

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW AND PRACTICE THAT DELAYED ADVANCEMENT

In 2022, the Kyrgyz Republic made minimal advancement in efforts to eliminate the worst forms of child labor. The Ministry of Internal Affairs continued to conduct raids of businesses at high risk for labor law violations, including raids to identify vulnerable children and child labor. The Criminal Code was also amended to strengthen penalties for sexual abuse of children and involving children in illicit activities. In addition, the government funded the construction and staffing of 31 new schools to improve educational access. However, despite new initiatives to address child labor, Kyrgyz Republic is assessed as having made only minimal advancement because it continued a law and practice that delays advancement to eliminate child labor. A new general moratorium on labor inspections was put into place from January 1 through December 31, 2023. The lack of unannounced inspections may leave potential violations of child labor laws and other labor abuses undetected in workplaces. Children in the Kyrgyz Republic are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also engage in child labor in agriculture. Minimum age protections are not extended to children engaged in non-contractual employment, and research indicated that labor law enforcement efforts are not targeted to all sectors in which children are vulnerable to child labor, especially agriculture. In addition, the scope of social programs to address child labor is insufficient to fully address the extent of the problem.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Table 1 provides key indicators on children’s work and education in the Kyrgyz Republic. Data on some of these indicators are not available from the sources used in this report.

Table 1. Statistics on Children’s Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	34.0 (Unavailable)
Attending School (%)	5 to 14	94.7
Combining Work and School (%)	7 to 14	38.4
Primary Completion Rate (%)		102.4

Source for primary completion rate: Data from 2021, published by UNESCO Institute for Statistics, 2022. (1)

Source for all other data: International Labor Organization’s analysis of statistics from Multiple Indicator Cluster Survey 6 (MICS6), 2018. (2)

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	Cultivating or harvesting cotton, walnuts, tobacco,† rice, potatoes, beans, dried fruits, and onions (3-12)
	Herding cattle (3,13,14)
Industry	Coal mining† (3,5,15)
	Brickmaking (3,11,15)
	Construction (3-6,11)
	Manufacturing (3)
Services	Working in bazaars and markets, including portering, shining shoes, and selling items, including food and beverages (3,7,10)
	Washing and repairing cars (3,6,11)
	Working in restaurants and cafes (3,6,7)
	Street work, including begging and collecting and sorting plastics (3,9,10)
	Domestic work, including child care (16)

Kyrgyz Republic

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW AND PRACTICE THAT DELAYED ADVANCEMENT

Table 2. Overview of Children’s Work by Sector and Activity (Cont.)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of trafficking (3,11,17-19)
	Use in illicit activities, including trafficking drugs, as a result of human trafficking (20)

† 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.




Child labor is most prevalent in Naryn province and hazardous child labor is most prevalent in Osh province. (5) According to UNICEF, an estimated 650,000 to 750,000 citizens of the Kyrgyz Republic work abroad, and an additional 1 million are internal migrants. Children of migrants, particularly girls, are especially vulnerable to commercial sexual exploitation and are frequently targeted by traffickers. (7,21) Children from the Kyrgyz Republic who travel to Kazakhstan to work, either with their parents or unaccompanied, cannot attend school due to a lack of documentation. These children engage in child labor in Kazakhstan in construction, farming, herding, or selling products in markets; some fall victim to forced child labor. (16,22) Within the Kyrgyz Republic, children of labor migrants have been identified engaging in child labor in markets. (23)

In the Kyrgyz Republic, school registration documentation requirements continue to prevent some children from enrolling in schools, particularly children whose parents are labor migrants. (3,4) Some children who have either migrated to the Kyrgyz Republic with their parents or were left behind when their parents migrated for work to other countries or other areas of the Kyrgyz Republic cannot access their birth certificates or guardianship documents, which are required for school enrollment. (8,21) Children living in rural areas and those with disabilities also have difficulty accessing education. (3) In rare cases, some parents prevent children from attending school for religious reasons, or require older children to miss school to care for their younger siblings. (3,4,8,24) However, during the reporting period the government made efforts to expand access to education by building 31 new schools and increasing staffing. (3)

II. LEGAL FRAMEWORK FOR CHILD LABOR

The Kyrgyz Republic 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 the Kyrgyz Republic’s legal framework to adequately protect children from the worst forms of child labor, including minimum age protections that do not extend to children working in the informal sector.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	16	Articles 6 and 18 of the Labor Code (25)
Minimum Age for Hazardous Work	Yes	18	Articles 294 and 446 of the Labor Code; Article 72 of the Code on Administrative Liability; Article 15 of the Code on Children (25-27)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 294 of the Labor Code; Decree 565 on the List of Works Prohibited for Persons Under Age 18 (25,28)
Prohibition of Forced Labor	Yes		Articles 10 and 446 of the Labor Code; Article 15.2 of the Code on Children; Article 1 of the Law on Preventing and Combating Human Trafficking; Articles 166 and 170 of the Criminal Code (25,26,29,30)
Prohibition of Child Trafficking	Yes		Article 1 of the Law on Preventing and Combating Human Trafficking; Articles 166 and 167 of the Criminal Code (29,30)
Prohibition of Commercial Sexual Exploitation of Children	No		Articles 166–168 of the Criminal Code; Articles 5 and 15 of the Code on Children (26,29)
Prohibition of Using Children in Illicit Activities	Yes		Articles 19, 180, 181, 282, and 283 of the Criminal Code; Articles 5 and 15 of the Code on Children (26,29)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Article 24.1 of the Law on Military Service (31)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		Articles 17.1 and 22.1 of the Law on Military Service; Article 392 of the Criminal Code (29,31)
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Articles 392 and 395 of the Criminal Code (29)
Compulsory Education Age	Yes	17‡	Article 16 of the Law on Education (32)
Free Public Education	Yes		Article 16 of the Law on Education (32)

‡ Age calculated based on available information (32)

In August 2022, the Criminal Code was amended to include protections for children from sexual abuse and involvement in criminal activity. The amendments also increased fines for sexual and moral offenses against children and prison terms to include the possibility of life in prison. (3) Despite these efforts, the labor law governing the minimum age for work is not in compliance with international standards because it does not apply to informal work. According to Article 6 of the Labor Code, protections to children granted in the Labor Code, such as the minimum age for employment, are not extended to children engaged in non-contractual employment. (25) In addition, as the minimum age for work stated in the Labor Code is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education. (32,33)

Article 18 of the Labor Code prohibits children age 14 and under from working during school hours, and requires that parents give written permission for children age 14 to work. Children age 15 may work only for employers who have received permission from a worker's organization or a government regulatory body. (25) Articles 91 and 95 of the Labor Code also restrict the number of hours that children under age 16 may engage in light work. Children ages 14 and 15 may not work more than 24 hours per week, and daily shifts may not exceed 5 hours during school breaks or 2.5 hours when school is in session. (25) Despite these protections, the Kyrgyz Republic does not have a list of activities in which light work may be permitted. (34) Additionally, although Article 166 of the Criminal Code criminalizes the involvement of children in prostitution, no law clearly criminalizes the users (clients) of prostitution involving children. In addition, prohibitions under Article 167 against offering children for prostitution do not cover children ages 16 and 17. (29,35)

Kyrgyz Republic

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW AND PRACTICE THAT DELAYED ADVANCEMENT

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, lack of authorization to conduct unannounced inspections in the Kyrgyz Republic may impede the enforcement of child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role & Activities
Ministry of Labor, Social Security, and Migration (MLSSM)	Monitors worksites and refers child laborers to social services. (3) Coordinates with the Inspectorate for Minors' Affairs in the Ministry of Internal Affairs (MOIA), the Prosecutor General's Office, and regional State District Administration authorities to enforce child labor laws. (4, 11, 15, 33) Identifies at-risk children, refers them for social services, and monitors their well-being, including the prevention of their involvement in child labor. Runs a hotline to which anyone can report child abuse and exploitation, including the worst forms of child labor, and refers cases for criminal prosecution, if appropriate. (3) In 2022, the MLSSM developed a revised Program for the Protection of Children for 2023-2026, which includes additional measures to prevent the involvement of children in the worst forms of child labor. The MLSSM also resumed labor inspections, intensified efforts to develop Child Protection Plans at the local level, and created a web-based platform which allows individuals and businesses to address labor law compliance issues electronically. (3) Operates a hotline through which children, parents, and legal guardians can report child abuse and exploitation, including the worst forms of child labor, and receive referrals for services. (36, 37)
Ministry of Internal Affairs (MOIA)	Enforces criminal laws related to child labor, including its worst forms. Conducts independent inspections and joint raids with MLSSM to identify violations, which can be referred to the Prosecutor General's Office for prosecutorial action. (3, 11)
Prosecutor General's Office	Implements and enforces state policies and laws related to child protection, including guaranteeing children's rights and enforcing laws prohibiting the worst forms of child labor by identifying and prosecuting offenders. (3, 13)

The government has also established a National Referral Mechanism, which sets procedures and policies for (a) identification of victims of human trafficking, (b) referrals for and provision of social services to victims, and (c) protection of victims' personal data. (38, 39)

Labor Law Enforcement

In 2022, labor law enforcement agencies in the Kyrgyz Republic took actions to address child labor (Table 6). However, lack of authorization to conduct unannounced inspections in the Kyrgyz Republic may have impeded the enforcement of child labor laws.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2021	2022
Labor Inspectorate Funding	Unknown (4)	Unknown (3)
Number of Labor Inspectors	Unknown (4)	50 (3)
Mechanism to Assess Civil Penalties	Yes (25)	Yes (25)
Training for Labor Inspectors Provided	Unknown (4)	Yes (3)
Number of Labor Inspections Conducted at Worksite	Unknown (4)	Unknown (3)
Number of Child Labor Violations Found	103† (4)	25 (3)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown (4)	0 (3)
Number of Child Labor Penalties Imposed that Were Collected	Unknown (4)	N/A (3)
Routine Inspections Conducted	Unknown (4)	Yes (3)
Routine Inspections Targeted	Unknown (4)	Yes (3)
Unannounced Inspections Permitted	No (40, 41)	No (42)
Unannounced Inspections Conducted	Yes (4)	Yes (3)
Complaint Mechanism Exists	Unknown (4)	Yes (3)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Unknown (4)	Yes (3)

† Data are from January 1, 2021, to September 30, 2021.

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW AND PRACTICE THAT DELAYED ADVANCEMENT

A government moratorium on labor inspection of business enterprises expired on January 1, 2022, and routine labor inspections resumed. (3) However, in November 2022, the President issued a decree instructing the Cabinet of Ministers to pass a new general labor inspection moratorium for January 1, 2023 through December 31, 2023, which remains in effect. (43) These restrictions on unannounced inspections severely limit the State Inspectorate's ability to detect violations of labor laws, including those related to child labor. (44)

The Ministry of Labor, Social Security, and Migration (MLSSM) conducted 711 inspections during the reporting period, though it is unknown how many of these inspections took place on site. (3) The Ministry of Internal Affairs (MOIA) reports that it conducted an additional 176 unannounced inspections or investigations of child labor allegations, and 887 raids to identify working, neglected and homeless children. Labor inspectors also regularly participated in trainings, including a trafficking in persons simulation exercise and trainings on ILO standards. (3) Though the MOIA is authorized to conduct unannounced raids, in practice these investigations often require coordination across several government ministries and are frequently announced in advance. (3) Labor inspectors are also often reluctant to impose penalties or refer cases for criminal prosecution, instead preferring to recommend remediation of observed violations. Although the government notes 25 child labor violations were identified during the reporting period, no penalties were imposed for these offenses. (3) In addition, the government did not provide information regarding the budget of the labor inspectorate or the number of inspectors in 2022. However, research indicates that the State Labor Inspectorate employed fewer than 50 labor inspectors, and therefore, the Kyrgyz Republic does not have an adequate number of labor inspectors to carry out their mandated duties. (3,7,45-46) All labor inspectors are centrally dispatched from Bishkek and, due to a lack of both staffing and resources, seldom undertake efforts to detect child labor in rural areas, where children are especially vulnerable to child labor in manufacturing, crop cultivation, and cattle herding due to economic pressures and permissive social attitudes. (3,13)

Criminal Law Enforcement

In 2022, criminal law enforcement agencies in the Kyrgyz Republic took actions to address child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including prosecution planning.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2021	2022
Training for Criminal Investigators Provided	Yes (4)	Unknown (3)
Number of Investigations	3† (4)	Unknown (3)
Number of Prosecutions Initiated	3 (4)	Unknown (3)
Number of Convictions	Unknown (4)	Unknown (3)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Unknown (4)	Unknown (3)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (47)	Yes (3)

† Data are from January 1 to September 30, 2021.

The government did not provide comprehensive information on its 2022 criminal law enforcement efforts related to child labor for inclusion in this report. However, the government did report investigating six cases of enticing a child to engage in pornography and one case of child trafficking. (3,19) Non-governmental organizations report that child survivors of trafficking are often questioned by law enforcement without appropriate psychological support. (19) In addition, reports suggest that Kyrgyz police officers engage in misconduct, including allegations that police threaten and extort sex trafficking victims, including minors; reports also indicate that police accept bribes from alleged traffickers to drop cases. (20) Judicial officials have also been reported to be an obstacle to prosecution of human trafficking offenses, including those involving children, by prosecuting cases under lesser statutes, accepting bribes, or warning suspects prior to raids. (14)

Kyrgyz Republic

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW AND PRACTICE THAT DELAYED ADVANCEMENT

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established a key mechanism to coordinate its efforts to address child labor (Table 8).

Table 8. Key Mechanism to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Activities
Council for Women, Children, and Gender Equality	Coordinates government action to advance the rights of women and children. In 2022, proposed the creation of a Committee for the Protection of the Rights of Women and Children to be housed within the presidential administration. (3) Also met with members of parliament, state bodies, representatives of civil society, and human rights activists to discuss an action plan to advance the rights and opportunities of women and children for 2022–2024. (48)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including a lack of implementation.

Table 9. Key Policies Related to Child Labor

Policy	Description & Activities
Program for the Support of Family and Protection of Children (2018–2028)	Includes action items on addressing child labor, including revising the hazardous work list for children, enhancing social services for vulnerable children and families, and creating an Action Plan on the Prevention and Elimination of Child Labor. (49) Research was unable to determine whether the Program was active during the reporting period.

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2022, 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 inadequacy of programs to address the full scope of the problem.

Table 10. Key Social Programs to Address Child Labor

Program	Description & Activities
Cash Transfer Program†	Government-funded cash transfer program for families living in difficult situations, including families with children engaged in child labor. (47) However, based on available information, the amount of assistance appears to be low, and some families face barriers to accessing these benefits. (50,51)
Ministry of Education and Science (MOES) National School Attendance Database‡	Unified online database maintained by MOES to monitor school enrollment and attendance. Based on these data, government ministries and local government officials can identify and assist children who may be vulnerable to child labor. (8,47)
Shelters for Human Trafficking Victims†	Includes two 24-hour shelters funded by the government and operated by NGOs that serve victims of violence of all ages, including child trafficking survivors. One center is located in Bishkek and the other is in Osh. (36) MOIA also operates two daytime children's shelters, also located in Bishkek and Osh. (36)

For information about USDOL's projects to address child labor around the world, visit <https://www.dol.gov/agencies/ilab/ilab-project-page-search>

† Program is funded by the Government of the Kyrgyz Republic.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (52)

In July 2022, the Cabinet of Ministers approved a regulation on social assistance which provides low-income families with social assistance in the amount of \$1,160 (100,000 Kyrgyz soms) per year through territorial subdivisions of the MLSSM. Although the Kyrgyz Republic has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem, particularly in commercial sexual exploitation and in agriculture, including cultivating cotton. (3) Research was unable to determine whether activities were undertaken to implement social programs to address child labor in the Kyrgyz Republic during the reporting period.

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 the Kyrgyz Republic (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law's minimum age provisions apply to all children, including those working without an employment contract.	2014 – 2022
	Raise the minimum age for work from 16 to 17 to align with the compulsory education age.	2021 – 2022
	Criminally prohibit and penalize the use of a child for prostitution, including the users (clients) of prostitution involving children, and ensure that laws prohibiting the offering of children for prostitution cover all children under age 18.	2019 – 2022
	Ensure that the law's light work provisions specify the activities in which children may undertake light work.	2020 – 2022
Enforcement	Ensure that the labor inspectorate conducts unannounced, onsite labor inspections, and assesses penalties as appropriate.	2018 – 2022
	Publish complete information about the Ministry of Labor, Social Security, and Migration's efforts to enforce prohibitions on child labor, including information on the inspectorate's funding and the number of labor inspections conducted at worksites.	2011 – 2022
	Ensure that child labor violations identified by criminal enforcement agencies are appropriately referred for investigation and prosecution.	2020 – 2022
	Increase the number of labor inspectors from around 50 to 144 labor inspectors to provide adequate coverage for the labor force of approximately 2.9 million people and ensure that inspectors have adequate resources to conduct inspections in rural areas.	2012 – 2022
	Conduct targeted inspections in all sectors in which children are highly vulnerable to child labor, including in rural areas, agriculture, and manufacturing.	2020 – 2022
	Publish complete information about criminal law enforcement efforts to enforce prohibitions on child labor, including information on training, number of investigations, number of violations found, number of prosecutions initiated, convictions for child labor violations, and penalties imposed for the worst forms of child labor.	2021 – 2022
	Ensure that criminal law enforcement agencies investigate, prosecute, and impose penalties for violations related to the worst forms of child labor under the appropriate statutes, including cases of possible law enforcement and judicial complicity in abusing victims and protecting offenders.	2015 – 2022
	Require law enforcement officials to follow established procedures and ensure that child survivors or trafficking are not subjected to questioning without the support of a social worker or psychologist.	2022
	Government Policies	Ensure that activities are undertaken to implement the Program for the Support of Family and Protection of Children and make information about implementation measures publicly available.
Social Programs	Improve understanding of child labor issues in the Kyrgyz Republic by regularly collecting and maintaining data on child labor.	2021 – 2022
	Ensure that all children have access to free education, including children with disabilities, children in rural areas, those lacking residence registration, and those without birth certificates and guardianship documents.	2009 – 2022
	Ensure that social programs, such as the Cash Transfer Program, provide sufficient benefits to reduce vulnerability to child labor and are accessible to families.	2019 – 2022
	Expand existing programs to address the scope of the child labor problem, particularly in commercial sexual exploitation and in agriculture, including cultivating cotton.	2014 – 2022
	Ensure that activities are undertaken to implement key social programs to address child labor and make information about implementation measures publicly available.	2021 – 2022

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