



## LEGAL PROBLEMS OF IMPOSING THE TABOO ON CHILD LABOR IN THE EURASIAN ECONOMIC UNION: INTERNATIONAL AND NATIONAL ASPECTS

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**Keywords: Eurasian Economic Union, State, Concept, Children's Work, Protection Of Children's Rights, Child Labor Proscription.**

### **Abstract:**

**Introduction** The progress achieved by the states of the Eurasian Economic Union in the 90s of the last century was the most noticeable in solving the problem of the abolition of child labor expressed in the adoption of laws on children, the formation of legal institutions of child protection in difficult situations and mechanisms called upon to ensure the application of international legal standards on child labor.

**Methods:** The systematic analysis and the comparative legal methods of studying the child labor problems in the states of the Eurasian Economic Union in terms of analyzing its current state and ensuring the effective implementation of the ban on child labor in the Eurasian Economic Union are determinant.

### **Analysis.**

The article examines the legal problems of implementation of the child labor proscription in the states of the Eurasian Economic Union. Based on a system analysis, the necessity to solve the problem of the conceptual and categorical framework is justified as one of the leading areas of legislation improvement and law enforcement performance assurance on the implementation of the ban on child labor in the Eurasian Economic Union. The analysis of the conceptual and categorical framework is aimed at identification and determination of the main systemic connections between the concepts in the legislation of the child labor sector, which are of key

importance in the problem of implementing an effective proscription of child labor in the countries of the Eurasian Economic Union. The article analyzes the problems of new institutional mechanisms for the protection of children's rights in the EAEU countries. The absence of the separate body dealing with the protection of children's rights (except for Russia and Kazakhstan), as well as the tendency to significant weakening the of labor inspectorates activity in the EAEU countries, including the implementation of the child labor proscription are put a focus on.

**Results:** The performed analysis made it possible to come up with justification for the substantial change in the ideological and hierarchical framework of legal institutions in the field of child labor in Eurasian Economic Union states and the need for addition. At the same time, the concept of "easy work", "labor nutrition", as well as the adoption of legal norms that explain the nature of relationships on work performance by children and their types in the informal economy, solve the problems of child labor prosecution Importance in doing. Consolidation of the content definition of the named concepts and standards in labor law that demonstrates the fundamental relationship between the abolition of child labor and the promotion of decent employment for workers under 18 years of age.

## INTRODUCTION

We note immediately that as the universal means of international legal regulation of labor relations, the principle of the effective proscription of child labor<sup>1</sup> is one of the four fundamental principles in the world of work, the application of which by the ILO member states is obligatory regardless of the fact of ratification of any particular Convention, but only by virtue of joining the ILO Constitution.

Recent global studies by the ILO show that 152 million children are involved in the child labor worldwide. Moreover, despite the fact that since 2000 the number of children involved in child labor has decreased by 94 million<sup>2</sup>, progress in this area has recently slowed significantly. The progress achieved by the states of the Eurasian Economic Union in the 90s of the last century was the most noticeable in solving the problem of the abolition of child labor expressed in the adoption of laws on children, the formation of legal institutions of child protection in difficult situations and mechanisms called upon to ensure the application of international legal standards on child labor. During these same periods, the problem of child labor began to reflect in national policies and special programs of the states of the Eurasian Economic Union. The fact that applied research became prevailing in research on topics related to child labor was also noticeable at the doctrinal level. However, over the past decade, there has been a significant weakening of all the noted positions, and child labor continues to be a problem that threatens the fundamental rights of a significant number<sup>3</sup> of children.

<sup>1</sup> ILO Declaration on Fundamental Principles and Rights at Work and Mechanism for its Implementation. Adopted by the General Conference of the International Labor Organization at its 86th session, Geneva, June 18, 1998 // UN website // URL: [https://www.un.org/ru/documents/decl\\_conv/declaration..](https://www.un.org/ru/documents/decl_conv/declaration..) (access date: 05.04.2020).

<sup>2</sup> Ending child labour by 2025: A review of policies and programmes International Labour Office (ILO), Geneva, Second edition 2018 // URL: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipecc/documents/publication/wcms\\_653987.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/wcms_653987.pdf) (дата обращения: 04.05.2020).

<sup>3</sup> The lack of consolidated statistics on the presence of child labor in the EAEU countries, as well as reliable statistics for individual countries of this Union should be noted (Russia, Armenia). Thus, noting the total number - 79,690 working children in Kazakhstan aged 5-14 years old, the UNESCO Institute for Statistics noted a lack of relevant and comprehensive data on the problems of child labor in this country. The data for 2018 was published by the indicated Institute in 2019. See: Kazakhstan. Minimal success. 2018 Findings on the worst forms of child labor. Bureau of international labor // URL: <https://kz.usembassy.gov/wp-content/uploads/sites/46/...> At the same time, according to the cluster survey for 2018, 26.7% of children in Kyrgyzstan are involved in child labor. See: Resolution of the Government of the Kyrgyz Republic dated 11.06.19. No. 421-p // URL: <http://cbd.minjust.gov.kg/act/view/ru-ru/217736>. The National Statistics Committee of Belarus indicates much lower values - no more than 4% of children in general are involved in various forms of child labor, however, in rural areas this percentage is higher // URL: <https://www.belta.by/comments/view/o-schastje-detjah-...> (access date: 05.04.2020).

## METHODS

The determinants are a system analysis and comparative legal methods for studying the problems of child labor in the states of the Eurasian Economic Union in terms of analyzing its current state and ensuring the effective implementation of the proscription on child labor in the Eurasian Economic Union. The systematic method of scientific knowledge allows revealing the integrity and complex nature of the child labor issue in the states of the Eurasian Economic Union, including revealing the interconnections of individual institutions and the norms of national legislation in the field of child labor and international labor standards. At the same time, when studying the problems of implementing the ban on child labor in the Eurasian Economic Union, it is necessary to use the comparative legal method, according to which, during the comparative analysis, the emphasis should be placed not only on the normative component of the labor law of children of the countries of the Eurasian Economic Union, but also on its functional side is the solution to the problem of the abolition of child labor. The general scientific dialectic method of social phenomena cognition and special research methods (formal-legal, method of legal modeling) were also used in the research process

## RESULTS

For effective interaction in forming of a legal policy by the states of the Eurasian Economic Union related to the protection of children and child labor, the development of an appropriate conceptual framework, the coordinated use of basic terms and definitions in scientific and practical activities, and the processes of international engagement in the legislation of these states are necessary. In addition, the regulatory legal acts of the Member States of the Eurasian Economic Union contain a number of inconsistencies with international labor standards related to the protection of children and the child labor. It should also be noted that in the sphere of regulating the relations of child labor at the level of member states of the Eurasian Economic Union, major changes are taking place that are characteristic of the signs of the comprehensive institution formation in the labor law systems of these countries. For example, recently adopted laws on children<sup>4</sup> and programmatic documents on the field of child labor relations concern a broader subject of regulation - the arrangements of the child (children) rights protection and consolidate the general model of the entire system of the child (children) rights protection at the national level of the Eurasian Economic union. It should be noted that there are no general conceptual documents adopted by the countries of the Eurasian Economic Union regarding the problems of child labor, which are almost completely regulated in the domestic sphere of these countries.

## DISCUSSION

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<sup>4</sup>The Code of the Kyrgyz Republic on Children dated 07.10.12 .. No. 100 // URL: [http://cbd.minjust.gov.kg/act/view/ru-ru/203700?cl=ru](http://cbd.minjust.gov.kg/act/view/ru-ru/203700?cl=ru;).; The Law of the Republic of Kazakhstan dated 08.08.02. No. 345-II On the rights of the child in the Republic of Kazakhstan // URL: [https://online.zakon.kz/document/?doc\\_id=1032460#pos=..](https://online.zakon.kz/document/?doc_id=1032460#pos=..); Federal Law of 07.24.98. No. 124-FZ "On Basic Guarantees of the Rights of the Child in the Russian Federation" // URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_19558/](http://www.consultant.ru/document/cons_doc_LAW_19558/); The Law of the Republic of Armenia dated 05.31.96. No. 3P-59 On the rights of the child // URL: <http://parliament.am/legislation.php?sel=show&ID=..>; The Law of the Republic of Belarus dated 11.19.93. No. 2570-XII On the Rights of the Child // URL: [https://kodeksy-by.com/zakon\\_rb\\_o\\_pravah\\_rebenka.htm](https://kodeksy-by.com/zakon_rb_o_pravah_rebenka.htm). (access date: 05.04.2020).

The problem of the conceptual apparatus in the field of child labor. As already noted, the practice of interstate interaction in the Eurasian Economic Union involves the unification and uniformity of interpretations of the basic terms and concepts in the regulatory legal acts of the participating states related to the work of children. So, the activation of lawmaking in the field of children and child labor protection allows to note that various laws related to the subject composition of these relations are used in the laws of the EAEU countries, such as “children”, “child”, “teenager”, “minors”, “persons under the age of 18”, “youth”, etc. According to Art.1 of the Convention on the Rights of the Child<sup>5</sup>, a child is every human being until he reaches the age of 18 if, under the law applicable to that child, he does not reach the age of majority earlier. This concept is the basic, traditionally used by labor laws of the CIS countries<sup>6</sup> to identify persons of minor age who have not yet passed into the adult age group of persons. Therefore, a generalizing concept in determining subjects in the context of the children and child labor protection should be the legal definition of “persons under the age of 18,” which is indicated in the labor codes of the Eurasian Economic Union states in the field of labor regulation for all persons under the age of majority. If it is necessary to indicate a specific age, the use of the concept of “persons under the age of 18 years” can be specified through the term “minors” (for example, a person under 16 years of age, a minor under the age of 15 years, etc.), allowing to individually regulate legal features the status of each subject of this age group of children. In addition, this approach eliminates the use of such concepts as “youth”, “young workers” from the considered sphere of legal regulation that do not have clear semantic certainty and unambiguity.

A significant range of problems arises when considering relationships directly related to child labor. Thus, international labor standards reinforce the concepts of “child labor” and “child work”. It is understood that “child labor” means a negative form of work for children, and “child work” means a legal way of employing children’s labor, based on respect for labor rights and freedoms. However, these definitions at the national level of the EAEU countries are controversial. For example, the Code of the Kyrgyz Republic on Children, article 15 calls “Use of child labor”, which clearly does not correspond to the above understanding, since child labor is considered a phenomenon to be excluded from the point of view of international labor standards. At the same time, the very concepts of child labor and child work do not have separate definitions enshrined in international labor standards, which creates difficulties, in particular, in formulating other concepts in national legislation regarding the protection of children in the field of labor relations regulation. For example, the labor codes<sup>7</sup> of the Eurasian Economic Union states stipulate that students who have reached the age of 14 may be allowed to perform light work that does not harm health and does not violate the learning process. It seems obvious that the concept of light labor excludes any harmful and dangerous conditions and

<sup>5</sup> Convention on the Rights of the Child. Adopted by General Assembly resolution 44/25 of 11.20.89. // UN website // URL: [https://www.un.org/ru/documents/decl\\_conv/conventions/childcon.shtml](https://www.un.org/ru/documents/decl_conv/conventions/childcon.shtml)

<sup>6</sup> The concept of a model labor code. Model. Adopted at the 16th plenary meeting of the Interparlam. Assemblies of the CIS member states (post. No. 16-7 of 12/09/00.) // URL: <http://docs.cntd.ru/document/901905015> (accessed: 05/04/2020); Logink A. Special protection of the labor rights of minors in the legislation of Belarus, Russia and the legal acts of the European Union // Belarusian Journal of International Law and International Relations. 1999. No. 2. S.37; Smirnykh S.E. International and national aspects of the legal status of children // Eurasian Bar. 2018. No. 1. S.54-58.

<sup>7</sup> See: Article 18 of the Labor Code of the Kyrgyz Republic, Article 21 of the Labor Code of the Republic of Belarus, Article 31 of the Republic of Kazakhstan, Article 63 of the Labor Code of the Russian Federation, Article 257 of the Labor Code of the Republic of Armenia.

should also be considered easier than regular work assigned to an adult worker. However, the legal definition of the term “easy work”, as well as the list of such works, are not contained in the regulatory legal acts of these states.

Most often, the use of child labor in practice is justified by the implementation of the process of labor education<sup>8</sup>. Moreover, the current legislation on the rights of the child of the Eurasian Economic Union states uses the concept of “raising a child (children)” only in the aspect of the general socialization of children<sup>9</sup>. It should also be noted that the provisions of ILO fundamental Convention No. 138<sup>10</sup> do not apply to work performed by children and adolescents in general, vocational or technical schools or other educational institutions. According to the same Convention (Article 7), the national legislation of the states - parties to the Convention, can set age limits for working children from 13 to 15 years old, in cases where they will perform light work, which is likely to cause harm to the children’s health and development. In addition, the performance of light work should not prevent children from attending an educational institution, participating in vocational guidance programs approved by the competent authorities, and not being able to benefit from the training. However, the concept of “labor education” has not been specified in the legislation of the Eurasian Economic Union states, thereby increasing the risks of applying cases of child labor in practice under the guise of labor education processes, including in its worst forms.

The solution of these problems is also important in the context of the implementation of the Decent Work Concept<sup>11</sup> (hereinafter - the Concept) developed by the International Labor Organization in the Eurasian Economic Union states. This document establishes the position that decent work is productive labor, which at the same time is free, safe, fairly paid, developing and not belittling human dignity. As a result of this, it is necessary to note the proposals of the UN Committee on Economic, Social and Cultural Rights to focus its attention on the concept of “exploited” while revealing the content of decent work, in particular, related to the field of child protection and child labor. However, according to some experts, the term “exploited” “is not self-evident and does not carry a fully agreed meaning”<sup>12</sup>. The main attention, for example, in ILO Convention No. 182<sup>13</sup>, in addition to sexual exploitation, also addresses issues of morality, drugs, and hazardous labor. Moreover, this fundamental Convention has a pronounced protective and imperative nature, aimed at eradicating a number of the most negative phenomena associated with child

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<sup>8</sup> Assessment of the scope of labor legislation reform in Kyrgyzstan: analytical report / N. L. Lyutov, K.S. Ramankulov, E.S. Gerasimova. Bureau of Eastern Europe and Central Asia and ILO Decent Work Technical Support Team (Moscow), ILO Department of Management and Tripartism, Geneva, 2019. P.37. See also: Shoshin M.A. The essence of labor education // Uchenye zapiski OSU. Series: Humanities and Social Sciences. 2009. No1. P. 295-300.

<sup>9</sup> The inclusion of issues of labor education and socially useful work in sample programs for schools remains an unresolved problem in most countries of the Eurasian Economic Union. See, for example: Labor education and community service will be returned to schools // URL: <http://www.1sn.ru/179163.html> (Date accessed: 07.05.2020).

<sup>10</sup> See: Article 6 of ILO Convention No. 138 on the Minimum Age (1973) // URL: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/normativeinstrument/wcms\\_cl38\\_ru.htm](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/normativeinstrument/wcms_cl38_ru.htm) (Date accessed: 07.05.2020).

<sup>11</sup> Decent Work: Report of the Director-General of the International Labor Office. 87th session of the ILC, Geneva, 1999. - [Electronic resource] - Access mode. - URL: <http://www.ilo.org>. (Date of treatment: 05/07/2020). The concept of decent work is recognized by all states of the Eurasian Economic Union (except the Republic of Belarus), its implementation is carried out by these states within the framework of the ILO cooperation programs, providing for the promotion of the principles of this document at the national and regional levels.

<sup>12</sup> Siegel L. On the way to developing a general framework on the right to work: key components // UN Economic and Social Council. Committee on Economic, Social and Cultural Rights: XXXI session. Geneva, November 10-28, 2003 P. 6.

<sup>13</sup> Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (1999) // UN website // URL: [https://www.un.org/ru/documents/decl\\_conv/conventions/convention182.shtml](https://www.un.org/ru/documents/decl_conv/conventions/convention182.shtml) (Date of accessed: 07.05.2020).

labor<sup>14</sup>. The norms of another fundamental Convention No. 138 have a different legal nature, being mainly represented by more flexible means of regulation, among which essentially only the norms restricting the work of minors in a closed list of works are essentially binding on the states that have ratified this Convention.

It should be noted that currently there is a list of industries, professions and work with difficult and harmful working conditions, which prohibit the labor of persons under 18 years. However, these lists, mostly being oriented towards industrial production, are poorly adapted to the field of agriculture, in which, moreover, child labor is used in significant volumes. At the same time, according to the Concept, the "work" concept is applied in an aspect that covers all types of child employment in the informal and formal sectors of the economy. Consequently, the adoption of legal norms in the Eurasian Economic Union states revealing the nature of relations on the performance of work by children and their types in the informal economy, is of fundamental importance.

### ***Conceptual and legal foundations for solving the problem of the abolition of child labor in the Eurasian Economic Union states***

The modern legal system of the child labor sphere is a tool that contributes to a comprehensive solution to the problems of the child labor abolition in the context of international labor standards and in terms of implementing the principles of the social state in the Eurasian Economic Union countries. The forefront of the child labor elimination is, above all, the national task of the Eurasian Economic Union states in accordance with the fundamental international legal principle of the effective taboo on child labor and the national constitutions of these states.

So, in accordance with Art. 27 of the Constitution of Kazakhstan "Protection of rights and protection of the legitimate interests of children is one of the priority areas of state policy." The Kyrgyz Constitution prohibits the use of child labor (Article 23). The constitutions of Armenia (Art. 16.37), Belarus (Art. 32) and Russia (Art. 32) establish the norm on the state's protection of motherhood, childhood and the family. These constitutional norms presuppose their adequate reflection in the hierarchy of legal goals, giving orientation to solving the problem of the elimination of child labor among the main areas of development of public relations in the Eurasian Economic Union states. Among the strategic areas of socio-economic development, reflected in the program documents of most states of the Eurasian Economic Union, are issues of improving the level and quality of the world of work with minors<sup>15</sup>. It is important to note that in these states, national plans are being adopted for action to prevent and eradicate the worst forms of child labor, which include the implementation of appropriate measures by various government and

<sup>14</sup> Smirnov D.A. Some aspects of the content of the international legal principle of the effective prohibition of child labor // International, Russian and foreign legislation on labor and social security: current status (comparative analysis): pp. VII int. scientific and practical Conferences. M., 2011. P.155.

<sup>15</sup> About the Concept of long-term socio-economic development of the Russian Federation for the period until 2020. Order of the Government of the Russian Federation of November 17, 2008 N 1662-r (as amended on September 28, 2018). // Collection of legislation of the Russian Federation. 11/24/2008. No. 47. Article 5489. The provisions on preventing the exploitation of child labor are included in the State Employment Strategy for 2019-2023 thanks to EU4Youth. 10-12-2019 // URL: <https://www.euneighbours.eu/en/east/stay-informed/news/polozheniya-o-predotvraschenii-ekspluatatsii-detskogo-truda-vklyucheny-v-Provisions-to-prevent-the-exploitation-of-child-labor-were-added-to-the-State-Employment-Strategy-of-Armenia-for-2019-2023-thanks-to-the-efforts-of-Save-the-Children-Armenia-and-the-EU4Youth-program> (Date accessed: 07.05.2020).



administrative bodies, law enforcement agencies, local authorities and public organizations. In general, the legal system of funds focused on the elimination of child labor in the Eurasian Economic Union states complies with the ILO concept<sup>16</sup>, which adheres to an integrated approach as a policy and operational strategy so that this problem is addressed and resolved in a diversified context by the possibilities of various branches of national law, as well as through a coordinated and consistent effort by a wide variety of organizations and stakeholders.

Accordingly, another direction in solving the aforementioned problem in the Eurasian Economic Union states is to strengthen the national structures potential - an essential element in ensuring the sustainability of relations on the child labor abolition. It is important to strengthen the capacity of all bodies, agencies, organizations and individuals involved in child labor. However, in most countries of the Eurasian Economic Union (except for Russia and Kazakhstan), there are no single special bodies in charge of protecting the children's rights, which does not allow focusing on the whole range of issues concerning protecting the children's rights, including issues related to the workplace of children. In Russia and Kazakhstan, the position of the Commissioner for the Rights of the Child was established by the Presidents of these states in 2009<sup>17</sup> and 2016<sup>18</sup> accordingly. The mismatch between goals and means (resources) leads to formalism in the activities of services, an illusory variety of services that either reproduce the same function or are limited in terms of the qualitative implementation of certain tasks<sup>19</sup>. The immediate result of this state of affairs is the low efficiency of services specialized in protecting children, lowering trust in them from citizens, and the emergence of barriers to interaction.

Legal experience in the field of employment of the countries of the Eurasian Economic Union allows us to note the problems in the relationship between the elimination of child labor and the regulation of permissible employment of children on the basis of legislation. So, the problem of legal children employment is complicated by the fact that now there are two independent markets: the education market and the labor market<sup>20</sup>. At the same time, the child employment segment is "absorbed" in the labor market by a segment of a more adult category of students and graduates of secondary and higher educational institutions. In addition, the growth in the number of children in the Eurasian Economic Union countries belonging to the category NEET<sup>21</sup>, that is not receiving vocational training or education, not involved in legal forms of employment. The situation is aggravated by the fact that the indicated states did

<sup>16</sup> Ending child labour by 2025: A review of policies and programmes International Labour Office (ILO), Geneva, Second edition 2018. P.29-69. // URL: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---ipec/documents/publication/wcms\\_653987.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_653987.pdf) (Date accessed: 07.05.2020).

<sup>17</sup> Decree of the President of the Russian Federation of September 1, 2009 No. 986 "On the Commissioner for the Rights of the Child under the President of the Russian Federation". Since December 28, 2018, the activities of the Commissioners for the Rights of the Child in the Russian Federation are regulated by the Federal Law of December 27, 2018 N 501-Φ3 "On Commissioners for the Rights of the Child in the Russian Federation" // URL: <http://base.garant.ru/196200/> (Date accessed: 07.05.2020).

<sup>18</sup> Decree of the President of the Republic of Kazakhstan dated February 10, 2016 No. 192 "On the establishment of the institution of the Commissioner for the Rights of the Child in the Republic of Kazakhstan" // URL: [https://online.zakon.kz/Document/?doc\\_id=35121771](https://online.zakon.kz/Document/?doc_id=35121771) (date of access: 07.05.2020).

<sup>19</sup> Children's Rights Protection Institutes in Belarus // URL: <https://nmnby.eu/news/analytics/5519.html> (Date accessed: 07.05.2020).

<sup>20</sup> Skudareva N.Z. The problem of youth employment in the labor market // Bulletin of the Moscow Finance and Law University (MFLA). 2017. No1. S.295-296; Ramankulov K.S. The legislation on employment of the Kyrgyz Republic: problems and prospects of legal regulation // Modern trends in labor and other sectoral social legislation: problems, searches, solutions: mp international scientific and practical conferences. Almaty, 2017. P. 118-122; Petrochenko A.A. Problems of youth employment in the countries of the Eurasian Economic Union // Bulletin of the Volgograd State University (VolSU). Series 3. 2018. No. 1. P.131-132.

<sup>21</sup> For more on this, see Varshavskaya E. Ya. Youth excluded from employment and education in the EU and Russia // Statistics. 2015. No 4. P. 40-47.

not have an optimal correlation between their educational and labor laws in the part that establishes acceptable forms of employing children (some of which were mentioned above). As a result, significant differences in the sphere of labor of children of different age groups receiving education and their non-learning peers are leveled, primarily in terms of the risks of being among those involved in the worst forms of child labor. It should be noted that the solution to this problem is also complicated by the decrease in the effectiveness of monitoring of the child labor sector, which in the countries of the Eurasian Economic Union has recently been performed selectively or not at all<sup>22</sup>.

In the context of the institutional mechanisms formation for protecting the children's rights in the Eurasian Economic Union states, the field of legal regulation related to the protection of children in difficult life situations has received significant development<sup>23</sup>. Legal institutes for the protection of children in difficult situations were formed as a result of the adoption of laws on the rights of the child in the Eurasian Economic Union states, which integrated the issues of the sphere of children labor into the integrated comprehensive system of child protection. This institution received the most noticeable development in Kyrgyzstan after the unions of the republic initiated the inclusion of a number of issues in the field of child labor on the basis of the experience of approving regional ILO<sup>24</sup> programs in the new Children's Code<sup>25</sup>. Moreover, the regulation of the identification and social support of children involved in the worst forms of child labor, is provided by the legal norms of the Regulation on the procedure for identifying children and families in difficult situations (section 7)<sup>26</sup>. At the same time, the development of these institutions for the protection of children's rights in the Eurasian Economic Union states is seen not only in the adoption of new standards, but also in the development of the necessary level of law enforcement that provides an effective solution to the problem of the elimination of child labor. In this regard, it is impossible not to note the features of the functioning of state labor inspectorates in the countries of the Eurasian Economic Union, the competence of which includes the implementation of state supervision and monitoring of compliance with labor legislation, which includes the work area of children. It is in these states that the weakening of labor inspection systems is most noticeable<sup>27</sup>, performed under the slogans of protecting the rights of employers from the regulatory burden, the fight against corruption, budget savings, etc. It is important to note that policies aimed at weakening the labor inspection system, firstly, undermine the

<sup>22</sup> National Action Plan for Human Rights in the Republic of Kazakhstan for 2015-2020 - Almaty, 2015.S. 268; Working children in the Kyrgyz Republic. International Labor Office, International Program on the Elimination of Child Labor, National Statistical Committee of the Kyrgyz Republic, Decent Work Technical Support Group and ILO Office for Eastern Europe and Central Asia. - Bishkek: ILO, 2016. P.46; Boarding schools, children with disabilities and the use of child labor are problems of protecting the rights of children in Armenia. June 01, 2018 // URL: <https://newsarmenia.am/news/society/intematy-deti-invalidy-i-ispolzovanie-detskogo-truda-problemy-zashchity-prav-detey-v-armenii/>; Report on the results of monitoring the effectiveness of the implementation of the National Strategy of Action for Children for 2012-2017. In 2 T. Scientific. ed. V.V. Rubtsov, G.V. A family. M., 2018. (The issues related to the abolition of child labor, unfortunately, were not considered) // URL: [https://mgppu.ru/about/publications/nsdid\\_report](https://mgppu.ru/about/publications/nsdid_report) In Belarus, the monitoring of the work of children, in particular, has been carried out since 1998 years to 2006, and from 2019 was canceled in form 2 // URL: [http://www.mintrud.gov.by/ru/monitoring\\_soc](http://www.mintrud.gov.by/ru/monitoring_soc) (Date accessed: 07.05.2020).

<sup>23</sup> The Law of the Republic of Belarus "On the Rights of the Child" uses the concept of "a child in adverse conditions and extreme conditions" (see Chapter 4 of this law). // URL: [http://base.spinform.ru/show\\_doc.fwx?rgn=1844](http://base.spinform.ru/show_doc.fwx?rgn=1844) (Date accessed: 07.05.2020).

<sup>24</sup> Best Practices for the Elimination of Child Labor in Central Asia / International Labor Organization, International Program on the Elimination of Child Labor (IPEC) - Geneva: ILO, 2014. P.12.

<sup>25</sup> The Code of the Kyrgyz Republic on Children of August 7, 2006 No. 151 has lost force in connection with the adoption of the Code of the Kyrgyz Republic on Children of July 10, 2012 No. 100 // URL: <http://cbd.minjust.gov.kg/act/view/ru-ru/1949> (Date accessed: 07.05.2020).

<sup>26</sup> Regulations on the procedure for identifying children and families in difficult situations. Approved by the Decree of the Government of the Kyrgyz Republic of June 22, 2015 No. 391 // URL: <http://cbd.minjust.gov.kg/act/view/ru-ru/97689?cl=ru-ru> (Date accessed: 07.05.2020).

<sup>27</sup> Lyutov N.L. Labor inspections in post-Soviet states: degradation for the sake of the myth of economic efficiency? // Actual problems of Russian law. 2019.No 12.P. 92-106.



possibilities of effectively imposing the taboo on child labor in the countries of the Eurasian Economic Union, thereby contributing to the preservation of threats and risks to life and health in the workplace of children and, secondly, contributes to the rooting of uncertainty in solving the problem of the child labor abolition<sup>28</sup>, in all its forms and manifestations, and therefore deprives the prospects of long-term sustainable social and economic development of the states in question.

### *Summary*

Despite the existence of a well-developed institutional mechanism for regulation of the children's rights protection and the available positive results in resolving child labor relations in the Eurasian Economic Union countries, unfortunately, it is not yet possible to ascertain the resolve of a number of problems related to imposing the taboo on child labor. Thus, the conceptual-categorical apparatus improvement should be considered as one of the important directions in the indicated states for the legislation development and ensuring effective enforcement in the field of the child labor abolition. At the same time, the concepts of "easy work", "labor education", as well as the legal norms adoption revealing the nature of relations on the work performance by children and their types in the informal economy are of key importance. Without determining the content of these concepts and enshrining norms in labor legislation that reflect the fundamental relationship between the elimination of child labor and the promotion of decent employment for workers under the age of 18, it seems impossible to ensure adequate regulation of the child labor sphere and solve the problem of eliminating child labor. It seems advisable to continue the development of the child labor sphere concepts within the framework of the socio-economic development strategies of the Eurasian Economic Union states in the direction of eliminating child labor based on intensified monitoring of the child labor legislation and its enforcement in these states.

### **REFERENCES**

- Anisimov S.A., Pavlov B.S., Pavlova V.I., Saraikin D.A. Child labor: an anachronism of poverty or the key to prosperity // XIX International Conference "Culture, Personality, Society in the Modern World: Methodology, Empirical Research Experience": a collection of proceedings. - Yekaterinburg, UrFU, 2016. P. 1668-1686 // URL: <http://elar.urfu.ru/handle/10995/81561>;
- Bobkov V.N. The economic activity of Russian youth and the problems of its implementation // Living standards of the population of Russian regions of Russia. 2016. №2. P.13-15;
- Varshavskaya E.Ya. Youth excluded from employment and education in the EU and Russia [Molodezh', iskl'yuchennaya iz sfery` zanyatosti i obrazovaniya, v stranax ES i Rossii] // Voprosy` statistiki. 2015. No 4. P. 40-47.
- Logink A. Special protection of the labor rights of minors in the legislation of Belarus, Russia and the legal acts of the European Union [Osobaya oxrana trudovy`x prav nesovershennoletnix v zakonodatel'stve Belarusi, Rossii i

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<sup>28</sup> Ending child labour by 2025: A review of policies and programmes International Labour Office (ILO), Geneva, Second edition 2018 // URL: [https://www.ilo.org/wcmsp5/groups/public/--ed\\_norm/--ipee/documents/publication/wcms\\_653987.pdf](https://www.ilo.org/wcmsp5/groups/public/--ed_norm/--ipee/documents/publication/wcms_653987.pdf) (Date accessed: 07.05.2020).

- pravovy`x aktax Evropejskogo Soyuza] // Belorusskij zhurnal mezhdunarodnogo prava i mezhdunarodny`x otnoshenij. 1999. No. 2. P. 34-39;
- Goryan E.V. Labor inspection in the legal mechanism of struggle against the child labor: international standards // Administrative and municipal law. – 2017. – № 5. - P. 9 - 21;
- Imankulov M.T. The role of education to reduction of the child labor in Kyrgyzstan // News of the Kyrgyz Academy of Education. 2015. №3. P.90-91;
- Klimova N.V., Mikheeva V.A. The problem of youth employment in the context of the gap between the educational services market and the labor market // Scientific journal of the Kuban State Academy of Management. 2016. №120. P.1-16 // URL: <http://ej.kubagro.ru/2016/06/pdf/86.pdf>;
- Leontieva S.A. Features of labor regulation of workers under the age of 18 according to international and foreign law // Bulletin of the Mariy State University. 2017. №1. P.59-61;
- Lyutov N.L. Labor inspections in post-Soviet states: degradation for the sake of the myth of economic efficiency? [Trudovy`e inspekcii v postsovetskix gosudarstvax: degradaciya radi mifa ob e`konomicheskoy e`fektivnosti?] // Aktualny`e problemy` rossijskogo prava. 2019. No 12. P. 92-106.
- Lyutov N.L., Gerasimova E.S. International Labor Standards and Russian Labor Legislation: Monograph. M.: Center for Social and Labor Rights, 2015. 190 p.;
- Mulyarchik N. The state of the youth labor market of the EAEU countries // Science and Innovations. 2016. №8. C.61-63;
- Assessment of the potential stakes of labor law reform in Kyrgyzstan: analytical report / N. L. Lutoy, K.S. Ramankulov, E.S. Gerasimova. Bureau of Eastern Europe and Central Asia and ILO Decent Work Technical Support Team (Moscow), ILO Department of Management and Tripartism, Geneva, 2019. 84 p.;
- Petrochenko A.A. Problems of youth employment in the countries of the Eurasian Economic Union [Problemy` zanyatosti molodezhi stran Evrazijskogo e`konomicheskogo soyuza] // Bulletin of the Volgograd State University (VolSU). Series 3. 2018. No. 1. P.127-135.
- Razhepaeva F.Z. Youth of the countries of the Eurasian Economic Union in the labor market // Bulletin of KazNPU. 2017// URL: <https://articlekz.com/article/18031>;
- Ramankulov K.S. The legislation on employment of the Kyrgyz Republic: problems and prospects of legal regulation [Zakonodatel'stvo o zanyatosti Ky`rgy`zskoj Respubliki: problemy` i perspektivy` pravovogo regulirovaniya]// Modern trends in labor and other sectoral social legislation: problems, searches, solutions: materials of international scientific and practical conferences [Sovremennyy`e tendencii trudovogo i inogo otraslevogo social'nogo zakonodatel'stva: problemy`, poiski, resheniya: m-ly` mezhd. nauchno-prakt. konferencii]. Almaty, 2017. P.118-122;
- Siegel L. On the way to developing a general framework on the right to work: key components [Na puti k razrabotke obshhego poryadka po voprosu o prave na trud: klyuchevy`e komponenty`] // UN Economic and Social

- Council. Committee on Economic, Social and Cultural Rights: XXXI session. Geneva, November 10-28, 2003, pp. 1-29.
- Skudareva N.Z. The problem of youth employment in the labor market [Problema trudoustrojstva molodezhi na ry`nke truda] // Bulletin of the Moscow Finance and Law University (MFLA). 2017. No 1. P. 294-301;
- Smirnov D.A. Some aspects of the content of the international legal principle of the effective taboo on child labor [Nekotory`e aspekty` soderzhaniya mezhdunarodno-pravovogo principa dejstvennogo zapreshheniya detskogo truda] // International, Russian and foreign legislation on labor and social security: current status (comparative analysis): pp. VII int. scientific and practical conferences [Mezhdunarodnoe, rossijskoe i zarubezhnoe zakonodatel'stvo o trude i social'nom obespechenii: sovremennoe sostoyanie (sravnitel'ny`j analiz): m-ly` VII mezhd. nauchno-prakt. konferencii]. M., 2011. P. 153-156.
- Smirnykh S.E. International and national aspects of the legal status of children [Mezhdunarodny`e i nacional'ny`e aspekty` pravovogo polozheniya detej] // Eurasian Bar. 2018. No. 1. P. 53-60.
- Shoshin M.A. The essence of labor education [Sushhnost` trudovogo vospitaniya] // Uchenye zapiski OSU. Series: Humanities and Social Sciences. 2009. No1. P. 295-300.