

*In 2014, Kazakhstan made a minimal advancement in efforts to eliminate the worst forms of child labor. Kazakhstan has received an assessment of minimal advancement because its President issued a decree in February 2014 placing a moratorium on inspections of small and medium-size businesses, resulting in the Government not enforcing its child labor laws. This gap in enforcement delays the advancements made in eliminating child labor during the reporting period. In addition, there is limited comprehensive and current research on child labor and programs to combat the worst forms of child labor are insufficient to adequately address the extent of the problem. Children in Kazakhstan are engaged in the worst forms of child labor, including in cotton farming. Despite these gaps, the Government did make efforts to prevent and eliminate child labor, including making children engaged in the worst forms of child labor eligible for social protection services and developing a new national action plan on human trafficking.*



## I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kazakhstan are engaged in the worst forms of child labor, including in cotton farming.(1-4) 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)	5-14 yrs.	3.2 (79,690)
Attending School (%)	5-14 yrs.	90.7
Combining Work and School (%)	7-14 yrs.	3.6
Primary Completion Rate (%)		102.2

Source for primary completion rate: Data from 2013, published by UNESCO Institute for Statistics, 2015.(5)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 3, 2006.(6)

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	Cotton† farming (1-4)
	Production of vegetables* (1, 2, 4)
Industry	Construction,* activities unknown (4)
	Working in markets,* activities unknown (4, 7)
	Domestic work* (4, 8)
Services	Working in gas stations* (7)
	Car washing* (4, 7)
	Working as waiters*† (7)
Categorical Worst Forms of Child Labor‡	Forced begging as a result of human trafficking* (9, 10)
	Forced labor in agriculture,* domestic work,* and construction,* each as a result of human trafficking* (9, 10)
	Commercial sexual exploitation as a result of human trafficking* (9, 10)

\* Evidence of this activity is limited and/or the extent of the problem is unknown.

† 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.

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There is no current, comprehensive research on child labor in Kazakhstan. The last national child labor survey was conducted in 2006; since then, a baseline study prioritizing child labor in agriculture in the Almaty and South Kazakhstan areas was completed in 2012.(11) There is limited evidence that children from the neighboring countries of Uzbekistan and the Kyrgyz Republic migrate with their families to work in Kazakhstan's cotton fields.(2, 7, 12)

Access to education is a challenge for some migrant children who do not have an Individual Identification Number, which became a requirement for school enrollment in September 2014.(4)

## II. LEGAL FRAMEWORK FOR THE WORST FORMS OF 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, including its worst forms (Table 4).

**Table 4. Laws and Regulations Related to Child Labor**

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	16	Article 30 of the Labor Code (13)
Minimum Age for Hazardous Work	Yes	18	Article 179 of the Labor Code (13)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Decree No. 1220 (14)
Prohibition of Forced Labor	Yes		Article 8 of the Labor Code (13); Note 2 to Article 125 of the Criminal Code (15)
Prohibition of Child Trafficking	Yes		Article 133 of the Criminal Code (15)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 132-1 of the Criminal Code (15)
Prohibition of Using Children in Illicit Activities	Yes		Article 132 of the Criminal Code (15); Article 179 of the Labor Code (13)
Minimum Age for Compulsory Military Recruitment	Yes	18	Article 31 of the Military Service Act (16)
Minimum Age for Voluntary Military Service	Yes	19	Article 38.1(2) of the Military Service Act (16)
Compulsory Education Age	Yes	17	Article 30 of the Constitution (17)
Free Public Education	Yes		Article 8.2 of the Education Act (18)

In July 2014, the Parliament adopted a new Criminal Code, which strengthens the penalties for certain criminal offenses, such as engaging a child in the commission of a crime. This law entered into force on January 1, 2015 and repealed the previous Criminal Code.(19)

## III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

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

Organization/Agency	Role
Committee on Labor, Social Protection and Migration*	Enforce child labor laws under the newly formed Ministry of Health and Social Development. Manage child labor cases in the course of broader investigations.(4)
Ministry of Education and Science	Receive complaints of child labor and determine if law enforcement should investigate the case. Mediate cases of child labor in the agricultural sector to encourage parents to keep their children in school.(4)
Ministry of Education and Science's Center for the Adaptation of Minors	Refer and provide assistance to child victims of forced labor, human trafficking, commercial sexual exploitation, or children involved in illicit activities, to the appropriate government services or NGOs for further assistance.(20, 21)
Ministry of Internal Affairs	Enforce child labor laws in criminal offenses and train criminal and migration police in investigating the worst forms of child labor, including commercial sexual exploitation.(20, 22)
Ministry of Internal Affairs' Criminal Police Department, Anti-Trafficking Unit	Investigate allegations of human trafficking, including trafficking of children.(4, 23)
Assistance Hotlines	Ministry of Internal Affairs and Ministry of Education and Science hotlines for child-related issues, including child labor and child trafficking. Refer all child labor and trafficking cases to the police or NGOs, which in turn refer victims to shelters or crisis centers.(24)

\* Agency responsible for child labor enforcement was created during the reporting period.

Labor law enforcement agencies in Kazakhstan took actions to combat child labor, including its worst forms.

### ***Labor Law Enforcement***

In 2014, the Ministry of Labor and Social Protection was merged with the Ministry of Health to form the Ministry of Health and Social Development, which is responsible for enforcing child labor laws. The Ministry employed approximately 320 labor inspectors.(4) In accordance with ILO's Strategies and Practice for Labor Inspections, the number of labor inspectors is insufficient to handle the labor force in Kazakhstan.

The Ministry of Health and Social Development reported that, while it did not conduct specific training on child labor for its inspectors during the reporting period, its periodic recertification requirement mandates competence in all facets of labor inspection, and that preparation for recertification includes review of materials on combating child labor. According to the Ministry, labor inspectors did not carry out any inspections for the purpose of enforcing child labor laws because of a moratorium on inspections of small- and medium-size businesses announced by the President's Decree No.757 in February 2014.(4) The moratorium covered the period of April 2, 2014 through January 1, 2015 and was intended to improve the conditions for the development of entrepreneurship in Kazakhstan. Reports state that despite the Government's national laws that comply with international standards on child labor issue, its efforts to combat child labor are hindered by the lack of adequate inspection of workplaces where children are commonly employed, such as cotton or vegetable fields.(4) Research did not find information on the number of complaints received on Ministry of Internal Affairs and Ministry of Education and Science hotlines, including those that may have been related to child labor.

Articles 16.10 and 16.11 of the Law on State Control allows for unannounced inspection of workplaces only under certain conditions.(25) In general, unannounced inspections are not carried out.(4) Inspectors conduct announced inspections according to the annual and publicly available plan of labor inspections, which are developed by each *oblast's* (each province's) labor department under the supervision of the Ministry of Health and Social Development. The plan is designed to cover large agricultural enterprises.(4) Small agricultural businesses that may employ children are usually inspected only in response to complaints.(4)

The Government has a system for filing and responding to complaints about child labor. Instances of illegal child labor may be reported to the police, an education official, a labor inspector, or one of the several government-operated hotlines.(4) An official from the *oblast*-level Department of Education will respond to the report and determine whether law enforcement should investigate the claim. For cases in which the alleged child labor occurs in an agricultural setting, local officials will meet with the child's parents and with school administrators to reinforce the message that, during the school year, children should be in school and not in the fields.(4)

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### *Criminal Law Enforcement*

In 2014, the Ministry of Internal Affairs' Anti-Trafficking Unit employed approximately 40 operational officers who were responsible to identify crime and collect evidence, covering issues of trafficking in persons, including forced labor and commercial sexual exploitation of children. This number is not sufficient for Kazakhstan.(4, 21) The Ministry of Internal Affairs annually trains police officers dealing with cases that involve the worst forms of child labor at the Anti-Trafficking in Persons Training Center at the Ministry's Legal Academy in Karaganda.(4) In 2014, 84 police officers were trained on identifying victims and conducting human trafficking investigations; they comprised 34 migration police officers, 16 community police officers, 17 school inspectors, and 17 investigators who investigate crimes and prepare cases for the prosecution.(4, 21)

In 2014, the police investigated 17 criminal cases related to the commercial sexual exploitation of children. Eleven child victims were removed from such situations and provided assistance by the government as a result of these investigations.(4) Investigations related to 8 of the 17 criminal cases were completed and resulted in 11 convictions, with sentences ranging from 1 year of probation to 10 years imprisonment.(4) Research did not find information on whether these penalties had been implemented.

## IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

**Table 6. Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
National Coordination Council on Child Labor (NCCCL)	Coordinate efforts to address the worst forms of child labor, and prepare proposals and recommendations on implementing state policy to eliminate child labor.(11) Chaired by the Minister of Health and Social Development, includes representatives from the Ministry of Internal Affairs, the Ministry of Education and Science, the Prosecutor General's Office, the Human Rights Ombudsman, and NGOs. Required to meet semiannually, but did not convene in 2014.(4)
Committee for the Protection of Child Rights	Work to protect children against exploitation. Operates under the Ministry of Education and Science.(4)
Interagency Trafficking in Persons Working Group	Coordinate efforts to combat human trafficking. Chaired by the Minister of Internal Affairs; its coordinating role is shared on a 2-year rotation basis between the Ministry of Internal Affairs and the Ministry of Health and Social Development.(26) Includes representatives from the Ministry of Foreign Affairs, the Ministry of Education and Science, the Ministry of Culture and Sports, the Committee for National Security, the office of the Prosecutor General, the National Human Rights Commission, and the Supreme Court. Met twice in 2014.(26)

NGOs reported that the work of the Committee for the Protection of Children's Rights has slowed after the Committee's reorganization of its 14 *oblast*-level and 2 city-level Departments for the Protection of Children's Rights were abolished in 2013; the Committee's duties were transferred to *oblast*-level Departments of Education in 2014.(4) The National Coordination Council on Child Labor did not meet in 2014 and, therefore, could not monitor the implementation of the Joint Workplan on the Elimination of the Worst Forms of Child Labor.(4) The Council also lacks data on child labor migration in the regions.(27)

## V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Kazakhstan has established policies related to child labor, including its worst forms (Table 7).

**Table 7. Policies Related to Child Labor**

Policy	Description
Joint Workplan on the Elimination of the Worst Forms of Child Labor and Implementation of ILO International Convention 182 in the Republic of Kazakhstan (2012–2014)	Maps out legislation and policies in Kazakhstan on the worst forms of child labor, as well as both <i>oblast</i> and national programs on child labor and youth employment, to facilitate collaboration between the Government and its partners on these issues.(28) Provides measures for conducting investigations into the production of tobacco and cotton to prevent the worst forms of child labor and to check on children's school attendance.(29)

**Table 7. Policies Related to Child Labor (cont)**

Policy	Description
National Action Plan to Combat Human Trafficking (2012–2014)	Prioritizes the development of standards for shelter assistance for trafficking victims and the provision of services to vulnerable population groups, including children.(30, 31) Also includes the development of recommendations to improve regulation of the domestic labor market and the accession of Kazakhstan to the ILO Convention on Domestic Workers, the ILO Convention on Migration for Employment, and the ILO Convention on Migrant Workers.(31) Contains provisions that specifically address child labor, in particular to conduct joint inspections of businesses engaged in cultivation of cotton and tobacco in order to prevent illegal labor migration and exploitation of child labor; to study school attendance during cotton and tobacco harvest season; and to provide social assistance to children who are victims of human trafficking.(4)

Implementation of the Joint Workplan for the Elimination of the Worst Forms of Child Labor was completed in 2014; however, no study was conducted to assess its impact on the worst forms of child labor. No new plan for future years was developed in 2014.(4)

The National Action Plan to Combat Human Trafficking was also completed in 2014; a report on the Government's accomplishments in implementing this Plan will be published in 2015.(4) A new plan for 2015–2017 was developed by the Interagency Trafficking in Persons Working Group and presented to the Prime-Minister's Office in November 2014.(4, 21)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of Kazakhstan participated in and funded programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms.(Table 8)

**Table 8. Social Programs to Address Child Labor**

Program	Description
Combating Child Labor in Central Asia — Commitment Becomes Action (PROACT CAR Phase III) (2010–2015)	\$3.7 million Government of Germany-funded, 5-year regional project implemented by the ILO, to mainstream child labor issues into national policies and legislation, build the capacity of stakeholders, and provide direct services to children withdrawn from the worst forms of child labor.(8)
Assistance to trafficking victims†	Provides medical and legal assistance, pretrial safe houses, security services, housing, food, clothing, and transportation to trafficking victims. Authorities can help victims or witnesses change residence, find another job, or change their physical appearance.(27)
Ministry of Education and Science Program of Education Development (2011–2020)*	Aims to provide equal access to education, transition to a 12-year education model, and improve technical and vocational training.(32)
Improving Identification and Referral of Victims of Human Trafficking‡	USDOS-funded project implemented by IOM aiming to improve identification of human trafficking victims and referring them to services. Government of Kazakhstan has committed to extend identification functions to all police units, such as migration police and administrative police, as well as to labor inspectors and train them on how to identify victims and refer these victims for further assistance.(26)

\* The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

‡ Program is funded by the Government of Kazakhstan.

In 2014, the Government funded social, educational, and crime-prevention campaigns, including “Road to School” and “12 Days Against Child Labor,” in all the regions of Kazakhstan, reaching just under half a million children from socially vulnerable families.(4) Likewise, the Ministry of Culture and Sport funded awareness-raising campaigns designed to prevent human trafficking, including television programs, and Web site and print newspaper articles.(26) The Ministry of Justice provided a grant to an NGO to allow a shelter to serve victims of human trafficking in Astana.(26)

In March 2014, the Minister of Education and Science signed Order No.75 that extended the category of children eligible for placement in the Centers for Adaptation of Minors to include children engaged in the worst forms of child labor.(4)

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Although the Government of Kazakhstan implemented programs to combat human trafficking and provide assistance to trafficking victims in 2014, research found no evidence that it has carried out programs to assist children engaged in child labor in services and agriculture, particularly in the production of cotton.

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Kazakhstan (Table 9).

**Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Enforcement	Increase the number of labor inspectors responsible for enforcing laws related to child labor in order to provide adequate coverage of the workforce.	2014
	Resume labor inspections to enforce child labor laws, particularly targeting cotton fields and other areas where children are commonly employed.	2013 – 2014
	Collect and make publicly available the number of complaints made to the hotlines and disaggregate that number to discern how many of the complaints were related to child labor.	2014
	Strengthen the inspection system by permitting unannounced inspections and including routine or targeted inspections in all sectors of the economy, including small agricultural businesses.	2014
	Collect and make publicly available information on the implementation of penalties in cases of the worst forms of child labor.	2009 – 2014
Coordination	Resume the activities of the National Coordination Council on Child Labor and increase its access to data on child labor migration in the regions.	2012 – 2014
Social Programs	Conduct research to gather comprehensive data on child labor, including the activities carried out by children working in the construction and services industries to inform policies and programs.	2013 – 2014
	Ensure universal access to education, targeting migrant children.	2014
	Assess the impact that existing programs have on child labor.	2010 – 2014
	Institute programs to address child labor in services and agriculture, particularly in the production of cotton.	2014

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