

Afghanistan

The Afghan Government has strengthened its legal framework against child labor by enacting a revised Labor Code. However, gaps in the legal framework remain, law enforcement faces many challenges, and there is a lack of programs to address the needs of exploited children. Children continue to engage in exploitative work in agriculture and carpet weaving, and there is evidence that children are still recruited by non-state armed forces.



Statistics on Working Children and School Attendance

Children	Age and Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor

Children in Afghanistan are exploited in the worst forms of child labor,¹ especially in agriculture.² Agricultural work commonly exposes children to harmful pesticides, dangerous machinery and tools, and carrying of heavy loads. There are reports of children being involved in cultivation of poppies for opium production.³ Children also engage in exploitative work in carpet weaving, where they work in dim lighting for up to 12 hours per day.⁴ Children work in brick factories and as blacksmiths and auto mechanics.⁵ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of coal and gems. In urban areas, some children belong to begging gangs or work as street vendors.⁶ They are vulnerable to extreme weather, accidents caused by proximity to vehicles, and criminal elements. Children also work as domestic servants, where they may be forced to work long hours, perform dangerous activities, and may be exposed to physical and sexual exploitation.⁷ There are also reports of harems of young boys used for sexual and social entertainment.⁸ Both boys and girls

are exploited as dancers and sex slaves as well as being trafficked internally for sexual exploitation.⁹






Afghanistan is a country of origin and transit for children trafficked to Iran, Pakistan, Saudi Arabia, Oman, Zambia, and Zimbabwe.¹⁰ Children are trafficked within Afghanistan for forced labor as beggars and are held in debt bondage in the carpet and brick kiln industries.¹¹ There is evidence of children being recruited by non-state armed groups, including for use as suicide bombers. Additionally, the United Nations reports that children had been affiliated with the Afghan National Police (ANP) during the reporting period, and that the ANP was taking steps to eliminate this practice by improving its age verification procedures.¹²

Laws and Regulations on the Worst Forms of Child Labor

The revised Labor Code, in effect in July 2008, sets the minimum age for employment at 18, although children may be employed in light work at age 15.¹³ It prohibits recruitment of children under 18 for work that is harmful to their health or causes physical damage

or disability.¹⁴ However, the legal framework lacks a list of hazardous jobs as defined by the labor code.¹⁵ Additionally, neither the labor law nor other laws provide protection against involvement in hazardous activities to children working in agriculture, small family enterprises, or domestic service.¹⁶ The Constitution prohibits forced labor.¹⁷ The Government of Afghanistan’s *Countering Abduction and Human Trafficking* law specifically prohibits trafficking in persons including for sexual exploitation and labor. The law covers domestic and international trafficking, recruitment, harboring, transportation, transfer, and receipt of children.¹⁸ The law also covers child prostitution and pornography, but it applies only to girls, leaving boys unprotected.¹⁹

The legal age for military service is 18 and there is no compulsory recruitment.²⁰

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	18
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	Sec. level
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor, Social Affairs, Martyrs, and Disabled (MOLSAMD) is the lead agency responsible for coordinating overall government efforts and policy to address child labor.²¹ There are also two inter-ministerial commissions; one chaired by the Ministry

of Interior (MOI), which holds monthly meetings on forced child labor; and another commission created by presidential decree that focuses on child soldiers.²²

MOLSAMD is primarily responsible for enforcing and detecting violations of labor laws. It employs only 20 inspectors to cover the country’s 34 provinces.²³ Although the revised Labor Code is now in force, the Government acknowledges that most of its provisions have not been implemented due to capacity constraints and lack of awareness within the layers of government.²⁴ Additionally, the Labor Code references a Labor High Council, established by MOLSAMD, as the highest decision making body relating to labor issues leaving in question the exact role for judicial review of child labor cases.²⁵ These hurdles, compounded by the current security situation, result in limited enforcement of child labor laws.²⁶ Further, working children are concentrated in the informal sector and agriculture, which are not covered by the labor law.²⁷

The MOI, which oversees the Afghan National Police, is responsible for enforcing laws relating to trafficking and sexual exploitation of children.²⁸ During the reporting period, the MOI identified 83 child victims of sex trafficking, but it is unclear whether any follow-up services were provided.²⁹

Government Policies on the Worst Forms of Child Labor

The Government of Afghanistan does not have a specific policy on child labor.³⁰ However, MOLSAMD, in cooperation with the Ministries of Justice and Interior, is administering the National Strategy on the Protection of Children at Risk. This strategy includes a separate chapter on the worst forms of child labor, with a focus on street children.³¹

The Government’s National Education Strategic Plan establishes goals of improving quality of and access to primary education, but does not discuss how to meet the particular needs of working children.³² Additionally there is a lack of credible national or province level data on children engaged in the worst forms of child labor, making the development of policies and programs to address the problem difficult.³³

Finally, fewer than 10 percent of children in Afghanistan have formal birth registrations, and this is especially acute in rural areas. This creates problems in monitoring and enforcing laws such as the minimum age for employment and military recruitment.³⁴

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

MOLSAMD has more than 30 programs designed to provide social services to children at risk, especially street children and children in orphanages, including one program that removed 1,200 street children from day labor.³⁵

The Government participated in a USDOL-funded program aimed at children who were recruited and used as soldiers by warring factions. This project demobilized child soldiers.³⁶ Additionally, former child soldiers and other war-affected children were provided with reintegration support, including education in literacy and life skills, vocational skills training, and psychosocial and medical support.³⁷ The program ended in 2007 and no additional programs have been initiated despite a continuing need for assistance for children used as soldiers by non-state parties.

In January 2009, the Government began participating in a \$24 million social protection program funded by the European Commission that aims to combat child labor. It reintegrates orphans with their families to reduce the risk of exploitation and provides access to education and vocational and literacy training.³⁸

The Ministry of Women's Affairs' Initiative to Strengthen Policy and Advocacy through Communications and Institution Building launched a large anti-trafficking awareness campaign directed at women and girls during the reporting period.³⁹ Child victims of trafficking are generally placed with government social service agencies, orphanages, or NGO-run facilities.⁴⁰

The Government of Afghanistan acknowledges the absence of well-designed and comprehensive programs to eliminate the worst forms of child labor.⁴¹ In particular, children in the most common types of exploitative work, such as agriculture and carpet weaving, lack programs that meet their needs.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Afghanistan:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Labor Code to include a list of hazardous occupations for children.
- Revise the Labor Code to ensure that children working in agriculture, domestic service, and family enterprises are protected from the worst forms of child labor.
- Extend coverage of laws relating to prostitution and pornography to boys.
- In the area of enforcement:
 - Allocate sufficient resources to conduct inspections in sectors and settings where exploitative child labor is common.
 - Provide training on worst forms of child labor issues to government officials responsible for enforcement.
 - Clarify the role of the Labor High Council and the courts in the judicial review of child labor cases.

IN THE AREA OF POLICY:

- Develop a National Action Plan to combat the worst forms of child labor, including a focus on children working in agriculture, carpet weaving, domestic service, and street work.
- Ensure that the implementation of the National Education Strategic Plan includes attention to the needs of working children.
- Collect and make publicly available statistics on the incidence of the worst forms of child labor and enforcement efforts.
- Improve the birth registration system and conduct a campaign to provide birth certificates to all Afghan children.

IN THE AREA OF PROGRAMS:

- Promote the release of all children associated with armed groups.
- Expand the awareness-raising campaign from trafficking to all of the worst forms of child labor.
- Develop comprehensive and specific programs to eliminate the worst forms of child labor, particularly in agriculture, carpet weaving, and child soldiering

¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

² U.S. Embassy- Kabul, *reporting*, February 18, 2009, 2. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010, para 4. See also Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan Research Report*, 2006, 11; available from http://www.aihrc.org.af/rep_child_labour_2006.pdf. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, July 28, 2009, 1.

³ IOM, *Trafficking in Persons in Afghanistan: Field Survey Report*, Kabul, June 2008, 48; available from http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/afghanistan/iom_report_trafficking_afghanistan.pdf. See also ILO, *Combating Child Labour in Asia and the Pacific: Progress and Challenges*, Geneva, 2005, 54; available from <http://www.ilo.org/public/english/region/asro/bangkok/14arm/download/combating.pdf>. See also U.S. Embassy- Kabul, *reporting*, February 18, 2009, 2. See also Iskander Aliev and Mirzojalol Shohjamolov, “Tajik Law Opens Window for Young Afghan Drug Smugglers”, Radio Free Europe/Radio Liberty, [online], April 4, 2010 [cited September 3, 2010]; available from http://www.rferl.org/content/Tajik_Law_Opens_Window_For_Young_Afghan_Drug_Smugglers/2002156.html.

⁴ U.S. Embassy- Kabul, *reporting*, February 18, 2009, 2. See also Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan*, 12. See also Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*, December 30, 2007. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

⁵ U.S. Department of State, “Afghanistan,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/index.htm>. See also Integrated Regional Information Networks, “Afghanistan: Thousands of Child Labourers in Eastern Province Deprived of Education”, IRINnews.org, [online], May 10, 2007 [cited March 17, 2008]; available from <http://www.irinnews.org/Report.aspx?ReportID=72062>. See also Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*. See also U.S. Embassy- Kabul, *reporting*, January 23, 2009, 2. See also Afghanistan

Independent Human Rights Commission, *Situation of Child Labour in Afghanistan*, 3 and 12. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010, para 4. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

⁶ U.S. Embassy- Kabul, *reporting*, January 23, 2009, 2. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010, para 4. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

⁷ U.S. Embassy- Kabul, *reporting*, February 18, 2009, 2. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010, para 4. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

⁸ U.S. Department of State, “Afghanistan,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/index.htm>. See also U.S. Embassy- Kabul, *reporting*, March 15, 2010. See also UN Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict in Afghanistan*, February 26, 2010, 9.

⁹ U.S. Embassy- Kabul, *reporting*, March 15, 2010, section 2A. See also U.S. Embassy- Kabul, *reporting*, February 18, 2009, para 3. See also UN Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict in Afghanistan*, 9.

¹⁰ U.S. Department of State, “Afghanistan (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>. See also U.S. Department of State, “Country Reports- 2009: Afghanistan.” See also Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*. See also IOM, *Trafficking in Persons: An Analysis of Afghanistan*, 2003. See also U.S. Embassy- Kabul, *reporting*, February 18, 2009, 23b. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

¹¹ U.S. Department of State, “Country Reports- 2009: Afghanistan.” See also U.S. Embassy- Kabul, *reporting*, February 18, 2009. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 1.

¹² UN Special Representative of the Secretary-General for Children and Armed Conflict, *Visit of the Special Representative for Children & Armed Conflict in Afghanistan*, 5. See also Coalition to Stop the Use of Child Soldiers, “Afghanistan,” in *Child Soldiers Global Report 2008*, London, 2008, 41; available from <http://www.childsoldiersglobalreport.org/>. See also UN Security Council, *Report of the Secretary General on children and armed conflict in Afghanistan*, November 10, 2008, 1, 6-7.

¹³ Government of Afghanistan, *Labour Code*, (January 2008), article 13. See also U.S. Embassy- Kabul, *reporting, January 23, 2009*. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 2E. See also U.S. Department of State, “Country Reports- 2009: Afghanistan.” See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 2.

¹⁴ Government of Afghanistan, *Labour Code*, article 11. See also U.S. Embassy- Kabul, *reporting, February 18, 2009*, para 4.

¹⁵ Government of Afghanistan, *Labour Code*. See also Government of Afghanistan, *Constitution*, (January 4, 2004); available from http://www.oefre.unibe.ch/law/icl/af00000_.html.

¹⁶ Afghanistan Independent Human Rights Commission, *Situation of Child Labour in Afghanistan*.

¹⁷ Government of Afghanistan, *Constitution*, (January 4, 2004), article 49; available from http://www.oefre.unibe.ch/law/icl/af00000_.html. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 2.

¹⁸ U.S. Embassy- Kabul, *reporting, February 18, 2009*, 25a-c.

¹⁹ *Ibid.* See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 7.

²⁰ U.S. Department of State, “Country Reports- 2009: Afghanistan.” See also Coalition to Stop the Use of Child Soldiers, “Child Soldiers Global Report 2008: Afghanistan.”

²¹ Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*.

²² U.S. Embassy- Kabul, *reporting, March 15, 2010*.

²³ *Ibid.*

²⁴ *Ibid.*, para 6. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3.

²⁵ Government of Afghanistan, *Labour Code*.

²⁶ U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 7. See also U.S. Department of State, “Trafficking in Persons

Report- 2010: Afghanistan,” 57. See also U.S. Embassy- Kabul, *reporting, February 18, 2009*, para 6.

²⁷ U.S. Embassy- Kabul, *reporting, January 23, 2009*, 6 and 8. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*.

²⁸ U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 8.

²⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Afghanistan,” 57.

³⁰ Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3.

³¹ Government of Afghanistan, *Information on elimination of worst forms of child labor in Afghanistan*. See also U.S. Embassy- Kabul, *reporting, January 23, 2009*, 5. See also Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3.

³² Amanda Sim, *Afghanistan Research and Evaluation Unit, Confronting Child Labor in Afghanistan*, May 2009.

³³ Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 5.

³⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Afghanistan,” 57. See also U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 7. See also U.S. Embassy- Kabul, *reporting, February 18, 2009*, para 6.

³⁵ U.S. Embassy- Kabul, *reporting, March 15, 2010*, para 2F.

³⁶ U.S. Department of Labor, *Demobilization of Child Soldiers and Socio-Economic Reintegration of War-affected Young People in Afghanistan*, ILAB Technical Cooperation Project Summary, Washington, DC, 2007.

³⁷ *Ibid.*

³⁸ U.S. Embassy- Kabul, *reporting, January 23, 2009*, 6.

³⁹ U.S. Department of State, “Trafficking in Persons Report- 2010: Afghanistan.”

⁴⁰ U.S. Embassy- Kabul, *reporting, February 18, 2009*, 26b.

⁴¹ Government of Afghanistan, *Proposal for Child Labor Rehabilitation Project in Afghanistan*, 3.