



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW (2000-2008)¹: AFGHANISTAN

THE EFFECTIVE ABOLITION OF CHILD LABOUR (CL)

REPORTING	Fulfillment of Government's reporting obligations	YES , since the 2005 Annual Review (AR).	
	Involvement of Employers' and Workers' organizations in the reporting process	YES , according to the Government: Involvement of the Chamber of Commerce of Afghanistan (CCA) (except for the 2006 AR) and the All Afghanistan Federation of Trade Unions (AAFTU) through consultations or communication of the Government's reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	2007 AR: The Chamber of Commerce of Afghanistan (CCA).	
	Workers' organizations	2007 AR: Observations by the AAFTU. 2006 AR: Observations by the Afghanistan Workers' Association (AWA).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Afghanistan has ratified neither the Minimum Age Convention, 1973 (No. 138) (C.138), nor the Worst Forms of Child Labour Convention, 1999 (No. 182) (C.182).
		Ratification intention	<p>Under consideration since 2006 for both C. 138 and C. 182.</p> <p>2008 AR: The Government indicated that ratification of C.138 was currently under evaluation by the Council of Ministers in consultation with employers' and workers' associations. After approval of the Council of Ministers, it will be submitted to Parliament.</p> <p>2007 AR: According to the Government: Ratification of C.138 and C.182 will be soon submitted to the newly established Parliament. The CCA supported ratification of C.138 and C.182 by Afghanistan. The AAFTU supported ratification of C.138 and C.182 by Afghanistan and hoped that the Government would accelerate this process.</p> <p>2006 AR: According to the Government: C.138 and 182 are in the process of ratification. The Afghanistan Workers' Association (AWA) supported the ratification of C.138 and C.182 by Afghanistan and hoped that it would take place shortly.</p>

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex

	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	NIL
		Legislation, regulations and/or policy	2005 AR: <ul style="list-style-type: none"> • Policy: According to the Government: There is a national policy/plan aimed at ensuring the principle and right (PR). In this respect, two national commissions on children's rights have been established: the Commission on the Abolition of Child Trafficking and the Child Protection Commission. • Legislation: The Labour Code.
		Main legal provisions	The Labour Code
		Judicial decisions	NIL
	Exercise of the principle and right	Compulsory education	NIL
Minimum age		<p>2006 AR: According to the Government: The new Constitution (2004) provides that education for all shall be free and compulsory. The 1987 Labour Code provides for a minimum age of 14 years for admission to employment or work for both boys and girls.</p> <p>2005 AR: General minimum age for admission to employment or work: 15 years for both boys and girls. This general minimum age covers the following types of work: work performed in a family-owned/operated enterprise; work performed in enterprises below a certain size; home work; domestic service; self-employed work; commercial agriculture; family and small-scale agriculture; light work; and export processing zones.</p> <p>Hazardous work: minimum age of 15 years for both boys and girls.</p> <p>National legislation defines hazardous work. The minimum age for engaging in hazardous work is 15 years for both girls and boys.</p>	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Exercise of the principle and right	Worst Forms of Child Labour	<p>2005 AR: According to the Government: The Labour Code prohibits the worst forms of child labour. The types of work covered are: operating big/heavy machinery; working in coal mines; chemical laboratories; and drug trafficking.</p> <p>With regard to the worst forms of child labour, sale and/or trafficking, debt bondage, serfdom, forced or compulsory labour, forced recruitment for armed conflict, prostitution, illicit activities, in particular production and trafficking of drugs and the sale of body organs exist in Afghanistan for both boys and girls. However, child pornography does not exist.</p>
		Information/Data collection and dissemination	2006-2007 ARs: According to the Government: There is a lack of information on child labour in Afghanistan.
	Monitoring, enforcement and sanctions mechanisms	NIL	
	Involvement of the social partners	NIL	

	Promotional activities	<p>2008 AR: According to the Government, a tripartite workshop was organized with ILO in May 2007 on International Labour Standards (ILS) and the Declaration follow-up.</p> <p>2007 AR: According to the Government: A National tripartite workshop on International Labour Standards (ILS), the Declaration and social dialogue was also organized in 2006 in cooperation with the ILO. The CCA stated that it participated in these workshops and in the labour law review process. The AAFTU mentioned that it also participated in these workshops.</p> <p>2005 AR: According to the Government: Vocational training centers have been established, in cooperation with NGOs, in order to attract children off the street and withdraw them from work. The Government also mentioned the establishment of two commissions: the Commission on the Abolition of Child Trafficking and the Child Protection Commission.</p>	
	Special initiatives	<p>2007 AR: According to the Government: The World Day Against Child labour has been celebrated for the first time in Afghanistan in cooperation with the ILO and with the participation of employers' and workers' organizations, NGOs and child workers. Furthermore, the Government approved a first national strategy for children at risk that also includes a section on the fight against child labour. About 12,000 child workers are being provided with basic education and vocational training for their self-sufficiency and this action is coordinated by the Government and NGOs. The Ministry of Martyrs, Disabled and Social Affairs also drafted a new Labour Law in 2006, in cooperation with the social partners and the ILO, which comments have been integrated. In this draft labour law, the minimum age for admission to employment or work is 15 years, but apprenticeship can start at 14 years of age. The AAFTU mentioned that: (i) it was working to improve education for very poor children; (ii) it organized activities against child labour; and (iii) its major objective was the realization of the FPRW in the country.</p> <p>2006 AR: According to the Government: In 2005, 5.5 million children were provided with schooling in Afghanistan. Moreover, 12,000 out of 50,000 street children are benefiting from literacy and vocational training programmes. In addition, a national tripartite seminar on International Labour Standards (ILS) was organized in May 2005 with ILO technical assistance.</p> <p>2005 AR: According to the Government: the preventive measures adopted against child trafficking can be considered as a successful achievement by Afghanistan.</p>	
CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT	According to the social partners	Employers' organizations	NIL
		Workers' organizations	<p>2008 AR: The AAFTU indicated the following challenges: (i) unemployment; (ii) illiteracy; (iii) lack of capacity; (iv) lack of professional staff, vocational training and health centres; (v) insecurity; (vi) lack of rule of law and the Government does not respect the international labour standards, specially with regards to workers' rights and of the opportunities for the workers' rights defenders; (vii) poverty and lack of Educational Centres and (viii) a large number of children involved in child labour (street vendors, beggars...).</p> <p>2007 AR: The AAFTU observed that two and a half decades of war devastated the economy of Afghanistan, and the poverty rate is high while the foreign aid rate is low. Given the high poverty rate, there are many street children vendors and beggars. Moreover, it added that the Government did not consult with AAFTU in the labour law review process.</p>
	According to the Government	<p>2008 AR: According to the Government: it has to face multiple unions with very different ideas, which make it difficult to ensure social dialogue. It also mentioned that some children in the border of Afghanistan with Pakistan (and fewer cases with the Iranian border) were subjected to forced labour.</p>	

		<p>2005 AR: According to the Government: The main obstacles encountered in Afghanistan with respect to realizing the PR are terrorism, lack of security and the easy availability of weapons.</p>
<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2008 AR: The Government requested ILO and UNICEF assistance to undergo a survey on child labour in Afghanistan especially those subjected to forced labour.</p> <p>2007 AR: According to the Government: ILO technical cooperation should be sustained to help Afghanistan better implement the new labour law and realize the FPRW. Labour Inspection and employers' and workers' organizations need ILO support for training and capacity building. A case study on the FPRW is also needed in the country. According to the CCA: (i) ILO technical cooperation is required for training and capacity building of employers' organizations in Afghanistan to facilitate the realization of the FPRW; and (ii) the CCA supports the Government's request for a case study on the FPRW in Afghanistan. According to the AAFTU: (i) The AAFTU strongly needs ILO support for capacity building and training among its affiliates and members; and (ii) it also supports the Government's request for a case study on the FPRW in Afghanistan.</p> <p>2006 AR: Technical cooperation: The Government requests ILO technical cooperation for the education and training of the 38,000 street children who cannot benefit from its assistance due to lack of means. In addition, the Government requests the establishment of an ILO/IPEC Programme to rehabilitate child soldiers and beggars and fight against child labour in the country. The Government also reiterates its request for ILO technical cooperation to facilitate the realization of the PR in Afghanistan, in particular in the following priority areas: (1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the principle; awareness-raising, legal literacy and advocacy; strengthening data collection and capacity for statistical collection and analysis; sharing of experiences across countries/regions; policy advice; legal reform (labour law and other relevant legislation); capacity building of responsible Government institutions; training of other officials (e.g. police, judiciary, social workers, teachers); strengthening capacity of employers' and workers' organizations; employment creation, skills training and income generation for vulnerable workers; development of social protection systems; rural development policies (for example, land reform, rural infrastructure, agricultural extension, marketing, micro-finance); cross-border cooperation mechanisms; and coordination between institutions (e.g. various ministries and relevant commissions). Moreover, the Government reiterates its request for ILO assistance to elaborate a national Declaration Programme to promote all FPRW, including this PR. This could be preceded by a national seminar on the ILO Declaration on Fundamental Principles and Rights at Work initiated by the Government. The AWA requested ILO technical cooperation to promote the PR amongst members.</p> <p>2005 AR: According to the Government, there is an urgent need for ILO technical cooperation to facilitate the realization of the PR, in the following areas: (i) legal reforms; (ii) policy advice; (iii) capacity building of responsible government institution (e.g. labour inspection and administration); (iv) training of other officials (e.g. police, judiciary, social workers, teachers); (v) data collection and analysis; (vi) strengthening capacity of employers' and workers' organizations; (vii) employment creation, skills training and income generation; (viii) social protection systems; (ix) awareness raising, legal literacy and advocacy; (x) sharing of experience across countries/regions; (xi) cross-border cooperation mechanisms; (xii) inter-institutional coordination; and (xiii) special program for the elimination of the worst forms of child labour.</p>
	<p>Offer</p>	<p>2005 AR: ILO/IPEC; local and International NGOs.</p>

<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) considered that universal ratification of the child labour Conventions was not a distant dream but an achievable goal, in view of the number of States, including Afghanistan, having expressed their intention to ratify C.138 and/or C.182 (Cf. Paragraph 56 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2005 AR: The IDEAs noted with particular interest the reporting from Afghanistan in spite of the serious difficulties the country had to face with (Cf. Paragraph 8 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>
<p>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</p>	<p>NIL</p>