

<sup>1833</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Rates*, March 1, 2007.

<sup>1834</sup> ILO-IPEC, *National Programme to Eliminate Child Labour in Jordan, Technical Progress Report*, Geneva, September 2007.

## Kazakhstan

<i>Selected Statistics and Indicators on Child Labor</i> <sup>1835</sup>	
Working children, 5-14 years (%):	-
Working boys, 5-14 years (%):	-
Working girls, 5-14 years (%):	-
Working children by sector, 5-14 years (%):	
- Agriculture	-
- Manufacturing	-
- Services	-
- Other	-
Minimum age for work:	16
Compulsory education age:	16
Free public education:	Yes
Gross primary enrollment rate (%), 2005:	105
Net primary enrollment rate (%), 2005:	91
School attendance, children 5-14 years (%):	-
Survival rate to grade 5 (%):	-
ILO-IPEC participating country:	Associated

### Incidence and Nature of Child Labor

Most working children in rural areas of Kazakhstan are involved in agriculture.<sup>1836</sup> Many children from Uzbekistan and the Kyrgyz Republic migrate to south Kazakhstan with their families during the harvest season to work in the cotton and tobacco industries.<sup>1837</sup> Children working in the cotton and tobacco industry suffer from little rest time, malnutrition, and limited access to health care.<sup>1838</sup> In urban areas, the country's increasingly formalized labor market has led to a decrease in many forms of child work. However, children are still found begging, loading freight, delivering goods in markets, washing cars, and working at

gas stations.<sup>1839</sup> Many Tajik refugee children are found begging in markets, on public transportation, and in the streets.<sup>1840</sup>

Reports also indicate a rise in the number of children exploited in prostitution and pornography in urban areas. Police estimate that one-third of all street prostitutes in Kazakhstan are minors.<sup>1841</sup> There have been reports of children being forced into prostitution by their parents.<sup>1842</sup> Children who work as domestic servants are often outside the view of law enforcement officials and thus are vulnerable to exploitation.<sup>1843</sup> The trafficking of children is a problem in Kazakhstan.<sup>1844</sup> Abandoned or orphaned children are especially vulnerable to child trafficking and sexual exploitation.<sup>1845</sup>

### Child Labor Laws and Enforcement

A new Labor Code was adopted in May 2007.<sup>1846</sup> The law sets the minimum age for employment at 16 years.<sup>1847</sup> However, children may work at 15 years with parental consent, if they have completed their compulsory education.<sup>1848</sup> Children 14 years or older may perform light work with parental consent, if the work does not interfere with school attendance or pose a health threat.<sup>1849</sup> Children ages 16 and 17 may only work up to 36 hours per week, and children ages 14 and 15 may work no more than 24 hours per week.<sup>1850</sup> Children under 18 years are prohibited from working overtime, at night, under hazardous conditions, or in occupations that might be harmful to their health and moral development, such as gambling, night clubs, or the transport and sale of alcoholic beverages, tobacco, narcotics, and psychotropic substances.<sup>1851</sup> Children under 18 years must receive an annual medical examination in order to work.<sup>1852</sup> The state labor authority and state healthcare authority jointly

develop a list of hazardous occupations.<sup>1853</sup>

The law prohibits forced labor, except under a court mandate or in a state of emergency.<sup>1854</sup> The minimum age for compulsory military service is 18 years.<sup>1855</sup> The law prohibits the involvement of minors in the creation and advertisement of erotic products.<sup>1856</sup> Involving a minor in the production or distribution of pornographic materials is punishable by up to 2 years imprisonment.<sup>1857</sup> Procuring a minor to engage in prostitution, begging, or gambling is illegal and punishable by up to 3 years imprisonment.<sup>1858</sup> Using violence or threats to involve a minor in prostitution is punishable by 5 to 7 years imprisonment.<sup>1859</sup> The keeping of brothels for prostitution and pimping is outlawed and punishable by 2 to 5 years of imprisonment.<sup>1860</sup> The law imposes a 10-year prison sentence if a minor is involved in trafficking and a 12-year sentence if persons are trafficked abroad.<sup>1861</sup> If the trafficking results in the death of the child, then the law imposes a sentence of 12 to 15 years imprisonment.<sup>1862</sup> Recruiting a child for exploitation through deception is against the law and is punishable by up to 5 years imprisonment, and abducting a child for the purpose of exploitation is punishable by imprisonment of between 10 and 15 years.<sup>1863</sup> Under the law, victims are given amnesty for crimes committed as a result of being trafficked, and victims are provided with temporary protection from deportation.<sup>1864</sup>

The Ministry of Labor 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.<sup>1865</sup> The Ministry of Labor has 400 labor inspectors covering all of the country's 16 districts. They are empowered to levy fines for labor violations and refer criminal cases to law enforcement authorities.<sup>1866</sup> The Ministry of Justice coordinates the Government's anti-trafficking efforts through an interagency trafficking working group.<sup>1867</sup> Mandatory licensing laws for tourist agencies are enforced by the Procurator's Office, and inspections are conducted on tourist and labor recruitment agencies to uncover agencies involved in trafficking.<sup>1868</sup> In 2007, 112 victims of trafficking were registered by police. Of these, 85 were

foreigners and 27 were Kazakhstanis.<sup>1869</sup> In 2007, the Government prosecuted 16 cases under the law's anti-trafficking articles. As a result, 19 traffickers were convicted and received sentences of up to 7 years in prison.<sup>1870</sup> USDOS reports that endemic corruption and bribery of law enforcement officials still hamper anti-trafficking efforts.<sup>1871</sup>

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

The Government of Kazakhstan has in place a National Plan to Combat Trafficking covering the years 2006 through 2008.<sup>1872</sup> The Children of Kazakhstan National Program (2007-2011) is also being implemented. The Government has dedicated USD 84 million from the State budget to support the program, including its goal of developing a comprehensive national child protection strategy.<sup>1873</sup>

The Government of Kazakhstan is participating in a USAID-funded USD 241,545 IOM project that will build local and administrative capacity to combat trafficking in persons and support awareness-raising among vulnerable groups. The Government is also participating in a USDOS-funded USD 475,000 project with IOM to develop a trafficking in persons training center, improve advocacy and outreach, and strengthen cooperation between Kazakhstani law enforcement and their destination country counterparts.<sup>1874</sup> Public and private media have been required to broadcast Government-sponsored anti-trafficking public service announcements.<sup>1875</sup> The Ministry of Education has stated that anti-trafficking components are included in the curriculum of all high schools and colleges.<sup>1876</sup> The Ministry of Justice maintains a telephone hotline for trafficking victims to receive information and report crimes.<sup>1877</sup>

The Government of Kazakhstan participated in a USDOL-funded 3-year USD 2.5 million ILO-IPEC project that built the capacity of national institutions to eliminate the worst forms of child labor and shared information and experiences in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan.<sup>1878</sup>

<sup>1835</sup> For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Executive Summary. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Kazakhstan, *Labor Code of the Republic of Kazakhstan*, (May 15, 2007), article 30, 1; available from <http://www.oit.org/dyn/natlex/docs/MONOGRAPH/76433/82753/F982631364/Microsoft%20Word%20-%20ENG%20KAZ.76433.pdf>, Government of Kazakhstan, *Labor Code of the Republic of Kazakhstan*, (May 15, 2007), article 30, 1; available from <http://www.oit.org/dyn/natlex/docs/MONOGRAPH/76433/82753/F982631364/Microsoft%20Word%20-%20ENG%20KAZ.76433.pdf>. See also U.S. Department of State, "Kazakhstan," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/100615.htm>. See also UN Committee on the Rights of the Child, *Initial Reports of States parties due in 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; available from <http://www.unhchr.ch/>.

<sup>1836</sup> 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. See also U.S. Department of State, "Country Reports-2007: Kazakhstan," section 6d. See also ILO-IPEC, *Child Labour in Tobacco and Cotton Growing in Kazakhstan: Rapid Assessment Report*, Almaty, 2006.

<sup>1837</sup> U.S. Embassy- Astana, *reporting*, December 3, 2007. See also ILO-IPEC, *Child Labour in Tobacco and Cotton Growing in Kazakhstan: Rapid Assessment Report*, vii.

<sup>1838</sup> ILO-IPEC, *Child Labour in Tobacco and Cotton Growing in Kazakhstan: Rapid Assessment Report*, ix.

<sup>1839</sup> ILO-IPEC, *CAR Capacity Building Project, Project Document*, 5-7. See also U.S. Embassy- Almaty, *reporting*, August 22, 2004. See also U.S. Department of State, "Country Reports- 2007: Kazakhstan," section 6d. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, August 4, 2006, para 499; available from <http://tb.ohchr.org/default.aspx>.

<sup>1840</sup> Zuhra Turganbaj, Gulzan Alimbekova, Gulzi Zabiya, and Gulnara Karakulova, *Analysis of Commercial Sexual Exploitation of Children (CSEC) and Institutions Combating CSEC in Kazakhstan*, ECPAT International, Almaty, 2004, 13.

<sup>1841</sup> Liz Kelly, *Fertile Fields: Trafficking in Persons in Central Asia*, International Organization for Migration, April 2005, 61.

<sup>1842</sup> Turganbaj, Alimbekova, Zabiya, and Karakulova,

*Analysis of Commercial Sexual Exploitation of Children (CSEC) and Institutions Combating CSEC in Kazakhstan*, 38.

<sup>1843</sup> ILO-IPEC, *CAR Capacity Building Project, Project Document*, 8.

<sup>1844</sup> U.S. Department of State, "Country Reports- 2007: Kazakhstan," section 5. See also U.S. Embassy- Astana, *reporting*, March 7, 2008.

<sup>1845</sup> Turganbaj, Alimbekova, Zabiya, and Karakulova, *Analysis of Commercial Sexual Exploitation of Children (CSEC) and Institutions Combating CSEC in Kazakhstan*, 8.

<sup>1846</sup> ILO-IPEC, *CAR Capacity Building Project: Regional Program on the Worst Forms of Child Labor*, Technical Progress Report, August 31, 2007, 3.

<sup>1847</sup> Government of Kazakhstan, *Labor Code*, article 30.

<sup>1848</sup> *Ibid.*

<sup>1849</sup> *Ibid.*

<sup>1850</sup> *Ibid.*, article 181.

<sup>1851</sup> *Ibid.*, article 179 and 183.

<sup>1852</sup> *Ibid.*, article 180.

<sup>1853</sup> *Ibid.*, article 179.

<sup>1854</sup> Government of Kazakhstan, *Constitution of the Republic of Kazakhstan*, (1995), Article 24.

<sup>1855</sup> Coalition to Stop the Use of Child Soldiers, "Kazakhstan," in *Child Soldiers Global Report 2004*, London, 2004; available from [http://www.child-soldiers.org/document\\_get.php?id=909](http://www.child-soldiers.org/document_get.php?id=909).

<sup>1856</sup> UN Committee on the Rights of the Child, *Initial Reports of Kazakhstan, CRC/C/41/Add.13*, para 355.

<sup>1857</sup> Turganbaj, Alimbekova, Zabiya, and Karakulova, *Analysis of Commercial Sexual Exploitation of Children (CSEC) and Institutions Combating CSEC in Kazakhstan*, 29.

<sup>1858</sup> *Criminal Code of the Kazakh Republic as cited by The Protection Project, Kazakhstan*, March, 2002.

<sup>1859</sup> Turganbaj, Alimbekova, Zabiya, and Karakulova, *Analysis of Commercial Sexual Exploitation of Children (CSEC) and Institutions Combating CSEC in Kazakhstan*, 26.

<sup>1860</sup> The Protection Project, *Kazakhstan*. See also Turganbaj, Alimbekova, Zabiya, and Karakulova, *Analysis of Commercial Sexual Exploitation of Children (CSEC) and Institutions Combating CSEC in Kazakhstan*, 27.

<sup>1861</sup> U.S. Department of State, "Country Reports- 2007: Kazakhstan," section 5.

<sup>1862</sup> UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention*, para 304.

<sup>1863</sup> Turganbaj, Alimbekova, Zabiya, and Karakulova, *Analysis of Commercial Sexual Exploitation of Children (CSEC) and Institutions Combating CSEC in Kazakhstan*, 28.

<sup>1864</sup> U.S. Department of State, "Kazakhstan (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/>.

<sup>1865</sup> U.S. Department of State, "Country Reports- 2007: Kazakhstan," section 6d.

<sup>1866</sup> U.S. Embassy- Almaty, *reporting, August 22, 2004.*

<sup>1867</sup> U.S. Embassy- Astana, *reporting, March 7, 2008.*

<sup>1868</sup> U.S. Department of State, "Country Reports- 2007: Kazakhstan," section 5.

<sup>1869</sup> U.S. Embassy- Astana, *reporting, March 7, 2008.*

<sup>1870</sup> *Ibid.*

<sup>1871</sup> U.S. Department of State, "Trafficking in Persons Report- 2007: Kazakhstan." See also U.S. Department of State, "Country Reports- 2007: Kazakhstan," section 5.

<sup>1872</sup> U.S. Department of State, "Kazakhstan," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78820.htm>.

<sup>1873</sup> UN Committee on the Rights of the Child, *Summary Record of the 1241st Meeting*, May 30, 2007, 2; available

from <http://tb.ohchr.org/default.aspx>. See also ILO-IPEC, *CAR Capacity Building Project, Technical Progress Report, August 31, 2007, 2.*

<sup>1874</sup> U.S. Department of State, *USG Funds Obligated in FY 2007*, [online] February 2008 [cited March 14, 2008]; available from <http://www.state.gov/documents/organization/101403.pdf>. See also USAID, *USAID Programs in Kazakhstan in 2007*; available from <http://centralasia.usaid.gov/page.php?page=article-73>.

<sup>1875</sup> U.S. Department of State, "Country Reports- 2007: Kazakhstan," section 5.

<sup>1876</sup> *Ibid.*

<sup>1877</sup> *Ibid.*

<sup>1878</sup> ILO-IPEC, *CAR Capacity Building Project, Project Document*, vii.

## Kenya

### **Incidence and Nature of Child Labor**

In Kenya, children primarily work in the informal sector.<sup>1879</sup> They work, often with their families, in subsistence and commercial agriculture, on tea, coffee, rice, and sugar plantations.<sup>1880</sup> Children also work in herding and in fisheries. Children also work in domestic service, construction, transport, quarries, and mines, including gold mines.<sup>1881</sup> In urban areas, some street children are children who managed to escape from abusive domestic service situations.<sup>1882</sup>

Children are engaged in commercial sexual exploitation and are reported to engage in prostitution within bars, discos, brothels, massage parlors, and on the streets. While the majority of children exploited in prostitution are between 13 and 17 years, children as young as 9 years are reported to be involved.<sup>1883</sup> Many girls who hawk or beg during the day reportedly engage in prostitution at night. In the agricultural sector, girls are sometimes forced to provide sexual services in order to obtain plantation work. Sudanese and Somali refugee children are also alleged to be involved in prostitution in Kenya.<sup>1884</sup>

The growth of the tourism industry has been accompanied by an increase in children's involvement in prostitution, including in the

coastal towns of Malindi, Mombasa, Kalifi, and Diana.<sup>1885</sup>

The crisis following the December 2007 presidential election has had negative effects on children in Kenya. The Kenyan education system—particularly in the Rift Valley, Nyanza, Western, Coast, and Central regions—suffered from a widespread displacement of students and teachers, and many schools were looted and burned. Several thousand teachers have refused to return to these regions, fearing they will be targeted because of their ethnicity. Many schools have been closed for classes, while others have been converted into centers for internally displaced persons (IDPs). Children themselves have become refugees and IDPs while fleeing the violence with their families, and some have been killed as a result of the violence.<sup>1886</sup>

Within Kenya, children are trafficked from rural to urban areas for forced labor in domestic service, street vending, and for commercial sexual exploitation. Kenya's coastal area is a known destination for trafficked children to be exploited in sex tourism.<sup>1887</sup> Most child trafficking in Kenya occurs mainly through personal and familial networks. Poverty and the death of one or both parents may contribute to a family's decision to