

In 2019, Kazakhstan made a moderate advancement in efforts to eliminate the worst forms of child labor. The Ministry of Internal Affairs, in cooperation with other government agencies, carried out targeted joint inspection operations in areas where child labor may occur, and the government adopted a new national action plan on elimination of the worst forms of child labor. However, children in Kazakhstan engage in the worst forms of child labor, including in commercial sexual exploitation. Children also engage in child labor in markets. The government lacks current, comprehensive, and detailed research on child labor, including in cotton production. Labor inspectors also have limited authority to conduct routine inspections. In addition, the government did not carry out social programs to assist children engaged in all relevant forms of child labor in the country.



### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kazakhstan engage in the worst forms of child labor, including in commercial sexual exploitation. Children also engage in child labor in markets. (1,2,3,4,5) Table 1 provides key indicators on children's work and education in Kazakhstan.

**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5 to 14	3.2 (79,690)
Attending School (%)	5 to 14	90.7
Combining Work and School (%)	7 to 14	3.6
Primary Completion Rate (%)		106.4

Source for primary completion rate: Data from 2019, published by UNESCO Institute for Statistics, 2020. (6)

Source for all other data: International Labor Organization's analysis of statistics from Multiple Indicator Cluster Survey 3 (MICS 3), 2006. (7)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

**Table 2. Overview of Children's Work by Sector and Activity**

Sector/Industry	Activity
Agriculture	Farming, including harvesting vegetables, weeding, collecting worms, and harvesting cotton† (4,5,8-15)
Industry	Construction,† activities unknown (2,5)
Services	Working in markets and on the streets, including transporting and selling items (4,5,15-18)
	Domestic work, including child care (2,5,19)
	Working in gas stations (15)
	Car washing (15-18)
	Working in restaurants† as waiters (15,16,18,20)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (3,15)
	Forced begging, sometimes as a result of human trafficking (2,3)

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

There is no current and comprehensive research on child labor in Kazakhstan that can provide details about the number of children working in different sectors, including in cotton production, the nature of their work, or the hazards involved.

Migrant children from the Kyrgyz Republic, some of whom may be unaccompanied, might engage in work in Kazakhstan. (5) Migrant children who are above the minimum working age theoretically have a right to a legal

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work permit, which would entitle them to work protections such as limited work hours. (5,21) However, in practice, migrant children often cannot obtain legal work permits because they do not list “work” as their purpose for visiting the country when entering Kazakhstan. Thus, migrant children are often unable to work legally and have their labor rights protected. (5,21) Migrants from the Kyrgyz Republic, including children, do not obtain work permits due to lack of information, fear, corruption, and discrimination against migrants. For Kyrgyzstani children over age 16, unregulated status means that they may be subject to administrative fines, arrest, and detention with adults. (5)

Migration authorities sometimes register migrant children under age 16 as unnamed family members, rather than under their own name, which prevents them from receiving Kazakhstani identification documents. (22,23) Some of these undocumented migrant children fall victim to forced child labor and commercial sexual exploitation in Kazakhstan. (5,14) Although Kazakhstan guarantees free education regardless of migration status, migrant children face barriers to accessing education. Some school officials refuse to enroll students who lack Kazakhstani identification documents, and many parents of undocumented children lack awareness of their right to appeal such decisions to regional education officials. (5,22) Landlords often refuse to register migrant tenants, which prevents migrant children from enrolling in local schools. (23) Reports indicate that at least 50 percent of all migrant children did not attend school due to a lack of identification or registration documents, especially in Nur-Sultan and Almaty. (15)

Children with disabilities in Kazakhstan face challenges accessing education due to inaccessible school buildings, a lack of specialists able to provide inclusive education services, and official disability evaluations that render children eligible only for at-home education or ineligible for education entirely. (23,24) Children with disabilities who live in specialized, closed-care institutions may be compelled to assist caregivers in feeding, changing diapers, bathing, and dressing younger children. (19) Disabled children who are unable to access mainstream or inclusive education are at greater risk of being sent to such state institutions. (24)

## II. LEGAL FRAMEWORK FOR CHILD LABOR

Kazakhstan has ratified all key international conventions concerning child labor (Table 3).

**Table 3. Ratification of International Conventions on Child Labor**

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Kazakhstan’s legal framework to adequately protect children from the worst forms of child labor, including the minimum age for work.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	16	Article 31 of the Labor Code (21)
Minimum Age for Hazardous Work	No	18	Article 26.1(2) of the Labor Code; Article 153 of the Criminal Code (21,25)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 26.1(2) of the Labor Code; Decree of the Minister of Health and Social Development No. 944 of 2015 (21,26)

**Table 4. Laws and Regulations on Child Labor (Cont.)**

Standard	Meets International Standards	Age	Legislation
Prohibition of Forced Labor	Yes		Article 7 of the Labor Code; Article 135 of the Criminal Code (21,25)
Prohibition of Child Trafficking	Yes		Article 135 of the Criminal Code (25)
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 134–135 and 312 of the Criminal Code (25)
Prohibition of Using Children in Illicit Activities	Yes		Articles 132–133 and 135.2(9) of the Criminal Code; Article 26.1(2) of the Labor Code (21,25)
Minimum Age for Voluntary State Military Recruitment	Yes	19	Article 38.1(2) of the Military Service Act (27)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		Article 31 of the Military Service Act (27)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Article 41 of the Law on Children's Rights; Articles 132 and 267 of the Criminal Code (25,28)
Compulsory Education Age	Yes	17‡	Article 30 of the Constitution (29)
Free Public Education	Yes		Article 8.2 of the Education Act (30)

‡ Age calculated based on available information (31,32)

In 2019, the government increased the maximum penalty for involvement of a minor in illicit activities by one year. The maximum prison term for involvement of a minor in prostitution increased from five years to six years and when force or coercion is used against the child for the same crime, the term increased from a maximum of seven years to a maximum of eight. (33) For the crime of child trafficking, the maximum prison term was raised from seven to nine years and the penalties of the same crime under aggravated circumstances were raised from a range of seven to ten years of imprisonment to a new range of nine to twelve years. (33)

The Labor Code's protections, including the minimum age for employment and prohibitions on hazardous work, do not meet international standards because they do not cover children without a written work contract. (21)

Article 134 of the Criminal Code of the Republic of Kazakhstan criminalizes involving a minor into prostitution and Article 135 of the Criminal Code criminalizes trafficking of minors, including for the purpose of sexual exploitation. However, no law clearly criminalizes the users (clients) of prostitution involving children. (25)

Because the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education.

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the Ministry of Labor and Social Protection (MLSP) that may hinder adequate enforcement of their child labor laws.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Labor and Social Protection (MLSP)	Enforces child labor laws and conducts labor inspections through the Ministry's Committee on Labor, Social Protection and Migration. (15)
Ministry of Education and Science	Receives child labor complaints. An official from the regional-level Department of Education responds to reports of child labor and determines whether law enforcement should investigate the case. (34) If the case is in agriculture, local officials meet with parents and school officials to reinforce that children should be in school during the academic year. The Ministry's Center for the Adaptation of Minors provides assistance to victims of the worst forms of child labor and makes referrals to appropriate government services or NGOs for further assistance. (34)
Ministry of Internal Affairs (MOIA)	Identifies and carries out initial investigation of criminal cases of the worst forms of child labor. Through the Criminal Police Department's Unit to Combat Crimes Against the Person, identifies and investigates cases of child trafficking. (15)

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**Table 5. Agencies Responsible for Child Labor Law Enforcement (Cont.)**

Organization/Agency	Role
Prosecutor General's Office (PGO)	Provides oversight of police operations related to child labor crimes. (15)
Child Protection Hotlines	Receive reports of illegal child labor. There are three hotlines, one run by the Ministry of Education and Science's Child Protection Committee, one run by the Ombudsman for Children's Rights, and one run by a local NGO. (15)

The Government of Kazakhstan maintains mobile squads in all regions of the country to monitor and respond to child labor violations. These squads consist of internal affairs officers, officials from local administrations, state labor inspectors, health professionals, youth workers, and psychologists. (35)

### **Labor Law Enforcement**

In 2019, labor law enforcement agencies in Kazakhstan took actions to combat child labor (Table 6). However, gaps exist within the operations of MLSP that may hinder adequate labor law enforcement, including lack of an appropriate number of inspectors.

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2018	2019
Labor Inspectorate Funding	\$2.4 million (34)	Unknown
Number of Labor Inspectors	261 (34)	254 (36)
Inspectorate Authorized to Assess Penalties	Yes (37)	Yes (15)
Initial Training for New Labor Inspectors	Yes (34)	Yes (15)
Training on New Laws Related to Child Labor	N/A	Yes (15)
Refresher Courses Provided	Yes (34)	Yes (15)
Number of Labor Inspections Conducted	6,681 (34)	9,522 (36)
Number Conducted at Worksite	6,402 (34)	228 (36)
Number of Child Labor Violations Found	6 (34)	5 (36)
Number of Child Labor Violations for Which Penalties Were Imposed	4 (34)	4 (36)
Number of Child Labor Penalties Imposed that Were Collected	4 (34)	Unknown
Routine Inspections Conducted	Yes (34)	Yes (36)
Routine Inspections Targeted	Yes (34)	Yes (36)
Unannounced Inspections Permitted	Yes (38)	Yes (35)
Unannounced Inspections Conducted	Yes (34)	Yes (36)
Complaint Mechanism Exists	Yes (34)	Yes (15)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (34)	Yes (15)

The number of labor inspectors is likely insufficient for the size of Kazakhstan's workforce, which includes more than 8.97 million workers. (39) According to the ILO's technical advice of a ratio approaching 1 inspector for every 20,000 workers in transitional economies, Kazakhstan would employ about 449 labor inspectors. (40,41)

Presidential Decree No. 757 places restrictions on the conditions under which the Ministry of Labor and Social Protection (MLSP) is authorized to conduct routine labor inspections. (42) Labor inspectors from the MLSP are empowered to conduct inspections only in response to complaints, which cannot be anonymous, and must provide advance notice of the inspection to businesses. (15) Inspectors can also conduct routine worksite visits based on risk assessment reports; in 2019, MLSP conducted 228 such visits. Businesses must be notified in advance of these site visits, unless the worksite is in a very remote location or the inspection is related to certain extreme health and safety hazards. (15,38) The government supplements MLSP's labor inspections with unannounced site visits that occur during annual, inter-Ministerial campaigns to raise awareness about, detect, and combat child labor. These campaigns are widely publicized, limited in duration, and occur at approximately the same time each year. (15) As a result, the site visits conducted during these campaigns may fail to adequately detect child labor in seasonal agriculture or at businesses that conceal violations in anticipation of these high-profile campaigns.

From June 1–12, 2019, the Ministry of Education and Science, in cooperation with the Department of Health, MLSP, police, and other public organizations conducted a total of 4,083 site visits to detect child labor as part

of the government’s annual “Twelve Days Against Child Labor” campaign. Locations inspected included markets, gas stations, and construction sites. (15) Information was not available about the number of child labor violations detected as a result of these site visits. (15) From July 26–August 1, 2019, the Ministry of Internal Affairs (MOIA), in cooperation with other government organizations and NGOs, conducted site visits to detect child labor as part of the government’s annual “Employment” campaign. (15) These site visits identified 185 child labor violations, of which 45 were in the entertainment sector, 6 in transportation, 10 in the agricultural sector, and 124 in other sectors. Violations were reportedly related to employment conditions, such as working extended hours or working without an employment contract. (15) While MOIA could not issue penalties directly, 104 violations identified during the “Employment” campaign were referred to the Prosecutor General’s Office (PGO) or MLSP to assess penalties against employers. (15) Research was unable to determine how many of these referrals resulted in the imposition of penalties. The government did not provide information for inclusion in this report clarifying the number of announced and unannounced labor inspections, including site visits, MLSP conducted outside of annual inter-Ministerial campaigns.

In 2019, the Department of Education within the Ministry of Education and Science worked with the NGO Sana Sezim to monitor for child labor violations in the cotton harvest in Turkestan and Almaty regions, where the government has identified that children are at risk of child labor in cotton picking. (14,15) No instances of child labor were reported as a result of this monitoring. (15)

In addition, during the reporting period, labor inspectors received specialized training on identifying victims of human trafficking. (43)

### **Criminal Law Enforcement**

In 2019, criminal law enforcement agencies in Kazakhstan took actions to combat child labor (Table 7). However, gaps exist within the operations of criminal law enforcement agencies that may hinder adequate criminal law enforcement, including human resource allocation.

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2018	2019
Initial Training for New Criminal Investigators	Yes (34)	Yes (15)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	Yes (15)
Refresher Courses Provided	Yes (34)	Yes (15)
Number of Investigations	11 (34)	10 (15)
Number of Violations Found	11 (34)	10 (15)
Number of Prosecutions Initiated	11 (34)	5 (36)
Number of Convictions	2 (34)	1 (36)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	2 (34)	1 (36)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (34)	Yes (15)

MOIA employs 42 operational officers who work specifically on trafficking in persons, including cases involving minors. Reports indicated that this number of officers may be insufficient to adequately enforce criminal prohibitions against the worst forms of child labor in Kazakhstan. (15) In 2019, the government provided training to law enforcement agencies on trafficking in persons. Eight training sessions for police were conducted at the Anti-Trafficking in Persons Training Center at the MOIA Legal Academy in Karaganda; three training sessions for prosecutors were conducted at the PGO Law Enforcement Academy; and three training sessions for judges were conducted at the Judicial Training Institute of the Supreme Court in Nur-Sultan. (15)

During the reporting period, MOIA investigated 10 cases related to the worst forms of child labor. Eight cases involved violations related to the commercial sexual exploitation of children, with five cases initiated based on prohibitions in Criminal Code Art. 134, coercion of minors into prostitution; two cases based on Criminal Code Art. 312, engagement of minors into pornographic activities; and one case based on Criminal Code Art. 135, trafficking in minors for the purpose of sexual exploitation. (15) MOIA also investigated two cases for violation of prohibitions against hazardous child labor under Criminal Code Art. 135. All 10 of these investigations are ongoing. (15) All of the children identified in these cases were removed from the exploitative situation in question and referred to the IOM and government-funded shelters for services. (15)

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### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including efficacy in accomplishing mandates.

**Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
National Coordination Council on Combating the Worst Forms of Child Labor	Implements the National Action Plan for the Elimination of the Worst Forms of Child Labor 2020–2022. (44) Chaired by MLSP. In 2019, the National Coordination Council was re-established after being dormant during 2018, and met three times. (15,44)
Inter-Agency Trafficking in Persons Working Group	Coordinates efforts to combat human trafficking and recommends improvements to anti-human trafficking legislation, prevention strategies, protection of victims, and the prosecution of offenders. (15,45) Chaired by MOIA and MLSP on a 2-year rotational basis. Its members include 13 state bodies, 2 international organizations (IOM and OSCE), and 5 NGOs. (15) The working group met three times in 2019 to discuss implementation of the National Action Plan to Counter Trafficking in Persons. (15,43)
Special Working Group on Implementation of the Trafficking in Persons Report's Recommendations*	Coordinates government action to respond to recommendations from the international community on improving efforts to combat trafficking in persons and labor exploitation. Led by MOIA and includes the PGO, MLSP, Supreme Court, and Ministry of Foreign Affairs. (46) During the reporting period, met twice and developed an Action Plan to implement international recommendations related to combating trafficking in persons and labor exploitation. (46,43)
Committee for the Protection of Children's Rights	Works to protect children from exploitation. Operates under the Ministry of Education and Science at the regional-level departments of education. (15,47) In 2019, the Committee for the Protection of Children's Rights conducted activities to prevent violence against children and child labor exploitation. (15)
Human Rights Ombudsman	Monitors observance of the rights of children. Receives and responds to complaints about violations of children's rights and drafts annual reports on children's rights. (15) In 2019, the Human Rights Ombudsman published a report assessing the status of children's rights in Kazakhstan in 2018. (15) The only reception office of the Ombudsman for Human Rights is located in Nur-Sultan, making it difficult for the Ombudsman's office to receive and respond to complaints of violations in remote regions. (5)

\* Mechanism to coordinate efforts to address child labor was created during the reporting period.

### V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established relevant policies related to child labor (Table 9).

**Table 9. Key Policies Related to Child Labor**

Policy	Description
National Action Plan on Elimination of the Worst Forms of Child Labor (2020–2022)†	Addresses three priority areas, including (a) the creation of policies and laws to combat the worst forms of child labor; (b) the creation of programs to monitor vulnerable communities and sectors with the highest risk of child labor, and provide services to children who have been exploited in child labor; (c) raise awareness about the worst forms of child labor. (44) In 2019, the government re-established and updated membership on the National Coordination Council on Combating the Worst Forms of Child Labor, which is responsible for implementing this plan. (44)
National Action Plan to Counter Trafficking in Persons (2018–2020)	Addresses priority areas, including (a) prevention of forced child labor in the cotton and construction sectors; (b) exchange of information among government agencies on human trafficking and child pornography; (c) research on the worst forms of child labor and the provision of recommendations; and (d) raising awareness of human trafficking among children. (34,48) The Inter-Agency Trafficking in Persons Working Group within MOIA continued to implement this plan in 2019. (15)

† Policy was approved during the reporting period.

### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2019, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the adequacy to address the problem in all sectors.

**Table 10. Key Social Programs to Address Child Labor**

Program	Description
Juvenile Care Centers†	Ministry of Education and Science-run centers for minors located throughout the 16 regions of Kazakhstan. Provide temporary shelter and assistance to vulnerable children, including child victims of the worst forms of child labor, and street children. (43) These centers were operational in 2019. (43)
Shelters for Trafficking Victims†	Funded by the government and operated by NGOs, provide legal, psychological, medical, and educational services to survivors of human trafficking in nine cities, including Nur-Sultan and Almaty. The shelters provided services in 2019. (15)
Awareness-Raising Campaigns†	Raise public awareness on child labor issues. (2) In 2019, the Ministry of Education and Science, with the cooperation of other agencies, implemented the “Twelve Days Against Child Labor” campaign, which included 945 articles and 400 TV programs raising awareness about child labor and hotlines for reporting violations. (15) MOIA, in cooperation with other government organizations and NGOs, implemented the “Employment” campaign, which included 2,000 prevention events and educational meetings. (15)

† Program is funded by the Government of Kazakhstan.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (49)

Although the Government of Kazakhstan implemented programs in 2019 to protect vulnerable children and raise awareness about child labor, research found no evidence that it has carried out programs to assist children engaged in child labor in services or agriculture.

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Kazakhstan (Table 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that minimum age provisions and hazardous work prohibitions apply to all children, including those working without an employment contract.	2016 – 2019
	Criminally prohibit and penalize the use of a child for prostitution.	2019
	Raise the minimum age for work to the age up to which education is compulsory.	2018 – 2019
Enforcement	Increase the number of labor inspectors to meet the ILO’s technical advice.	2014 – 2019
	Publish information about the labor inspectorate’s operations, including funding for the labor inspectorate and the number of penalties that were collected for child labor violations.	2019
	Fully empower labor inspectors to proactively conduct on-site inspections, including on an unannounced basis, and ensure that such inspections are conducted regularly throughout the year.	2019
	Publish information on the number of child labor violations detected during the annual “Twelve Days Against Child Labor” campaign, and on the number of penalties issued in response to violations referred to the Ministry of Labor and Social Protection during this campaign.	2019
	Increase the number of human trafficking-focused law enforcement officers to ensure adequate enforcement of criminal prohibitions against the worst forms of child labor.	2019
Coordination	Ensure that individuals in remote areas of the country are able to file complaints about child labor violations with the Ombudsman for Human Rights.	2018 – 2019
Social Programs	Conduct research to gather comprehensive data on child labor, including the activities carried out by children working in agriculture, in construction, and in services, to inform policies and programs.	2013 – 2019
	Ensure that all children have access to education, including children with irregular migration status and children with disabilities, and raise awareness in vulnerable communities about existing remedies for denial of school enrollment.	2018 – 2019
	Institute programs to address child labor, particularly in the agriculture and service sectors.	2014 – 2019

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