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International Programme on the Elimination of Child Labour**

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GUIDANCE
on child labour monitoring

Almaty

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List of acronyms

CERK	Confederation of Employers of the Republic of Kazakhstan
CLM	Child labour monitoring
CLMM	Child labour monitoring mechanism
FTURK	Federation of Trade Unions of the Republic of Kazakhstan
ILO	International Labour Organization
ILO-IPEC	International Programme on the Elimination of Child labour of the International Labour Organization
MES	Ministry of Education and Science
MLSP	Ministry of Labour and Social Protection of Population
NGO	Non-governmental organization
UN	United Nations
UNICEF	United Nations Children's Fund
WFCL	Worst forms of child labour

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Introduction

Having ratified, in December 2002, Convention № 182 of the International Labour Organization, Kazakhstan – along with many other countries – has undertaken an obligation to ban the worst forms of child labour and adopt immediate measures for their elimination. The problem of involving minors in prohibited types of labour still exists in our country as noted in reports of various international organizations and governmental bodies. Despite the fact that the measures taken during the past years have yielded positive results, tackling the worst forms of child labour is still an acute issue in Kazakhstan. Thus, until recently throughout Central Asia school students were traditionally used in cotton picking and other agricultural work, and often it was the school administration who withdrew them from school for this purpose. It would seem that in contemporary market economy conditions – even with the current deficit of workers in rural areas – there are no reasons for the state to use child labour. Nevertheless, in order to overcome stereotypes in society an active awareness-raising campaign was undertaken by authorized government bodies and non-government organizations with the support of the International Programme on the Elimination of Child Labour of the International Labour Organization (hereinafter ILO-IPEC) encouraging the gradual abandonment of the organized use of free child labour in agriculture. Still, from time to time one can find publications in mass media concerning the involvement of children in cotton picking by certain school administrations.

In urban areas in Kazakhstan involvement of minors in begging, carrying heavy loads in the markets, and in work at night clubs, at gas stations, and in the sale of alcohol and tobacco products has recently been fairly widespread practice. According to some data in the mid-2000s about one-third of all female sex workers in Kazakhstan were minors.¹ There is no doubt that the actions already taken in the country – including awareness raising aimed at drawing public attention to child labour problems and the general improvement of social-economic living conditions – have been important factors in a substantial reduction in child labour, particularly its worst forms. However, inspections conducted by authorized government bodies and child labour monitoring carried out by some non-governmental organizations indicate the persistence of the involvement of children in the worst forms of labour, which are prohibited by national legislation and international law. The analysis of publications and information materials shows gradual weakening of attention of media and, in part, of the state to this topic. To achieve the goal of completely eradicating the worst forms of child labour in the country it is necessary to integrate CLM into the day-to-day activities of public authorities. It is for this purpose that the Guidance on the Organization and Monitoring of Child Labour has been developed and published within the framework of an Action Programme supported by ILO-IPEC.

Based on the above-mentioned needs the main objective of this publication is to provide a mechanism for identifying and withdrawing children involved in WFCL; rendering them necessary

¹ Liz Kelly, "Fertile Fields: Trafficking in Persons in Central Asia, International Organization for Migration," April 2005, 61.

social, legal, medical, and psychological help; facilitating their return to school, and assisting in finding alternative forms of employment. In accordance with Article 5 of ILO Convention № 182, each member-state, after consultation with employers' and workers' organizations, should establish or designate appropriate mechanisms to monitor the implementation of the provisions of this Convention. Currently a series of laws and regulations adopted by the Republic of Kazakhstan establish certain bans in use of child labour, in particular Article 5 of Labour Code sets the prohibition of WFCL as one of the principles of national labour legislation. However, despite the established prohibitions against child labour, the inspections carried out by authorized government bodies identify certain violations, and the perpetrators are brought to administrative liability. At the same time, based on the second national report of Kazakhstan on measures taken for the implementation of ILO Convention № 182 in 2009, the ILO Committee of Experts noted that one of the drawbacks of measures taken by our country is the absence of a system of monitoring, that would identify children involved in WFCL. The Committee has urged the Government of the Republic of Kazakhstan to redouble its efforts to ensure that appropriate mechanisms to monitor the implementation of provisions of the Convention are established. In addition, it once again requested the Government to indicate whether monitoring mechanisms other than the labour inspectorate have been established to monitor the application of Articles 3(a)-(c) of the Convention, which concern crimes of a penal nature. Thus, the development of a CLM mechanism is an urgent task for the Government of Kazakhstan not only from the point of view of meeting national needs in protecting child rights but also from the point of view of fulfilling international obligations undertaken by the country.

The “Guidelines for developing child labour monitoring processes” (hereinafter – the ILO Guidelines) published by ILO-IPEC in 2005 were taken as the general methodological basis for the development of this Guidance. In accordance with ILO Guidelines the first section of the publication provides basic definitions and explains the purpose, objectives, and key elements of CLM (withdrawal and referral). It also describes the stages of preparation and implementation, approaches, monitoring tools and techniques. The second section describes basic conditions in Kazakhstan, namely the country's established legal conditions and prohibitions against child labour. Also this section of the Guidance provides general information on the institutional framework for the organization and implementation of CLM in the country. According to the authors, it will assist the organizers and participants of CLM to determine which government bodies and other organizations are or may be involved in the implementation of the child labour monitoring mechanism. In particular, this information may be used to determine the range of possible participants in child labour monitoring and service agencies rendering necessary support and assistance to children previously involved in WFCL.

The subsequent sections of this Guidance provide more detailed information on key CLM aspects, such as:

- monitoring;
- referral of children previously involved in worst forms of child labour;

- follow-up.

They describe the main steps and actions that can be taken at each monitoring stage. Also, in order to facilitate the work of the organizers and participants of CLM, the Guidance has annexes containing training materials for training people in child labour monitoring at the regional level, as well as examples of reporting forms for reflecting results of monitoring and follow-up actions to be taken for rehabilitation of children formerly engaged in WFCL.

This Guidance on organizing and conducting CLM was prepared with the help of experts and specialists from various government bodies and non-governmental organizations within the framework of the Action Programme, “Enhancing the Capacity of National Partners to Enforce the Child Labour Legislation as well as to Implement Child Labour Monitoring in Kazakhstan,” funded by ILO-IPEC. In general, the prepared Guidance may interest the broad spectrum of persons involved in planning, studying or conducting CLM, including the relevant authorities, NGOs, educational institutions and other interested persons.

1. General description of child labour monitoring mechanism

The purpose of CLM is to identify and remove children under 18 from child labour, particularly its worst forms, and refer them to social services for rehabilitation. Against this background, CLM envisages the following main tasks:

- to conduct regular inspection of places where children under 18 may work in order to identify minors who are exploited or work under violation of restrictions and conditions laid down in international and national law, with the emphasis on cases when they are used to perform works referred to as the worst forms of child labour;
- in cases involving children who are under the minimum employment age, to withdraw them from work, return them to school and, if necessary, refer them to appropriate services providing medical aid, psychological support, and so on;
- in cases involving children of minimum employment age or older, to identify risks to which they were/are exposed due to their involvement in WFCL, and, if necessary, to refer the identified minors to appropriate services to render them necessary aid and assistance;
- to record child labour cases for necessary follow-up measures;
- to ensure further tracking of cases concerning WFCL so that minors do not return to their previous exploitative types of work, and are not exposed to risks to their health, education and morals.

A CLM mechanism is developed and put into effect in order to organize the monitoring as an ongoing process thanks to which inspections take place on a regular basis and are coordinated properly, and minors are effectively withdrawn from WFCL. It is important to note the main differences between CLM and traditional monitoring of legislation compliance conducted by labour inspectors and representatives of other authorized public bodies, which has the aim of identifying violations of legal requirements and prohibitions on child labour, as well as of bringing offenders to account. In the case of child labour monitoring the important result is the withdrawal of minors from WFCL and provision of appropriate help and assistance – here the focus is on victims rather than just on labour law violators. CLM often involves representatives of various government agencies, NGOs, educational institutions, social workers and specialists from various fields, whereas monitoring of legislation compliance is usually carried out by competent inspection services and law enforcement agencies. (However, monitoring of compliance with employment conditions for minors under 18 can be combined with CLM.)

CLM can be organized at different levels. The primary level is the coverage of an area or an employment sector. Monitoring is carried out in workplaces and at schools where children study. Coordination of monitoring takes place at the national level, and labour monitoring is organized at the level of a specific administrative unit (oblast, district, city, or town). Of course, much depends here on the territorial organization of public authorities, which is discussed in the second section of this Guidance. The public authorities may not have territorial sub-units at levels below oblasts and

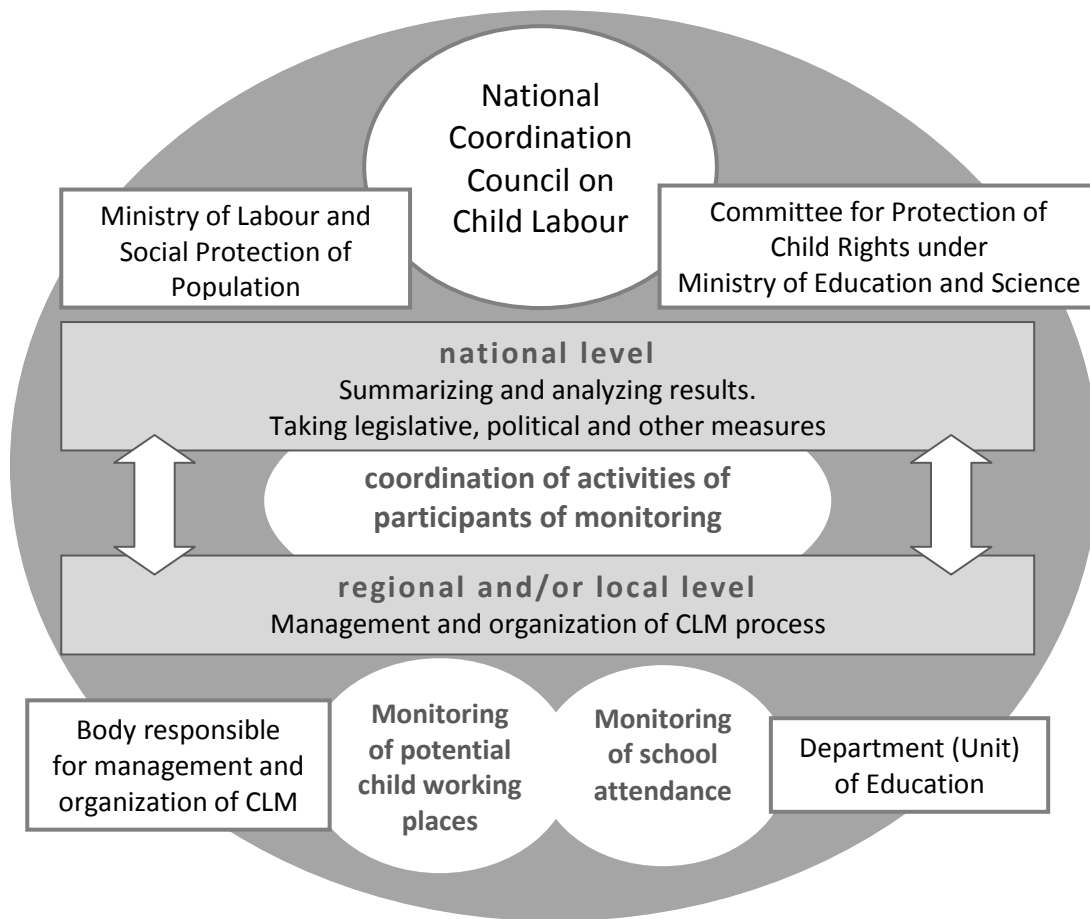
cities of Astana and Almaty; that is why it is preferred that the CLM process is managed from the level of an oblast, though it can be organized at the level of certain districts and large villages. As for the organization of CLM by sector, the ILO Guidelines indicate a preference for a territorial approach in which all forms of child labour are monitored within the territory of a specific administrative unit. Therefore, this Guidance is targeted primarily at the implementation of multi-sectoral child labour monitoring within an oblast and/or the cities of Astana and Almaty and to some degree within a district followed by consolidation and analysis of information at the national level.

With regard to the preparation and implementation of CLM, the ILO Guidelines envisage four successive stages:

- preparation;
- organizing of the process and training monitoring participants;
- the monitoring itself;
- follow-up.

During the first stage basic documents and information on child labour, legal and institutional conditions for the achievement of the task are studied; the level at which CLM can effectively be carried out is determined, and basic approaches to its organization and implementation are discussed. To a large extent, activities related to this stage have been fulfilled while drafting this Guidance. The ILO Guidelines specify that a wide range of stakeholders should be involved in the preparation of the CLM mechanism. For this reason, representatives of various public authorities and non-governmental organizations have been involved in the development of this Guidance. (This included participants in the work group organized within the Action Programme “Enhancing the capacity of national partners to enforce the child labour legislation as well as to implement child labour monitoring in Kazakhstan” as well as consultations organized within this Action Programme).

Drawing 2.1. General framework of child labour monitoring



Organizing of the process and training child labour monitoring participants take place at the second stage of child labour monitoring, and these organizational activities depend upon the chosen CLM level (national, regional, sectoral) and on approaches identified in the first stage. The forms for interviewing and reporting monitoring results are prepared. At this stage all necessary documents are adopted and approved. Also, all participants of the child labour monitoring process are identified, including responsible officials and experts who will directly participate in child labour monitoring. Further, the training for managers and professionals on how to monitor child labour is organized and conducted. This Guidance provides a wide range of information materials to facilitate the implementation of activities related to the stage of designing, training and testing. These include sample of forms for child labour monitoring and follow-up measures to be taken after the monitoring (Annex II), as well as training materials (Annex I).

The third stage – the actual monitoring – focuses on the identification of children involved in child labour. The most effective methods to identify such children in Kazakhstan are visits by monitoring teams or labour inspectors to potential places of employment of minors or inspections based on evidence of non-attendance at schools that may be associated with children's employment. Visiting workplaces is the only method that allows verifying with high reliability

whether minors are engaged in the worst forms of child labour, and identifying risks and consequences they face or may face as a result of their work. Such visits provide an opportunity to inspect workplaces and to conduct interviews with employers and child labourers themselves. The report must be prepared based on visit results, and the information obtained during the visit is subjected to preliminary analysis and assessment.

Based on preliminary assessment certain actions can be taken aimed at prevention of involvement of minors in WFCL, including activity such as raising awareness of employers on child labour. This is usually done in the absence of evidence of child labour, or when parents, guardians (trustees) or relatives acting as employers are not well informed on this issue. In cases revealing serious risks to health, education and morals of minors in connection with their involvement in WFCL, measures to withdraw such children must be taken. In general, this stage of CLM is considered in the fourth section of this Guidance.

The fourth stage of CLM is aimed at tracking the life of children who were previously involved in WFCL and evaluating whether measures taken after monitoring are effective. This is necessary in order to avoid children previously withdrawn from WFCL returning to such work. Quite often this happens due to the lack of alternatives for children. Such alternatives should be provided as part of the referral system to assist them in finding jobs more suitable for minors as well as getting them back to education, etc. In certain cases at this stage the information on violation of child rights and provisions of labour legislation revealed in the course of CLM should be sent to law enforcement bodies and labour inspectorates. As mentioned earlier this is not the primary purpose of CLM but may be especially important in cases of so-called unconditional WFCL when children are held captive, abused, or involved in illegal activity. In these cases CLM cannot simply be limited to awareness-raising efforts and protection of the right of children to safe work conditions at his/her workplace, but must also lead to appropriate action with respect to the guilty parties, including employers and other third parties who exploit children.

In addition, CLM can identify certain shortcomings and imperfections in the legislation regulating child labour and child rights and in the system of social services targeted to this age category. Therefore, in the fourth stage of monitoring it is important to analyse the information, and if necessary, initiate appropriate amendments to legislation and/or into systems of social services and child protection.

The basic steps that are proposed within each of these stages are described below in Table 1.1. in more detail.

Table 1.1. Steps in developing and implementing CLM and expected outcomes

Steps	Expected outcomes
I. THE PREPARATION STAGE	
1. Determining the problem and level of response.	<ul style="list-style-type: none">– Approaches to achieve the objective are formed and set;– Legislative and political framework are considered, information on existing capacities is collected;– Awareness of importance of CLM is raised. <p><u>The overall expected outcome:</u></p> <p>The review of important laws and institutional framework is done and awareness of child labour and CLM is raised.</p>
2. Reviewing the legislative and child-labour policy framework, information collection and management capacities and coordination of activities.	
3. Raising awareness among key stakeholders.	
II. ORGANIZING OF THE PROCESS, TESTING AND TRAINING STAGE	
1. Determining the structure of CLM management.	<ul style="list-style-type: none">– The CLM management system is created;– The monitoring procedure is determined and monitoring tools are developed (interview questions, reporting forms);– The system of referral of children is developed;– The specialists and participants of child labour monitoring are determined;– Training for specialists and child labour monitoring participants is conducted;– The CLM mechanism is tested in pilot territories and admitted as valid and suitable for replication. <p><u>The overall expected outcome:</u></p> <p>A trustworthy, simple, cost effective and sustainable mechanism for organizing and conducting CLM.</p>
2. Developing and testing the monitoring tools.	
3. Developing the referral system.	
4. Organizing monitoring teams.	
5. Training monitors and raising their capacity.	
6. Testing the CLM mechanism and considering capacities for its replication.	
III. THE MONITORING STAGE	
1. Preparing visits to the presumed workplaces of children or those children who do not attend school because of work.	<ul style="list-style-type: none">– The visit is prepared;– The visit is conducted (to workplaces or domicile);– The procedure of withdrawal and referral is taken when necessary;– Protection and prevention measures are undertaken;– The report on the visit is made;– Information is processed and analysed.
2. Conducting the visit in order to make an inspection and interviews.	

Steps	Expected outcomes
3. Withdrawing and referring children. 4. Protecting and preventing children. 5. Drafting the opinion on conducted visit. 6. Processing and analysis of results of the visit.	<p><u>The overall expected outcome:</u></p> <p>The regular monitoring of workplaces is carried out, the minors found in WFCL are detected and referred to appropriate services.</p>
IV. THE FOLLOW-UP STAGE	
1. Tracking child labourers. 2. Quality control and verification 3. Providing data for mandatory law enforcement. 4. Information dissemination and analysis. 5. Amending/introducing proposals to laws, policy documents and social planning.	<ul style="list-style-type: none"> – The information is actively used for tracking child labourers at early stages and ensuring their access to relevant social services; – The mechanism effectiveness is controlled; – The information is used for improving working conditions for legally working children and young people withdrawn from unacceptable conditions of their previous work; – The information on the extent, places and tendencies of child labour is widely spread and used for social planning and development of relevant policies. <p><u>The overall expected outcome:</u></p> <ul style="list-style-type: none"> – Information obtained as a result of monitoring visits is used for determining the next necessary steps, as well as for improving the system for protection of child rights.

2. Basic conditions for carrying out child labour monitoring in Kazakhstan

2.1. Legal restrictions and prohibitions on child labour

CLM primarily should address the following criteria:

- compliance with the legal age of working children;
- compliance of work and working conditions with legally established requirements for children's age group, including work hours;
- compliance with legislative bans and restrictions on involvement of minors in certain types of work and professions.

The compliance of child labour with these criteria is verified based on requirements established by international law and national legislation of the Republic of Kazakhstan. With respect to international law it must be noted, first of all, that the Republic of Kazakhstan is a Party to the two key Conventions of the International Labour Organization (ILO) on child labour:

- Minimum Age Convention № 138, ratified by the Law of Republic of Kazakhstan as of December 14, 2000 N 116-II (the instrument of ratification was registered by ILO on May 18, 2001);
- Worst Forms of Child Labour Convention №182, ratified by the Law of Republic of Kazakhstan as of December 26, 2002 № 367-II (the instrument of ratification was registered by ILO on February 26, 2003).

In addition, on June 8, 1994 the Republic of Kazakhstan ratified the UN Convention on the Rights of the Child.

In terms of CLM the most relevant pieces of national legislation are provisions of the Labour Code, the Code of Administrative Offences, the Criminal Code, and the law as of August 8, 2002 № 345-II The Rights of Children in the Republic of Kazakhstan (hereafter the Law on the Rights of the Child). In addition one should mention the List of works prohibited to persons under the age of eighteen, approved by Order of the Acting Minister of Labour and Social Protection of Republic of Kazakhstan as of July 31, 2007 № 185-n. In particular, Articles 30 and 181 of the Labour Code regulate respectively issues associated with the age from which an individual may conclude a contract of employment and working hours for minors. Table 2.1 presents age limits for recruitment, as well as restrictions on work hours.

Table 2.1 Age, work hours and permitted workplaces for children

Age	Employment conditions	Limitations on work time	Permitted workplaces
Under 14	With the consent of a parent, guardian or adoptive parent	Currently this is not specifically regulated by law, but may be restricted by issuance of permission of employment	Work in organizations of cinematography, theatre, theatrical and concert organizations, circuses, - through the creation and /or performance and/or execution of art works/compositions

Age	Employment conditions	Limitations on work time	Permitted workplaces
From 14 to 16	With the consent of a parent, guardian or adoptive parent	- In their leisure time free from studying - Not more than 24 hours per week during vacation time or 2.5 hours a day in the period of study	May be defined in the List of light works
From 15, those who have completed secondary, general secondary education in secondary education institutions	With the consent of a parent, guardian or adoptive parent	Not more than 24 hours per week	Not prohibited types of work and professions
From 16 to 18		Not more than 36 hours per week and up to 3.5 hours per day during the study period	Not prohibited types of work and professions
Under 18		Not in night hours, i.e. not from 22:00 till 6:00	Not prohibited types of work and professions

Monitoring of child labour for compliance with the requirements on working hours should be conducted in Kazakhstan based on children's age groups and the absence of damage to their education process. The general limitation for all children is a ban on their involvement in night work and overtime work, which is set in Article 183 of the Labour Code.

Special attention in CLM should be paid to the fact that minors under 18 are not involved in the WFCL. In Kazakhstan a ban on WFCL is defined in Article 4 of the Labour Code as one of the major principles of labour legislation. The worst forms of child labour are defined in ILO Convention № 182. Clauses a) through c) of Article 3 of this Convention define three categories of unconditional worst forms of child labour, and clause d) defines a fourth category including work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The unconditional worst forms of child labour must be prohibited in all countries which ratified ILO Convention № 182. Because of the nature of such work there are no additional requirements on improving safety and work conditions that can be imposed to take such work out of WFCL. As a rule, there is criminal liability for adults who involve minors in unconditional WFCL.

The first category of unconditional WFCL comprises slavery and child trafficking, debt bondage and serfdom, and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict. However, in the course of CLM it is necessary in general to consider the level of compulsion involved in children's work, whether this comes from

their employers and their parents or other persons on whom they depend. The second category of unconditional worst forms of child labour includes the field of so-called sexual services, including the involvement of minors in prostitution, production of pornography or pornographic performances, i.e. illegal labour markets. The third category of unconditional WFCL relates to the involvement of children in illegal activities which are prohibited by Kazakhstani legislation. Examples of such activities are the production and sale of narcotic substances, swindle, theft, etc. In this case, as a rule, the activity as such is illegal and not just the fact that it involves minors. All of the above forms of child labour are banned in Kazakhstan and it is a criminal offence to involve children in such activities. (see Table 2.2). Accordingly, if the monitoring reveals children who are involved in unconditional WFCL, they must immediately be removed from the situation.

Table 2.2. Unconditional worst forms of child labour

Worst forms of child labour in ILO Convention № 182	Liability based on Criminal Code of the Republic of Kazakhstan
All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (Article 3, clause a)	Article 128. Procuring of people for exploitation Article 131. Involvement of minors in criminal activities
The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (Article 3, clause b)	Article 132. Involvement of minors in commitment of anti-social activity
The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties (Article 3, clause c)	Article 133. Trafficking with minors

The fourth category of WFCL is determined by means of development and approval at the national level of the List of hazardous and harmful types of work. In Kazakhstan, a List of works and professions under hard physical conditions and of works with hazardous work conditions prohibited to workers under the age of eighteen was established by Order № 185-n of the Acting Minister of Labour and Social Protection of Citizens of the Republic of Kazakhstan as of July 31, 2007. This List includes: *Chapter 1* listing 36 industry sectors and certain types of production; *Chapter 2*, which determines the prohibited professions and works; and a separate section setting maximum allowable weights for carrying and transporting by workers not attained the age of eighteen.

In addition to the above mentioned unconditional WFCL this by-law sets the legal basis for determining the works in which minors cannot be involved. If they are employed in such works they are not necessarily immediately withdrawn since their work conditions can be improved and adjusted in order to conform with the law. For instance, they can be transferred to other legally allowed works within the same enterprise; an employer may set them reduced work hours or work

schedule, which would allow combining work with study. In certain cases the improvement of work conditions can make it possible to transfer the work fulfilled by minors into the category of allowed works, for example, the use of mechanical movable devices for transferring heavy loads. Also, in terms of minors' employment in hazardous and harmful works, CLM does not necessarily require holding the offenders liable. It is specifically related to works fulfilled in the informal sector, farms where parents, guardians (trustees) or relatives often act as employers. In such situations the purpose of the monitoring can be achieved through raising awareness and explaining possible risks and consequences of involvement of children into prohibited types of work, including the damage caused to their education.

2.2. Institutional basis for child labour monitoring

In terms of CLM in Kazakhstan there is a wide range of government bodies and inter-departmental coordination agencies as well as a large number of NGOs specializing in child protection issues and having experience in CLM. These are listed below, organized by national, oblast (including the cities of Astana and Almaty) and local levels.

2.2.1. National level

The Ministry of Labour and Social Protection of Population (MLSPP). This is a government body responsible for the implementation of ILO conventions, including Nos 138 and 182 in Kazakhstan. It is responsible for drafting and implementing labour legislation, which determines the main requirements in terms of work of minors, including the minimum age for employment, duration of work hours and allowable work schedule, as well as restrictions on the use of minors in works with hazardous and harmful conditions. The Ministry also has significant authority for national-level planning on measures for social protection of citizens, including children. Thus, this ministry is a key government agency in terms of developing and implementing policy on child labour at the national level. In addition, the Ministry of Labour and Social Protection of Population supports the activities of the National Coordination Council on Child Labour and has the greatest capacity and power for coordination of child labour monitoring at the national level.

The Committee for Control and Social Protection under the Ministry of Labour and Social Protection of Population. This Committee performs the functions of state labour inspection. For the purpose of state control over observance of legislation on labour, health and safety, its inspectors conduct inspections in accordance with the approved plans (announced inspections) and inspections based on appeals of individuals, legal entities and public authorities about violations of safety and health requirements (unannounced inspections). In addition, this government body addresses issues related to the allocation of social benefits paid from the national budget and the State Social Insurance Fund.

The Committee for the Protection of Child Rights under the Ministry of Education and Science. This is a government body responsible for the implementation of the UN Convention on the Rights of the Child in Kazakhstan. This body deals with social and legal guarantees for children, and provides full and complete records of children who fall into difficult life situations. In the context of CLM and particularly its task of removal of children from the worst forms of child labour and their subsequent rehabilitation, one of the Committee's key functions is the restoration of basic rights and legal interests of children. The fact that this Committee is within the structure of the Ministry of Education and Science significantly eases the implementation of measures aimed at returning children earlier involved in the worst forms of child labour into the normal process of education.

The National Coordination Council on Child Labour was established in Kazakhstan in 2006 with ILO-IPEC assistance. It is composed of representatives of the Ministry of Labour and Social Protection of Population, Ministry of Education and Science, the Ministry of Internal Affairs, General Prosecutor's Office, Ministry of Information, Ministry of Healthcare, Federation of Trade Unions and

Confederation of Employers, ILO-IPEC and non-governmental organizations. National Coordination Council is an advisory body, which meets two times a year. At present, at the national level, it is the main mechanism for inter-agency coordination on issues related to the elimination of WFCL. The meetings of the National Coordination Council may provide opportunities for reviewing and analysing the results of CLM conducted at the oblast level, as well as for joint discussion and coordination of measures necessary for its improvement at the national level, including, for instance, adoption of amendments to the legislation and introduction of improvements to the system of social protection of children involved in WFCL.

The Confederation of Employers of the Republic of Kazakhstan (CERK) is a key association of employers in the country. One of the work areas of CERK is to support the work of the National Information-Resource Centre on CL Problems. The Confederation has the opportunity to help eradicate WFCL through cooperation with the Kazakhstan Government, national associations of workers and national associations of employers, which is developed on the basis of an agreement among these parties. CERK has developed and posted on its website (www.krrk.kz) a Guide for Employers, “The role of employers in the elimination of child labour.”

The Federation of Trade Unions of the Republic of Kazakhstan (FTURK) is the largest association of trade unions in the country, comprising 26 national sectoral trade unions. One task of the Federation is to exercise public control over the observance of labour legislation. For this purpose there is a work safety public inspection functioning in FTURK. Each year FTURK supports the national information campaign aimed at the elimination of child labour. Since 2008 the Federation has conducted an annual national public review of health and safety in enterprises and organizations in the Republic of Kazakhstan.

The Human Rights Ombudsman, which operates on the national level through the National Centre for Human Rights, deserves special mention. In its structure there is a division for work with citizens. Consideration of appeals related to violations of child rights is one of the sources of information for CLM.

2.2.2. The level of oblasts and cities of Astana and Almaty

The Committee for Control and Social Protection under the MLSP is represented by Departments for control and social protection of population in all oblasts and the cities of Astana and Almaty. These departments include offices for monitoring labour legislation, allocation of social benefits and medical and social assessment. State labour inspectors of the Departments for control and social protection, as a rule, are deployed in all major cities and districts in Kazakhstan. The availability of the inspection service allows Departments for control and social protection using the inspection tool in order to monitor child labour, which is especially important in the sectors of predominantly formal employment of children.

The Committee for the Protection of Child Rights under the MES is represented by Departments for the protection of child rights in all oblasts and Astana and Almaty cities. These Departments, along with other sub-structural units, include offices responsible for monitoring and

informational-analytical activity as well as units for child rights protection. Provisions of these public authorities directly envisage the protection of children from violence and exploitation, which embraces the tasks related to the elimination of unconditional WFCL. At the same time these departments do not have inspection services and their capabilities for conducting inspections are limited mainly to carrying out inspections based on appeals of individuals and legal entities and to carrying out inspections in sectors of informal employment of children. In comparison with the Committee for Control and Social Protection of population they possess greater capacity for monitoring child labour in households, though this is not their explicit function. In terms of opportunities to organize activities aimed at referral of children, the functions of Departments for the protection of child rights include the provision of advisory, legal and psychological assistance to children, including children in difficult situations. Also, these public authorities actively engage in co-operation with non-governmental organizations working in the sphere of protection of child rights.

Local executive bodies in oblasts and in the cities of Astana and Almaty are quite important for CLM with respect to the issue of referral of children formerly involved in the worst forms of child labour. It is especially interesting to consider here their departments dealing with education, employment and social programmes. They deal with the allocation of social aid and social benefits paid from the oblast budgets and budgets of Astana and Almaty cities, as well as with the referral of children to medical and social institutions. As for education departments, their sphere of responsibility includes keeping records on children of pre-school and school age, guaranteeing that these children receive compulsory education, and securing funds for rendering cash aid to vulnerable students and students from poor families. In addition, the local executive authorities fulfil some functions of custody and guardianship of children.

Under the local executive bodies in oblasts and in Astana and Almaty cities there are inter-agency commissions on minors' affairs and protection of their rights. Commissions are composed of deputies of the maslikhats (maslikhat is a local parliamentary council), representatives of bodies dealing with internal affairs, education, culture, health, justice, representatives of the body dealing with employment, custody and guardianship issues, as well as non-governmental and other interested organizations. Yet, the main focus of such commissions is to prevent juvenile delinquency, and to eliminate vagrancy and neglect of children. Meanwhile, the creation of the Committee for the Protection of Child Rights and its oblast departments has made it possible to lay a steady foundation for more efficient actions aimed at protection of child rights.

Along with the aforementioned government bodies in Kazakhstan important functions related to child labour monitoring are fulfilled by prosecution offices and bodies dealing with internal affairs issues. They receive appeals and complaints from individuals and legal entities containing facts related to WFCL, as well as information received from the police offices on their investigative activities. In addition, in certain situations based on results of CLM there is a need for transmitting certain information to law enforcement bodies in order to bring offenders to criminal liability, particularly concerning the involvement of minors into unconditional WFCL.

It is no less important to note the availability of representative offices of employers' and trade unions' associations in oblasts and in Astana and Almaty cities. The Confederation of Employers of the Republic of Kazakhstan is represented by the oblast representative offices of associations and unions – founders of the Confederation. The Federation of Trade Unions of the Republic of Kazakhstan is composed of 14 oblast-level associations and the Trade Union of Astana city. Public labour inspectors from oblast trade unions and the oblast representative employers' associations may be involved in the management of the CLM process and implement it locally.

2.2.3. Local level

At this level a key body is the local executive body of a district, town or rural settlement (village). A local executive body is composed of the Department for education and the Department for employment and social programmes. Accordingly they fulfil functions aimed at allocating social aid and social benefits paid from local budgets; assisting in employment; keeping records on pre-school and school age children; guaranteeing that children of this age obtain obligatory secondary education, and securing funds for cash aid paid to vulnerable students and students from poor families. Local, district-level executive bodies also perform functions of custody and guardianship. Within some local administration offices (akimats) of districts and towns there are inter-agency commissions on minors' affairs. Among other bodies involved in CLM at the local level, one should mention district departments for internal affairs, which consist of inspectors for minors' affairs, as well as district prosecutor offices.

The majority of specialized non-governmental organizations do not have permanent representative offices at the level of districts and small settlements (villages). The exception here is the Federation of Trade Unions of the Republic of Kazakhstan, which includes the primary, district and town organizations.

2.3. Programmes and plans related to child labour monitoring

At present the main tools for planning activities of government bodies are their strategic plans. These are adopted and approved for the Ministry of Labour and Social Protection of Population, the Ministry of Education and Science, local executive bodies and their administration departments. The development of strategic plans is not envisaged at the level of committees of ministries. They use annual work plans and periodic audit plans (annual, quarterly, monthly). The audit plans of the Committee for the Protection of Child Rights and its departments cover only educational institutions because they are not responsible for other organizations.

If necessary, government bodies may adopt state and sector programmes. Among currently existing state programmes related to CLM is the State Programme for Education Development in the Republic of Kazakhstan FY 2011 – 2020. However, the Programme does not address issues relevant to access to education of child labourers. Also, currently there are a limited number of sectoral programmes referring to child labour. Among them the programme Children of Kazakhstan FY 2007 - 2011 approved by Decision № 1245 of the Government on 21 December 2007 deserves special mention. It includes a series of tasks and activities directly related to the elimination of WFCL. In

particular, the Action Plan for the implementation of this Programme includes a separate section aimed at ensuring that children receive educational, health and social services of good quality. Another example of sectoral programmes relevant to child labour is 2020 Employment Programme approved by Resolution № 316 of the Government on March 31, 2011. One of its priorities is to reduce youth unemployment in rural areas.

2.4. Informational support for child labour monitoring

Availability of preliminary data on child labour is an important prerequisite for effective CLM, in particular for an overall assessment of the scale of child labour in each oblast and for identifying key areas of child labour. From 2006 till 2008 a number of international and non-governmental organizations in Kazakhstan conducted various studies on child labour. A joint publication of the Committee for the Protection and Child Rights and the public association Union of Women of Intellectual Labour, published in 2008,² summarizes the results of some of these studies. Nevertheless, much of the data from past surveys taking into account the dynamics of child labour in Kazakhstan are now out of date. Also the results of certain child labour inspections carried out by labour inspectors, prosecutors and law enforcement agencies are available in mass media reports. They represent a good source of information on potential areas of child exploitation in certain regions. In particular, the results of inspections in Almaty city showed that children are employed mainly in small and medium-sized businesses in the service industry and construction. This includes such workplaces as work in open markets, gas filling stations, car washes, service stations, car parks, public transportation, and small construction sites.

Currently the most complete and updated information on CLM is presented in a digest called “Main figures in the field of child protection in the Republic of Kazakhstan FY 2010”. It was prepared and published by the Committee for the Protection of Child Rights of the Ministry of Education and Science and is available on its website (www.bala-kkk.kz). It contains a large amount of statistical data on child labour, including general information and data broken down by region. Another important source of information for child labour monitoring is school attendance records. These data are also available in this digest. However, these statistics do not separate data to indicate when work of children is the reason for not attending school, which makes it somewhat difficult to use this information for CLM.

² “The worst forms of child labour in the Republic of Kazakhstan: assessment of situation and taken measures.” The Committee for the Protection of Child Rights under MES and “Union of Women of Intellectual Labour” public association, Almaty, 2008.

3. Designing and training

3.1. Establishment of child labour monitoring management system

The overview of the institutional framework for child labour monitoring presented in the previous section of this Guidance suggests that it may be efficient to organize CLM on the basis of territorial departments of the Committee for the Protection of Child Rights under the Ministry of Education and Science or under local executive bodies.

A series of necessary functions are already envisaged in the provisions of the Departments for the protection of child rights, in particular, the function of ensuring the provision of social aid to children in difficult life situations. The departments include in their structure units for monitoring and information-analytical activities which already actively deal with identifying and recording children involved in WFCL. However the employees of these departments do not have certain authority that is necessary for effective CLM. This applies particularly to conducting announced inspections of safety and health requirements in the formal employment sector.

On the other hand, many services related to referral of child labourers fall in the competence of local executive bodies. Taking this into account CLM can be organized on the basis of one of their specialized sub-units; for instance, on the basis of departments (units) for education, or departments (units) for employment and social programmes. In addition, as stated in the previous section, many local executive bodies (in oblasts or the cities of Astana and Almaty) have interdepartmental commissions on minors' affairs in their structure. The coordination of CLM can be organized through these commissions.

Under any scenario the process of CLM should involve Departments for the protection of child rights, the relevant subordinate units of local executive bodies, state labour inspection offices, trade unions' public health and safety inspections, as well as representatives of employers' associations. Also, for the effective management of monitoring it is important to use the experience and capabilities of educational institutions and specialized NGOs. For this the participating parties may conclude a joint memorandum and set up a special body to coordinate joint activities. Also, the coordination of activities may be based on an existing mechanism, such as the interdepartmental commission on minors' affairs. In that case the coordinating body may be vested, among others, with such functions as managing the monitoring process, coordinating referral systems, providing adequate resources for monitoring, considering periodic reports on monitoring results and discussing opportunities for improvement. The coordinating body would evaluate the effectiveness of the CLM mechanism and the information obtained as a result of CLM.

Two CLM scenarios can be proposed in Kazakhstan. One scenario envisages the monitoring of potential workplaces of children, which can be arranged by Departments for the protection of child rights at the level of oblasts and in the cities of Almaty and Astana. This option has already been put into practice and the Committee for the Protection of Child Rights gathers and analyses information on child labour. However, Departments for the protection of child rights do not have representative offices at the level of regions. Under the second scenario CLM could be organized by

local executive bodies at the regional and lower levels, for instance, vesting local departments of education with CLM functions. In this case it is important that child labour information obtained at the level of certain regions or settlements is submitted to the general child labour database within the Departments for the protection of child rights.

3.2. Development of monitoring tools

Organizing and conducting CLM requires the development of certain tools. International experience shows the usefulness of developing tools such as: a general description of the mechanism, its goals and objectives; a monitoring plan; working instructions for the monitoring procedure, forms for reporting, and forms for fact sheets on children formerly involved in WFCL. These documents facilitate the work of the monitoring team and ensure the transparency of the entire process. Taking this into account, the authors of the Guidance developed and included samples of certain documents in the Annexes. The ILO Guidelines recommend incorporating the following in monitoring forms: 1) information about the working child; 2) information about the workplace and work conditions, and 3) information about the school or other social service sites that are part of the referral system, if applicable. The ILO Guidelines emphasize that the forms should be simple to use and understand, and should record gender and age groups of working children. In particular, it suggests the possibility of developing a checklist, which would allow verifying gender differences, the needs of working children and referral services rendered to them.

The main purpose of reporting forms is to ensure a standardized and consistent approach to gathering relevant information obtained as a result of CLM for follow-up analysis and intervention, as well as replication and exchange of experience. In addition, completed forms should be used for consolidated databases on working children and could be used to build upon and improve existing sources of information on child labour. As a concrete example one can mention the digest, “Main figures in the field of child protection in the Republic of Kazakhstan”, which is published by the Committee for the Protection of Child Rights and currently includes information on child labour and children's school attendance. CLM results must be a part of this reporting and, as previously mentioned, it is of utmost importance that the main functions of organization of CLM are fulfilled by bodies other than the Departments for the protection of child rights.

3.3. Determining and developing the referral system

As noted above, one of the main differences between child labour monitoring and governmental control over compliance with labour legislation is the focus on provision of alternatives to children after their withdrawal. To make the referral effective it is necessary to have a system of appropriate educational, social, health, and legal services aimed at provision of alternative employment, which should be available for children formerly employed and/or their families. It is therefore important that such a system is determined prior conducting the actual monitoring and is continually improved based on identified challenges and needs.

These issues are reviewed in more detail in section 5 of this Guidance. Information presented here can be used as a basis for determining the list of services and government bodies for

the purpose of referral, as well as for the general approach to the implementation of the referral. It is assumed that the officials of Departments for the protection of child rights will play a key role here. The ILO Guidelines specify the following criteria for decision-making in referral of identified child labourers to certain social services:

- Age of working children below the minimum age set by law for the type of industry or work performed;
- Working hours of children exceed the maximum number of hours set by law;
- Work in unsafe conditions;
- Serious risk of being exposed to hazardous conditions;
- Forced child labour;
- There is a reason to believe that the child is ill-treated and physically abused in the workplace.

The withdrawal and referral of children is obligatory in cases when they are involved in unconditional WFCL, for instance, forced or bonded labour, sexual exploitation, or trafficking in children. In such cases the withdrawal should be immediate and all necessary medical, psychological, social, legal and other services are provided to children in order to protect and assist them.

3.4. Organizing the monitoring teams

The ILO Guidelines mention that for CLM it is necessary to set up the appropriate teams of specialists and functionaries, which will further be trained in child labour monitoring. Their main purpose is to conduct CLM through visiting work sites of children. The composition of such a team varies according to the situation. In general there are three types of teams:

- Professional specialized child labour monitoring teams;
- Mixed teams with enforcement authorities and inspection services;
- Community or public monitors/monitoring teams.

The first type of team is costly and requires a lot of funds, both for preparation and payment for work of professional monitors. The second type reflects a multi-sector approach to child labour monitoring characterized by the involvement of specialists and representatives of various bodies/agencies and organizations. The last type is typical of those countries that have strong traditions of public and local self-governance.

In Kazakhstan the second type of team is most appropriate for CLM. The experience of conducting CLM in Almaty city and Almaty oblast also shows the viability of the second mixed-type monitoring team with representatives from relevant government bodies and specialized NGOs. At the same time, there is no need to create the second mixed type of team for the purpose of monitoring children's school attendance. In Kazakhstan this issue is under the competence of bodies dealing with education, and such monitoring in practice is carried out by school teachers.

As proposed above, the Departments for protection of child rights or local executive bodies may undertake organizational work on establishment of child labour monitoring teams. Team

members may perform different roles in monitoring. The labour inspectors play the key role if CLM is conducted within the announced inspections of organizations, companies and individual entrepreneurs. Employees of Departments for the protection of child rights may take responsibility for the collection of information and recording CLM results, and if needed for organizing referrals. Inspectors on minors' affairs from the Departments of internal affairs play the key role if there are identified cases of unconditional WFCL and if there is a need to ensure access to workplaces of children that may be inaccessible to other team members. Participation of medical workers allows determining threats to children's health and development from their work. Representatives of educational departments and specialized NGOs are often the most experienced at interacting with children, and this experience may be particularly useful during interviewing. Public health and safety inspectors from trade unions, as a rule, are well-trained in assessing working conditions and jobs and may have more opportunities than others to visit children's workplaces. Table 3.1 below gives one option for arranging the list of government bodies and non-governmental organizations for monitoring teams, and their competence or experience related to CLM.

Table 3.1. Competence and experience of state bodies and other organizations in child labour monitoring

State body or organization	Competence or experience in child labour monitoring
Department for the Protection of Child Rights	<ul style="list-style-type: none"> – Coordination of activities on issues of rendering assistance to children in difficult life situations – Monitoring the implementation of all measures related to guaranteeing the rights of all children in compliance with Kazakh legislation and the Convention of the Rights of the Child
Departments for the control and social protection of population under the MLSP	<ul style="list-style-type: none"> – State monitoring of organizations for compliance with labour legislation – Consideration of cases on administrative violations related to labour safety of minors
Departments and units for internal affairs (district police inspectors on minors' affairs)	<ul style="list-style-type: none"> – Inspection and preparation of protocols on administrative violations, including on involvement of minors in illegal activity, or production of materials with erotic content – Referral of children withdrawn from child labour to their parents, trustees (guardians) – Referral to centres for rehabilitation of vagrant children aged from three to eighteen years, as well as children without parents or persons substituting them
Departments and units of education	<ul style="list-style-type: none"> – Identification and recording of minors not attending school
Departments and units of healthcare	<ul style="list-style-type: none"> – Experience in identifying consequences, risks and hazards related to work of minors
Trade unions	<ul style="list-style-type: none"> – Public monitoring of compliance with labour safety rules
Non-governmental organizations	<ul style="list-style-type: none"> – Experience in conducting CLM within various projects and inspections

3.5. Training

The purpose of training for child labour monitoring is to ensure that its participants can successfully fulfil their roles and responsibilities. The training should develop in the future participants the following:

- A good basic understanding of the process of monitoring;
- A good understanding of its principles and tasks;
- Experience and skills for conducting child labour monitoring and identifying children and interviewing them;
- The ability to respond to various situations they will encounter in their work as monitors;
- Understanding of issues concerning child rights, vulnerability and gender aspects of child labour.

Currently a number of tools for training in CLM are available in Kazakhstan. First of all, this Guidance can be used as a tool for training on issues related to the development of CLM mechanisms. For this purpose, its Annexes contain training materials focused on preparations for the organization of CLM at the regional and local levels. Secondly, there is the training material on the organization of CLM developed by ILO-IPEC, which includes information on how to train monitoring team members.

For the training of monitoring team members it is important to highlight the following training themes: assessment of work conditions in different types of workplaces; recording and reporting on identified children; social services system and referral of children involved in types of work unacceptable for their health, development and morals. For any type of training, materials included in this Guidance will assist a government body responsible for the organization of CLM to organize and conduct a brief orientation course for monitoring team members and explain to them how to use the available monitoring tools. Such a simplified model for training requires that the monitoring teams consist of qualified and knowledgeable specialists.

3.6. Testing child labour monitoring

CLM as a relatively new tool designed for long-term use requires appropriate testing. In particular, within the framework of ILO-IPEC project such testing is planned through the implementation of pilot programmes in selected regions. The ILO Guidelines note the importance of testing the following monitoring elements in practice: 1) conduct inspections in places of potential employment of children, 2) apply referral system when appropriate. Testing the first element allows testing the reporting forms and assessing the work and interaction of monitoring team members, and identifying information needs for more effective CLM. Testing the second element makes it possible to check the availability of referral systems, to establish effective approaches to the use of existing social services, and to evaluate the need for additional alternatives for children.

As a result of testing there may be a need to make adjustments in the CLM mechanism. For example, there may be adjustments to the reporting templates, or further specification of the list of social services for the referral system. However, the weak points and obstacles identified may

require initiation of corresponding changes on the level of central government and local executive bodies. For example, this may relate to the establishment or removal of bans on child labour in certain types of work, the application of liability to those responsible for the involvement of children in WFCL, or the provision of certain services that are needed for child labourers. In this case, it is suggested that the appropriate follow-up actions after the testing should be undertaken by the Department for the protection of child rights with the involvement, when/if needed, of other coordinating participants in the child labour monitoring mechanism.

4. Monitoring of potential workplaces of children

4.1. Potential workplaces of children

After the training monitoring team members are ready to embark on the monitoring. First of all, it is necessary to do preliminary preparation and prepare the list of possible workplaces of children to be visited by monitors. Such preparation may include a study of preliminary information, such as the location, accessibility, type of work and working conditions at the site, and preliminary data on the employer. The availability of preliminary data on child labour is an important prerequisite for efficient CLM, particularly for assessing the scale of child labour in a particular region and for detecting the main workplaces of children and their work conditions. For this purpose preliminary research can be done. For example, according to the results of “Multi-indicator cluster survey” conducted by the Statistics Agency of the Republic of Kazakhstan and UNICEF in 2006, which surveyed 14,564 households in Kazakhstan, 2.2% of children in ages 5 to 14 were involved in types of labour such as work in households, work in family businesses and work outside the home. In addition, preliminary information may be obtained from state and public labour inspectors, representatives of prosecutors offices and internal affairs bodies which previously carried out inspections on the subject of observation of child rights, including child labour. Preliminary preparation of monitoring visits can also be based on the analysis of publications in mass media, appeals from individuals to appropriate state bodies and non-governmental organizations specializing on protection of child rights.

First and foremost one must distinguish between employment of children in formal and informal economy sectors, since monitoring in the first case is restricted. This concerns organizations and enterprises where most of work is done on the basis of written contracts with employers. The monitoring of such workplaces, as a rule, is carried out in accordance with legally regulated procedures of labour inspections or on the basis of voluntary agreement of an employer. In this case, the goal can be achieved by means of combining CLM with the announced and unannounced inspections carried out by specially trained state labour inspectors or public health and safety inspectors. For example, in cases of announced and unannounced inspections conducted by state and public inspectors it is necessary to involve other child labour monitoring team members. If for some reason this approach cannot be realized in practice, CLM can be integrated into the inspections on compliance with safety regulations. In this case it is necessary to train state and public inspectors on how to use developed CLM tools.

Yet practice shows that many children in Kazakhstan work in the informal sector, in such places as markets, streets, public transportation, agricultural plantations, etc. The access of monitors to such workplaces is less restricted and in many cases it is not required to organize a visit as an official inspection. However, in reality even in this case some problems may occur concerning the violation by controlling state bodies of requirements for protection of small business entrepreneurs. To avoid such situations it is necessary to carry out preliminary awareness campaigns with appropriate state bodies, including organization of such campaigns through mass media sources, in order to explain that monitors’ visits are not inspection check-ups organized in

accordance with legal requirements for such inspections, but are the monitoring of observation of child rights.

The majority of children are employed in households where the access of monitors to workplaces is limited by rights of protection of private property and privacy. Here the monitors may organize a visit based on information on suspected exploitation of children obtained from appeals of individuals, non-governmental organizations or school administrations. CLM of households, as a rule, requires the involvement of inspectors on minors' affairs in the monitoring teams. In general, to organize visits to places of unconditional WFCL, for instance, child trafficking, forced labour, sexual exploitation of children, the monitoring should involve inspectors on minors' affairs or district police inspectors.

4.2. Monitoring of workplaces

In the course of monitoring visit, a meeting with the employer or his/her appointed responsible officer is organized. In some facilities it may take some time to find such persons and explain the purpose of the visit to them. Further a visual assessment of potential workplaces of children is made, and a preliminary interview is conducted with the employer (or his/her responsible officer). One should keep in mind that in the case of monitoring in informal employment sector, including agriculture, an employer is often a parent (parents), relatives or neighbours of a child. In case of identifying children allegedly employed at the monitored facility, the monitors arrange contact with such children and interview them in order to determine their ages and their working conditions. It is important to interview children without the participation of the employer (or his/her assigned officials) in order to prevent possible pressure on children. This is especially important in cases where children are likely to be involved in unconditional WFCL, including situations of involuntary servitude or the availability of possible threat of physical violence. As a rule, interviewing working children should be carried out by specialists working with children. The ILO Guidelines draw attention to gender concerns when interviewing children: in some situations it is preferable to have female interviewers for girls and male interviewers for boys.

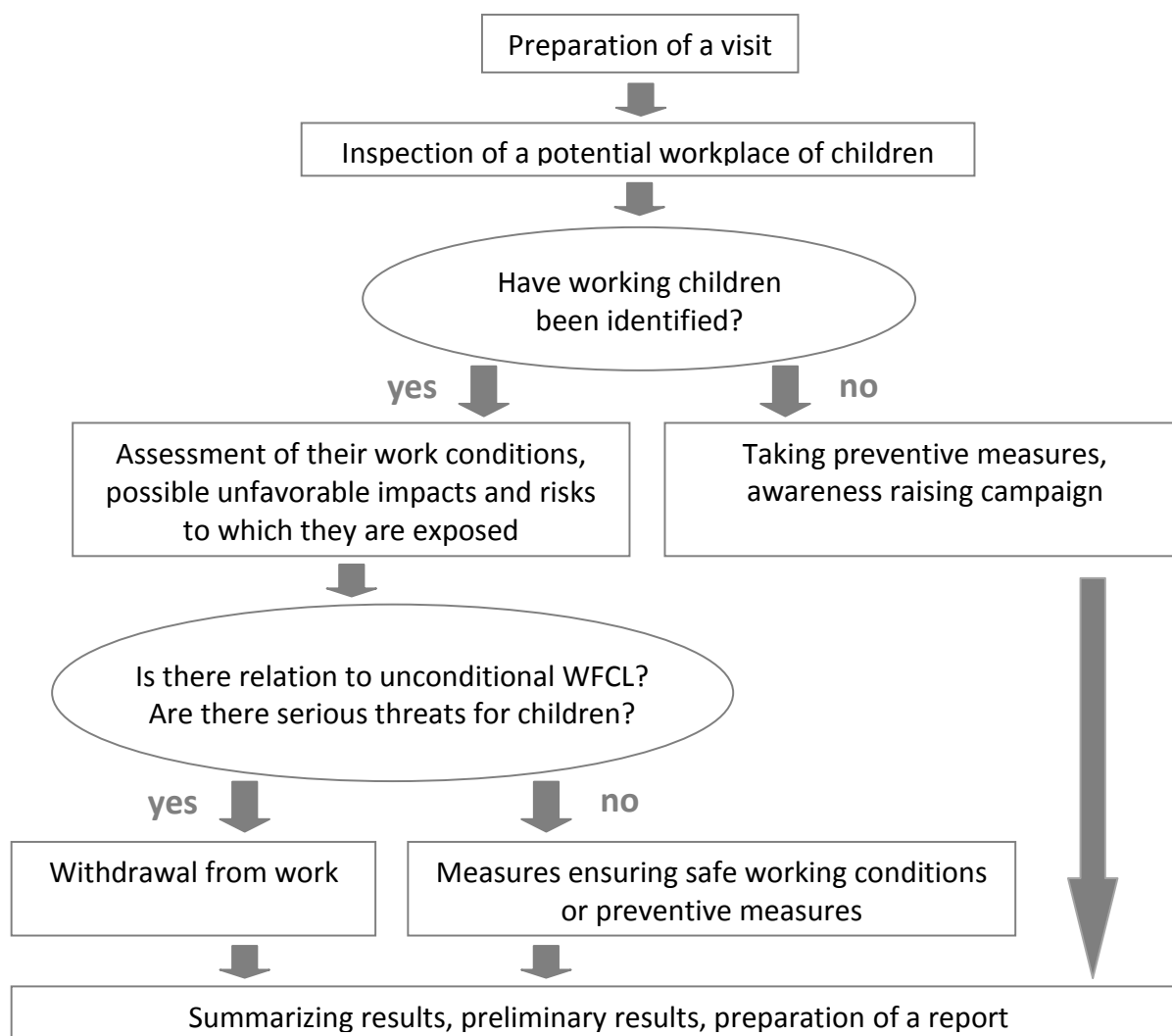
If working children are being identified through inspections of workplaces as well as through interviews with children, their employers and co-workers, the monitors conduct preliminary evaluations of working conditions and identify facts of existence of WFCL or other violations of child labour. Under certain circumstances, monitors should arrange immediate removal of children from the workplace and transmit them home to their parents or guardians (trustees). As a rule this occurs when children are involved in unconditional WFCL or there are facts of involvement of children under the minimum employment age. Also, police inspectors or representatives of law enforcement bodies may require the employer (or his/her assigned official) to immediately stop child labour and send children back home, for example, if the work performed or their workplace pose serious threats to life and health of children. Parents or relatives of working children should be involved in such actions. Of course, in the informal employment sector the immediate removal of children from their workplace is a very delicate issue, because either parents or relatives of children act as their

employers or identification of working children may require additional time and effort. In cases when domiciles of children are not identified, it is important to ensure temporary living accommodations for children being withdrawn from work prior to making final status decisions.

In cases that do not require removal of children from work, but in which there are certain threats to their health and development (including threat to the normal education process), measures should be taken to ensure safe working conditions. Appropriate measures may include steps such as transferring children to other jobs, changing working hours or work schedules, improving workplace conditions, or providing protective equipment. For this purpose an employer or parents of the child are appropriately instructed. In cases when the monitoring does not reveal working children or any significant threat to their health and development, preventive measures are taken towards their employers; namely, they are informed about the conditions and requirements of safety and health issues in terms of the work of minors.

The next follow-up step is finalizing results of CLM. For this purpose, its main findings and conclusions are discussed with the employer and/or parents of working children, in particular the actions they must take in order to ensure safe working conditions which allow children to get their full education. At this stage the monitoring participants hold preliminary discussions on the monitoring results, as well as the necessary measures to be taken after the visit. This discussion serves as the basis for subsequent reporting on the results of CLM and measures to be taken for referral of withdrawn children. The sample questions for such reports are included in Annex II. It is assumed that the completed report should then be directed to the Department for the protection of child rights, which carries out further processing and analysis of information and if necessary, organizes activities to return children to schools and refer them to particular services to assist them and aid in their rehabilitation.

Drawing 4.1. Flow chart for monitoring potential workplaces of children



5. Referral and other follow-up actions

In cases when monitoring reveals facts of involvement of children in unconditional WFCL or presence of serious negative consequences for their health and development, the measures taken are not limited only to their withdrawal. They should receive appropriate rehabilitation services and be proposed alternative opportunities for their further development. This is called the referral of children withdrawn from child labour. The review of the institutional framework in the second section of this Guidance showed that the coordination of these activities is under the responsibility of Departments for the protection of child rights. The referral within CLM is organized based on analysis of the results of visits to children's workplaces provided in the respective reports of monitoring teams. In the next step, the concrete types of services and assistance measures for children and concrete social service organizations and vendors are identified. In some cases the Department for the protection of child rights can itself refer the child directly to the appropriate social service or organization; in other cases it is done through submission of a request to an authorized government body. Table 5.1 presents examples of government officials, social services and organizations with an indication of their services or their competence to ensure access to such services.

Finally, after the referral it is necessary to ensure that the child does not return again to the same adverse conditions from which he/she was previously withdrawn as a result of child labour monitoring. Some previously working children may have suffered physical or psychological trauma during their labour exploitation and therefore need professional help of health care workers, psychologists or psychotherapists. In certain situations, such children may be in need of legal assistance for protection from persecution or forced exploitation by their former employers. A lack of alternatives to employment and insufficient means for living may cause their voluntary return to their previous employment. In such cases it is important that children previously involved in WFCL have alternative forms of employment, for instance, providing them with opportunities to engage in light work. Also, providing their families with appropriate social benefits paid to minor children or poor families may be another option. In a majority of situations the basic referral service provided to previously working children is their return to the normal process of studying in school, high school or college.

As a rule, the referral can be arranged by making a request to the appropriate government body with the authority to refer children to receive rehabilitation services. Table 5.1 lists such government bodies. The authorized government body which receives the referral request makes a decision on referral of a minor to the appropriate organization providing rehabilitation services. Table 5.2 provides information on organizations and services that provide rehabilitation services for children. Centres for children's creativity and non-governmental organizations independently provide such services along with the government bodies. Often the issues of registering or returning a child to school or obtaining medical services in hospitals and polyclinics do not require interference by the public authorities in charge of these organizations. However, in contentious situations, such as with migrant children, or when there is no legal registration of children, the

intervention of the government body that coordinates the activities of an appropriate service or organization may be needed for referral.

Table 5.1. Referral functions of government bodies

Name of organization or social service	Referral functions
Departments for the protection of child rights	<ul style="list-style-type: none"> – Registering and keeping records of children in difficult life situations, rendering them appropriate aid and assisting in protecting their legal rights – Coordinating activities on provision of assistance to children in difficult life situations – Introducing proposals to local executive bodies concerning measures which improve quality of life of children
Departments and units for employment and social programmes	<ul style="list-style-type: none"> – Allocating government benefits to families having children under 18 – Allocating government targeted social aid – Allocating and paying social aid to certain categories of citizens in need, based on decisions of local governing bodies – Assisting in employment, through employment services to target groups such as children-orphans and children left without parental care up to age 23, sole parents and parents with many children, who have minors in their families – Arranging documents recommending sending children to children's psycho-neurological homes and neuropsychiatric medico-social institutions
Departments and units for education	<ul style="list-style-type: none"> – Organizing and providing free obligatory secondary education in state education institutions – Providing financial and material aid to socially vulnerable students at schools, lyceums and colleges – Protecting rights of children left without parental care, including assisting in their placement in orphanages – Organizing leisure time and summer vacations for children and adolescents through schools, children's summer camps and centres for children's creativity
Departments and units for healthcare	<ul style="list-style-type: none"> – Providing free guaranteed medical aid on the basis of hospitals and polyclinics
Departments and units for internal affairs (inspectors on minors' affairs)	<ul style="list-style-type: none"> – Referral to centres for adaptation of minor vagrant homeless children, children ages 3 to 18 left without parental care
Prosecutor offices	<ul style="list-style-type: none"> – Protecting rights and freedoms of minors including submitting lawsuits to courts in the interest of children

Table 5.2. Organizations rendering services related to referral

Organization	Services related to referral
Schools, lyceums, colleges	<ul style="list-style-type: none"> – Providing services to ensure free obligatory secondary education – Allocating material aid to children from poor families in the form of free hot meals, clothes, shoes, school materials, opportunities for summer camps during summer vacations, stipends
Hospitals and polyclinics	<ul style="list-style-type: none"> – Providing free guaranteed medical services
Residential care organizations	<ul style="list-style-type: none"> – Providing services on accommodation and education of children left without parental care
Centres for adaptation of minors	<ul style="list-style-type: none"> – Receiving, temporary maintenance, social adaptation and rehabilitation of homeless, vagrant children left without parental care in the age from 3 to 18
Employment services	<ul style="list-style-type: none"> – Rendering services on employment and occupation to certain categories of citizens, including children and youth
Centres for children's creativity	<ul style="list-style-type: none"> – Organizing leisure time free from education for children
NGOs	<ul style="list-style-type: none"> – Protecting rights of minors and providing legal consultations – Consultations of psychologists – Organizing leisure time for children and adolescents

At the final CLM stage a responsible government body must set up permanent monitoring of its results and ensure the implementation of referral measures. In general, at this stage it should verify the following three basic facts:

- Whether a withdrawn child is engaged in the same or similar type of work again after a certain period of time;
- Whether he/she regularly goes to school;
- Whether the proposed referral measures have been implemented.

The verification of the first fact can be arranged through the state labour inspectors and public health and safety inspectors, who can be members of monitoring teams. The verification of school attendance of children withdrawn from child labour can be organized within the framework of monitoring by school teachers. Finally, verification of implementation of referral measures can be arranged through filing a request to appropriate government bodies, social services and/or non-governmental organizations. It is proposed to use a special reporting form as a tool for recording this information. A template for this form is presented in Annex II to this Guidance. The general control over implementation of CLM measures can be performed through review and approval of reports from the body responsible for its organization, which is done at the meetings of the coordinating body.

In general, not only does the analysis of CLM results allow verification of its effectiveness, but it also provides the necessary information to make adjustments to improve the designed mechanism. In some cases this can be done directly by the government body responsible for organizing CLM at the regional or local levels. In other cases it is necessary to make appropriate

adjustments at the national level to legislation, policy documents, and social policy. For this purpose, information on CLM at the regional and local levels can be sent to the National Coordinating Council on Child Labour, as well as directly to the Committee for the Protection of Child Rights, and to the Ministry of Labour and Social Protection of Population.

Annex I

Training material on organizing and conducting child labour monitoring

Regional training workshop

Workshop objectives: by the end of the regional workshop on organizing and conducting child labour monitoring (CLM) the workshop participants will:

- Improve their understanding of CLM concepts and the main steps in development and introduction of CLM mechanism (CLMM), as well as the approaches to CLMM in various sectors;
- Increase their capacity and motivation for supporting CLMM on different levels;
- Agree on the coordination scheme of conducting CLM in a particular region;
- Determine the preliminary organizational structure for CLM within an oblast, city or region;
- Obtain skills for conducting CLM, be trained in how to work with reporting templates and determine the approximate composition of monitoring teams;
- Develop a plan of joint activities on organizing and conducting CLM in a region.

Workshop participants may include: representatives of territorial departments of the Committee for Control and Social Protection under MLSP; territorial departments of the Committee for the Protection of Child Rights under MES; local executive bodies (including Departments for education and Departments for employment and social programmes); inter-agency commissions on minors' affairs and protection of their rights; bodies of prosecutors' offices and internal affairs bodies; local representative offices of employers' organizations and trade unions, as well as NGOs dealing with child rights protection issues.

It is expected that at the end of this training workshop participants will actively use the *Guidance on Child Labour Monitoring in Kazakhstan* and outcomes of the regional workshop, which will include:

- Coordination mechanism for CLM in the region;
- Preliminary organizational scheme for conducting CLM in various sectors and for approximate composition of monitoring teams;
- List of questions for the joint action plan on the introduction of CLMM in the region.

Two-day CLM training workshop

If various interested parties gather together for the first time, a two-day training workshop can be arranged. In this case participants focus on:

- Better understanding of CLM concept and strategy and how it can be introduced in a particular region;
- Key activities which should be carried out (general vision and strategy of CLM on the regional and local levels, coordination of CLM within an oblast and/or city, achievement of consensus in terms of conducting CLM).

Approximate agenda

Day 1	Day 2
<ul style="list-style-type: none">– Official welcoming and opening of the workshop– Introduction and expectations– Workshop objectives and agenda	<ul style="list-style-type: none">– Opening of the 2nd workshop day– Participants' feedback to questions raised during the first day
<u>Main speech:</u> Child labour in the country and/or region	<u>Presentation:</u> Main CLM phases and steps
<u>Presentation:</u> CLM review	<u>Work in small groups:</u> Conducting monitoring to identify working children in various sectors: 1) agriculture 2) urban informal sector (street vending, food service, car wash, etc.)
LUNCH	LUNCH
<u>Presentation:</u> Main stages and steps of organizing CLM	<u>Presentation of results of small work groups:</u> conducting monitoring inspections in order to identify working children in various sectors: 1) agriculture; 2) urban informal sector (street vending, food service, car wash, etc.)
<u>Work in groups and presentation of results:</u> CLM coordination at the regional level	Joint planning of activities on organization and conducting CLM in the region
Finalizing the first workshop day	Finalizing the day and workshop closing

One-day regional CLM workshop

If participants have knowledge about CLM and have already met on the issue of organization of CLM in the region, then presentations on CLM can be quite short, allowing participants to refresh their knowledge. In this case participants focus on further steps to support the design and development of CLM in the region. Participants concentrate on key activities that should be implemented in the region, particularly on the introduction of a common vision and strategy for CLM at the regional level, coordination of CLM within the oblast and/or city, particular regions or settlements, and reaching a consensus on CLM.

Approximate agenda

Regional training workshop on CLM	
<ul style="list-style-type: none">– Official welcome and opening of the workshop– Introduction and expectations– Workshop objectives and agenda	
<u>Main speech:</u> Child labour in the country and/or region	
<u>Presentations:</u> <ul style="list-style-type: none">– CLM review– Main stages and steps of organizing and conducting CLM	
<u>Work in groups and presentation of findings:</u> Coordination of CLM on the regional level	
LUNCH	
<u>Work in groups and presentation of findings:</u> <ul style="list-style-type: none">– Conducting monitoring to identify working children in various sectors: 1) agriculture; 2) urban informal sector (street vending, food service, car wash, etc.).– Reporting. Determining members of monitoring teams.	
Joint planning of activities on organization and conducting CLM in the region	
Finalizing and workshop closing	



International
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REVIEW of Child Labour Monitoring

Based on presentation of *Viorica Stefanescu*,
International Consultant for ILO-IPEC,
and *Vadim Ni*, National Consultant for ILO-IPEC in Kazakhstan

Goals and objectives of CLM

GOAL	
Identification and withdrawal of minor children from child labour, particularly from its worst forms, referral of working children for rehabilitation to social services	
OBJECTIVES	
✓ Regular visits of workplaces and identification of minor working children	
✓ Under minimum age => their withdrawal from work and referral to social services	
✓ Above minimum age – in case of risks => referral to social services	
✓ recording	
✓ Follow up tracking of cases	

- 2 -

Age of children	Employment conditions	Work time limit	Allowed work places
under 14	Upon agreement of one of the parents, guardian, trustee or adoptive parent	Not regulated by legislation, however may be restricted by means of delineating the issuance of permission of employment	Work in organizations of cinematography, theater, theatrical and concert organizations, circuses, - through the creation and (or) performance of execution of art works/compositions
from 14 to 16		In their leisure time free from studying. Not > 24 hours per week - during vacation time or 2.5 hours a day - in the period of study	May be defined in the list of light works
from 15, those obtained secondary, general secondary education in institutions of secondary education		Not > 24 hours per week	Not prohibited types of works and professions
from 16 to 18		Not > 36 hours per week and up to 3,5 hours per day during the study period	
under 18		Not in night hours, i.e. not from 22:00 till 6:00	

- 3 -

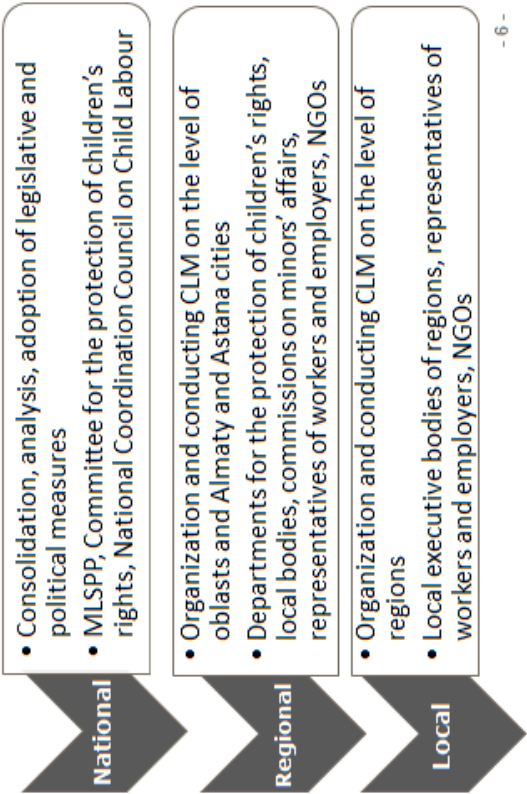
Basic conditions for CLM in Kazakhstan

- **Legislative restrictions and bans on child labour:**
 - Labour Code, Code on administrative violations, Criminal Code, Law "On the Rights of the Child in RK", List of works prohibited to persons under the age of eighteen, approved by the Order of Acting Minister of Labour and Social Protection
 - Age, duration of work time and allowed workplaces for children
 - WFCL in the Criminal Code of RK
- **Institutional framework for CLM:**
 - National level; level of oblasts, of Astana and Almaty cities; local level
- **Programmes and plans referred to CLM**
- **Information support for CLM**

Worst forms of child labour in ILO Convention № 182	Liability basing on Criminal Code of RK
All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (Article 3, clause a)	Article 128. Procuring of people for exploitation Article 131. Involvement of minors in criminal activities
The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances (Article 3, clause b)	Article 132. Involvement of minors in commitment of anti-social activity
the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties (Article 3, clause c)	Article 133. Trafficking with minors

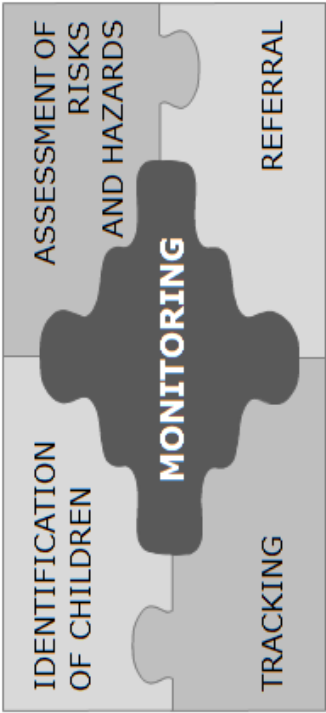
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Institutional basis for CLM



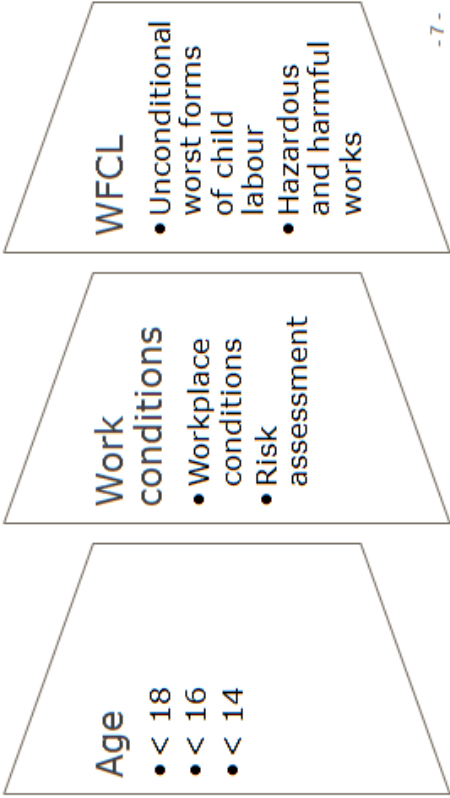
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Main CLMM elements



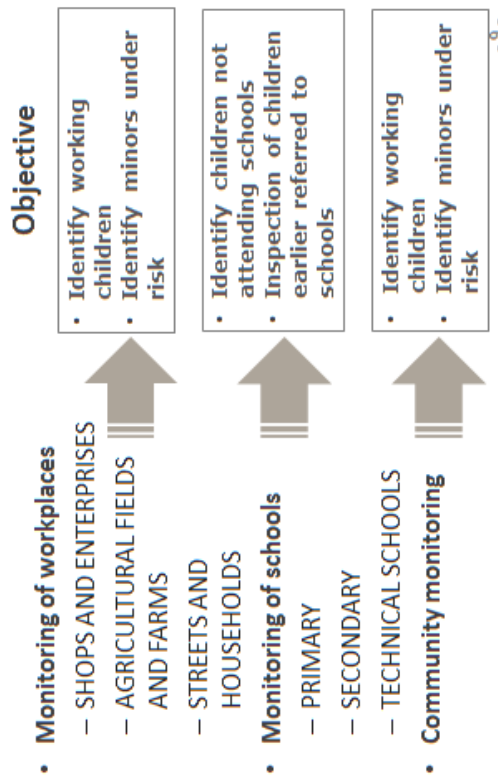
- 8 -

Basing on which aspect CLM is conducted



- 7 -

Where CLM is conducted



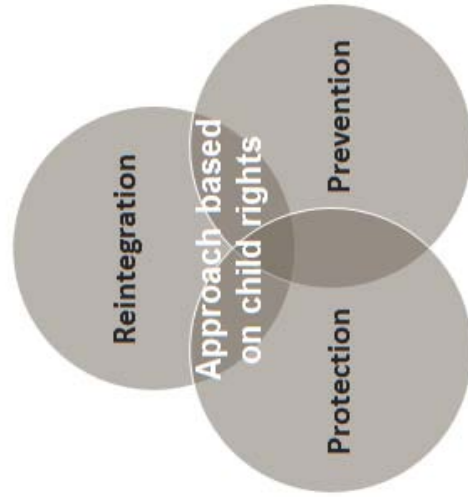
- 9 -

CLMM is based on:

- inter-agency and inter-sectoral cooperation
- single approach and instruments
- close cooperation with state labour inspection and other state bodies when conducting local monitoring
- prevention of involvement of children in child labour
- rehabilitation of children involved in WFCL or those under risk

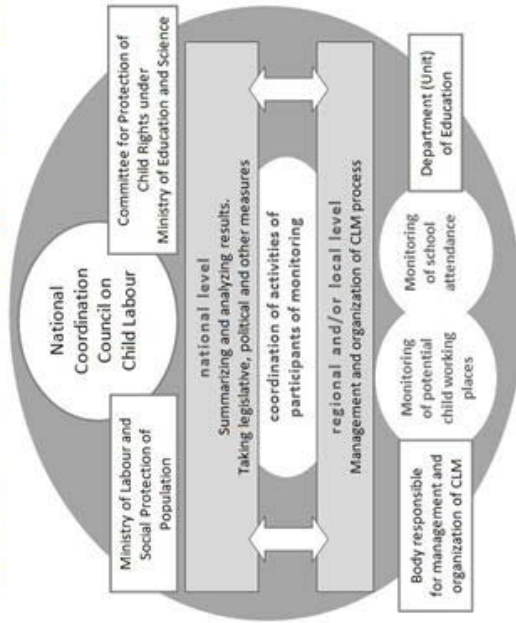
- 11 -

Types of intervention



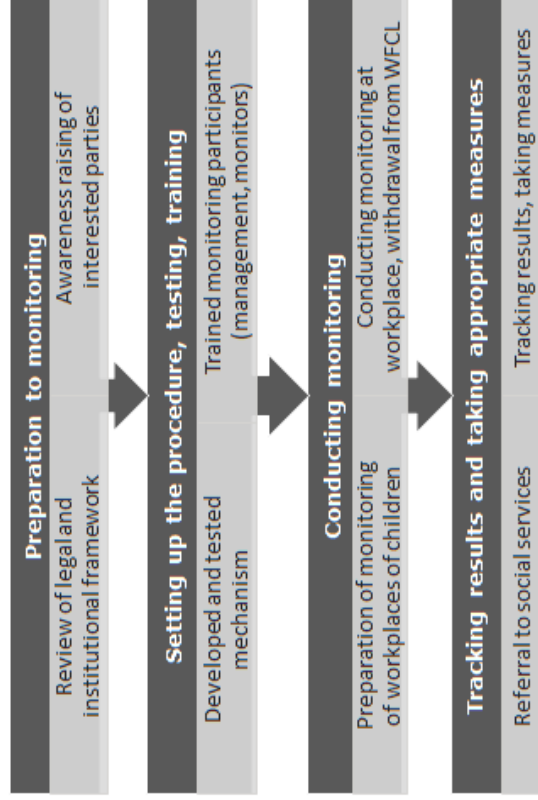
- 10 -

Scheme of CLM in Kazakhstan

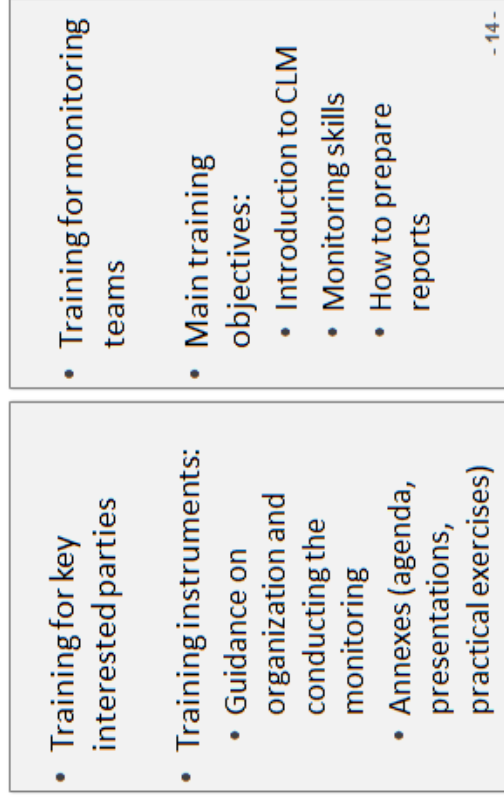


- 12 -

CLM stages

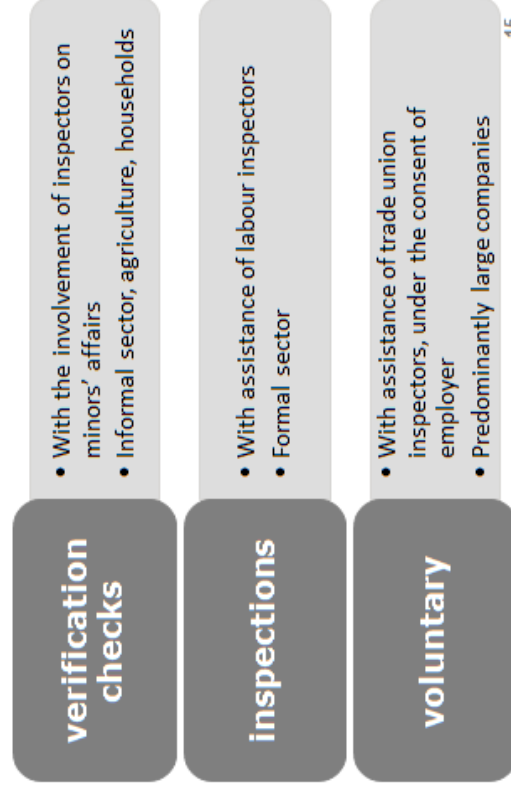


Training of monitoring participants



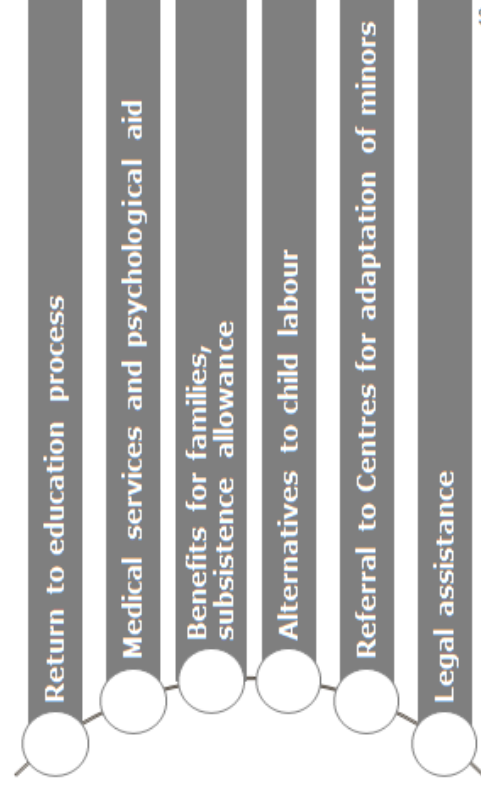
- 14 -

Forms of inspections



- 15 -

Referral of children



- 16 -

CLM results follow up

Non-return to WFCL	Repeated check ups of workplaces
	Inspectors
Return to education	Monitoring of school attendance
	School teachers
Rendering social services	Monitoring of rendering services
	Sending requests to social services

- 17 -

Follow up measures

- Collection and analysis of monitoring results by the managing body
- Taking measures at the regional and local levels, for example, in terms of referral
- Submission of information to MLSPP, Committee for the protection of child rights, National Coordination Council on Child Labour
- Taking legislative and policy measures at the national level

- 18 -

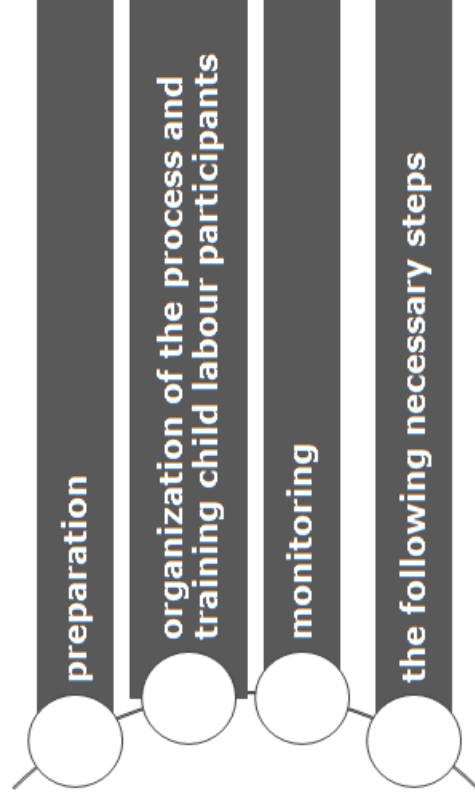


International
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Child Labour Monitoring: Organizational Framework

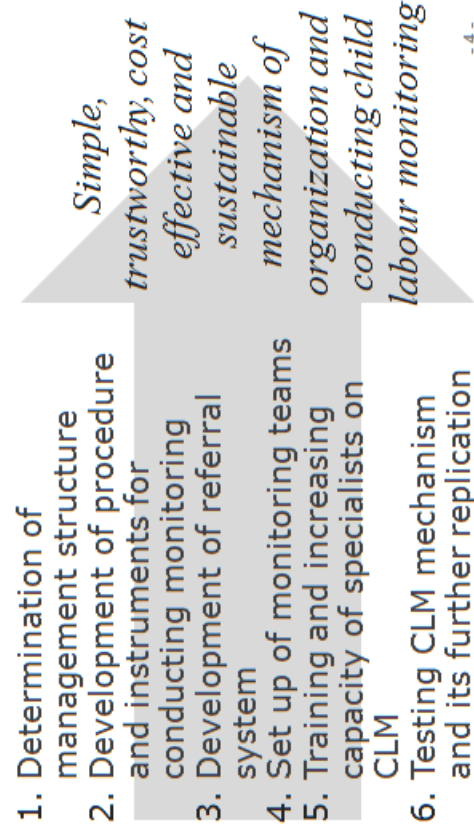
Based on the presentation of Vadim Ni,
National Consultant for ILO-IPEC in Kazakhstan

Stages of organization and conducting CLM



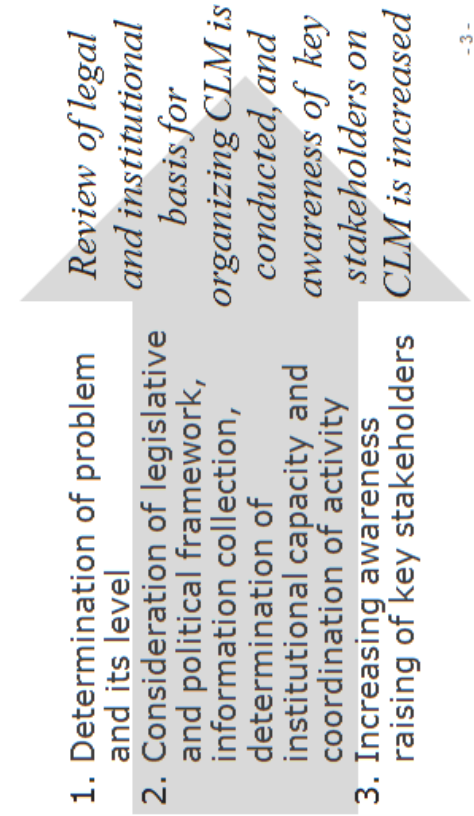
- 2 -

Design and training stage: steps and expected outcomes



- 4 -

Preparation stage: steps and expected outcomes



- 3 -

Preparation to monitoring and training its participants (1)

Creation of monitoring management system:

- Memorandum, coordinating body
- Function of coordinating body:
 - Management of monitoring process;
 - Coordination of referral system;
 - Ensuring funds and resources;
 - Consideration of regular reports and discussion of possibilities for improvement.

Development of monitoring instruments:

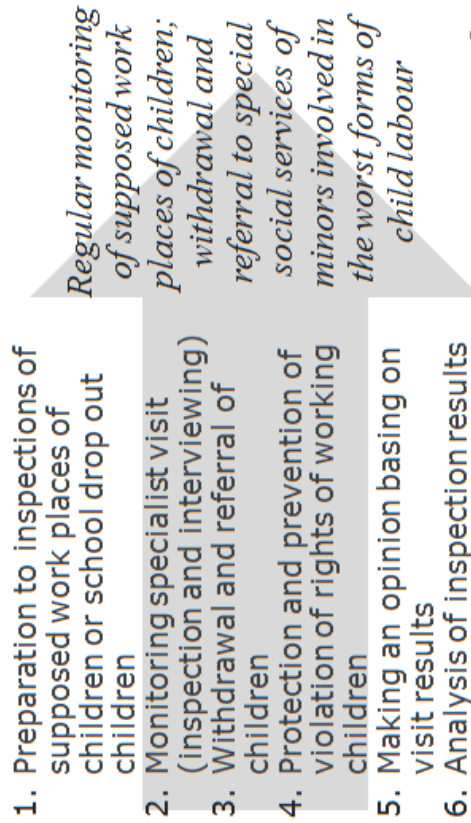
- mechanism, its goals and objectives; monitoring plan; instructions and record sheets (forms).

Determination and development of referral system:

- Criteria for decision making within referral system: under minimum employment age, duration of work hours increases the norm; unsafe conditions; risks; forced labour; bad treatment or physical abuse.

- 5 -

Monitoring stage: steps and expected outcomes



- 7 -

Preparation to monitoring and training its participants (2)

Organization of monitoring teams, options:

- Professional specialized teams;
- Mixed teams with participation of representatives of appropriate inspection and law enforcement bodies;
- Monitoring teams at the community level.

Training of monitoring participants:

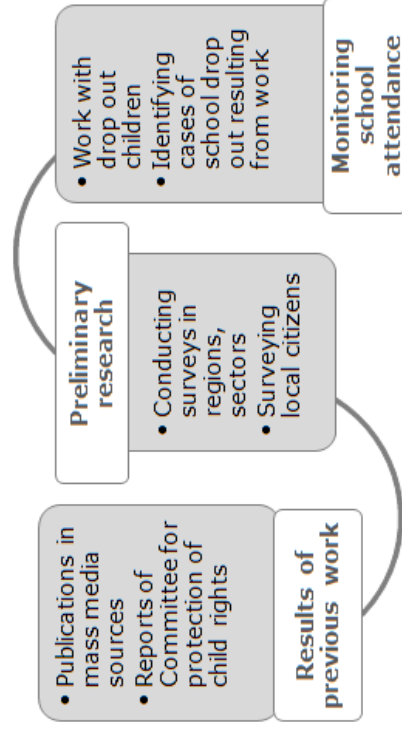
- Basic knowledge of the whole process
- Understanding of main principles and tasks;
- Building necessary knowledge and skills;
- Ability to react in different situations;
- Knowledge of children's rights and gender aspects;
- Specificity of work with child labourers.

Testing monitoring mechanism:

- Inspection of potential work places of children;
- Use of referral system in appropriate cases.

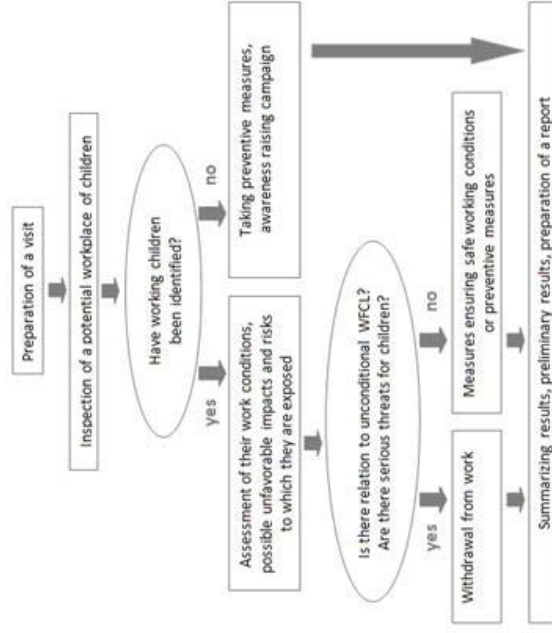
- 6 -

Determination of potential workplaces of children



- 8 -

Scheme for monitoring potential workplaces of children



- 9 -

Tasks fulfilled during the visit of potential workplaces

- Identification of working children in the course of the visit
- Determination of their age, compliance with requirements on minimum age
- Inspection of workplaces
- Evaluation of working conditions and identification of risks to which children are or may be exposed
- Determination of types of work performed by children
- Identification of WFCL facts
- Preliminary assessment of CLM results
- If necessary making a decision on withdrawal of children from WFCL

- 11 -

Preparation of visits of potential workplaces of children

Tackling the issue of access to workplaces

- Organization of scheduled inspections
- Involvement of inspectors on minors' affairs and representatives of prosecutors' offices

Selection of monitoring participants

- Involvement those who were trained and/or have monitoring experience
- Availability of work experience with children
- Taking into consideration gender aspect

Visit planning

- Preliminary discussion of tasks and division of functions among participants
- Preparation of preliminary questions
- Availability of survey forms

- 10 -

Working methods applied at CLM

Interview with working children

- Skills of conducting interviews with children
- Use of indirect questions to obtain necessary information
- Setting trustworthy relationships

Interview with employers

- Preliminary discussion of issues related to monitoring
- Discussion of work conditions for children
- Discussion of monitoring results

Inspection of workplaces

- Identification of risks and hazards to which working children are exposed
- Assessment of possibilities for improving working conditions
- Determination of compliance with legal provisions on child labour

- 12 -

Instruments for conducting interviews and recording results

In the Guidance	Annex II of the Guidance
	List of sample questions
Report template	Possibility of making the reports basing on Annex II of the Guidance Use of template for information collection
Questionnaires of monitors	For interviews Their preparation taking into account specific needs

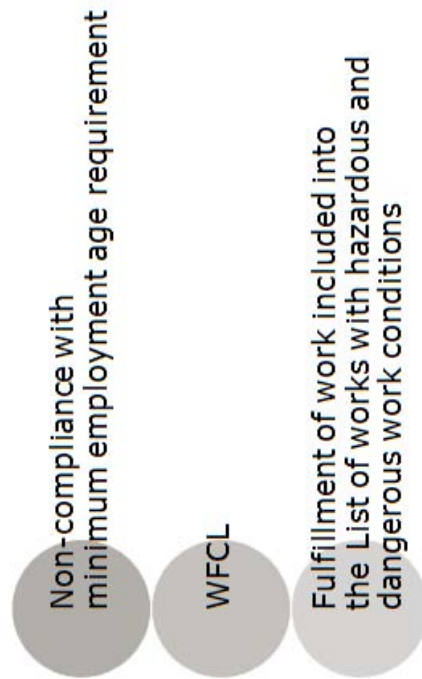
- 13 -

Main aspects covered in reposts and questionnaires

- Data on minor workers
- Information on place, duration, conditions and character of the work performed
- Information on compliance of the work performed by a child to legislative requirements
- Information on availability of risks and negative consequences for a child

- 14 -

Decision making on withdrawal



- 15 -

Referral services for working children

- Preliminary determination of the list of accessible social services and appropriate organizations
- Consideration at the meetings of inter-agency commissions on minors' affairs and protection of their rights
- Sending inquiries to state bodies and social services
- Tracking results of referral
- Use of the List included in Annex II of the Guidance

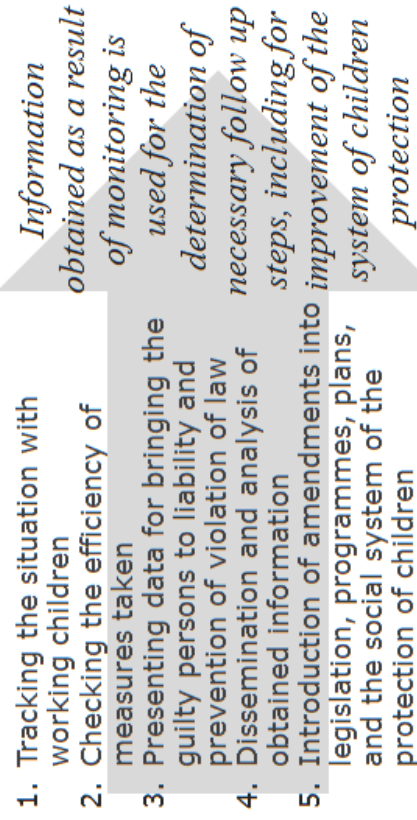
- 16 -

Referral examples

Withdrawal
Ensuring school attendance
Rendering social aid on the basis of educational institution or in the family
Medical aid
Psychological aid
Protection of rights
Providing alternatives

- 17 -

Stage of tracking results: steps and expected outcomes



- 19 -

Organizations dealing with referral	Organizations rendering social services
<ul style="list-style-type: none"> • Department for the protection of child rights • Departments and units for employment and social programmes • Departments and units for education • Departments and units for healthcare • Departments and units for internal affairs (inspectors on minors' affairs) • Prosecutors' bodies 	<ul style="list-style-type: none"> • Schools, lyceums, colleges • Hospitals and polyclinics • Boarding schools • Centres for adaptation of minors • Employment services • Non-governmental organizations

- 18 -

Work in groups and presentation of findings: “Coordination of CLM at the regional level”

Objectives: By the end of this session participants will:

- Determine possible functions of each party in CLM and focus on their interaction and cooperation at the regional level;
- Agree on and present the plan of coordination of CLM in the region;
- Increase their capacity and motivation to support CLM at the oblast and local levels;
- Plan how CLM is coordinated at different levels (oblast/city, region, settlement).

Outcomes: CLM coordination plan on the regional level.

Time	PROCEDURE AND STEPS															
90 min	<p>Work in small groups: CLM coordination at the regional level</p> <p>Development of two-level scheme of CLM for each organization involved in CLM</p> <ol style="list-style-type: none">1. Divide participants into groups so that those who represent one and the same organization or group of organizations (for instance, NGOs) were in one group.2. Ask each group to fill in a table (the format of which is given below) – present data on the organization/group of organizations and levels at which it operates (for example, associations of employers may not have their representatives at the local level, therefore this organization leaves this line blank).3. Read names of columns to participants and ask what functions they want to include additionally, and explain that additional lines can be added in the process of discussion of the task in groups.4. Determine the leading state body in terms of CLM in the oblast. (It is better if this is already determined.)5. Give the groups the following task: fill in the table columns (functions) which your organization already fulfils or can fulfil in terms of introduction and implementation of CLM in the region. Specify the department/unit/employees on the cards and place these cards at appropriate level and under appropriate function.6. Groups have 20 minutes to determine functions.7. Participants have 10 minutes to look through plans before they are discussed. <p>Example of the table for organizations</p> <p><u>Organization:</u> Territorial department of the Committee for control and social protection under MLSPP</p> <table><tr><th>Levels/ Functions</th><th>CLMM administration</th><th>CLM Data management</th><th>CL Policy development</th><th>CLM</th></tr><tr><td>Oblast level (oblast/city)</td><td></td><td></td><td></td><td></td></tr><tr><td>Local level (region, settlement)</td><td></td><td></td><td></td><td></td></tr></table> <p>Several functions which may be added in additional columns: data collection, capacity building, law enforcement, training and qualification enhancement courses, additional</p>	Levels/ Functions	CLMM administration	CLM Data management	CL Policy development	CLM	Oblast level (oblast/city)					Local level (region, settlement)				
Levels/ Functions	CLMM administration	CLM Data management	CL Policy development	CLM												
Oblast level (oblast/city)																
Local level (region, settlement)																

training programmes for children, family support, tracking, medical aid and consultations, withdrawal, reintegration.

Outcome: Regional CLM coordination plan

1. Draw organizational template where columns will represent all functions from group tables.
2. Give groups the following instructions: Rewrite functions of your organization on the cards of colour A (functions at oblast level) and B (functions at local level). Also, give an example of concrete activity which your organization fulfils or can fulfil within these functions and write it in the card.

Organization / Function within CLM	CLMM administration	CLM data management	Development of CL policy
Territorial department of the Committee for control and social protection			
Unit of employers' organization			
NGO			
Unit of trade union			

Analysis: Coordination plan at oblast level

1. Fill in boxes so that all functions are spread among all organizations. For this level use colour A.
2. If one and the same function is assigned to two organizations, discuss how the implementation of this function will be coordinated between them.

Analysis: Coordination plan at local level

Stick to the same procedure as used for the oblast level. Use the same template. Fill in boxes in the card of colour B.

Graphical presentation of CLM institutional framework in the region

1. Divide participants into groups according to levels at which they work.
2. Ask each group to present on paper the graphical presentation of CLM institutional framework at the appropriate level. Propose groups to use the national CLM scheme as the basis. One can find it in the presentation "CLM review."
3. Facilitate discussion on CLM institutional framework.

HANDOUTS AND REFERENCE MATERIALS:

Flip charts, cards of colours A and B

NOTES FOR THE TRAINER:

Among organizations involved in CLM at the regional level, there may be:

- territorial department of the Committee for Control and Social Protection;
- territorial department of the Committee for the Protection of Child Rights;
- local executive body (including Department for education and Department for employment and social programmes);
- inter-agency commissions on minors' affairs and protection of their rights;
- prosecutor's office;
- bodies for internal affairs;

	<ul style="list-style-type: none"> – oblast and local branches (representation offices) of organizations of employers and trade unions; – NGOs dealing with children's protection issues; – Other interested parties.
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Work in groups and presentation of findings:

Monitoring inspections to identify working children in various sectors

Objectives: By the end of this section participants will:

- determine the organizational model for monitoring inspections in various sectors where child labour may take place
- determine composition of monitoring teams
- obtain monitoring skills
- be trained how to work with reporting forms.

Session outcomes: Organizational model for conducting monitoring inspections in two sectors (agriculture and urban informal sector).

TIME	PROCEDURE AND STEPS
60 min	<p>Work in small groups:</p> <p>Organizational scheme of monitoring inspections in various sectors</p> <ul style="list-style-type: none"> – Divide participants into groups. – Ask: the first group – to present graphically the model for conducting monitoring inspections aimed at identification of working children in agriculture; the second group – the model for conducting monitoring inspections in urban informal sector (street vending, public catering, car wash, etc.). – Let the groups consider the model for monitoring potential workplaces of children presented in the session “Main stages and steps of organization and conducting CLM.” – Ask groups to use the reporting forms from the Guidance on organizing and conducting child labour monitoring in Kazakhstan (see Annex II) during the discussion and refer to them when presenting findings of the session. – in addition ask each group to determine the approximate list of members for monitoring teams. – Groups have 30 minutes for these tasks. – You have 10 minutes in order to look through the findings of groups before starting the discussion. – Facilitate presentations of findings and discussion of models for conducting monitoring inspections.
	<p>HANDOUTS AND REFERENCE MATERIALS:</p> <p>Flip charts</p>

Joint planning of activities for organizing and carrying out CLM in the region

Objectives: By the end of this session participants will determine activities necessary for the development of an action plan for launching CLM in the region, indicating responsible persons for each task.

Outcome: List of activities for CLM action plan.

TIME	PROCEDURE AND STEPS																																							
60 min	Further steps: planning activities																																							
	1. Facilitate the session on planning further activities based on the regional coordination plan for CLM developed during the session, “Coordination of CLM at the regional level.”																																							
	2. Distribute two cards of different colours to each participant.																																							
	3. Ask each participant to write on the card of A colour the first of the actions he/she needs to take as part of the process of introducing CLMM in the region and the date when this action should be done.																																							
	4. Ask each participant to write on the card of colour B whether he/she thinks it is necessary to make a regional agreement/memorandum for the introduction and support of CLMM, and if yes – then what he/she can do/propose for that.																																							
	5. Each participant reads his/her card.																																							
	6. Based on information from the cards, draw a table with short-term and long-term plans of needed action (see notes for the trainer).																																							
	7. Based on the acknowledged necessity for a regional agreement/memorandum, choose a person responsible for coordination of work in this direction.																																							
	Sample list of activities																																							
	<table><tr><th>What needs to be considered</th><th>Yes/ No</th><th>Necessary actions</th><th>Involved parties</th><th>Planned date for completing the activity</th></tr><tr><td>Has the process of setting up CLM committee in the region finished?</td><td></td><td></td><td></td><td></td></tr><tr><td>Have obligations on conducting CLM been taken on the regional level?</td><td></td><td></td><td></td><td></td></tr><tr><td>Was the elimination of child labour taken as a regional priority?</td><td></td><td></td><td></td><td></td></tr><tr><td>Has a key agency or partner who can be involved in the CLM process been identified? Has the capacity of each party been considered?</td><td></td><td></td><td></td><td></td></tr><tr><td>Was the organizational framework for CLM in the region formed?</td><td></td><td></td><td></td><td></td></tr><tr><td>Was the coordination mechanism with regard to CL introduced in the region?</td><td></td><td></td><td></td><td></td></tr><tr><td>Are organizations of employers and</td><td></td><td></td><td></td><td></td></tr></table>	What needs to be considered	Yes/ No	Necessary actions	Involved parties	Planned date for completing the activity	Has the process of setting up CLM committee in the region finished?					Have obligations on conducting CLM been taken on the regional level?					Was the elimination of child labour taken as a regional priority?					Has a key agency or partner who can be involved in the CLM process been identified? Has the capacity of each party been considered?					Was the organizational framework for CLM in the region formed?					Was the coordination mechanism with regard to CL introduced in the region?					Are organizations of employers and			
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	trade unions involved as partners? If not, then what needs to be done to involve them?				
	Is the public aware of CL problems?				
	Have the CLM coordination groups been formed? If not, what needs to be done to form them?				
	Were approaches and mechanisms for CLM and data collection established? What are their weak and strong points?				
	Has it been determined how CLMM will be linked with existing approaches and mechanisms?				
	Have the scale and objectives for CLM been set?				
	Were the prerequisites for introduction of CLM (review of legislation, existing conditions, capacity building) analyzed?				
	Is information on CL available? If not, then who would be the responsible party for collection of such information?				
	Were available funds for CLM identified? If not, how they can be obtained? What are the possible sources?				
	Other: ...				
	MATERIALS AND EQUIPMENT: Cards				
	NOTES FOR THE TRAINER: Although a list is attached, it is important that the trainer help participants to form their own list of actions that need to be taken on the regional level for further development of the CLM process.				

Annex II

List of sample questions to answer based on results of CLM

«__» _____ 201__

No. _____

Organization that coordinated monitoring: _____

Persons who conducted monitoring: _____

Section 1. Main information on child labourer		
1	Given name, family name	
2	Date of birth	
3	Sex	<i>male/female</i>
4	Given name and family name of parents (guardians)	
	<i>a) father</i>	
	<i>b) mother</i>	
	<i>c) guardian (trustee)</i>	
	<i>d) other relatives</i>	
5	Citizenship	
6	Permanent address	
7	Temporary address	
8	Work experience (<i>type of work</i>)	
9	Medical examination (<i>date, type of examination</i>)	
10	Child lives in:	<i>Family/outside of family</i>
11	Place of study	<i>education institution:</i> <i>grade:</i>

Section 2. Place, duration, conditions and character of work		
12	Date of identification of child labourer	
13	Workplace	
14	Work conditions:	

	a) group work	yes/no
	b) duration of work time	_____ working hours per day
	c) number of working shifts	
	d) night shifts	yes/no if yes then how many hours does he/she work per night_____
	e) number of breaks for rest	
15	<u>Description of character of work carried out by the child:</u>	

Section 3. Compliance of work with legislative requirements

		Yes	No
16	Compliance with the minimum employment age		
17	Compliance with duration of working hours		
18	Hazardous and harmful types of work <i>Determination based on the List of works and professions under hard physical conditions and works with hazardous (specifically hazardous) work conditions prohibited to workers under the age of eighteen approved by the Order № 185-n of the Acting Minister of Labour and Social Protection of Citizens of the Republic of Kazakhstan as of July 31, 2007</i>		
19	Unconditional WFCL <i>Determination based on provisions of № 182 ILO Convention, clauses a, b, c of Article 3</i>		
	a) slavery		
	b) bonded labour		
	c) forced labour		
	d) presence of physical threat to the minor		
	e) involvement in armed conflict		
	f) sexual exploitation		
	g) production of pornographic material		
	h) pornographic performances		
	i) production or distribution of drugs		
	j) begging		
	k) gambling		
	l) other		

Section 4. Presence of risks and negative consequences for the child			
		Yes	No
20	Presence of risks to/of		
	a) health and life		
	b) physical violence		
	c) attainment of education		
	d) physical development		
	e) personal development		
	f) moral development		
	g) social adaptation in society		
21	<u>Description of detected risks:</u> 		
		Yes	No
22	Presence of harmful consequences		
	a) physical consequences		
	b) psychological consequences		
	c) behavioural consequences		
	d) chemical poisoning		
	e) bites of insects		
	f) injuries as a result of work with hazardous machines and equipment		
	g) other		
23	<u>Description of identified unfavourable consequences:</u> 		

List of sample questions used in managing measures taken after child labour monitoring

« ____ » _____ 200__

No. ____

Organization dealing with referral: _____

Section 1. Main information on child labourer		
1	Given name, family name	
2	Date of birth	
3	Sex	<i>male/female</i>
4	Given name, family name of parents (guardians)	
	<i>a) father</i>	
	<i>b) mother</i>	
	<i>c) guardian (trustee)</i>	
	<i>d) other relatives</i>	
5	Citizenship	
6	Permanent address	
7	Temporary address	
8	Child lives in:	<i>Family/outside of family</i>
9	Place of study	<i>education institution:</i> <i>grade:</i>

Section 2. Measures taken and information on referral			
		What measures have been taken?	To what service/organization has the child been referred?
10	Withdrawal		
11	Ensuring school attendance		
	<i>a) former school</i>		
	<i>b) new school</i>		
12	Social aid		

	<i>a) allocation of a benefit б) attainment of free meals, clothes, school books, etc</i>		
13	Medical rehabilitation		
14	Psychological consultation		
	<i>a) adaptation sessions</i>		
	<i>б) rehabilitation course</i>		
15	Alternatives		
16	Other		