

Kyrgyz Republic

In 2010, the Kyrgyz Republic approved a new Constitution that included provisions prohibiting child labor. However, children continue to engage in dangerous labor in agriculture, and little information is available to assess whether the legal framework is successfully enforced.



Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.5
Attending School	5-14 yrs.	84.0
Combining Work and School	7-14 yrs.	4.8

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Kyrgyz Republic are engaged in the worst forms of child labor, many in agriculture.³²⁶⁰ Children work in tobacco, cotton and rice cultivation.³²⁶¹ Children's work in agriculture commonly involves harmful activities, such as using potentially dangerous machinery and tools, carrying heavy loads and applying harmful pesticides. Some schools cancel classes in the fall to send children to pick cotton, and others require children to harvest tobacco on school grounds.³²⁶²

Children reportedly work in other sectors, including coal mining, cattle raising, brick making and construction. Some children are exposed to high levels of radiation while digging silicon from landfills to sell for use in electronics.³²⁶³ Children are also used in "shuttle commerce"—the transport, loading and unloading of goods in markets. Children in this sector push heavy carts and carry bundles that exceed their safe physical capacity.³²⁶⁴

Children are also reportedly trafficked internally for forced labor, commercial sexual exploitation and the sale and distribution of illegal drugs.³²⁶⁵

Laws and Regulations on the Worst Forms of Child Labor

The 2006 Children's Code forbids the worst forms of child labor, identifies the minimum age for employment, identifies the types of work children may not perform and indicates the rights of children to vocational education and employment as appropriate to their age and health.³²⁶⁶ The minimum age for work is 16, but children may work at age 14 with the permission of a parent or guardian. The minimum age for hazardous work is 18.³²⁶⁷

Education is free and compulsory for nine years, roughly equivalent to age 14 depending on the age at which children start school. According to the Government, students usually finish compulsory education at age 15 or 16.³²⁶⁸ According to law, all textbooks should be free, but the government is unable to provide books for all students.³²⁶⁹ Municipal laws in Bishkek and Osh enable minors without complete identification documents to gain access to education and health services.³²⁷⁰ However, access to educational services is still limited. Parents who send their children to public schools are sometimes forced to pay administrative fees, and residency registration

deters some migrant and refugee children from attending school.³²⁷¹ In addition, some schools close during the harvest season and require children to pick cotton or work in tobacco fields.³²⁷²

	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	15
	Free Public Education	Yes

Section 294 of the Labor Code prohibits harmful and dangerous work, underground work and work which might harm the health and moral development of children.³²⁷³ Decree No. 239 of June 17, 2005 lays out a detailed list of hazardous work. Decree No. 548 enumerates specific weight limits permissible for children in occupations that require them to carry heavy loads.³²⁷⁴ The law also prohibits forced labor, including forced child labor.³²⁷⁵

A new constitution was approved in 2010 that also includes language forbidding child labor.³²⁷⁶

The Criminal Code prohibits adults from involving minors in criminal activity, forced prostitution, slavery and use in armed conflicts.³²⁷⁷ The 2005 Prevention and Combating Trafficking in Persons law criminalizes trafficking for the

purposes of sexual exploitation and forced labor.³²⁷⁸ The minimum age for military recruitment is 18.³²⁷⁹

Institutional Mechanisms for Coordination and Enforcement

The Government has a Coordination Council on Child Labor that consists of representatives from executive authorities, trade unions and employers' organizations as well as NGOs and international organizations. The council focuses on developing policies to eliminate child labor, coordinating efforts of key stakeholders and providing recommendations to harmonize national legislation on child labor with international standards.³²⁸⁰

The Ministry of Labor, Employment and Migration (MLEM) coordinates and implements efforts to combat trafficking in persons.³²⁸¹ MLEM coordinates the efforts of the Office of the Prosecutor General, the Ministries of Internal Affairs, Foreign Affairs, Labor and Social Protection, Education and Health, the National Security Service, the National Border Service, Customs Agency, and local administrations.³²⁸²

The State Labor Inspectorate and the Prosecutor General's Office enforce child labor laws.³²⁸³ The State Labor Inspectorate has approximately 60 inspectors charged with investigating all labor issues, including those dealing with child labor violations.³²⁸⁴ Research has not revealed the number of child labor inspections, violations or children assisted.

The Ministry of Interior enforces laws against the use of minors in prostitution and other illicit activities.³²⁸⁵ The State Prosecutor General investigates trafficking in persons violations.³²⁸⁶ The Prosecutor General's office was destroyed by fire in April 2010, significantly hampering enforcement efforts and destroying all records.³²⁸⁷

Government Policies on the Worst Forms of Child Labor

In 2010, the Government continued to implement the State Program of Action of Social Partners for the Elimination of the Worst Forms of Child Labor (2008-2011). This program has seven components, including coordinating efforts, improving the legal framework, increasing labor inspection effectiveness, eliminating child exploitation, providing at-risk migrant children with government documentation, establishing recreational facilities for children and sharing knowledge on the worst forms of child labor.³²⁸⁸

The Kyrgyz Republic's Education Development Strategy for 2007-2010 acknowledges child labor as a reason for children leaving school. The strategy proposes providing food to needy students and supplying textbooks to schools.³²⁸⁹ These actions could alleviate the financial burden of education and address issues of education access for poor children vulnerable to the worst forms of child labor.

The National Action Plan Against Human Trafficking increases public awareness and social protection for trafficking victims.³²⁹⁰ With funding from the UN and assistance from the Government of Japan and the Republic of Korea, the Government has begun to input passport and citizenship-related records in a centralized digital database.³²⁹¹

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

The 3-year Combating Child Labor in Central Asia: Commitment Becomes Action project ended in December 2010. It was funded by Germany for a total of \$1.4 million for Kazakhstan, the Kyrgyz Republic and Tajikistan.³²⁹² ILO-IPEC, in collaboration with the Government, launched a mini-program that produced four short documentaries highlighting real children working in the Kyrgyz Republic. These videos are shown on TV and in schools.³²⁹³

The Government implemented the New Generation program from 2001 to 2010 to promote the development and protection of children. The program's working children component focused on developing a child labor database, improving labor inspections for minors, researching working conditions and promoting employers' compliance with child labor laws.³²⁹⁴ With the conclusion of these projects, it is unclear whether the Government will continue to participate in comprehensive child labor programs.

The Government continued to provide in-kind assistance for NGO-operated shelters for trafficking victims, including one specifically for children.³²⁹⁵

The Government has also supported programs aimed at keeping children in school, including *Jashtyk* (Youth) and *Jetkinchek* (Access to Education).³²⁹⁶ The question of whether these programs have an impact on child labor does not appear to have been addressed.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Kyrgyz Republic:

IN THE AREA OF LAWS:

- Enforce laws on free education and take steps to enable all children to attend school.

IN THE AREA OF ENFORCEMENT:

- Increase labor inspections during the cotton harvesting season, especially in southern Kyrgyz Republic.
- Collect and disseminate information on the number of labor inspections, child labor violations found and children assisted.

IN THE AREA OF POLICY AND PROGRAMS:

- Ensure that classes in southern Kyrgyz Republic are not canceled during the harvesting season and that children remain in school.
- Reinstate a comprehensive child labor action program to replace the one that ended in 2010.
- Assess the impact that current education programs have on child labor.

³²⁶⁰ 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 on working children and children combining working and schooling are from 2006. Data on school attendance are from 2005. 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.

³²⁶¹ U.S. Department of State, "Kyrgyz Republic," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

³²⁶² U.S. Department of State, "Kyrgyz Republic," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/>.

³²⁶³ Ibid. See also Sari Schutrum-Boward, "Kyrgyz child labor in coal mines," *The Guilfordian*, [previously online], September 7, 2007 [cited May 13, 2011]; available from

<http://www.guilfordian.com/sports/kyrgyz-child-labor-in-coal-mines-1.327699> [hardcopy on file]. See also Ilan Greenberg, "There's Money in Dirt, for Those Who Find Bits of Silicon," *The New York Times*, [previously online], September 5, 2006 [cited April 22, 2011]; available from http://www.nytimes.com/2006/09/05/world/asia/05kyrgyzstan.html?_r=1&_.

³²⁶⁴ ILO, *The main change has to happen in people's minds: A child labour film programme in Kyrgyzstan*, [online] June 11, 2010 [cited February 18, 2011]; available from www.ilo.org/global/about-the-ilo/press-and-media-centre/insight/WCMS_141588.

³²⁶⁵ U.S. Department of State, "Country Reports- 2010: Kyrgyz Republic," section 7d.

³²⁶⁶ ILO-IPEC, *CAR Capacity Building Project: Regional programme on the worst forms of child labour and Combating the worst forms of child labor in Central Asia through education and youth employment (EYE project)*, Final Evaluation, Geneva, October-December 2007, 27.

³²⁶⁷ U.S. Department of State, "Country Reports- 2010: Kyrgyz Republic," section 7d.

³²⁶⁸ ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Kyrgyzstan (ratification: 1992) Submitted: 2009*, February 16, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23266&chapter=9&query=Kyrgyzstan%40ref&highlight=&querytype=bool&context=0>.

³²⁶⁹ U.S. Department of State, “Country Reports- 2010: Kyrgyz Republic,” section 6.

³²⁷⁰ U.S. Embassy- Bishkek, *reporting, February 5, 2010*, para 3.

³²⁷¹ U.S. Department of State, “Country Reports- 2010: Kyrgyz Republic,” section 6.

³²⁷² U.S. Department of State, “Country Reports- 2009: Kyrgyz Republic,” section 7d.

³²⁷³ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Kyrgyzstan (ratification: 2004) Submitted: 2009*, February 16, 2011; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23537&chapter=9&query=Kyrgyzstan%40ref&highlight=&querytype=bool&context=0>.

³²⁷⁴ Ibid.

³²⁷⁵ U.S. Department of State, “Country Reports- 2010: Kyrgyz Republic,” section 7c.

³²⁷⁶ U.S. Embassy- Bishkek official, E-mail communication to USDOL official, November 12, 2010. See also U.S. Embassy- Bishkek, *reporting, March 2, 2011*, para 3.

³²⁷⁷ ILO Committee of Experts, *Individual Direct Request C182: Kyrgyzstan (2009)*.

³²⁷⁸ U.S. Department of State, “Kyrgyz Republic,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.

³²⁷⁹ U.S. Embassy- Bishkek, *reporting, February 17, 2009*.

³²⁸⁰ ILO Committee of Experts, *Individual Direct Request C138: Kyrgyzstan (2009)*.

³²⁸¹ U.S. Embassy- Bishkek, *reporting, March 2, 2010*.

³²⁸² Ibid.

³²⁸³ U.S. Department of State, “Country Reports- 2010: Kyrgyz Republic,” section 7d.

³²⁸⁴ U.S. Embassy- Bishkek, *reporting, February 5, 2010*, para 5.

³²⁸⁵ Ibid.

³²⁸⁶ U.S. Embassy- Bishkek, *reporting, March 2, 2010*.

³²⁸⁷ U.S. Embassy- Bishkek, *reporting, March 10, 2011*, para 4C.

³²⁸⁸ U.S. Embassy- Bishkek official, E-mail communication to USDOL official, March 8, 2011.

³²⁸⁹ Ministry of Education Science and Youth Policy, *Education Development Strategy of the Kyrgyz Republic (2007-2010)*, 2006.

³²⁹⁰ U.S. Embassy- Bishkek, *reporting, March 2, 2010*.

³²⁹¹ Ibid.

³²⁹² ILO-IPEC official, E-mail communication to USDOL official, June 17, 2010.

³²⁹³ ILO, *The main change has to happen in peoples' minds*.

³²⁹⁴ U.S. Embassy- Bishkek official, E-mail communication, March 8, 2011.

³²⁹⁵ U.S. Embassy- Bishkek, *reporting, March 2, 2010*. See also U.S. Embassy- Bishkek, *reporting, March 10, 2011*, para 6A.

³²⁹⁶ U.S. Embassy- Bishkek, *reporting, March 16, 2009*.