

Kazakhstan

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Kazakhstan are unavailable.²⁵⁴⁵ Most working children are involved in agriculture in rural areas.²⁵⁴⁶ In urban areas, the country's increasingly formalized labor market has led to a decrease in many forms of child work. However, children continue to be found begging, loading freight, delivering goods in markets, washing cars, and working at gas stations.²⁵⁴⁷ Reports also indicate a rise in the number of children exploited in prostitution and pornography in urban areas. Children working as domestic servants are often less visible to law enforcement officials and, for this reason, also vulnerable to exploitation.²⁵⁴⁸ Child labor is one of many problems associated with poverty. In 2003, less than 2 percent of the population of Kazakhstan were living on less than USD 1 a day.²⁵⁴⁹

Kazakhstan is a source, transit, and destination country for trafficking for commercial sexual exploitation and forced labor. Girls in their teens are one of the primary targets for trafficking from Kazakhstan to countries in Europe, Asia, and the Middle East. Travel, employment and marriage agencies lure girls into trafficking with promises of good jobs or marriage abroad. Internal trafficking from rural to urban areas for sexual exploitation also occurs.²⁵⁵⁰ Police estimate that a third of all street prostitutes in Kazakhstan are minors.²⁵⁵¹

The Constitution and the Education Act provides for free and compulsory schooling for children ages 5 or 6 to the age of 16 or grade 9.²⁵⁵² The government also provides free secondary vocational and higher vocational education.²⁵⁵³ In 2002, the gross primary enrollment rate was 102 percent and the net primary

²⁵⁴⁵ This statistic is not available from the data sources that are used in this report. Please see the section in the front of the report titled "Data Sources and Definitions" for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

²⁵⁴⁶ There are indications of a high prevalence of children engaged in tobacco and cotton cultivation. See ILO-IPEC, *CAR Capacity Building Project: Regional Program on the Worst Forms of Child Labour*, project document, RER/04/P54/USA, Geneva, September 2004, 5-7. See also U.S. Department of State, *Trafficking in Persons Report*, online, Washington, DC, June 3, 2005, Section 6d; available from <http://www.state.gov/documents/organization/47255.pdf>.

²⁵⁴⁷ ILO-IPEC, *CAR Capacity Building Project*, project document, 5-7. See also U.S. Embassy- Almaty, *reporting*, August 22, 2004.

²⁵⁴⁸ ILO-IPEC, *CAR Capacity Building Project*, project document, 8.

²⁵⁴⁹ World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

²⁵⁵⁰ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Kazakhstan*, Washington, DC, February 28, 2005, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41689.htm>. See also U.S. Department of State, *Trafficking in Persons Report*.

²⁵⁵¹ Liz Kelly, *Fertile Fields: Trafficking in Persons in Central Asia*, International Organization for Migration, April 2005, 61.

²⁵⁵² U.S. Department of State, *Country Reports- 2004: Kazakhstan*, Section 5. See also UN Committee on the Rights of the Child, *Initial Reports of States parties due 1996: Kazakhstan*, CRC/C/41/Add.13, prepared by The Republic of Kazakhstan, pursuant to Article 44 of the Convention on the Rights of the Child, September 24, 2002, para 257 and 267.

²⁵⁵³ UN Committee on the Rights of the Child, *Initial reports of Kazakhstan*, CRC/C/41/Add.13, para 257.

enrollment rate was 91 percent.²⁵⁵⁴ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Despite efforts to ensure education for all, increases in costs associated with education have limited access to children from disadvantaged families. The quality of education also suffers from regional disparities and untrained teachers. An increase in drop-out rates in secondary and vocational education was reported in 2003.²⁵⁵⁵

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for contract employment at 16 years.²⁵⁵⁶ However, children may work at age 15 if they have completed their compulsory education.²⁵⁵⁷ With parental consent, children 14 years or older may perform light work, provided that the work does not interfere with school attendance or pose a health threat.²⁵⁵⁸ Children under 18 are prohibited from working in dangerous conditions, overtime, or at night. Children between ages 16 and 18 may not work more than 36 hours per week. Children between ages 15 and 16 years (or 14 and 16 years during non-school periods) may not work over 24 hours per week. The labor authorities determine a list of dangerous occupations.²⁵⁵⁹

Although there is no law specifically prohibiting the worst forms of child labor in Kazakhstan, there are statutes under which the worst forms can be prosecuted. The Constitution prohibits forced labor, except under a court mandate or in a state of emergency.²⁵⁶⁰ The minimum age for compulsory military service is 18 under the 1993 Law on Universal Military Duty and Military Service, and the minimum voluntary recruitment age is 19 under the 2001 Law on Military Service on a Contract.²⁵⁶¹ The Code of Administrative Offences criminalizes the involvement of minors in the creation and advertisement of erotic products.²⁵⁶² Procuring a minor to engage in prostitution, begging, or gambling is illegal under Article 201 of the Penal Code and punishable by up to 3 years of imprisonment.²⁵⁶³ Article 215-1 outlaws the keeping of brothels for prostitution and pimping and imposes punishments of 2 to 5 years of imprisonment with confiscation of property.²⁵⁶⁴ Under Article 124, using children for sexual exploitation is punishable by up to 4 years of imprisonment.²⁵⁶⁵ In 2003, the Penal Code was amended to include punishments for trafficking in persons. Specifically, it imposes a 5-year prison sentence if a minor is involved and an 8-year sentence if persons are trafficked abroad.²⁵⁶⁶ The Code also includes an article

²⁵⁵⁴ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportID=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

²⁵⁵⁵ UN Committee on the Rights of the Child, *Concluding Observations: Kazakhstan*, CRC/C/15Add.213, July 10, 2003, para. 61.

²⁵⁵⁶ The Republic of Kazakhstan, *Labour Law of the Republic of Kazakhstan*, 1999, (January 2000), Section 11, no. 1; available from <http://natlex.ilo.org/txt/E99KAZ01.htm>.

²⁵⁵⁷ *Ibid.*, Section 11, no. 2. See also U.S. Embassy- Almaty, *reporting*, August 22, 2004.

²⁵⁵⁸ *Labour Law*, Section 11, no. 3.

²⁵⁵⁹ *Ibid.*, Sections 46-49.

²⁵⁶⁰ The Republic of Kazakhstan, *Constitution of the Republic of Kazakhstan*, Article 24; available from http://www.president.kz/articles/state/state_container.asp?Ing=eng&art=constitution. See also *Labour Law*, Section 6.

²⁵⁶¹ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report- Kazakhstan*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=909.

²⁵⁶² UN Committee on the Rights of the Child, *Initial reports of Kazakhstan*, CRC/C/41/Add.13, para 355.

²⁵⁶³ *Criminal Code of the Kazakh Republic as cited by The Protection Project, Kazakhstan*, March, 2002.

²⁵⁶⁴ *Ibid.*

²⁵⁶⁵ Article 124 of the *Criminal Code of the Kazakh Republic as cited by Interpol, Legislation of Interpol Member States on Sexual Offences Against Children*, [cited June 15, 2005]; available from

<http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaKazakhstan.asp>.

²⁵⁶⁶ U.S. Department of State, *Country Reports- 2004: Kazakhstan*, Section 5.

establishing penalties of up to 10 years in prison for the sale or purchase of a minor.²⁵⁶⁷ The Law Enforcement Coordination Council has issued detailed instructions to aid prosecutors and law enforcement in handling trafficking cases.²⁵⁶⁸

The Ministry of Labor and Social Protection is responsible for enforcing child labor laws and imposing fines for administrative offenses. The Ministry of the Interior is responsible for investigating criminal child labor offenses.²⁵⁶⁹ The Ministry of Labor has a total of 400 labor inspectors. Each of the country's 16 districts has labor inspectors. They are empowered to levy fines for labor violations and refer criminal cases to law enforcement authorities.²⁵⁷⁰ The Minister of Justice is given responsibility for coordinating all of the government's anti-trafficking activities.²⁵⁷¹

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Ministry of the Interior's Gender Crimes Division has provided instructions to its units in how to recognize trafficking cases.²⁵⁷² The Government of Kazakhstan is funding victim hotlines, airing public service announcements, and preparing educational material on trafficking prevention.²⁵⁷³ Information about trafficking has been integrated into the high school and university curricula.²⁵⁷⁴ The local law enforcement has also established a victim referral system.²⁵⁷⁵ In December 2004, the Ministry of Internal Affairs held a nationwide conference to train law enforcement officers involved with trafficking issues.²⁵⁷⁶ Joint investigations were held with Uzbekistan, Russia, and the United Arab Emirates.²⁵⁷⁷ The government, in cooperation with the IOM and other NGOs, is participating in several other programs to prevent trafficking, prosecute offenders, and provide assistance to victims.²⁵⁷⁸

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	5/18/2001	✓
Ratified Convention 182	2/26/2003	✓
ILO-IPEC Associated Member		✓
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Trafficking)		

²⁵⁶⁷ Ibid. Aggravating circumstances include: engaging in the same act with two or more minors, selling body parts, and sale by a group of persons or by a person in a position of authority in conjunction with the unlawful transport of a minor in or out of the country or inciting the youth to commit immoral acts. See UN Committee on the Rights of the Child, *Initial reports of Kazakhstan*, CRC/C/41/Add.13, para 358.

²⁵⁶⁸ U.S. Department of State, *Country Reports- 2004: Kazakhstan*, Section 5.

²⁵⁶⁹ Ibid., Section 6d.

²⁵⁷⁰ U.S. Embassy- Almaty, *reporting*, August 22, 2004.

²⁵⁷¹ U.S. Department of State, *Country Reports- 2004: Kazakhstan*, Section 5.

²⁵⁷² Ibid.

²⁵⁷³ U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: Kazakhstan*, Section 5.

²⁵⁷⁴ U.S. Department of State, *Trafficking in Persons Report*.

²⁵⁷⁵ Ibid.

²⁵⁷⁶ Ibid.

²⁵⁷⁷ Ibid.

²⁵⁷⁸ IOM, *Combating Trafficking in Persons in Central Asia: Prevention, Prosecution, Protection (ASPPP)*, [cited June 15, 2005]; available from <http://www.iom.int/iomwebsite/Project/ServletSearchProject?Category=1%3BCounter-Trafficking®ion=0%3B%28any%29&title=&keyWord=&resultPerPage=25&event=search&search=Search>. See also IOM, *Prevention of Trafficking in Persons and Protection (PTPP) of Victims of Trafficking From, To, Through and Within Kazakhstan*, [cited June 15, 2005]; available from <http://www.iom.int/iomwebsite/Project/ServletSearchProject&Category=1%3BCounter-Trafficking®ion=0%3B%28any%29&country=0%3B%28any%29&title=&keyWord=&resultPerPage=25&event=search&search=Search>.

