

In 2013, the Kyrgyz Republic made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government passed a temporary decree on Social Support for Children and Families in Difficult Living Conditions in accordance with the UN Convention on the Rights of the Child. It also adopted a National Program against Human Trafficking for 2013–2016 and an Action Plan for its implementation. The Parliament approved the Sustainable Development Plan for 2013–2017, which addresses child labor through undertaking a child labor survey, strengthening enforcement mechanisms for monitoring child labor, and replicating best practices in improving access of working children to education. However, children in the Kyrgyz Republic continue to engage in child labor in cotton cultivation and in the worst forms of child labor in tobacco cultivation. Interagency coordination on child labor continued to be poor and no data were available on the number of child labor or child trafficking investigations or prosecutions during the reporting period.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in the Kyrgyz Republic are engaged in child labor in cotton cultivation and in the worst forms of child labor in tobacco cultivation.(1-3) Evidence suggests that a limited number of schools required children to harvest tobacco on school grounds.(4, 5) Table 1 provides key indicators on children's work and education in the Kyrgyz Republic.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	4.5 (48,305)
Attending School (%)	5-14 yrs.	84.0
Combining Work and School (%)	7-14 yrs.	4.8
Primary Completion Rate (%)		97.7

Source for primary completion rate: Data from 2012, published by UNESCO Institute for Statistics, 2014.(6)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Multiple Indicator Cluster Survey 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	Cultivating cotton, tobacco,† and rice* (1-4, 8-11)
	Coal mining*† (4, 12)
Industry	Brick making* (4, 12)
	Construction, activities unknown* (13)
Services	Transporting, loading, and unloading goods in markets (4, 14)
	Cotton cultivation and other forced labor as a result of human trafficking (5, 10, 15, 16)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation sometimes as a result of human trafficking* (5, 8-10, 15)
	Sale and distribution of illegal drugs as a result of human trafficking (5, 17)

* 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.

II. LEGAL FRAMEWORK ON THE WORST FORMS OF 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 relevant 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	Labor Code (18)
Minimum Age for Hazardous Work	Yes	18	Article 294 of the Labor Code (18)
List of Hazardous Occupations Prohibited for Children	Yes		Section 294 and Decrees No. 239 and 448 of the Labor Code (18)
Prohibition of Forced Labor	Yes		Article 10 of the Labor Code; Article 15 of the Code on Children (5, 18)
Prohibition of Child Trafficking	Yes		2005 Prevention and Combating Trafficking in Persons Law(5)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Criminal Code (19)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	Yes	18	Article 22 of the Law on the Universal Military Duty (20, 21)
Minimum Age for Voluntary Military Service	Yes	18	Law on the Universal Military Duty (20, 21)
Compulsory Education Age	Yes	16	Kyrgyz Republic Law on Education (6)
Free Public Education	Yes		Kyrgyz Republic Law on Education (22)

Section 294 of the Labor Code prohibits harmful and dangerous work, work underground, and work which might harm the health and moral development of children. Decree No. 239 of the Labor Code lays out a detailed list of hazardous work prohibited for children under the age of 18, including the use of pesticides and manufacture of tobacco.(4, 18, 23) Decree No. 548 enumerates specific weight limits permissible for children of legal working age in occupations that require them to carry loads.(9, 23) The Government indicates that a revised list of hazardous occupations prohibited for children in the Kyrgyz Republic is still in review and has yet to be adopted.(4, 8) The draft list was submitted to the Ministry of Social Development and is waiting for action for the second year in a row.(4, 24)

The Criminal Code prohibits adults from involving minors in criminal activity, forced prostitution, slavery and armed conflicts, but does not have a specific article that prohibits adults from using children for drug trafficking or other illicit activities.(4, 19, 25) There is no legal precedent that would indicate that the courts interpret criminal activity to include adults forcing children into drug trafficking.(25)

Although education is free and compulsory for nine years, roughly equivalent to age 16, some children have to pay burdensome, illegal school administrative fees because of government resource constraints.(10, 26, 27) There is also evidence that children with disabilities are denied entry to schools.(10) Refugees, migrants, and noncitizens also have limited access to education because of the country's system of residence registration.(10, 28) These conditions make children more likely to drop out of school and thus more vulnerable to child labor.

In 2013, the Government passed a temporary decree on “Social Support for Children and Families in Difficult Living Conditions.” The decree was developed in accordance with the UN CRC and addresses child labor with a focus on reducing the root causes of child labor.(4, 10) The Ministry of Social Development issued the decree and subsequently submitted legislation to Parliament that would give the program the force of law. The law is awaiting official approval and the President’s signature.(4, 24, 25)

The law states that children cannot be removed from school to work during agricultural harvest periods. However, an exception to the law allows school principals to request permission from the Ministry of Education to allow children to leave school to work on their family farms for a specific period, provided the school agrees to organize makeup classes.(29, 30)

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

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

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
State Inspectorate on Ecological and Technical Safety	Monitor worksites and refer child laborers to social services.(31) Lead enforcement and cooperate with the Inspectorate for Minors’ Affairs in the Ministry of Internal Affairs, the Prosecutor General’s Office, and regional State District Administration authorities in enforcing child labor laws.(4, 13, 30).
Ministry of Internal Affairs’ Inspectorate for Minors’ Affairs	Enforce criminal laws on child labor, trafficking, and exploitation.(4) Conduct joint raids with the State Inspectorate on Ecological and Technical Safety and with other services, or on own, to find neglected or abused children. Refer children to social institutions for care.(30)
Prosecutor General’s Office	Enforce and apply laws on labor legislation including labor inspections and child labor violations in coordination with the State Labor Inspectorate.(13, 29, 32)
Regional State District Administration	Enforce child labor laws at the district level.(13, 29)

Research found no evidence that law enforcement agencies took actions to combat child labor, including its worst forms. There is also a significant lack of coordination between agencies responsible for child labor law enforcement.(4)

Labor Law Enforcement

In 2013, the State Inspectorate on Ecological and Technical Safety employed 23 inspectors charged with investigating all labor issues, including those dealing with child labor violations.(4) The number of inspectors, however, was inadequate to ensure appropriate enforcement of laws against child labor and the Inspectorate did not report any child labor violations in 2013.(4) Although inspectors’ salaries were paid and they were provided with office facilities, the budget was not sufficient to cover transportation and fuel expenses, thus limiting inspections.(4) During the reporting period inspectors did not receive training on child labor.(4)

During the first six month of 2013, the Ministry of Internal Affairs reported no registered cases of child labor.(10) Since many children are self-employed, work with their families, or work in the informal sector, it is difficult for the Government to determine whether work complied with the labor code.(10, 11)

Criminal Law Enforcement

The number of inspectors employed by the Prosecutor General’s Office during the reporting period is not publically available, nor is any information on the number of child labor or child trafficking cases investigated or prosecuted in 2013.(4)

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

The Government has established some 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
Ministry of Social Development	Serve as the key government agency for child issues, charged with protecting children and families in difficult conditions, especially child laborers.(4) Child labor issues covered under the Department of Child Protection within the Ministry. Monitor for children engaged in the worst forms of child labor but does not actively enforce the laws.(4)
Ministry of Foreign Affairs	Facilitate efforts against trafficking in persons.(2, 4) Coordinate with international and donor organizations and report on trafficking persons in line with UN conventions.(31)
National Coordination Council on Child Labor (NCCCL)	Focus on developing policies to eliminate child labor, coordinating efforts of key stakeholders and providing recommendations to harmonize national legislation on child labor with international standards.(4) Consist of representatives from government agencies, trade unions and employers' organizations as well as NGOs and international organizations.(4) Child laborers covered under a specific category, called "Children and Families in Difficult Conditions."(2, 33) Not operational in 2013.(4)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

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

Table 7. Policies Related to Child Labor

Policy	Description
National Program Against Human Trafficking and Action Plan for Implementation of the Program for 2013–2016†	Aims to provide protection to children in difficult situations to prevent them from becoming victims of sexual, labor and criminal exploitation. Does not, however, have a specific focus on the commercial sexual exploitation of children.(4, 34, 35) Action Plan overseen by the Ministry of Labor.(31)
Sustainable Development Plan for 2013–2017*†	Addresses child labor through undertaking a child labor survey, strengthening enforcement mechanisms for monitoring child labor, and replicating best practices in improving access of working children to education. Approved by Parliament in 2013.(4, 24)
Roadmap on Out-of-School Children†	Seeks to collect information on the problem of school nonattendance and develop a comprehensive list of activities to address the issue. Developed by UNICEF and the Ministry of Education and currently under revision.(24)
Roadmap for Implementation of the Social Protection Development Strategy for 2012–2014*	As part of the roadmap and in consultation with ILO-IPEC, the Ministry of Social Development is developing the following activities to address child labor issues: formulation of the Guidelines for the Child Labor Monitoring System (CLMS), adoption of a list of hazardous types of work prohibited for children under 18, preparation for replication of the CLMS to other regions of the country, and reinforcement of the National Information and Resource Center on the Worst Forms of Child Labor.(4, 24) Despite piloting the CLMS in 2012, the program did not continue in 2013.(4)

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

† Policy was launched during the reporting period.

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of the Kyrgyz Republic funded and participated in programs that include components which aim to eliminate or prevent child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
Combating Child Labor through Education in Kyrgyzstan: Capacity building and educational opportunities for school drop-outs	\$191,903 One UN Fund-funded, 2-year project that assists children in migrant settlements around Bishkek to return to school.(24, 36, 37) Includes workshops on child labor, monitoring on the worst forms of child labor, awareness raising activities for parents, and educational opportunities for children.(24, 37)
Combating Child Labor in Central Asia – Commitment becomes Action (PROACT CAR Phase III)	\$1.4 million Government of Germany-funded, 5-year child labor project that works 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.(24)

Table 8. Social Programs to Address Child Labor (cont)

Program	Description
Implementing Practices to Address Child Labor in Tobacco in Kyrgyzstan (IMPACT) [†]	\$709,943 Eliminating Child Labor in Tobacco Growing (ECLT) Foundation-funded, 2-year project that works to eliminate child labor in tobacco growing communities in the Southern Kyrgyz Republic.(38, 39) Objectives include preventing 3,000 children from entering child labor and improving access to education, water, and sanitation.(39)
Evening Classes for Child Laborers ^{†‡}	ILO and Ministry of Education and Science project that provides evening classes to secondary school students in districts where there is a high concentration of child laborers. Includes weekly or bi-weekly family consultations with social workers who observe the children, where parents of child laborers are provided with information on the hazards of early employment.(40)
Social Support for Children and Families in Difficult Living Conditions ^{†‡}	Social workers monitor places where children may be working, with a primary focus on bazaars. This was created in 2013 in conjunction with a temporary decree focused on reducing the root causes of child labor. The decree indicates that social workers will assist with returning children to school and ensuring sure that they are no longer working.(4, 25)
World Day Against Child Labor: "No to child labor in domestic work" [†]	Ministry of Social Development and ILO-IPEC media campaign for the World Day Against Child Labor in 2013.(31) Worked to increase general awareness of child labor in domestic work in Kyrgyzstan through mass media campaigns.(41)
Toll-Free Hotline for Trafficking [*]	Ministry of Labor toll-free line provided to the International Office of Migration (IOM) that provides information to potential migrants and helps victims of labor trafficking.(10)

* 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 the Kyrgyz Republic.

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 the Kyrgyz Republic (Table 9).

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

Area	Suggested Action	Year(s) Suggested
Laws	Finalize the revised list of hazardous occupations for children under 18 years of age in the Kyrgyz Republic.	2013
	Clarify whether the law protects children against being used by adults in drug trafficking or other illicit activities.	2011 – 2013
	Enforce laws on free education, ensure school administrators and teachers do not charge school fees, and ensure that children with disabilities, refugees, migrants, and noncitizens have access to free education.	2009 – 2013
Enforcement	Increase the number of labor inspectors and provide inspectors with training on child labor and adequate resources to conduct inspections.	2012 – 2013
	Make information publicly available on the number of inspectors in the Prosecutor General's Office and the number of child trafficking cases investigated and/or prosecuted.	2011 – 2013
Coordination	Ensure increased coordination among government agencies on child labor.	2012 – 2013
	Reestablish the National Coordination Council on Child Labor (NCCCL) to address issues of child labor in the Kyrgyz Republic.	2013
Government Policies	Assess the impact that existing government policies have on child labor.	2013
Social Programs	Conduct research to determine the activities carried out by children in construction to inform policies and programs.	2013
	Assess the impact that current programs have on child labor.	2013
	Restart the Child Labor Monitoring System and provide funding to ensure continuation and sustainability.	2013

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