁰⁴ In 2008, the latest year where data are available, the Labor and Social Protection Ministry employed 363 inspectors, who made 23,060 visits to workplaces.²⁶⁰⁵ While the issue of child labor falls under their purview, there are no data on the numbers of child-labor-specific investigations, children assisted, or child labor cases prosecuted.²⁶⁰⁶ There is also no child labor monitoring system in place to identify, refer, and continue to track victims of child labor.²⁶⁰⁷

Through the National Information Resource Center on Child Labor, the Government organized four training sessions and seminars on child labor for state labor inspectors, inspectors for the affairs of minors, social workers, and experts in regional departments of the Ministry of Labor and Social Protection.²⁶⁰⁸

The Anti-Trafficking Unit in the Ministry of Internal Affairs employs 35 officers responsible for investigating allegations of human trafficking; including trafficking of children.²⁶⁰⁹ In 2009, the Ministry of Internal Affairs filed 16 criminal suits, resulting in nine convictions for trafficking of children. The number of children rescued as a result of investigations is unknown but based on the number of investigations it is estimated that at least 16 children were saved. Investigations took, on average, 2 months to resolve.²⁶¹⁰

The Ministry of Internal Affairs, through the police force, also investigates crimes against children and has identified instances of child labor violations in the entertainment, transport and other sectors.²⁶¹¹ The Ministry of Internal Affairs, through its Anti-Trafficking in Persons study center, trained approximately 100 migration and criminal police officers on trafficking issues during the reporting period.²⁶¹²

Government Policies on the Worst Forms Child Labor

The Government established a National Action Plan on the Worst Forms of Child Labor (2009-2011) to be implemented by the Ministries of Labor and Social Protection, Education, Interior, Justice, Culture, and

the Prosecutor General's Office. The plan includes actions to develop a child labor monitoring system, awareness raising on child labor issues among government officials and the public, educational programs, and efforts to strengthen and enforce child labor laws and policies. Among the educational programs, it outlines programs to prevent migrant children from engaging in the worst forms of child labor.²³¹³

The Government has a national action plan specifically focused on combating human trafficking (2009-2011). The plan identifies actions to be taken, in particular, the establishment of crisis centers that provide shelter and rehabilitation services to victims.²⁴¹⁴ While the Government of Kazakhstan has made efforts to combat trafficking, the UN Committee on Economic, Cultural, and Social Rights has urged the Government to step up its efforts to implement its action plan.²⁶¹⁵

The Ministry of Education's 2007-2011 Children of Kazakhstan program has a component that specifically addresses the issue of child labor. It proposes awareness-raising programs and pilot projects to provide alternative jobs for children of legal working age.²⁶¹⁶

In May 2009, the Government established the National Action Plan on Human Rights (2009-2012). It recommends improving systems for detecting and combating the worst forms of child labor, and taking additional measures to fight human trafficking.²⁶¹⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Between 2004 and 2007, Kazakhstan participated in a USDOL-funded regional project to prevent and withdraw children from the worst forms of child labor. Its goal was to build awareness among families and local institutions, set up monitoring databases at the local and state level, and provide formal and informal education programs. Assistance for children and their families also included school meals, uniforms, school materials, and stipends to increase enrollment of children at risk or withdrawn from child labor.²⁶¹⁸

The Ministry of Education's Children of Kazakhstan program has established several support centers to help children who were victims of the worst forms of child labor.²⁶¹⁹

The Government also provides funding to establish shelters and offer rehabilitation and reintegration of services to victims of trafficking, including women and children.²⁶²⁰ However, despite these efforts, IOM has indicated that the Government does not allocate enough resources for the protection and reintegration of victims of trafficking, especially in the protection of victims following the conclusion of a trial.²⁶²¹

During the reporting period, the Government funded a nationwide public awareness campaign against human trafficking.²⁶²² There was a dearth of government programs to address worst forms of child labor in agriculture, where the majority of child labor exists, though recent reports indicate some cooperative efforts were made with industry and NGO partners during the 2010 harvest.²⁶²³

Based on the reporting above, the following actions would advance the reduction of the Worst Forms of Child Labor in Kazakhstan:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop a child labor monitoring system focused on the identification, referral, and continued monitoring of children in the worst forms of child labor.

IN THE AREA OF POLICIES:

- Fully implement the national action plan on trafficking in persons.

IN THE AREA OF PROGRAMS:

- Expand programs to address worst forms of child labor, especially in the agriculture sector.
- Further develop or expand programs to protect and assist victims of trafficking.

²⁵⁸³ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁵⁸⁴ Human Rights Watch, *"Hellish Work" Exploitation of Migrant Tobacco Workers in Kazakhstan*, New York, July 14, 2010; available from <http://www.hrw.org/en/reports/2010/07/14/hellish-work-0>.

²⁵⁸⁵ ILO-IPEC, "Elimination of Child Labor In kazakhstan 2005-2010," (2010); available from <http://www.stopdettrud.kz/download/publicacy/engfactsheet.pdf>.

²⁵⁸⁶ Human Rights Watch, *"Hellish Work" Exploitation of Migrant Tobacco Workers in Kazakhstan*. Kazakhstan., July 2010.

²⁵⁸⁷ U.S. Embassy - Astana, *reporting*, August 31, 2010. See also U.S. Embassy- Astana, *reporting*, September 1, 2010.

²⁵⁸⁸ ILO-IPEC, "Combating Child Labour in Central Asia Commitment becomes Action"(PROACT-CAR Phase I & II), 2010."

²⁵⁸⁹ United States Department of State, "Kazakhstan," in *Trafficking in Persons Report- 2010*, Washington, DC, 2010; available from <http://www.state.gov/documents/organization/143187.pdf>.

²⁵⁹⁰ UNICEF, *Risks and Realities of Child Trafficking in Asia*, 2009; available from http://www.unicef.org/ceecis/Child_trafficking_in_central_asia_FINAL_23_03.pdf.

²⁵⁹¹ U.S. Department of State, "Kazakhstan," in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119135.htm>. See also U.S. Embassy- Astana, *reporting*, February 17, 2009.

²⁵⁹² ILO-IPEC, "Combating Child Labour in Central Asia – Commitment becomes Action" (PROACT-CAR Phase I & II), 2010."

²⁵⁹³ Government of Kazakhstan, *Labor Code of the Republic of Kazakhstan*, (May 15, 2007); available from <http://www.oit.org/dyn/natlex/docs/MONOGRAPH/76433/82753/F982631364/Microsoft%20Word%20-%20ENG%20KAZ.76433.pdf>.

²⁵⁹⁴ Ibid.

²⁵⁹⁵ ILO-IPEC, *Elimination of Child Labour in Kazakhstan, 2005-2010*, Report, Geneva, 2010; available from <http://www.stopdettrud.kz/download/publicacy/engfactsheet.pdf>. See also Government of Kazakhstan, *Criminal Code of the Republic of Kazakhstan*, LAW No. 167, (July 16, 1997); available from <http://www.legislationline.org/download/action/download/id/1681/file/ca1cfb8a67f8a1c2ffe8de6554a3.htm/preview>.

²⁵⁹⁶ Government of Kazakhstan, *Labor Code*.

²⁵⁹⁷ Government of Kazakhstan, *Constitution of the Republic of Kazakhstan*, (August 20, 1995), article 24; available from http://www.ifescentralasia.kg/Kazakhstan/ENG/conste_kaz.html.

²⁵⁹⁸ United States Department of State, "Trafficking in Persons Report- 2010: Kazakhstan."

²⁵⁹⁹ U.S. Embassy Astana, *reporting, February 18, 2010*

²⁶⁰⁰ Coalition to Stop the Use of Child Soldiers, "Kazakhstan," in *Child Soldiers Global Report 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/kazakhstan>.

²⁶⁰¹ ILO-IPEC, *Elimination of Child Labour in Kazakhstan*. See also U.S. Embassy- Astana, *reporting, August 31, 2010*.

²⁶⁰² ILO-IPEC, *Elimination of Child Labour in Kazakhstan*.

²⁶⁰³ U.S. Embassy Astana, *reporting, February 18, 2010* U.S. Embassy- Astana, *reporting, August 31, 2010*. See also UNICEF, *Risks and Realities of Child Trafficking and Exploitation in Central Asia*, Report, Geneva, 2009; available from http://www.unicef.org/ceecis/Child_trafficking_in_central_asia_FINAL_23_03.pdf.

²⁶⁰⁴ Occupational Safety and Health in the Republic of Kazakhstan – ILO, 2008. <http://osha.europa.eu/en/organisations/OSH-profile-Kazakhstan.pdf>

²⁶⁰⁵ ILO Labor Administration and Inspection Programme, *Figures on Labour Inspection*, [June 10, 2010 [cited September 17, 2010]; available from http://www.ilo.org/labadmin/info/lang--en/docName--WCMS_141485/index.htm.

²⁶⁰⁶ U.S. Embassy Astana, *reporting, February 18, 2010* U.S. Embassy- Astana, *reporting, August 31, 2010*.

²⁶⁰⁷ ILO-IPEC, *Elimination of Child Labour in Kazakhstan*.

²⁶⁰⁸ Ibid.

²⁶⁰⁹ U.S. Embassy Astana, *reporting, February 18, 2010*. U.S. Embassy- Astana, *reporting, August 31, 2010*.

²⁶¹⁰ Ibid., Article 4-11

²⁶¹¹ Ministry of Internal Affairs, Republic of Kazakhstan. http://www.mvd.kz/eng/index.php?p=razdel_more&id5=7106&id1=34

²⁶¹² US Embassy, *reporting 2010*

²⁶¹³ Human Rights Watch, “*Hellish Work*” *Exploitation of Migrant Tobacco Workers in Kazakhstan*, New York, July 14, 2010; available from <http://www.hrw.org/en/reports/2010/07/14/hellish-work-0>. See also U.S. Embassy- Astana, *reporting, August 31, 2010*. See also ILO and Government of Kazakhstan, *Decent Work Country Programme of the Republic of Kazakhstan, 2010-2012*, ILO, Geneva, June 14, 2010; available from http://www.ilo.org/public/english/region/eurpro/geneva/download/decentwork/kazakhstan_en.pdf.

²⁶¹⁴ H.E. Mr. Kanat Saudabayev Secretary of State Minister of Foreign Affairs of the Republic of Kazakhstan, “Statement” (paper presented at the United Nations Human Rights Council, Geneva, 2010); available from <http://portal.mfa.kz/portal/page/portal/mfa/en/content/ministry/minister/speeches/2010/The%2013th%20session%20of%20the%20United%20Nations%20Human%20Rights%20Council>.

²⁶¹⁵ UN Economic and Social Council, *Consideration of reports submitted by States parties under Articles 16 and 17 of the Covenant: Kazakhstan*, prepared by Social and Cultural Rights Committee on Economic, pursuant to Concluding Observations of the Committee on Economic, Social and Cultural Rights, June 21, 2010; available from <http://www.unhcr.org/refworld/docid/4c1734da2.html>

²⁶¹⁶ Human Rights Watch, “*Hellish Work*”.

²⁶¹⁷ Government of Kazakhstan, *National Human Rights Action Plan of the Republic of Kazakhstan, 2009-2012*, Astana, May 5, 2009; available from http://www.undp.kz/userfiles/plan_en.pdf.

²⁶¹⁸ ILO-IPEC, *Central Asia Regional Capacity Building Project: Regional Program on the Worst Forms of Child Labor*, Project Document, RER/04/P54/USA, Geneva, September 7, 2004.

²⁶¹⁹ Ibid.

²⁶²⁰ http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.10.Add.1_en.pdf

²⁶²¹ IOM, *Kazakhstan does not allocate enough resources for physical protection of victims of human trafficking*, [online] November 6, 2008 2008 [cited September 20, 2010]; available from http://iom.ramdisk.net/iom/artikel.php?menu_id=45&artikel_id=553&history_back=true.

²⁶²² United States Department of State, “Trafficking in Persons Report- 2010: Kazakhstan.”

²⁶²³ U.S. Embassy- Astana, *reporting, August 31, 2010*.