

In 2018, Kazakhstan made a minimal advancement in efforts to eliminate the worst forms of child labor. The Ministry of Education and Science, in cooperation with other government agencies, carried out targeted joint inspection operations in areas where child labor may occur, and the government adopted a new national action plan to counter trafficking in persons. However, children in Kazakhstan engage in the worst forms of child labor, including in cotton harvesting and commercial sexual exploitation. The government lacks programs to address child labor in cotton harvesting, as well as current, comprehensive, and detailed research on child labor. The government also does not have a policy that addresses all relevant forms of child labor in the country. In addition, the complaint mechanism did not allow for anonymous individuals to report violations of labor laws, and not a single case of child labor was reported to government hotlines on children's issues.



### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Kazakhstan engage in the worst forms of child labor, including in cotton harvesting and commercial sexual exploitation. (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 to 14	3.2 (79,690)
Attending School (%)	5 to 14	90.7
Combining Work and School (%)	7 to 14	3.6
Primary Completion Rate (%)		109.7

Source for primary completion rate: Data from 2018, published by UNESCO Institute for Statistics, 2019. (5)

Source for all other data: International Labor Organization'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	Farming, including producing vegetables, weeding, collecting worms, and harvesting cotton† (2,7-14)
Industry	Construction,† activities unknown (4,12,14)
Services	Working in markets and on the streets, including transporting and selling items (4,11,12,14-17)
	Domestic work, including child care (4,14)
	Working in gas stations (4,15)
	Car washing (4,12,15-17)
	Working as bus conductors (4,18)
Categorical Worst Forms of Child Labor‡	Working in restaurants† as waiters (15,16,19)
	Commercial sexual exploitation as a result of human trafficking (1,3) Forced begging as a result of human trafficking (3,4)

† 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.

There is no current and comprehensive research on child labor in Kazakhstan that can provide details about the number of children working in different sectors, the nature of their work, or the hazards involved.

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Migrant children from the Kyrgyz Republic, some of whom may be unaccompanied, may engage in work in Kazakhstan. (14) Migrant children who are above the minimum working age theoretically have a right to a legal work permit, which would entitle them to work protections such as limited work hours. However, in practice, migrant children often cannot obtain legal work permits because they do not list “work” as their purpose for visiting the country when entering Kazakhstan. Thus, migrant children are often unable to work legally and have their labor rights protected. (14,20) Migrants from the Kyrgyz Republic, including children, do not obtain work permits due to lack of information, fear, corruption, and discrimination against migrants. For Kyrgyzstani children over age 16, unregulated status means that they may be subject to administrative fines, arrest, and detention with adults. (14) Children in an unregulated migration status also do not have the same free access to education as Kazakh citizens. (14) In addition, some school officials require migrants to provide individual identification numbers for enrollment, even though it is not legally required. This makes access to education even more difficult. (14) Some such children fall victim to forced child labor in Kazakhstan. (14)

## II. LEGAL FRAMEWORK FOR 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 (Table 4). However, gaps exist in Kazakhstan’s legal framework to adequately protect children from the worst forms of child labor, including the minimum age for work.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	16	Article 31 of the Labor Code (20)
Minimum Age for Hazardous Work	No	18	Article 26.1(2) of the Labor Code; Article 153 of the Criminal Code (20,21)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 26.1(2) of the Labor Code; Decree of the Minister of Health and Social Development No. 944 of 2015 (20,22)
Prohibition of Forced Labor	Yes		Article 7 of the Labor Code; Article 135 of the Criminal Code (20,21)
Prohibition of Child Trafficking	Yes		Article 135 of the Criminal Code (21)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 134–135 and 312 of the Criminal Code (21)
Prohibition of Using Children in Illicit Activities	Yes		Articles 132–133 and 135.2(9) of the Criminal Code; Article 26.1(2) of the Labor Code (20,21)
Minimum Age for Voluntary State Military Recruitment	Yes	19	Article 38.1(2) of the Military Service Act (23)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		Article 31 of the Military Service Act (23)

**Table 4. Laws and Regulations on Child Labor (Cont.)**

Standard	Meets International Standards	Age	Legislation
Prohibition of Military Recruitment by Non-state Armed Groups	Yes		Article 41 of the Law on Children's Rights; Articles 132 and 267 of the Criminal Code (21,24)
Compulsory Education Age	Yes	17‡	Article 30 of the Constitution (25)
Free Public Education	Yes		Article 8.2 of the Education Act (26)

‡ Age calculated based on available information (27,28)

According to Articles 26.1(2) and 31 of the Labor Code, protections, such as the minimum age for employment and prohibitions on hazardous work, are not extended to children engaged in non-contractual employment. (20)

Because the minimum age for work in Kazakhstan is lower than the compulsory education age, children may be encouraged to leave school before the completion of compulsory education.

### 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, gaps exist within the operations of the Ministry of Labor and Social Protection that may hinder adequate enforcement of their child labor laws.

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

Organization/Agency	Role
Ministry of Labor and Social Protection	Enforces child labor laws and conducts labor inspections through the Ministry's Committee on Labor, Social Protection and Migration. (29)
Ministry of Education and Science	Receives child labor complaints. An official from the province- or <i>oblast</i> -level Department of Education responds to reports of child labor and determines whether law enforcement should investigate the case. (29) If the case is in agriculture, local officials meet with parents and school officials to reinforce that children should be in school during the academic year. The Ministry's Center for the Adaptation of Minors provides assistance to victims of the worst forms of child labor and makes referrals to appropriate government services or NGOs for further assistance. (29)
Ministry of Internal Affairs	Identifies and carries out initial investigation of criminal cases of the worst forms of child labor. Through the Anti-Trafficking Unit of the Criminal Police Department, identifies and investigates cases of child trafficking. (29) The Anti-Trafficking Unit employed 40 officers during the reporting period (39)

#### Labor Law Enforcement

In 2018, labor law enforcement agencies in Kazakhstan took actions to combat child labor (Table 6). However, gaps exist within the operations of the Ministry of Labor and Social Protection that may hinder adequate labor law enforcement, including lack of an appropriate number of inspectors.

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2017	2018
Labor Inspectorate Funding	Unknown (4)	\$2.4 million (29)
Number of Labor Inspectors	320 (4)	261 (29)
Inspectorate Authorized to Assess Penalties	Yes (30)	Yes (30)
Initial Training for New Labor Inspectors	Yes (4)	Yes (29)
Training on New Laws Related to Child Labor	Yes (4)	N/A
Refresher Courses Provided	Yes (4)	Yes (29)
Number of Labor Inspections Conducted	10,748 (4)	6,681 (29)
Number Conducted at Worksite	10,748 (4)	6,402 (29)
Number of Child Labor Violations Found	7 (4)	6 (29)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown (4)	4 (29)
Number of Child Labor Penalties Imposed that Were Collected	Unknown (4)	4 (29)

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**Table 6. Labor Law Enforcement Efforts Related to Child Labor (Cont.)**

Overview of Labor Law Enforcement	2017	2018
Routine Inspections Conducted	Yes (4)	Yes (29)
Routine Inspections Targeted	Yes (4)	Yes (29)
Unannounced Inspections Permitted	Yes (31)	Yes (31)
Unannounced Inspections Conducted	Yes (4)	Yes (29)
Complaint Mechanism Exists	Yes (4)	Yes (29)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (4)	Yes (29)

The number of labor inspectors is likely insufficient for the size of Kazakhstan's workforce, which includes more than 8.97 million workers. (29, 32) According to the ILO's technical advice of a ratio approaching 1 inspector for every 20,000 workers in transitional economies, Kazakhstan would employ about 449 inspectors. (33,34)

In June 2018, the Ministry of Education and Science, in cooperation with other government agencies, carried out targeted joint inspection operations (raids) in areas in which children were likely to engage in child labor, such as local markets, gas stations, and construction sites. The operations were part of an annual Twelve Days Against Child Labor campaign to detect child labor. (29) The raids resulted in about 9,000 site visits, during which officials identified 3 children working in gas stations. Also, in June 2018, the Ministry of Internal Affairs, in cooperation with other agencies, carried out an investigative campaign in which police identified 34 children in child labor, 2 of whom worked in the agriculture sector. (29) This investigative campaign fell outside the cotton harvest season, which is generally September through November, despite evidence that children engage in child labor to pick cotton. (2,35) Based on available information, penalties were assessed for four of the six child labor violations identified in regular labor inspections by the Ministry of Labor and Social Protection. (29)

In addition to regular inspections, the labor inspectors at the Ministry of Labor and Social Protection can respond to complaints of violations as long as they are not anonymous. The hotline of the Ministry of Education and Science's Committee for the Protection of Child Rights and the hotline of the Ombudsman for Children's Rights collectively received more than 2,800 calls, none of which were related to child labor. (29)

### **Criminal Law Enforcement**

In 2018, the government's criminal law enforcement agencies in Kazakhstan took actions to combat child labor (Table 7). However, gaps exist within the operations of criminal law enforcement agencies that may hinder adequate criminal law enforcement, including investigation planning.

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2017	2018
Initial Training for New Criminal Investigators	Yes (4)	Yes (29)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (4)	N/A
Refresher Courses Provided	Yes (4)	Yes (29)
Number of Investigations	10 (4)	11 (29)
Number of Violations Found	16 (4)	11 (29)
Number of Prosecutions Initiated	9 (4)	11 (29)
Number of Convictions	3 (4)	2 (29)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	Unknown	2 (29)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (4)	Yes (29)

In 2018, the Ministry of Internal Affairs' Legal Academy in the city of Karaganda held 7 training sessions for 116 police officers on the worst forms of child labor, including commercial sexual exploitation of children. In addition, the Law Enforcement Academy of the Prosecutor General's Office conducted 2 training sessions for 93 prosecutors. (29) The Judicial Training Institute of the Supreme Court in Nur-Sultan (previously Astana) conducted 2 training sessions for 65 judges on the protection of trafficking victims, including children. (29) Nevertheless, an international organization reported that the regional offices of the Ministry of Internal Affairs

do not receive sufficient training to counter human trafficking. (14)

During the reporting period, the Ministry of Internal Affairs investigated 11 cases, including the commercial sexual exploitation of 9 children. Two perpetrators were convicted, and the nine victims were referred to social services. (29)

#### IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including coordination efforts.

**Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
Committee for the Protection of Children's Rights	Works to protect children from exploitation. Operates under the Ministry of Education and Science at the <i>oblast</i> -level departments of education. (36) In 2018, the Committee participated in awareness-raising campaigns. (29)
Interagency Trafficking in Persons Working Group	Coordinates efforts to combat human trafficking and recommends improvements to anti-human trafficking legislation, prevention strategies, protection of victims, and the prosecution of offenders. (38) Chaired by the Ministry of Internal Affairs and the Ministry of Labor and Social Protection on a 2-year rotational basis. Its members include 13 state bodies, 2 international organizations, and 5 NGOs. The working group met twice in 2018. (29)
Ombudsman for Children's Rights	Monitors observance of the rights of children. Receives and responds to complaints about violations of children's rights. (4) In 2018, the office received calls unrelated to child labor. (29) The only reception office of the Ombudsman for Children's Rights is located in Nur-Sultan, making it difficult for complaints of violations in remote <i>oblasts</i> to be reported to the authorities. (14)

In 2018, the National Coordination Council on Child Labor did not meet. NGOs reported that it ceased to function due to lack of action and coordination of the parties involved. (29)

#### 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 implementation of policies covering all worst forms of child labor.

**Table 9. Key Policies Related to Child Labor**

Policy	Description
National Action Plan to Counter Trafficking in Persons (2018–2020)†	Addresses priority areas, including (1) prevention of forced child labor in the cotton and construction sectors, (2) exchange of information among government agencies on human trafficking and child pornography, (3) research on the worst forms of child labor and the provision of recommendations, and (4) raising awareness of human trafficking among children. (29)

† Policy was approved during the reporting period.

Although the government adopted a new policy to counter human trafficking, it lacked an overall policy to address other forms of child labor.

#### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2018, 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 adequacy of programs to address the problem in all sectors.

**Table 10. Key Social Programs to Address Child Labor**

Program	Description
Shelters for Trafficking Victims†	Funded by the government and operated by NGOs, shelters provide legal, psychological, medical, and educational services to survivors of human trafficking in nine cities, including Nur-Sultan and Almaty. The shelters provided services in 2018. (39)

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**Table 10. Key Social Programs to Address Child Labor (Cont.)**

Program	Description
Awareness-Raising Campaigns†	Raise public awareness on child labor issues. (4) In 2018, the Ministry of Education and Science, with the cooperation of other agencies, implemented the Twelve Days Against Child Labor campaign, consisting of nearly 32,000 national and local events, such as meetings, seminars, conferences, and competitions. (29)

† Program is funded by the Government of Kazakhstan.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (40)

Although the Government of Kazakhstan implemented programs to raise awareness about child labor in 2018, research found no evidence that it has carried out programs to assist children engaged in child labor, including in the production of cotton.

## 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 Kazakhstan (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 and hazardous work prohibitions apply to all children, including those working without an employment contract.	2016 – 2018
	Raise the minimum age for work to the age up to which education is compulsory.	2018
Enforcement	Increase the number of labor inspectors to meet the ILO's technical advice.	2014 – 2018
	Ensure that all investigators receive training on the TIP Law.	2018
Coordination	Ensure that individuals in remote areas of the country are able to file complaints about child labor violations with the Ombudsman for Children's Rights.	2018
Government Policies	Adopt and implement a national policy that covers all forms of child labor.	2017 – 2018
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 – 2018
	Ensure that all children have access to education, particularly children with irregular migration status.	2018
	Institute programs to address child labor, particularly in the production of cotton.	2014 – 2018

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