



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

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR (FL)

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: Observations by the CCA.	
	Workers' organizations	2007 AR: Observations by the AAFTU. 2006 AR: Observations by the AWA.	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	Afghanistan ratified in 1963 the Abolition of Forced Labour Convention, 1957 (No. 105) (C.105)
		Ratification intention	<p>YES, since 2005, for the Forced Labour Convention, 1930 (No. 29) (C.29)</p> <p>2008 AR: The Government indicated that the ratification of C.29 was currently under evaluation by the Council of Ministers in consultation with Employers' and Workers' associations. Upon approval of the Council of Ministers, the document will be submitted to Parliament.</p> <p>2007 AR: According to the Government: C.29 has been integrated into national laws and will be submitted to Parliament for ratification. The CCA supported ratification of C.105 by Afghanistan. The AAFTU supported ratification of C.105 by Afghanistan, and hoped that the Government would accelerate this process.</p> <p>2005-2006 ARs: According to the Government: C.29 is in the process of ratification.</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, main legal provisions)	Constitution	YES According to the Government: Article 41 of the new Constitution (2004) defines forced labour as a compulsion for anyone to work without his/her consent or under a threat. It also prohibits all forms of forced or compulsory labour.
		Policy, legislation and/or regulations	<ul style="list-style-type: none"> • Policy: 2005 AR: The Government stated that the national policy to realize the principle and right (PR) of the elimination of all forms of forced or compulsory labour was defined in the Labour Code. • Legislation 2006 AR: According to the Government: Section 11 of the 1987 Labour Code prohibits all forms of forced or compulsory labour.
		Basic legal provisions	(i) Constitution (article 41); (ii) Labour Code (1987), section 11.
		Definition of forced or compulsory labour	2005 AR: According to the Government: Forced or compulsory labour is defined in its various forms in national legislation and or judicial decision.
		Judicial decisions	NIL
	Exercise of the principle and right	Special attention to particular situations and human trafficking	2005 AR: According to the Government: Special attention is given to the situation of young boys and girls.
		Information/Data collection and dissemination	2005 AR: According to the Government: Statistics are not collected but the Government intends to do so.
	Monitoring, enforcement and sanctions mechanisms	2005 AR: According to the Government: Should the PR not be respected then the matter is referred to courts, which decide appropriate sanctions, ranging from fines to imprisonment. In realizing the PR, the following measures have been implemented: legal reform and inspection /monitoring mechanisms.	
	Involvement of the social partners	2005 AR: According to the Government: There is a tripartite examination of related issues to realize the PR.	
	EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Promotional activities	<p>2007 AR: According to the Government: A National tripartite workshop on international labour standards, the Declaration and social dialogue was organized in 2006 in cooperation with the ILO. The CCA stated that it participated in this workshop and in the labour law review process. The AAFTU confirmed that it participated in this workshop.</p> <p>2005 AR: According to the Government: The following measures have been implemented to realize the PR: (i) awareness raising/advocacy activities; (ii) employment creation/income generation; (iii) educational programmes; (iv) rehabilitation following removal from forced labour; (v) international cooperation programmes/projects; and (vi) poverty alleviation programmes. A national commission on children's rights is responsible for the identification, emancipation and/or rehabilitation of people subject to forced labour.</p>

	Special initiatives/Progress	<p>2007 AR: The AAFTU mentioned that it was working to improve workers' rights in Afghanistan, and its major objective was the realization of the fundamental principles and rights at work (FPRW) in the country.</p> <p>2006 AR: According to the Government: A national tripartite seminar on International Labour Standards was organized in May 2005 with ILO technical assistance.</p> <p>2005 AR: According to the Government: As a successful example, a national project has been designed for the rehabilitation of street children and child soldiers.</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 and poverty; (ii) illiteracy; (iii) lack of capacity and professional staff, vocational training, educational and health centres; (iv) has to face multiple unions with very diverse ideas, which makes it difficult for social dialogue; (v) political insecurity; (vi) lack of rule of law, and conformity with international labour standards, especially with regards to workers' rights.</p> <p>2007 AR: The AAFTU mentioned that the Government did not consult with it 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 for social dialogue. It also mentioned that some children were subject to forced labour on the border of Afghanistan with Pakistan and fewer cases with the Iranian border. Finally, it added that although the Government does not recognize the AAFTU as a trade union as they are not legally registered as a union in the Ministry of Justice, it does not interfere with its activities.</p> <p>2005 AR: According to the Government, the main difficulties encountered with respect to realizing the PR are as follows: (i) lack of information and data; (ii) social values and cultural traditions; (iii) social and economic circumstances; (iv) political situation; (v) legal provisions; (vi) lack of capacity of responsible Government institutions; (vii) lack of capacity of employers' organizations; (viii) lack of capacity of workers' organizations; and (ix) lack of social dialogue on this PR. Difficulties also include the rehabilitation of repatriated Afghan children who have been subject to trafficking in various countries.</p>	

<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2008 AR: The Government requested ILO and UNICEF assistance for the realization of a national survey on children victims of forced labour in the country especially on those subject 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 needed in the country.</p> <p>According to the CCA: (i) ILO technical cooperation would be needed 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.</p> <p>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>2005-2006 ARs: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in Afghanistan, in the following priority areas: (1) assessment in collaboration with the ILO of the difficulties identified and their implications for realizing the PR; 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).</p> <p>Moreover, the Government would appreciate receiving assistance to elaborate a national Declaration Programme to promote all FPRW, including the PR. This could be preceded by a national seminar on the 1998 ILO Declaration.</p> <p>2006 AR: The AWA requested ILO technical cooperation to promote the PR among its members.</p>
	<p>Offer</p>	<p>ILO (awareness raising activities)</p>
<p>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAS) listed Afghanistan among the countries having expressed their intention to ratify C.29 and/or C.105 or to complete the ratification process. They encouraged these countries to accelerate this process so as to make an important step forward towards universal ratification. In particular, the IDEAs encouraged the Government of Afghanistan (and four other governments) to initiate or finalize their national labour law review processes. In strengthening and reforming their legal framework in compliance with international labour standards, these countries would allow a better implementation of the principle and right. Finally, the IDEAs noted that a number of governments, employers' or workers' organizations in various countries, including Afghanistan, were willing to meet these challenges and had requested technical cooperation, with a view to realizing country assessments and workshops with the support of the ILO (Cf. Paragraphs 41, 43 and 51 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs encouraged the Government of Afghanistan (and three other governments) that had expressed their intention to ratify C.29 and/or C.105 to complete the process. The IDEAs also welcomed the significant increase in the reports of action to combat forced labour in several countries, including Afghanistan, and noted that an increasing number of States were recognizing that forced labour does exist in their country [...]. For the IDEAs, such recognition was indispensable to combating forced or compulsory labour, as it was undoubtedly the first step in what in a daunting but essential task (Cf. Paragraphs 40 and 41 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2006 AR: The IDEAs hoped that Afghanistan (and another State) would consider ratification of C.29 (Cf. Paragraph 44 of the 2006 AR Introduction – ILO: GB.295/5).</p> <p>2005 AR: The IDEAs noted with particular interest the reporting from Afghanistan in spite of the serious difficulties that this country had to face. They also noted with interest that even in a post-war context, the Government of Afghanistan had endeavoured to rehabilitate children who were victims of trafficking and had established a national tripartite commission in this respect (Cf. Paragraphs 8 and 187 of the 2005 AR Introduction – ILO: GB.292/4).</p>	

GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS	NIL
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