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15th sitting, 12 June 2017 (cont.), 12.09 p.m.

15^e séance, 12 juin 2017 (suite), 12 h 09

15.^a sesión, 12 de junio de 2017 (cont.), 12.09 horas

Chairperson: Mr Washington González

Président: M. Washington González

Presidente: Sr. Washington González

Discussion of individual cases (cont.)

Discussion sur les cas individuels (suite)

Discusión sobre los casos individuales (cont.)

Afghanistan (ratification: 2010)

Worst Forms of Child Labour Convention, 1999 (No. 182)

Convention (n° 182) sur les pires formes de travail des enfants, 1999

Convenio sobre las peores formas de trabajo infantil, 1999 (núm. 182)

A Government representative (Mr SALEHI) indicated that, as recognized by the National Labour Policy, “with a crippling poverty rate of 39 per cent, many households responded to economic shocks by taking their children out of school and requiring them to generate income, thus forcing them into labour”. Therefore, the issue of child labour was not only a law enforcement matter, but also a fundamental problem which required a comprehensive understanding and a robust response mechanism. From an institutional perspective, a number of legislation, regulations and policy frameworks had been developed

to provide a basis for interventions to address child labour, including in the Constitution, the Labour Law, the Law on Child Correction and Rehabilitation Centres, the Law on the Prohibition of Children's Recruitment in the Armed Forces, the Child Guardianship Law, the Law on Redressing Child Rights Violations, and the Law on Anti-Child Trafficking and Human Kidnapping. Relevant practical tools included the Social Protection Strategy, the Street Child Labour Protection Strategy, and the National Strategy for the Protection of Vulnerable Children. National surveys had also been conducted to identify, analyse, and understand the nature and types of child labour, as well as the factors that forced children into labour. Additionally, a recruitment and work conditions procedure had been developed with a view to prevent the recruitment of children in the worst forms of labour. Similarly, pursuant to section 120 of the Labour Law, a list of harmful occupations prohibited to children under 18 years of age had been developed in consultation with the social partners. A draft action plan on the prevention of worst forms of child labour was being developed to give effect to the provisions of the Convention, in consultation with the social partners, as well as representatives from the Ministry of Public Health and other relevant agencies. The Child Protection Action Networks (CPAN) had been established in over 100 districts in 33 provinces of Afghanistan, which, during the past two years, addressed over 5,417 cases of vulnerable children, including 492 cases which prevented some of the worst forms of child labour. To address the vulnerable segments of the society, particularly children, the Department of Social Workers at the Ministry of Labour had been established, with a special emphasis on the prevention of the worst forms of child labour. Moreover, a new system aimed at reintegrating vulnerable children into their families had been established at the Ministry of Labour, through which, over 264 vulnerable children had been reunited with their families during 2014–15. The Ministry of Labour had concluded memoranda of understanding with 22 international organizations and also with the Ministry of Education to provide rapid literacy support to street children through its daily child support centres. During 2014–15, over 19,000 street children had been admitted to schools following the completion of rapid literacy training programmes.

With regard to child soldiers, the implementation of the Law on the Prohibition of Children's Recruitment in the Armed Forces (2014), along with other associated instruments, had helped to prevent the recruitment of 496 children into the ranks of national and local police in 2017. Also, the Ministry of Interior in cooperation with relevant government agencies was effectively implementing the President Decree No. 129 which prohibited torture, mistreatment and the use or recruitment of children in police ranks. Inter-ministerial commissions tasked with the prevention of child recruitment in the national and local police had been established in Kabul and provinces. Moreover, child support centres had been set up in 20 provinces, and efforts were under way to establish similar centres in the remaining provinces. In 2017, over 47 security officials had been prosecuted for violating human rights in security agencies. Programmes undertaken by the Afghanistan Independent Human Rights Commission had put a particular emphasis on the rights of children, including awareness raising of the harms of children recruited by armed groups. The National Directorate of Security had recently issued Order No. 0555, prohibiting the recruitment of underage persons; the Order was being implemented in all security institutions and monitored by national and international human rights organizations. Curricula for the training of security personnel were also being reviewed and updated with additional hours on child rights.

The Government was also taking measures to address the practice of *bacha bazi* ("dancing boys") through law enforcement, awareness raising, and other dissuasive measures. Security agencies had put an emphasis on tracking, punishing and stopping any act that constituted a violation of human rights, including the exploitation of boys by men in positions of influence. In the Child Protection Law, which was to be submitted to Parliament for adoption, *bacha bazi* was considered a punishable crime. Strong actions were being taken against the exploiters as well as the families who knowingly forced their children into prostitution, including *bacha bazi*. A sharp decline in the practice was expected in the coming years with the continuation of law enforcement and awareness-raising efforts. The Government was committed to implementing the Convention to ensure effective protection for all children against the worst forms of labour, and looked forward to working with national and international partners in this regard.

The Employer members noted that Afghanistan had been in a situation of armed conflict for decades. Despite some moderate advancement, many issues remained. In its observation, the Committee of Experts had raised the issue of recruitment of children for use in armed conflict. A law had been passed in 2014 criminalizing the recruitment of children in the Government's security forces. Since 2014, recruitment issues mostly involved the Taliban. While the Government had limited ability to address this matter, it remained responsible for everything within the country's borders. Concerning issues of sexual exploitation and the cultural practice of "dancing boys", various institutions and bodies had commented on this situation, demonstrating that it was a real problem. Reference had been made to a draft law, but more information was needed from the Government on the action taken to address that problem. With regard to the question of access to education, especially for girls, problems were mainly caused by the decades of conflict and the fact that the Taliban and other anti-governmental actors were restricting access for girls in territories under their control. However, it was still the Government which was responsible for everything within the country's borders. In its direct request, the Committee of Experts had noted issues of conformity of the national legislation with the provisions of the Convention. While Afghanistan had a law on combating human trafficking, that law did not define the word "child". Since the majority of victims of human trafficking in the country were children, there was a need to define the word "child" to specify that it applied to all persons under the age of 18, in conformity with the Convention. In relation to the prohibition of child prostitution and pornography, there was no general legal prohibition in the national legislation. That was linked to the issue of the "dancing boys". The law only prohibited forcing underage women into prostitution. Reference had been made to a committee which had been formed to address this issue, as well as a draft law, but more information was needed from the Government in that regard. Finally, in relation to hazardous work, an issue was that labour inspectors were not authorized to impose penalties for child labour violations. That was not in conformity with the Convention. In particular, one of the key types of hazardous work involved brick factories, where there were cases of bonded child

labour. The Employer members appreciated that Afghanistan was in a difficult situation and that some of the issues discussed were outside of what the Government could do under the current circumstances. However, other issues, such as the “dancing boys” and sexual exploitation of children, were within the control of the Government. Therefore, the Employer members expected that the Government would take strong and immediate measures to stop such exploitation and to ensure that the national legislation and practice fully complied with the Convention.

The Worker members expressed deep concern at the situation and the number of children involved in armed conflict. Given the high likelihood of under-reporting, the data available may not accurately reflect the actual scale of child recruitment and use by parties to the conflict. Forcible recruitment of children by non-state armed groups and by the Afghan national forces was deplorable. The Convention prohibited the use, procuring or offering of children for prostitution and required ratifying Members to provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration. The Worker members were appalled by the widespread practice of “dancing boys”, which involved the sexual exploitation of boys who were often under the age of 16 by men in power, including government officials. While the Penal Code criminalized the use, procuring or offering of a child for prostitution and the production of pornography, there appeared to be no provision that criminalized the use of a child by a client for sexual exploitation or that prohibited the use, procuring or offering of boys for prostitution. Moreover, despite the adoption in 2014 of a list of hazardous work prohibited to children, some entire Afghan families were trapped in debt bondage in the brickmaking industry. There were reports of wide use of bonded labour involving children in the agricultural sector and other informal economic activities. There were no penalties provided for in cases of violation of the provisions related to the prohibition of hazardous work by children under 18. Furthermore, the number of labour inspectors, which currently was 18, was insufficient. In any case, labour inspectors did not have legal authority to

enforce child labour laws. The Convention required ratifying Members to take effective and time-bound measures to ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour. Data available indicated that about 6 million children were out of school in the country and that male secondary school participation was at 42.8 per cent while that of girls was only at 21.1 per cent. Schools also continued to be a target for violent attacks, resulting in many civilian casualties and negatively impacting children's access to education. There were also records of the use of educational facilities for military purposes by parties to the armed conflict. The Worker members were extremely concerned at the persistence of the worst forms of child labour in Afghanistan. They were aware of the situation of armed conflict in the country and the serious challenges related to the enforcement of national laws to non-state armed groups. At the same time, it was clear that the Afghan forces themselves did not shy away from abusing and exploiting children, which was horrendous and unacceptable. Despite some initiatives undertaken by the Government and the international community, the widespread use of the worst forms of child labour continued to be a pressing issue, which needed to be addressed as a matter of urgency. They called on the Government to strengthen its efforts to protect children from the worst forms of child labour and ensure that investigations and robust prosecutions of offenders were carried out and that sufficiently effective and dissuasive penalties were applied in practice in order to combat impunity.

The Worker member of Afghanistan (Mr QADERI) underlined that some of the worst forms of child labour were being practiced daily in Afghanistan. The term “child slavery” was to be used instead of “child labour”, reflecting the gravity of the situation in the country. Children were used by mafia groups to beg on the streets for money. They also worked in hazardous sectors such as mining and agriculture, as well as in industries such as carpet weaving and car repair workshops. The most serious issue was the use of children in war. Terrorist and other extremist groups recruited and forced children to fight as gunners or suicide attackers. As highlighted by the Committee of Experts, children had also been

recruited by Afghan government security forces and killed during military operations. Therefore, the Government had the duty to eliminate any recruitment of children by its agents as a matter of urgency, and could not simply point to the actions of non-state actors. In regard to the sexual abuse of children, although the law strictly prohibited it, problems remained in practice. The cultural practice of *bacha bazi* was a gateway to the sexual abuse of boys and prostitution, which was even reported to occur in some elements of the security forces. Therefore, urgent measures were needed to be taken by the Government to eliminate this practice among its security forces and more widely in the society.

While the Constitution recognized education as a right for every citizen, access to free basic education was not ensured in practice. The situation in urban areas was marginally better than in the rural areas where poverty prevailed. Parents might sell their children into forced prostitution due to poverty. In rural areas, there were not enough schools. Clean water, toilets or books were not always available. Girls usually suffered more because of the threats to those attending school. Pressure was also placed on families by extremist groups. Due to the security situation, many schools were closed and more than 400,000 students were deprived of education in the country as a whole. The quality of education was another aspect of the problem, including the large number of unqualified teachers and poorly developed curriculum and materials for students, which left children in religious schools vulnerable to radicalization. The speaker called on the Government to pay particular attention to the problems raised and to fulfil its commitments under the Convention. Without the implementation of the measures recommended by the Committee of Experts, it would be difficult to change the critical situation for children in Afghanistan. Therefore, a strong commitment was need from the Government.

The Government member of Malta (Mr MARSH), speaking on behalf of the European Union (EU) as well as Albania, Bosnia and Herzegovina, Montenegro, Norway and Serbia, called for the protection and promotion of all human rights and freedoms and reiterated the EU's strong commitment to the eradication of child labour, particularly in its

worst forms. The EU–Afghanistan Human Rights Dialogue included deliverables and indicators on children’s rights and the implementation of the law prohibiting recruitment of child soldiers. The recent signing of the Cooperation Agreement on Partnership and Development confirmed the EU’s commitment to Afghanistan’s development and its support to comprehensive reform in the country. The commitment and progress made by the Government to prevent and end recruitment of children in the national forces were to be welcomed. The law criminalizing recruitment of children into the security forces had entered into force in 2014. The Government had also adopted a roadmap to accelerate the elimination and prevention of recruitment and use of children by national forces, as well as guidelines to prevent recruitment. Three additional units had also been established in different regions and were embedded in the police recruitment centre to prevent recruitment of children. Information available showed that the majority of cases of recruitment was by opposition groups and not the national forces; however, due to under-reporting, the overall number of cases was assumed to be much higher. While the challenges faced by Afghanistan were to be noted, the Government was called upon to pursue efforts to end the recruitment of children in the armed forces and police. Additional measures should be taken so as to prevent enrolment in armed groups. Child soldiers should be demobilized, thorough investigations and prosecutions should be carried out, and dissuasive penalties should be applied. The situation of the “dancing boys” called for effective and time-bound measures, including a legal prohibition and criminalization of the practice. The Government was called upon to provide assistance for the rehabilitation and social reintegration of the victims. Finally, the Government was called upon to ensure free access to basic education for all, with particular attention to girls, who were often deprived of that right.

The Worker member of Pakistan (Mr AWAN) underlined that, of the many issues discussed relating to the worst forms of child labour in Afghanistan, the most serious was the use of children as suicide attackers. Basic educational infrastructure was non-existent in many rural areas. The worst forms of child labour existed in armed conflict, but also in

agriculture and in the supply chains. The Government did not demonstrate the political commitment to address the issue properly. Obligations under ratified Conventions on child labour and discrimination had not been implemented through specific labour legislation. They were only very narrowly covered in general laws. Stressing the importance of labour inspection to enforce legal provisions, the speaker questioned how the very few labour inspectors in Afghanistan could effectively cover all provinces and vast rural areas. Also, although Afghanistan had ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), no functional tripartite committee existed at either central or provincial levels. Lack of respect for tripartism and the role of the social partners was also evidenced by the country's incomplete delegations to the Conference and complaints made under other ILO procedures. Finally, the speaker considered that the absence of progress made on the draft labour policy demonstrated a lack of political will.

La membre gouvernementale de la Suisse (M^{me} FEDERER) a soutenu la déclaration prononcée au nom de l'Union européenne et a souligné que les enfants sont particulièrement touchés par le conflit armé en Afghanistan. Ils sont privés de leurs droits par la persistance des pratiques de recrutement et d'utilisation des enfants par les forces nationales de sécurité afghanes et par les groupes armés. Il est inquiétant que le nombre d'enfants victimes augmente et que les attaques d'hôpitaux et d'écoles ainsi que l'exploitation sexuelle des enfants perdurent. La Suisse soutient les conclusions et recommandations de la commission d'experts et encourage le gouvernement à prendre toute mesure pour garantir la protection et la démobilisation des enfants, la poursuite des personnes engagées dans leur recrutement ainsi que l'intégration sociale des enfants. L'importance de l'éducation de base pour toutes les filles et tous les garçons doit également être soulignée. La Suisse encourage le gouvernement à continuer ses efforts à cet égard.

The Worker member of Norway (Ms MJOBORG), on behalf of the trade unions of the Nordic countries, noted that children in Afghanistan had continued to be victims of grave child rights violations. This had been confirmed by the Committee of Experts and reports of

other UN bodies. Children were involved in all forms of work, including military operations, street begging, domestic work, agriculture, business and other sectors. A large number of children were sexually exploited and used in prostitution. Children had been observed in the ranks of the national forces. Allegations of recruitment of children by armed groups, including those associated with the Taliban, had been received. Cases of children carrying out suicide attacks on behalf of the Taliban had also been documented. Children who were internally displaced or in isolated conflict-affected areas were particularly at risk. In Kunduz, the Taliban had used schools to provide military training to children between the ages of 13 and 17. Children had been kidnapped, forced, threatened or sold by their parents to serve in armed groups. The Government had signed an action plan with the UN in 2011 to end and prevent the use of children by national armed forces and had adopted a roadmap and guidelines for its follow-up. Proper steps needed to be taken to implement the action plan. The Nordic trade unions were deeply concerned about the situation and urged the Government to take immediate and effective measures to end forced and compulsory recruitment of children for use in armed conflict and to ensure their demobilization. The Government needed to further address the issue of children working in hazardous occupations, through investigation and strengthening of labour inspection. In this regard, the introduction and enforcement of penalties for the use of children in armed conflict and in hazardous work, as well as prostitution, were needed. The ILO and the international community were called upon to continue providing humanitarian assistance, and to assist the country in improving the security situation and in taking measures to reduce poverty and pursue compliance with the Convention.

The Worker member of Australia (Mr PERICA) underlined the abhorrent commodification of children who were forced into prostitution. He referred to numerous cases that evidenced the widespread sex trafficking of children in Afghanistan. With reference to the prostitution of young boys, particularly the “dancing boys”, he denounced the involvement of public figures and men in power, as well as war criminals. That culture had spread to all sections

of society. Sexual assault resulted not only in serious trauma, but also in many cases in the death of the victim. There was no specific law prohibiting the sex trafficking of minors. The speaker called on the social partners to engage with law enforcement entities, non-governmental organizations and other non-state actors to develop a comprehensive plan to eradicate the horrific practices and ensure the safety of Afghan boys and girls.

The Worker member of Canada (Ms CLARKE WALKER), also speaking on behalf of the Worker member of the United States, indicated that, according to data available, 3.7 million boys and girls, representing one third of school-age Afghan children, were not enrolled in schools in 2017, due to insecurity and conflict-related violence, as well as the high levels of chronic poverty. That number was expected to grow as violence between Afghan forces and the Taliban intensified. Also, with an increasing number of Afghan refugees returning to the country, there was a threat to overwhelm already swamped education services. Children who were not going to school were at increased risk of early marriage, entering the workforce where they could be exploited, recruited into armed groups or trafficked. Documented restrictions by non-state actors that limited girls' access to education included complete bans on education for girls, restrictions of girls' attendance beyond a certain grade or explicit prohibitions of girls attending school without a female teacher. Other documented forms of violence included threats and intimidations against teachers and students, school burnings, attacks and abductions. The Convention recognized the contribution of education to preventing the engagement of children in the worst forms of child labour. The Government must therefore take measures to uphold the right to education recognized in the national Constitution. It must further ensure accountability for perpetrators of attacks on institutions, personnel and students that were in clear violation of international humanitarian and human rights law.

The Government representative (Mr SALEHI) appreciated the comments, recommendations and support offered during the discussion. He reiterated Afghanistan's commitment to eliminating child labour, particularly the worst forms of child labour. He

emphasized that significant progress had been made, and comprehensive plans had been developed. The Government intended to form a special police unit, which would be responsible for child protection at the central and provincial levels, and would oversee cases that violated the rights of children. The Government would also undertake a review of the existing measures to ensure that the legal and policy framework adequately responded to the national situation and complied with ratified international Conventions. Stressing the progress made by the Government, with support from international partners, towards improving conditions for all Afghans, he made particular reference to the increase in the national literacy rate and in the number of children attending school in the last decade, including girls. He recalled that school burnings and the imposition of bans in Taliban-controlled areas prevented girls and children from attending school. The Government would boldly pursue its efforts towards guaranteeing human rights and would continue to work with partners to address the root causes of child labour. That was a progressive journey. While terrorism was being fought against, recent attacks demonstrated the magnitude of the conflict and its regional linkages.

The Worker members considered that Afghanistan had failed to take effective measures to secure the prohibition and elimination of the worst forms of child labour. Recruitment of children into armed conflict, child prostitution and lack of access to free basic education were rampant. The Government had sought to reassure the Conference Committee that it had taken steps to address these issues. However, more could and had to be done to comply with the Convention. With respect to the “dancing boys”, the Government had indicated that explicit legal prohibition was expected to be implemented in the near future; nonetheless, this matter remained unaddressed. The Government was expected to demonstrate its commitment to fulfilling its obligations to achieve implementation of the Convention in practice. Firstly, that involved taking immediate and effective measures to put a stop, in practice, to the recruitment of children under the age of 18 by armed groups and the armed forces as well as measures to ensure the demobilization of children involved

in armed conflict. Secondly, the Government should take immediate and effective measures to ensure that thorough investigations and robust prosecutions of persons who forcibly recruit children under the age of 18 for use in armed conflict were carried out and that sufficiently effective and dissuasive penalties were imposed in practice. Thirdly, the Government should take effective and time-bound measures to remove children from armed groups and forces and ensure their rehabilitation and social integration. Fourthly, it should take effective and time-bound measures to eliminate the practice of *bacha bazi* in order to remove children from one of the worst forms of child labour and to provide assistance for their rehabilitation and social integration. Finally, it should take the necessary measures to improve the functioning of the education system and to ensure access to free basic education, including by taking measures to increase the school enrolment and completion rates, both at the primary and secondary levels, particularly of girls. While acknowledging the difficulties that the Government had faced with armed groups operating in the country, the speaker stressed the obligations that had freely been entered into with the ratification of the Convention in 2010, which required action on the worst forms of child labour to be prioritized as a matter of urgency.

The Employer members appreciated the Government's statement that it was embarked on a progressive journey towards achieving compliance with the Convention and recognized that there was political will. However, there was still a long way to go to eliminate child labour and more clearly needed to be done in that regard. The speaker agreed with the conclusions proposed in the concluding remarks of the Worker members.

The sitting closed at 1.29 p.m.

La séance est levée à 13 h 29.

Se levantó la sesión a las 13.29 horas.

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