KYRGYZ REPUBLIC

MINIMAL ADVANCEMENT – *Efforts Made but Continued Law and Practice that Delayed Advancement*

In 2023, the Kyrgyz Republic made minimal advancement in efforts to eliminate the worst forms of child labor. The Ministry of Labor, Social Security and Migration created a digitized system to track higher risk children and provide them with appropriate resources. However, despite new initiatives to address child labor, the Kyrgyz Republic is assessed as having made only minimal advancement because in 2022 the President of the Kyrgyz Republic signed a law extending a labor inspection moratorium through December 31, 2023. The lack of unannounced inspections may leave potential violations of child labor laws and other labor abuses undetected in workplaces. The government also lacks current, comprehensive, and detailed research on child labor, including in cotton production, and the labor inspectorate lacks adequate staff and resources. Finally, prohibitions for the commercial sexual exploitation of children are insufficient because no law clearly criminalizes the users (clients) of prostitution involving children.

PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Statistics on Children's Work and Education

Children	Age	Percent of Population
Working	5 to 14	34.0% (Unavailable)
Hazardous Work by Children	15 to 17	Unavailable
Attending School	5 to 14	94.7%
Combining Work and School	7 to 14	38.4%

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.

Overview of Children's Work by Sector and Activity

Agriculture
Working in agriculture, including cultivating or harvesting cotton and tobacco,† and herding.

Industry
Mining,† construction, manufacturing, working in sewing workshops.

Services
Working in bazaars and markets, including portering, shining shoes, and selling items, including food and beverages, working in restaurants and cafes, washing and repairing cars, and street work including begging and collecting and sorting plastics.

Categorical Worst Forms of Child Labor‡
Commercial sexual exploitation and use in illicit activities, including the trafficking of drugs, each sometimes as a result of human trafficking.

† 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.*

SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

The suggested government actions below would close gaps USDOL has identified in the Kyrgyz Republic's implementation of its international commitments to eliminate the worst forms of child labor.

Legal Framework
Ensure that the law's minimum age provisions apply to all children, including those working without an employment contract.
Raise the minimum age for work from 16 to 17 to align with the compulsory education age.
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.
Ensure that the law's light work provisions specify the activities in which children may undertake light work.
Enforcement
Ensure that the labor inspectorate conducts unannounced, onsite labor inspections, and assesses penalties as appropriate.
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 unannounced labor inspections conducted at worksites.
Ensure that child labor violations identified by regulatory and law enforcement agencies are appropriately referred for investigation and prosecution.
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 workers and ensure that inspectors have adequate resources to conduct inspections in rural areas.
Conduct targeted inspections in all sectors in which children are highly vulnerable to child labor, including in rural areas, agriculture, and manufacturing.
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.
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.
Government Policies
Ensure that activities are undertaken to implement the Program for the Support of Family and Protection of Children and publish results of activities implemented during the reporting period.
Social Programs
Collect and publish data on the extent and nature of child labor to inform policies and programs.
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.
Expand existing programs to address the scope of the child labor problem, particularly in commercial sexual exploitation and in agriculture, including cultivating cotton.
Ensure that activities are undertaken to implement key social programs to address child labor and make information about implementation measures publicly available.



CHILDREN AT HIGHER RISK

Children of parents who have migrated abroad seeking work, particularly girls, are especially vulnerable to commercial sexual exploitation and may be targeted by traffickers. NGOs report that more than 85 percent of children trafficked for commercial sexual exploitation are the children of migrants. In addition, within the Kyrgyz Republic, children whose parents have migrated abroad for work have been identified engaging in child labor in markets. Children from rural and low-income families and those in the child welfare system, including orphans, are also at higher risk of being subjected to trafficking. There are no shelters specifically for child survivors of trafficking, meaning they are sometimes placed in orphanages where they may be at higher risk of re-victimization. Additionally, the practice of "bride kidnapping" puts girls at higher risk of forced marriage and possible subsequent forced labor or trafficking into commercial sexual exploitation.

BARRIERS TO EDUCATION ACCESS

In the Kyrgyz Republic, documentation requirements for school registration continue to prevent some children from enrolling in schools, particularly children whose parents are labor migrants. Some children who have either migrated to the Kyrgyz Republic with their parents or were left behind when their parents migrated to other countries or other areas of the Kyrgyz Republic for work cannot access their birth certificates or guardianship documents, which are required for school enrollment. Children living in rural areas and those with disabilities, especially girls, also have difficulty accessing education. 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. Children living in state institutions or orphanages are more likely to leave school due to violence or the need to earn money.

LEGAL FRAMEWORK FOR CHILD LABOR

The Kyrgyz Republic has ratified all key international conventions concerning child labor. However, the Kyrgyz Republic's law does not meet international standards on the minimum age for work because it does not cover children working in the informal sector; and on the commercial sexual exploitation of children because the law does not criminalize the users (clients) of prostitution involving children.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, **16 Years**	✗	Articles 6 and 18 of the Labor Code
Minimum Age for Hazardous Work, **18 Years**	✓	Articles 294 and 446 of the Labor Code; Article 72 of the Code on Administrative Liability; Article 15 of the Code on Children
Identification of Hazardous Occupations or Activities Prohibited for Children	✓	Article 294 of the Labor Code; Decree 565 on the List of Works Prohibited for Persons Under Age 18
Prohibition of Slavery, Debt Bondage, and Forced Labor	✓	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
Prohibition of Child Trafficking	✓	Article 1 of the Law on Preventing and Combating Human Trafficking; Articles 166 and 167 of the Criminal Code
Prohibition of Commercial Sexual Exploitation of Children	✗	Articles 166–168 of the Criminal Code; Articles 5 and 15 of the Code on Children
Prohibition of Using Children in Illicit Activities	✓	Articles 19, 180, 181, 282, and 283 of the Criminal Code; Articles 5 and 15 of the Code on Children
Minimum Age for Voluntary State Military Recruitment, **18 Years**	✓	Article 24.1 of the Law on Military Service
Prohibition of Compulsory Recruitment of Children by (State) Military	✓	Articles 17.1 and 22.1 of the Law on Military Service; Article 392 of the Criminal Code
Prohibition of Military Recruitment by Non-state Armed Groups	✓	Articles 392 and 395 of the Criminal Code
Compulsory Education Age, **17 Years‡**	✓	Article 16 of the Law on Education
Free Public Education	✓	Article 16 of the Law on Education

‡ Age calculated based on available information

The Kyrgyz Republic's labor law governing the minimum age for work is not in compliance with international standards because according to Article 6 of the Labor Code, protections granted in the Labor Code, such as the minimum age for employment, are not extended to children engaged in non-contractual employment. Restrictions on the number of hours that children under age 18 may work are also not enforced for children engaged in non-contractual employment. 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. Further, the government does not have a list of permitted light work activities. Finally, although Articles 166–168 of the Criminal Code of the Kyrgyz Republic criminalize involving a minor in commercial sexual exploitation, no law clearly criminalizes the users (clients) of prostitution involving children.

ENFORCEMENT OF LAWS ON CHILD LABOR

In 2023, labor and criminal law enforcement agencies in the Kyrgyz Republic took actions to address child labor. However, a labor inspection moratorium and lack of sufficient staff and resources hindered enforcement efforts.

Agencies Responsible for Child Labor Law Enforcement

Ministry of Labor, Social Security and Migration (MLSSM): Monitors worksites and refers child laborers to social services. 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. Identifies at-risk children, refers them for social services through a Child Protection Plan, 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, as well as 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. These hotlines fielded more than 77,000 calls during the reporting period. In 2023, created a digitized system to track children "in difficult situations" with the goal of streamlining the process for providing them services.

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.

Enforcement Mechanisms and Efforts

Has a Labor Inspectorate	**Yes**	Has a Complaint Mechanism	**Yes**
Able to Assess Civil Penalties	**Yes**	Imposed Penalties for Child Labor Violations	**Unknown**
Routinely Conducted Worksite Inspections	**Yes**	Conducted Criminal Investigations for Worst Forms of Child Labor Crimes	**Yes**
Unannounced Inspections Permitted	**No**	Imposed Penalties for Worst Forms of Child Labor Crimes	**Unknown**

In 2023, approximately **50** labor inspectors conducted **1,155** inspections between January and October, finding an **unknown** number of child labor violations. It is also **unknown** how many investigations into suspected cases of the worst forms of child labor were conducted, prosecutions were initiated, or perpetrators were convicted.

Legislative barriers prevent labor inspectors in the Kyrgyz Republic from performing unannounced, onsite inspections. In addition, a series of government moratoriums on labor inspections, including a moratorium that was in effect from January 1, 2023, through December 31, 2023, continue to impede the authority of labor inspectors in the Kyrgyz Republic, and it is not clear how many inspections were performed onsite. 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. Labor inspectors are also often reluctant to impose penalties or refer cases for criminal prosecution, instead preferring to recommend remediation of observed violations. Sources also indicate that there are fewer than 50 labor inspectors employed by the Government of the Kyrgyz Republic, and that staffing and resources are inadequate to monitor labor conditions or to detect violations, including of child labor laws, especially in remote, rural areas. While the government generally respects workers' rights to form and join trade unions, most unions fall under the umbrella of

the government-affiliated Federation of Trade Unions. The law does not protect workers from retaliation for striking, nor does it include workers in domestic service. Migrant workers and workers employed by foreign companies (notably, Chinese-owned mining companies) may also have their rights curtailed. These factors have created an environment that limits unions' independence and ability to advocate effectively for workers' rights, including reporting child labor.

COORDINATION, POLICIES, AND PROGRAMS

Key Mechanism to Coordinate Government Efforts on Child Labor The Kyrgyz Republic established a mechanism to coordinate its efforts to address child labor.	***Commissioner for Children's Rights:*** Appointed by the President, tasked with promoting and coordinating the activities of government bodies and local governments to protect the rights and interests of children in the Kyrgyz Republic and Kyrgyz children residing abroad. In 2023, the Commissioner led a delegation to the UN to report on steps taken to implement the UN Convention on the Rights of the Child, including prevention of child marriage and supporting children with disabilities as well as those who are institutionalized or the children of migrants.
Key Policies Related to Child Labor The Kyrgyz Republic has established a policy related to child labor. However, it is unclear if this policy is being implemented.	***Program for the Protection of Children (2023–2026):*** 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.
Key Social Programs to Address Child Labor The Kyrgyz Republic funded and participated in programs that include the goal of eliminating or preventing child labor. However, these social programs do not address the full scope of the problem. *† 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.*	***MLSSM Social Protection Program:†*** Aimed at identifying children in difficult circumstances, monitoring their progress, and providing access to resources including direct financial assistance. Includes a government-funded cash transfer program for families living in difficult situations, including families with children engaged in child labor.
	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.
	Shelters for Human Trafficking Victims:† Includes two 24-hour shelters funded by the government and operated by NGOs that serve survivors of violence of all ages, including child trafficking survivors. One center is located in Bishkek and the other is in Osh. The MOIA also operates two daytime children's shelters, also located in Bishkek and Osh.

*For information about USDOL's projects to address child labor around the world, visit **dol.gov/ILABprojects***
*For references, please visit **dol.gov/ChildLaborReports***