

An Overview on Situation of Child Labourers in Afghanistan



**Afghanistan Independent Human Rights Commission**

**An Overview on Situation of Child Labour in  
Afghanistan  
Research Report**

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## **In the Name of Allah, the Compassionate, the Merciful**

### **Introduction and Background**

**“States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.”**

*Convention on the Rights of the Child, Article 32, Paragraph 1*

Afghanistan signed the Convention on the Rights of the Child (CRC) in 1994, exactly 5 years after its adoption and is committed towards the implementation of the Convention. The signature took place over a decade ago and the situation of child labour in Afghanistan has been exacerbated since then. Afghanistan Constitution, in numerous cases, explicitly and implicitly stresses the need to protect children and fulfilment of State obligations to ensuring the welfare of the child.

Article 54, Afghanistan Constitution:

**“Family is a fundamental unit of society and is supported by the State. The State adopts necessary measures to ensure physical and psychological well-being of family, especially of child and mother, upbringing of children and the elimination of traditions contrary to the principles of sacred religion of Islam.”**

Elsewhere the Constitution in its Article 53 points out:

**“The State takes necessary measures for regulating medical services and financial support to descendants of those who were martyred or are missing, to disabled or handicapped, and their active participation and re-integration into society in accordance with the law. The State guarantees the rights and privileges of pensioners and disabled and handicapped individuals and as well renders necessary assistance to needy elders, women without caretakers, and needy orphans in accordance with the law.”**

As indicated, the situation of children in today Afghanistan is of grave concern. A large number of Afghan children are subjected to worst forms of labour. The increasing number of street children, children used for begging, inconceivable number of children employed in carpet-weaving workplaces, unknown number of children exploited in activities related to narcotics, and the employment of children in heavy vehicle repair workshops and metal works represent the harsh realities and serious threats that are posed to the future generation of the country.

At the same time, due to their vulnerability, child labourers are more prone to danger than any other segment of population and these

dangers can include all forms of physical, material, sexual and mental abuse.

Lack of access of child labourers to qualitative education is an alarm that warns us against the emerging of an illiterate and non-professional generation. In addition, the critical relationship of child labour, *inter alia*, with addiction to narcotics, abduction and trafficking, infraction and delinquency, and infection with HIV/AIDS is very clear.

In general, child labourers in Afghanistan encounter severe bodily and mental harms and are stripped of access to qualitative education.<sup>1</sup>

This happens while Afghanistan Constitution has specific provisions relating to the issue of child labour and the right of the child to have access to education and explicitly reads:

**“Forced labour is forbidden. Active participation, in times of war, calamity, and other situations threatening public life and welfare is one of the primary duties of every Afghan. Children shall not be subjected to forced labour.”** *Afghanistan Constitution, Article 49*

Further, the Constitution in its Article 43 stipulates:

**“Education is the right of all citizens of Afghanistan, which shall be provided up to the level of the B.A., free of charge by the State. The State is obliged to devise and implement effective programmes for a balanced expansion of education all over Afghanistan, and to provide compulsory intermediate-level education. The State is also required to provide the opportunity to teach native languages in the areas where they are spoken.”**

The Law on Labour in Afghanistan, which has remained unchanged since the promulgation of the Constitution, specifies 14 years as the age of admission of children to employment for 35 hours per week and allows the age of 13 only if the employment is for a learning purpose. Less than that is prohibited in absolute terms.

Child Labour in international instruments:

<b>Source</b>	<b>Content</b>
Universal Declaration of Human Rights (UDHR), Article 16	State obligation for family protection
CRC, Article 27	State obligation to protect children and assist parents of needy children for their sound development
CRC, Article 32	Prohibition of economic exploitation of

<sup>1</sup> In accordance with the definition of child labour coined by the International Labour Organisation (ILO), any type of work that may hinder the physical and mental development of the child and children’s access to education falls into the category of child labour.

	children
International Covenant on Civil and Political Rights (ICCPR), Article 24	Protection of children by the State, society and family without discrimination in all its kinds

Under the internationally-recognised instruments such as CRC, ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR), Afghanistan is required to protect children against prohibited types of work and this responsibility includes the following:

**“(1) States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. (2) The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development. (3) States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing. (4) States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.”** *CRC, Article 27*

The Convention similarly in its Article 32 reads:

**“(1) States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. (2) States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present Article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; and (c) Provide for**

**appropriate penalties or other sanctions to ensure the effective enforcement of the present Article.”**

Let’s have a look on protections for children elsewhere in the universal instruments:

**“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”** *UDHR, Article 16, Paragraph 3*

**“Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.”** *ICCPR, Article 24, Paragraph 1*

The situation of child labourers has yet to improve and their plight is worrying quantitatively and qualitatively.

Taking into account the urgency of this issue, guided by its constitutionally-entrenched functions to monitor, promote and protect to human rights in accordance with Article 58 of the Constitution and recognising that monitoring, promotion, and protection of the rights of the child is one of its primary responsibilities, the Afghanistan Independent Human Rights Commission (AIHRC) embarked on producing a report based on a qualitative study on child labour in Afghanistan.

Although the present study report does not provide a quantitative picture of child labour in Afghanistan, the researchers have done their utmost to interview with broad sections of child labourers in different parts of the country and have used the data to capture a qualitative picture on the situation of child labour in Afghanistan.

## **Methodology**

**The main issues covered in this report are:**

- 1. The situation of child labourers in Afghanistan,**
- 2. Age groups at which children engage in labour,**
- 3. Child labour from a gender perspective,**
- 4. Relation between child labour and education,**
- 5. Factors underlying child labour,**
- 6. Types of work in which the majority of children engage,**
- 7. Duration of work by children,**
- 8. Objectives of child labour, and**
- 9. Social re-action to child labour.**

In order to collect information for the preparation of this report, brief questionnaires, which covered the mentioned issues, were developed and filled out by AIHRC staff and volunteers of Child Rights Unit in 34 provinces. In general, 18,443 children and 501 adults were interviewed and 40 persons conducted the data collection job.

To fill out the questionnaires and interview with child labourers, the interviewers most often went to workplaces such as auto repair, metal works and carpet-weaving workshops, and centres built by Non-Governmental Organisations (NGOs) for child labourers and street children, and interviewed each child individually. The figures in this report, therefore, do not make specific reference to children employed in the houses, whose number might also be considerable. However, the overall issues undoubtedly represent the entire child labourer population.

The study began in July 2005 and ended in March 2006.

## Terminology

**Permitted work for children:** the involvement of children in economic activities, which do not impact negatively on their health and

### History of child labour:

Children have always been abused because of their labour force. Notions have recently been strengthened to protect children against prohibited work. Children were used in the 19<sup>th</sup> century even in countries such as the UK, the US, Canada, Japan, Australia and New Zealand as cheap labour in factories and mansions. Incessant initiatives by civil society and human rights institutions have resulted in the development of a series of regulations from 1833 to 1867, specifying rules for work duration and protection of children and adolescents engaged in labour and their compulsory education.

In the 20<sup>th</sup> century, increased awareness among the public led to the elaboration of standards by the ILO for protection of children against certain categories of work, the latest of which is the Convention on Worst Forms of Child Labour adopted in 1999. As a consequence, today nearly all countries have determined the minimum age of work in their national jurisdictions. The law is not always implemented and for that, the abuse of children at the workplace still persists across the globe.

development and do not interfere with child access to education, can be positive. In accordance with ILO Convention 138, economic activities performed after the age of 12, which do not interfere with child education, can be permitted.

**Child labourers:** this definition specifically refers to children who are engaged in a work that is in violation of the established standards. It

means all children engaged in economic activities under the age of 12, all children between the age of 12 and 14 who are employed in hazardous work and all children under the age of 18 who are involved in the worst forms of child labour.

**Worst forms of child labour:** it includes exploitation of children, child trafficking, forced employment, coercing into performing illegal acts and exposure of children to hazardous work.

## **Child Labour in International Instruments**

For a better understanding on what child labour means, it is essential to review the universally-accepted standards in this respect. Of effective international instruments governing child labour, are C138 Minimum Age Convention and C182 Worst Forms of Child Labour Convention adopted by the ILO. It is also necessary to pay proper attention to the terminologies used and the perception on economic work done by children.

The Conventions have made a distinction between child labour, which must be eliminated and the activities that can assist the sound development of the child.

The Minimum Age Convention, C138, sets out that **the minimum age, at which children may be admitted to employment in certain types of work, must be specified**. Although the Convention in question emphasises that the minimum age must not be less than the age of completion of compulsory schooling and, in any case, must not be less than 15 years, it prefers the age of 16 years. Nonetheless, the Minimum Age Convention has taken into consideration the situation in countries that are not able to implement such standards and has provided the space for the specification of 14 years of age for admission of children to work in such countries. It permits the employment of persons over 12 years of age on light work, the employment of persons of 15 and over 15 years of age on non-hazardous work, but prohibits absolutely the performance of a work that exposes children to physical and mental harms and interferes with their education.

The ILO defines light work as a work that is not likely to be harmful to child's health or development and that does not hinder their attendance at school or at professional training institution.

In addition, this Convention has defined hazardous work based on the number of hours during which and the conditions in which the work is undertaken and its impact on school attendance by children, but it has stopped short of elaborating standards on hours of work, conditions of work and so on and has entrusted it to the States to determine such standards.

The Worst Forms of Child Labour Convention, C182, was adopted in 1999, to which 194 States are parties. The Convention in question has set limitations on types of child employment. The Convention has categorically prohibited the following:

**“(a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and (d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”**

Considering the ILO Convention in question, it is noticed that the Convention has vested the States with broader powers to define child labour and minimum age of child admission to employment. Though these powers for the States in accordance with their commitments, especially under the CRC, can be positive, this has prevented the adoption of a unified approach to universally define child labour and specify the minimum age of employment for children.

The relevant ILO Recommendation has, in specific terms, prohibited the employment of all children (i.e. persons under 18 years of age) to the categories of work defined in the following:

- (a) Work which exposes children to physical, psychological or sexual abuse;
- (b) Work underground, underwater, at dangerous heights or in confined spaces;
- (c) Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) Work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; and
- (e) Work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

ILO Convention 138 sets 15 years as minimum age for employment, taking into account the exceptions in a category of countries that may

not have the implementation capabilities and provide details on light, heavy and hazardous kinds of work.

Likewise, the CRC, which contains children's rights in the world, covers a whole range of issues relating to children, especially child labourers. CRC has two Optional Protocols, which set out other areas of protection with regard to the rights of the child, child labourers in particular.

## Research Findings

### A) Types of child employment

No	Types of Employment	How many?	Percentage
1	Vendors	2474	13.42
2	Kinds of handicraft	158	0.86
3	Kinds of auto repair and wiring	499	2.71
4	Blacksmiths	883	4.79
5	Porters	365	1.98
6	Selling wood	76	0.42
7	Farming/gardening	685	3.72
8	Shop keeping	3867	20.97
9	Apprenticeship	638	3.47
10	Restaurants	495	2.69
11	Carpet weaving	1414	7.67
12	Litter collection	413	2.24
13	Street work	1509	8.19
14	Factories	81	0.44
15	Workshops	2296	12.45
16	Shoe making	126	0.26
17	Begging	59	0.32
18	Tailoring	1149	6.23
19	Animal husbandry	831	4.51
20	Car washing	108	0.59
21	Handiworks	29	0.16
22	Miscellaneous	288	1.57
	<b>Total</b>	<b>18443</b>	<b>100</b>

As we see in the table, Afghan children are involved in a range of different works, but most of them have been seen to be involved in working on the streets, carpet-weaving, work in farms, selling, blacksmithing, labouring and begging. Looking at these activities against the ILO conventions, they could be categorised in three groups:

1. Light works,
2. Heavy works, and
3. Hazardous works.

Asserting which of the activities children are involved in may be categorised as heavy or hazardous works would rather depend on how the given work is performed by the children, in what circumstances and for how long. For example, retail selling may not seem so dangerous physically, but in case we have a 6-year-old child or younger, or an older child working from 7 am to 8 pm, or a child in a very unfavourable work environment (too cold, too hot, etc.), this could be grouped as a dangerous work. Based on findings of this report, most works done by children can be categorised as heavy or hazardous. We'll be looking in some major and common types of work done by children:

### **1. Children in Farms**

685 children, making up 3.7%, of 18443 child labourers who were interviewed, are working in farms. Farming involves a range of activities including harvesting which needs great physical effort, because children have to bend down repeatedly and rise again and carry heavy loads. Moreover they have to take part in irrigation, canal cleansing and other activities. Children in farms also are subject to herbs such as opium, a threatening issue for their health in itself. These children are also suffering from backaches and skin diseases due to persistent contact with soil, shovels and other tools.

Given that Afghanistan is mostly an agricultural country, farming is an indispensable source of income for families; but tough farming activities could result in intense physical and medical damages to children.

### **2. Retailer Children on Streets**

Based on our survey findings, a predominant number of children interviewed are involved in selling in markets, bus stations, or beside restaurants. Though this type of work may not seem very heavy, but children involved are subject to many dangers. They have to be out on the streets from early in the morning to late at night, even midnights without anything that could ensure their safety from sexual abuse, drug addiction and crimes. Furthermore coldness and hotness of weather in different periods of year may cause health problems for them. In addition, these children fail to go to schools due to long working hours

or their grades in schools are so low. These children would resort to begging, for they can't earn enough money from selling.

More than 1509 retailer children, making up 8.19% of all, have been interviewed.

### **3. Carpet-weaving children**

This report reveals that a considerable number of children aging so young are made to work in carpet-weaving workshops. It is widely known that hand-woven carpets are a major component of Afghan exports, have high market prices and require constant work to weave them. A carpet-weaver said, **"Children weave carpets with more delicacy and speed, because their fingers are more flexible."**

The total number of carpet-weaving children interviewed in this survey, amounts to 1414 which is not comparable to original proportion of child labour force in this industry. The same carpet-weaver said, **"There should be a low level of light in order to maintain the quality of carpets. Children can work better than adults in dim places."**

That is why children, who start work when they are 6 or 7 years old in carpet workshops, would soon suffer sight weakness and also get afflicted with respiratory diseases due to breathing dusts of wools.

All children in carpet industry work for long hours and that is why they fail to attend school. As we said earlier, child work could be studied based on work hours, type of work and age of employment, and allowed and prohibited types of work should be delineated. Children in carpet industry start working from 6 years old, work up to 12 hours per day and that is how their work prove so hazardous to their health; Thus it is suggested that carpet-weaving be categorised as a prohibited category of work for children.

### **4. Children working in car repair shops**

These children suffer pressures more than they can accommodate in repair shops. They face many medical perils that could even cause their perpetual physical disability. They start work very early in the morning and stay in workplaces as long as cars are out on the streets. Furthermore they often experience employer's (shopkeeper's) violence against them and are persistently insulted. This group of children also does not enjoy their childhood and most often fail to go to school.

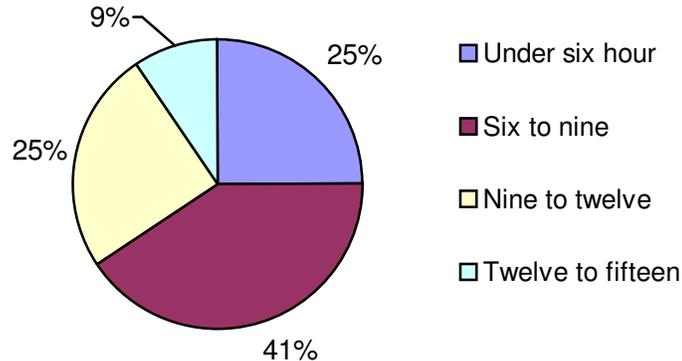
### **5. Blacksmith and metal-work children**

This group also faces many dangers to their health, most of them complaining about backaches, optical pains and etc.

## 6. Beggar children

These could be grouped into two; one group are those who are doing it as a profession and the other group is peddler children who are also begging in order to earn enough. These children are widely seen in roads and streets, asking for money from people up to midnight. The important point here is that they are partly abused by some adults who are forcing them to begging and keeping a major portion of earning for themselves. Abuse of children in begging, even when they are still babies, either by parents, members of the family or a third party who hires the child in return for money, is the worst type of abuse.

### B. Work hours



Many children, like adults, have to work long hours. ILO Worst Forms of Child Labour Convention has defined persistent and long hours of work as a sign of worst forms of labour. Given that no explicit standard exists for work hours for children and Afghanistan is not committed to ILO conventions, it is so difficult to determine and enforce allowed and prohibited work hours.

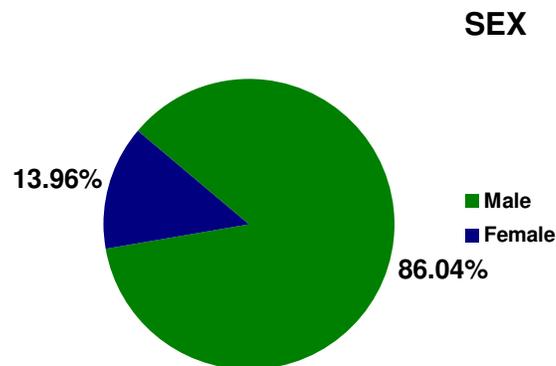
Our survey findings have determined working hours of children from 6 to 15 hours. Most children work between 6 to 9 hours and a considerable number of them even more i.e. between 9-12 or 12-15. That accounts for 5631 interviewees or 31% of all children interviewed. Afghanistan Law on Labour, not been revised since Taliban regime, has determined 14 hours of work per week, almost 5-6 hours per day for people under 14;<sup>2</sup> whilst it has legalised work for children older than 13 only if it is for educational purposes and it has determined working of

<sup>2</sup> Afghan labour law implies this work hour limit for civil servants and formal organisation, while child workers are involved in individual works and in private workshops to which there is no indication in this Law.

those under 13 as illegal. Moreover the spirit of the Law on Labour is rather associated with formal employment and includes no indication to employment of children in private sector or individual child work.

In other countries, they have developed standards to overcome this problem. In some countries, for example, maximum work hour for children aging **11-18** has been determined as **12** hours, maximum work hour for children aging **9-11**, **8** hours and child work for those under **8** is entirely prohibited. We should keep in mind that regulating child work hours should consider also school, entertainment and rest hours of children.

### C. Gender and Employment



As we said earlier in the report, comparison between male and female child workers could not have been conducted satisfactorily. But a considerable number of female children have been interviewed amounting to 2,561. Total number of male children interviewed is 15,787.

It is important to know that girls normally fail to attend schools and they are exploited as free labour force in their families. General opinion in societies like Afghanistan is that the best place and best workplace for girls is home.

The most recent ILO convention has specifically focused on intense female work in families and has demanded States Parties to further analyse this problem.

As we can see, household work has had more impact on girls' access to education than boys. Survey findings have revealed that percentage of female child workers going to school is much less than percentage of male child workers, which in itself make them more vulnerable.

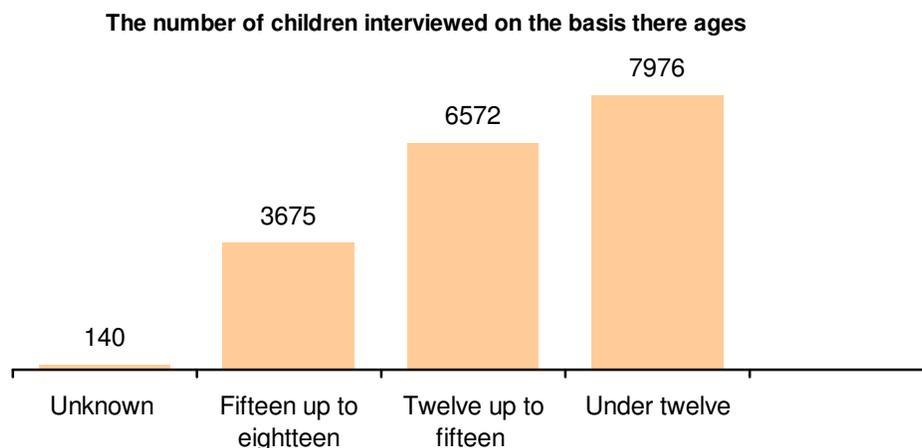
#### D. Age and Work

Survey results indicate that child workers in Afghanistan aged 6-18, but sometimes children aging 4 or 5 have been seen used to earn a living.

**“I am a 13-year-old boy and I have been working cross borders carrying passengers’ luggage across Turkham border and being beaten by Pakistani guards ever since I was 5 years old. But because I have no father I have to work and I sleep in restaurants at nights and I need to pay in order to sleep there and also work part-time for them and that has been turned into a widespread practice. Now it is Feast Days; I have come to visit my family here in Waziry area of Nangarhar Province and give my income to my mother.”**

And here we received another bitter experience of one child:

**“It was Taliban time when my father was martyred by his cousin**

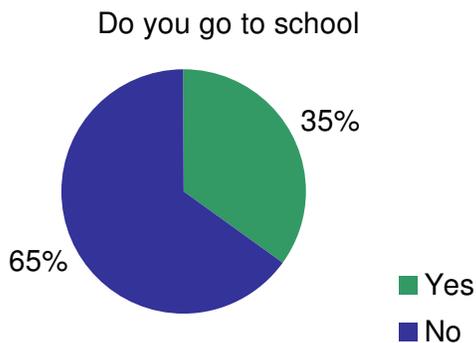


**because of familial enmities. I went together with a relative to work in Turkham border and I was kind of unskillful at first and I remember being beaten on my neck and shoulders, feeling dizzy. When I restored my consciousness they were saying that I have pick pocketed someone, I should be severely punished and the money be taken from me. A Talib was standing over me and was saying that my hand should be cut off. I was crying and telling them I haven’t done any robbery, and they didn’t believe me, and at last a shopkeeper, who was a friend of my father, guaranteed me and I was released.”**

As we can note in memories of this boy, children are made to work from their early childhood and are under intense psychological and physical pressures. How could carrying burdens be possible for a 7-year-old child and how can this be interpreted pursuant to human standards.

According to ILO convention with regard to age of employment for children:  
*Economic activities of children, which don't impact their growth and health and don't prevent their enjoyment of education, could be conducted once they have completed their 12 years of age. But any form of economic activity of children under 12, dangerous activities of children between 12-14 and involvement in worst types of work for children under 18, based on mentioned standards, are prohibited.*

The diagram presented above shows that unlike what internationally-accepted standards suggest and what we have already indicated, most children interviewed were under 12 years old, working of whom is prohibited under international standards.



#### **F. Child workers access to education**

All children, according to the CRC, have a right to be protected against any and all activities preventing them from education. Child workers are a formidable group among children at large who are denied the opportunity for education. As our survey findings suggest, though 35 percent of children go to school, but

their education is of a low quality. They can not persistently take part in school classes and due to weariness, they can not follow well their courses and they do not find enough time to do their homework.

The survey has not covered the study quality of children in school; but it could be understood that given an average of about 10-12 hours of work per day, this group of children are not thought to be taking part actively in classes and have a quality study. Weariness of long working hours result in their failure to benefit adequately from classes, and that is why they are either frequently absent from school or so exhausted to absorb subjects. As a result, the quality of their study lowers. Child workers make up the major portion of students who fail to enter upper grades. Regarding study quality of child workers, some teachers in Kabul high schools said:

**“These students were working from 6 a.m. to 6 p.m. in winter season. Work timing of the students working in carpet-weaving, carpentry workshops etc. has changed when schools started. A great number of them fail to attend schools, and furthermore they can’t do their homework on time and properly, as a result of which are subject to violence on the part of teachers and would somewhat get disillusioned with school. But a number of them do study and work at the same time and they’re among best students in school. Worker students are afraid that their employers might be really angry with them going to school half a day and they’re paid very lower and moreover they’ve been said that other people would substitute for them.”**

Teachers also added:

**“Children under 15 are more frequently absent from school because of work pressure. Most of these fail in their exams.”**

This condition, in turn, imposes more work, lack of self-confidence and a dark future on them.

Although the Afghan Constitution ensures free and compulsory primary education for children, in practice it has no effect on child labourers who are not able to complete their primary education.

Similarly, in spite of positive points of free education, children are not able to afford subsidiary expenses such as school uniform, stationery, bus fare and etc.

**“Ahmad Farid who lives in Char Qala and works in Deh Afghanistan has to use the city buses. He takes city buses to school and back to his workplace. He pays for the bus fare four times every day and the total amount reaches Afs 20 (USD 0.4) per day. In addition he has to pay for clothing, stationery and other school expenses; therefore, he needs more money. Farid says, “Sometimes there is not enough work, so I cannot earn even the transport fee. Therefore, I am not able to attend school regularly.”**

We see that most of the children are working to earn their school expenses. It is very concerning.

The average annual expenditure of a student is estimated USD 150-200 (7 to 10 thousand Afs), while the annual income of a state employee (most of the working children have no parents, or their parents are jobless) is not more than USD 600-700. It should be noted that an average family has 3 to 5 children at the school age and their education expenditure is beyond the financial capacity of parents, even if they are state employees. On the other hand in most of the families, father is the only bread earner. In cases of his death or incapability to earn expenditure, the children are automatically forced to work.

**“I am a 6-year-old boy and together with my 8-year-old brother; work in a fuel retail shop at Qala-e-Zaman Khan. My mother has no plan to send us to school, because since the death of our father we have all the responsibilities at home. We work from 6 am to 8 pm in the shop and suffer from harsh smell of petroleum. When we get home at night we still feel the same smell. During our sleep we suffer from nightmares of beating, insults and ill-treatments.”**

Or another case:

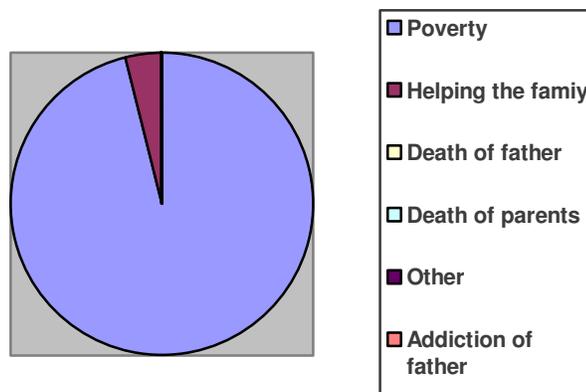
**“I am a 10-year-old boy and working as a farmer together with my father. Since my father suffers from rheumatism and can not work for hours, I have to help him to make our living. Before, I used to work as a brick layer and it was a very tiresome job. I was not able to attend school. In the future I will work as a farmer to support my family. I suffer from heart problem and the doctors told me that it is due to lifting and carrying heavy loads.”**

Another case reads:

**“I am a 14-year-boy and working in a home-based soap making industry since I was 9 years old. I am the oldest child in our family and bear all responsibilities at home. I have no complaints about my personal life, but I am sad that I can not attend school and I am deprived of education.”**

## 5. Why do children work?

The outcome of research shows that children are working for various reasons; the main reasons are the following:



In general, the children are working because they are deprived of protection and family care. The research indicates that almost 96% of children are working due to poverty and bad economic condition. The main causes of child labour are summarised as following:

1- Economic problem is one of the main reasons that force the children to work. According to a study report on economic and social rights, conducted by the Afghan Independent Human Rights Commission in 2006, 29% of the families have no regular and stable income and only 13.4% of the interviewees had regular self-employed incomes. 2.1% of the interviewees are dependent on charity and begging.

According to the evaluations made in other countries, the number of working children reaches 30% to 60% in those countries with an annual income of less than USD 500 per family, while this figure drops to 10 to 30% in those countries with an annual income of USD 500 to 1000 per capita.

Taking into view the above mentioned illustration, the following reasons can be named as the main factors of child labour:

a- In most cases the child parents are jobless and are not able to earn. Many of the interviewed children mentioned their father's joblessness as the reason for their working. Children can easily enter the labour market, because they can be employed with a low payment and can easily be abused.

b- In many families children are the bread earners, since they have lost their fathers due to various reasons and the mothers with more than 5 children are not allowed to work outside home. Therefore, children are forced to enter the labour market.

c- The income of some families is not enough to meet their daily expenses and also if the father becomes sick or dies, the children are forced to work.

d- In addition, according to the outcome of the report on economic, social and cultural rights, the income of most of the families are based on daily earnings and if they do not work for one day they may not have food for that night. This also has a tremendous effect on child labour.

e- At least 14 interviewed children expressed the addiction of their fathers to narcotics as the reason for their working.

2- Some of the families believe that working is not harmful for children and it helps them in their future life. For this reason they send their children to work.

3- The children may work for the reason of poverty, but it is also possible that they are forced to work. The employers prefer to employ children, because they are cheap and they can easily be managed.

Although the reasons for child labour are numerous, all refer to the main problems of poverty, and lack of access to education. If social security is promoted and the equal access to education increased, the scope of child labour will automatically decrease.

Education as the key factor for prevention of poverty and promotion of employment for women can be effective for prevention of child labour.

### **The Effects of Child Labour**

Those children who are busy at work for long hours will miss the opportunity of access to education that empowers them with knowledge, skills, self-confidence and prepares them to participate effectively in the social and economic life. Further more, these children are forced to such work and activities that inflict irreparable physical and mental damages on children.

We all agree that children should not engage to harmful work such as in poppy cultivation and production of narcotics, garbage collection and so on, at any ages. In addition there are some types of activities that a 16-year-old child can do it easily while they are very harmful for a 10- or 8-year-old child.

The research shows that children under the age of 10 are engaged to heavy work such as metal works, car repairing and so on for 8-10 hours.

### **Short-term effects of child labour**

It is clear that child labour inflicts negative short-term impacts and damages on children. Although it is very difficult to attain precise figures in this regard, but we witness direct effects of child labour in the following areas:

#### **1. Increase in child confrontation with laws:**

As it was mentioned earlier, if children work under unsafe conditions and not in compliance with the accepted norms and standards, they could be led to the verge of delinquency and confrontation with the laws, as the following case reads:

**“I am a 17-year-old girl and I was forced to carpet weaving at the age of 6. After my father died, I was the only bread earner of the family. Since the money I earned was not sufficient for the**

**family, my mother had to wash clothes for other families to gain some more money, though she had a small baby at home.**

**At the workplace, I was raped many times by the master and I was transported to Pakistan without knowing and there, I was raped by different persons. After one year of hardships I was transferred back to Afghanistan, but on the way I was arrested and they sent me to Kabul Female Prison. Now I don't know about my destiny and my future is very dark."**

## **2. Elevation of drug addiction:**

In addition, child labour under unsafe condition can cause addiction of children to narcotics. Many of the children in the border areas and inside the cities who are engaged with cultivation, production and trafficking of narcotics are gradually addicted to narcotics and other drugs.

## **3. Expansion of the ground for child abuse:**

Child labour can expose children to economic and sexual abuses. In both cases, since children are in a vulnerable situation, they can not defend themselves and further more they are lacking necessary awareness, therefore they can easily be abused. Children working on the streets and children employed for begging are at high risk of being abused.

As it was mentioned above, the working condition of children at carpet-weaving, small industries and other small factories are shocking. They collectively work in small dump rooms where the ground for abuse and crimes is paved. During the holiday nights, they watch immoral films, gamble and smoke cigarette and narcotics.

## **5. Causing physical and mental problems:**

**"I am a girl who has been working at carpet-weaving industry since the age of 7 and now I am 17 years old. Since that time I used to work from dawn to dusk in order to support my family. I was working very hard to gain more money. During the nights I used to weave carpet at home. At the age of 16 I was totally exhausted. Now I am very nervous, when somebody speaks to me I unwillingly fall into tears. Recently I have been accused of child kidnapping and now I am staying at the correction centre."**

The above case indicates the mental impacts of hard labour on children.

## **The long-term impacts of child labour**

The long term impact of child labour is not strongly felt at present. Every where we witness child labour, but we do not take it serious. Child

workers are very cheap and they are ready to work under any conditions. In the long-run, they can be very dangerous for our country and for the world at large.

According to the estimation made by some specialists, "up till the year 2020, an additional 730 million child labourers will join the world of labourers and make the existing level of illiteracy higher. Due to hard labour, most of the child labourers die before reaching the age of 18 years." In this case, Afghanistan as one of the countries with an eye-catching number of child labourers will not be safe from that problem. This social and economic condition will have negative impacts on the Afghan society in the long-run. Most of the posts requiring high education and competence would be occupied by unprofessional and incompetent persons. Although the impact of child labour is not felt at present, it creates lots of hurdles for the social and economic development in the long-term. For this reason we should take firm steps for the eradication of child labour.

### **Social Response to Child Labour**

During this research, efforts have been made to find out general mentality about child labour. Based on the public views about child labour, effective programmes can be designed to find out the roots and causes of child labour and to seek effective solutions. Of course, the interviewees have been selected randomly from the community. Special norms and standards have not been used in this process.

In this programme more than 500 persons participated and tried to present different aspects of child labour such as hardness, working hours and working environment and to seek their views. We indicated three different situations in three cases.

Fortunately most of the interviewees, almost 453 of them, considered child labour as a serious social and human rights issue in Afghanistan. Further more, 413 of the interviewees consider child labourers as children at risk.

"I am against working of children under any circumstances, because children are tender creatures and they are vulnerable from physical and mental points of view. Child labour inflicts physical and mental damages on children. It has negative impacts on their future and prevents them from gaining education. The State is responsible to provide assistance for the families to enjoy a suitable living condition."

*A school teacher*

It shows that public mentality does not approve child labour and further more they are worried about this issue. Public mentality in this

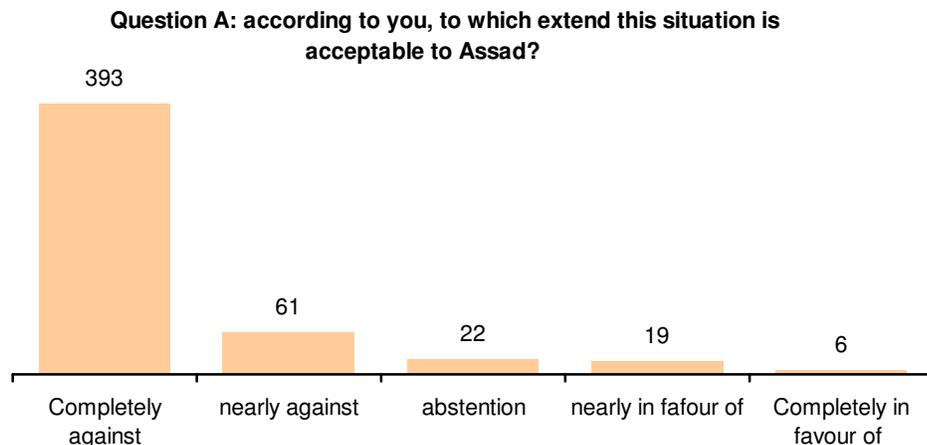
connection can support the State measures for prevention of child labour.

Similarly, as a result of special interviews held with the children, some view points expressed by children that were put on plebiscite and the following points were revealed:

1- Based on the interviews conducted with children about their working conditions, it was revealed that those child workers whose ages are beyond 12 years and generally work in factories, shops and other places; they have access to education in some ways and learn some skills besides their education. Taking the prevailing conditions in our country into consideration, most of our compatriots considered such child work as acceptable.

Out of 501 interviewees, around 138 of them considered child work under such condition as absolutely acceptable, while 104 persons utterly disagreed with this and 55 people expressed their partial disagreement. As a result we can claim the child work over 12 years under safe condition, with guarantee of their right to education and play time is acceptable according to the interviews.

2- A number of other child labourers in Afghanistan who are at the same age category, are forced to work for paying their father's debts. This category of children is usually engaged in unbearable carpet-weaving industry.



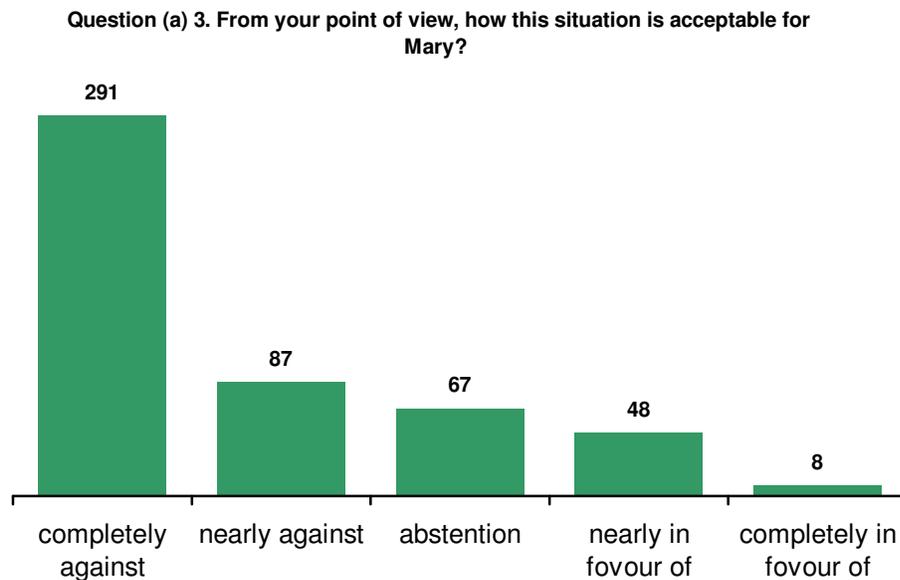
This group of child labourers as mentioned in the context of this report is working for long hours, having no time to rest and due to polluted weather get afflicted with different kinds of respiratory diseases.

About 393 of the interviewees i.e. 78.2% were completely against child labour under such situation, and 61 of them were nearly against. This

indicates that child labour under unsafe condition and in the form of exploitation is not acceptable for the people, even if the children are of higher age.

3- The numerous children (boys and girls) interviewed, were even under the age of 10, who were busy working to earn food for their family, hawking or doing spandi (smoking mustard) in the streets for lengthy hours of the day. However, this group of children is going to school but with very low quality attendance, and most of their parents are alive but due to low income rate can't afford supporting their family.

Question (a) 3. From your point of view, how this situation is acceptable for Mary?

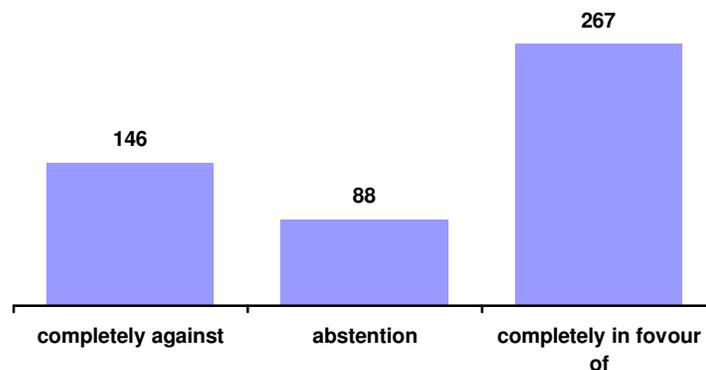


In this case again most of our interviewees are against the situation of work of this group of children. As 291 interviewees i.e. 50%, consider the mentioned situation as unsafe and hazardous for children.

Moreover, a series of general questions were also asked from the interviewees about the child labour status in the country as follows:

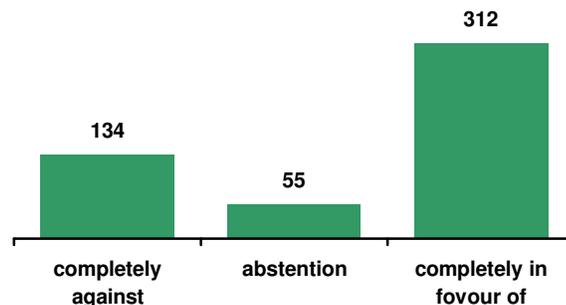
### **Child labour and child's right to access education**

Regarding this, and with consideration to present situation of Afghanistan many people think, if child labour is not interfering with the normal course of his education, it can be, to some extent, acceptable. As out of 501 interviewees, 267 of them agreed with this idea.



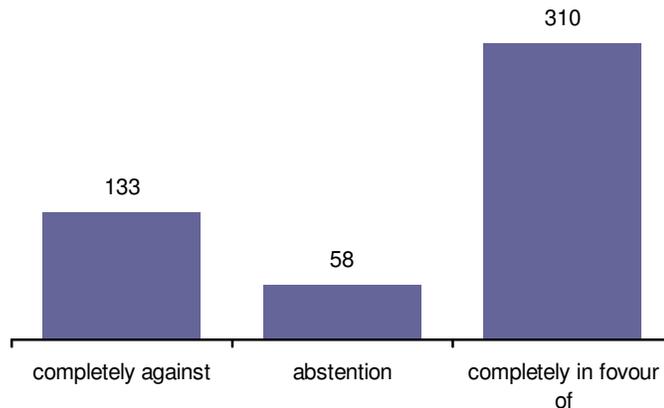
### **Inevitable Children labour**

Likewise, the child labour in an inevitable situation when a child is deprived of access to his basic needs and has to work for his survival in the future was also addressed, where the majority of our interviewees i.e. 312 of them, approved the idea.



### **Child labour in a favourable situation:**

Most of the interviewees have favourable idea about child labour, if the child is not deprived of his rights to rest and relief and the child is protected against any kind of abuse at work. Out of 501 interviewees, 310 expressed agreement with this idea.



Finally, the conclusion is drawn that the perception of our people in the first step is against child labour and consider it a danger for the children, but when it is inevitable, the child's survival is put under question and it becomes impossible to avoid child labour, the majority suggest for a favourable, sound, safe and secure labour for children. According to international instruments as it was mentioned before, child labour should not prevent children from their education and should not expose them to physical and psychological harms.

## **Recommendations**

As noticed there is a tremendously direct connection between child labour and education. Free, compulsory, and quality education till coming to minimum age of employment, is considered a key solution to decreasing of child labour. But in a country like Afghanistan, for the reason of extreme poverty, as researches have indicated, adopting measures for ensuring the right to education only is not adequate, rather, besides education programmes numerous other programmes, for ensuring of a balanced social and economical improvement should be designed and implemented to prevent child labour excess and bring a minimum improvement in their living conditions.

With regard to the above mentioned issues, following recommendations are presented:

### **1) In the area of education:**

Education can have direct impacts on child labour. As going to school can protect children from the constant danger of work and allows grounds for the sound growth of their skills. This in turn, can help decreasing of child labourers in the long-term. The role of school is also remarkable in providing necessary awareness for children about dangers they may face, for instance trafficking, abuse and etc. The acquired skills may help children to move above poverty line and thus further secure them against dangers and abuses. Moreover access to education will enable specially girls to play an effective role in organising of their future children, when they are getting a secure and better job. Girl's access to school will decrease the cases of child marriage and this in turn contributes to decreasing frequent deliveries. All these factors in turn may prevent child labour:

- a. The State should pay serious attention to enhance education quality to expand family's interest in education of their children,
- b. The State should compulsorily provide basic education for those child labourers who have not completed elementary education, through organising special programmes,
- c. The State should pay serious attention to the situation of child labourers and moreover provide opportunities for their enrolment,
- d. NGOs and donor agencies should provide support for the Ministry of Education for providing nutrition programmes in school,
- e. The Ministry of Education should design and implement effective strategies to ensure access by child labourers to elementary education.

### **2) In the area of improving family economic status:**

- a. The State should provide job opportunities for the families of child labourers, through the Ministry of Labour and Social Affairs and other relevant organs in co-operation with donor agencies.
- b. Child labour as explained in this report should be prohibited by the government and alternative opportunities should be introduced to their families.

### **3) In the area of legislation:**

- a. The State should provide, on the basis of standards established by ILO, protection to children through adopting regulations, amending the Law on Labour and embodying clear and specific provisions regarding employment age and definition of child labour (light work, heavy work, and hazardous work).
- b. The State should take urgent and strict measures to approve ILO Conventions relating to child labour.
- c. Employment of child labourers to narcotic production works and other prohibited affairs should be considered as a crime.

- d. Employment of children under 18 to hazardous works should be abolished.
- e. Economic exploitation and laborious works should be prevented.
- f. Work hours should be determined for child worker.
- g. The private sector that employs children and adolescents, should arrange the working hour in a way not to interfere with their schooling and private educational courses.
- h. Employment of children to jobs, detrimental to their health and morals should be avoided. And offenders should be subjected to legal punishment.
- i. Employers should arrange working hours according to the children's ability, when there is a need to their work,

**4) In the area of urgent protection of children:**

- a. The Ministry of Labour and Social Affairs should provide mobile teams to detect the status of child labourers.
- b. The State should practically provide clear collaboration with international organisations to improve the status of child labourers.
- c. Civil society groups and child advocacy entities should, in this regard, put pressure on the government, employers, and families to prevent child labour,
- d. The State should frequently monitor the factories and other centres employing children, and put the offenders on trial.
- e. The State and civil society organisations using their educational and media possibilities, should make people aware of the consequences of child labour, and also encourage the employers to provide children with opportunities to light and educational works.

## **Annexes**

### **Annex I**

#### **27. Minimum Age Convention, 1973 (No. 138)**

***Adopted on 26 June 1973 by the General Conference of the International Labour Organization at its fifty-eighth session***

ENTRY INTO FORCE: 19 JUNE 1976, IN ACCORDANCE WITH ARTICLE 12

*The General Conference of the International Labour Organization,*

*Having been convened* at Geneva by the Governing Body of the International Labour Office, and having met in its fifty-eighth session on 6 June 1973, and

*Having decided* upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

*Noting* the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

*Considering* that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

*Having determined* that these proposals shall take the form of an international Convention,

*Adopts* this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

#### **Article 1**

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

## **Article 2**

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.

2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.

3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.

4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.

5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the constitution of the International Labour Organisation a statement:

(a) That its reason for doing so subsists; or

(b) That it renounces its right to avail itself of the provisions in question as from a stated date.

## **Article 3**

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is

likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.

2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorize employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

#### **Article 4**

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.

2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.

3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

#### **Article 5**

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially limit the scope of application of this Convention.

2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.

3 The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

4. Any Member which has limited the scope of application of this Convention in pursuance of this Article:

(a) Shall indicate in its reports under article 22 of the Constitution of the International Labour Organization the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;

(b) May at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

### **Article 6**

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of:

(a) A course of education or training for which a school or training institution is primarily responsible;

(b) A programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or

(c) A programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

### **Article 7**

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is:

(a) Not likely to be harmful to their health or development; and

(b) Not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.

2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in sub-paragraphs (a) and (b) of paragraph 1 of this Article.

3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.

4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

### **Article 8**

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may, by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

### **Article 9**

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.

3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

### **Article 10**

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.

2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.

3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.

4. When the obligations of this Convention are accepted:

(a) By a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

(b) In respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

(c) In respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

(d) In respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall *ipso jure* involve the immediate denunciation of that Convention,

(e) In respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall *ipso jure* involve the immediate denunciation of that Convention,

(f) By a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of that Convention is specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall *ipso jure* involve the immediate denunciation of that Convention,

if and when this Convention shall have come into force.

#### 5. Acceptance of the obligations of this Convention:

(a) Shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,

(b) In respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,

(c) In respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof,

if and when this Convention shall have come into force.

### **Article 11**

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### **Article 12**

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

### **Article 13**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation should not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

### **Article 14**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

### **Article 15**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for

registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

#### **Article 16**

At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

#### **Article 17**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) The ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;

(b) As from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

#### **Article 18**

The English and French versions of the text of this Convention are equally authoritative.

## **Annex II**

### **R146 Minimum Age Recommendation, 1973**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Recognising that the effective abolition of child labour and the progressive raising of the minimum age for admission to employment constitute only one aspect of the protection and advancement of children and young persons, and

Noting the concern of the whole United Nations system with such protection and advancement, and

Having adopted the Minimum Age Convention, 1973, and Desirous to define further certain elements of policy which are the concern of the International Labour Organisation, and Having decided upon the adoption of certain proposals regarding minimum age for admission to employment, which is the fourth item on the agenda of the session, and Having determined that these proposals shall take the form of a Recommendation supplementing the Minimum Age Convention, 1973, Adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three, the following Recommendation, which may be cited as the Minimum Age Recommendation, 1973:

### **I. National Policy**

**1.** To ensure the success of the national policy provided for in Article 1 of the Minimum Age Convention, 1973, high priority should be given to planning for and meeting the needs of children and youth in national development policies and programmes and to the progressive extension of the inter-related measures necessary to provide the best possible conditions of physical and mental growth for children and young persons.

**2.** In this connection special attention should be given to such areas of planning and policy as the following:

(a) firm national commitment to full employment, in accordance with the Employment Policy Convention and Recommendation, 1964, and the taking of measures designed to promote employment-oriented development in rural and urban areas;

(b) the progressive extension of other economic and social measures to alleviate poverty wherever it exists and to ensure family living standards and income which are such as to make it unnecessary to have recourse to the economic activity of children;

(c) the development and progressive extension, without any discrimination, of social security and family welfare measures aimed at ensuring child maintenance, including children's allowances;

(d) the development and progressive extension of adequate facilities for education and vocational orientation and training appropriate in form and content to the needs of the children and young persons concerned;

(e) the development and progressive extension of appropriate facilities for the protection and welfare of children and young persons, including employed young persons, and for the promotion of their development.

**3.** Particular account should as necessary be taken of the needs of children and young persons who do not have families or do not live with their own families and of migrant children and young persons who live and travel with their families. Measures taken to that end should include the provision of fellowships and vocational training.

4. Full-time attendance at school or participation in approved vocational orientation or training programmes should be required and effectively ensured up to an age at least equal to that specified for admission to employment in accordance with Article 2 of the Minimum Age Convention, 1973.

**5.** (1) Consideration should be given to measures such as preparatory training, not involving hazards, for types of employment or work in respect of which the minimum age prescribed in accordance with Article 3 of the Minimum Age Convention, 1973, is higher than the age of completion of compulsory full-time schooling.

(2) Analogous measures should be envisaged where the professional exigencies of a particular occupation include a minimum age for admission which is higher than the age of completion of compulsory full-time schooling.

## **II. Minimum Age**

**6.** The minimum age should be fixed at the same level for all sectors of economic activity.

**7.** (1) Members should take as their objective the progressive raising to 16 years of the minimum age for admission to employment or work specified in pursuance of Article 2 of the Minimum Age Convention, 1973.

(2) Where the minimum age for employment or work covered by Article 2 of the Minimum Age Convention, 1973, is still below 15 years, urgent steps should be taken to raise it to that level.

**8.** Where it is not immediately feasible to fix a minimum age for all employment in agriculture and in related activities in rural areas, a minimum age should be fixed at least for employment on plantations

and in the other agricultural undertakings referred to in Article 5, paragraph 3, of the Minimum Age Convention, 1973.

### **III. Hazardous Employment or Work**

**9.** Where the minimum age for admission to types of employment or work which are likely to jeopardise the health, safety or morals of young persons is still below 18 years, immediate steps should be taken to raise it to that level.

**10.** (1) In determining the types of employment or work to which Article 3 of the Minimum Age Convention, 1973, applies, full account should be taken of relevant international labour standards, such as those concerning dangerous substances, agents or processes (including ionizing radiations), the lifting of heavy weights and underground work.

(2) The list of the types of employment or work in question should be re-examined periodically and revised as necessary, particularly in the light of advancing scientific and technological knowledge.

**11.** Where, by reference to Article 5 of the Minimum Age Convention, 1973, a minimum age is not immediately fixed for certain branches of economic activity or types of undertakings, appropriate minimum age provisions should be made applicable therein to types of employment or work presenting hazards for young persons.

### **IV. Conditions of Employment**

**12.** (1) Measures should be taken to ensure that the conditions in which children and young persons under the age of 18 years are employed or work reach and are maintained at a satisfactory standard. These conditions should be supervised closely.

(2) Measures should likewise be taken to safeguard and supervise the conditions in which children and young persons undergo vocational orientation and training within undertakings, training institutions and schools for vocational or technical education and to formulate standards for their protection and development.

**13.** (1 ) In connection with the application of the preceding Paragraph, as well as in giving effect to Article 7, paragraph 3, of the Minimum Age Convention, 1973, special attention should be given to—

- a. the provision of fair remuneration and its protection, bearing in mind the principle of equal pay for equal work;
- b. the strict limitation of the hours spent at work in a day and in a week, and the prohibition of overtime, so as to allow enough time for education and training (including the time needed for homework related thereto), for rest during the day and for leisure activities;
- c. the granting, without possibility of exception save in genuine emergency, of a minimum consecutive period of 12 hours' night rest, and of customary weekly rest days;
- d. the granting of an annual holiday with pay of at least four weeks and, in any case, not shorter than that granted to adults;
- e. coverage by social security schemes, including employment injury, medical care and sickness benefit schemes, whatever the conditions of employment or work may be;
- f. the maintenance of satisfactory standards of safety and health and appropriate instruction and supervision.

(2) Subparagraph (1) of this Paragraph applies to young seafarers in so far as they are not covered in respect of the matters dealt with therein by international labour Conventions or Recommendations specifically concerned with maritime employment.

## **V. Enforcement**

**14.** (1) Measures to ensure the effective application of the Minimum Age Convention, 1973, and of this Recommendation should include—

(a) the strengthening as necessary of labour inspection and related services, for instance by the special training of inspectors to detect abuses in the employment or work of children and young persons and to correct such abuses; and

(b) the strengthening of services for the improvement and inspection of training in undertakings.

(2) Emphasis should be placed on the role which can be played by inspectors in supplying information and advice on effective means of complying with relevant provisions as well as in securing their enforcement.

(3) Labour inspection and inspection of training in undertakings should be closely co-ordinated to provide the greatest economic efficiency and, generally, the labour administration services should work in close co-operation with the services responsible for the education, training, welfare and guidance of children and young persons.

**15.** Special attention should be paid--

(a) to the enforcement of provisions concerning employment in hazardous types of employment or work; and

(b) in so far as education or training is compulsory, to the prevention of the employment or work of children and young persons during the hours when instruction is available.

16. The following measures should be taken to facilitate the verification of ages:

(a) the public authorities should maintain an effective system of birth registration, which should include the issue of birth certificates;

(b) employers should be required to keep and to make available to the competent authority registers or other documents indicating the names and ages or dates of birth, duly certified wherever possible, not only of children and young persons employed by them but also of those receiving vocational orientation or training in their undertakings;

(c) children and young persons working in the streets, in outside stalls, in public places, in itinerant occupations or in other circumstances which make the checking of employers' records impracticable should be issued licenses or other documents indicating their eligibility for such work.

### **Annex III**

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

***Adopted on 17 June 1999 by the General Conference of the International Labour Organization at its eighty-seventh session***

ENTRY INTO FORCE: 19 NOVEMBER 2000, IN ACCORDANCE WITH ARTICLE 10

*The General Conference of the International Labour Organization,*

*Having been convened* at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

*Considering* the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

*Considering* that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

*Recalling* the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

*Recognizing* that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

*Recalling* the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

*Recalling* the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

*Recalling* that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

*Having decided* upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

*Having determined* that these proposals shall take the form of an international Convention,

*Adopts* this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

### **Article 1**

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

### **Article 2**

For the purposes of this Convention, the term "child" shall apply to all persons under the age of 18.

### **Article 3**

For the purposes of this Convention, the term "*the worst forms of child labour*" comprises:

(a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

### **Article 4**

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

### **Article 5**

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

### **Article 6**

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

### **Article 7**

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

(a) Prevent the engagement of children in the worst forms of child labour;

(b) 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;

(c) Ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;

(d) Identify and reach out to children at special risk; and

(e) Take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

### **Article 8**

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

### **Article 9**

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

### **Article 10**

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

### **Article 11**

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years

mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

### **Article 12**

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

### **Article 13**

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

### **Article 14**

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

### **Article 15**

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) The ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) As from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

**Article 16**

The English and French versions of the text of this Convention are equally authoritative.

## **Annex IV**

### **R190 Worst Forms of Child Labour Recommendation, 1999**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-seventh Session on 1 June 1999, and

Having adopted the Worst Forms of Child Labour Convention, 1999, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Worst Forms of Child Labour Convention, 1999;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Recommendation, which may be cited as the Worst Forms of Child Labour Recommendation, 1999.

1. The provisions of this Recommendation supplement those of the Worst Forms of Child Labour Convention, 1999 (hereafter referred to as "the Convention"), and should be applied in conjunction with them.

#### **I. Programmes of action**

2. The programmes of action referred to in Article 6 of the Convention should be designed and implemented as a matter of urgency, in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of the children directly affected by the worst forms of child labour, their families and, as appropriate, other concerned groups committed to the aims of the Convention and this Recommendation. Such programmes should aim at, inter alia:

- a. identifying and denouncing the worst forms of child labour;
- b. preventing the engagement of children in or removing them from the worst forms of child labour, protecting them from reprisals and providing for their rehabilitation and social integration through measures which address their educational, physical and psychological needs;

- c. giving special attention to:
  - i. younger children;
  - ii. the girl child;
  - iii. the problem of hidden work situations, in which girls are at special risk;
  - iv. other groups of children with special vulnerabilities or needs;
- d. identifying, reaching out to and working with communities where children are at special risk;
- e. informing, sensitizing and mobilizing public opinion and concerned groups, including children and their families.

## **II. Hazardous work**

3. In determining the types of work referred to under Article 3(d) of the Convention, and in identifying where they exist, consideration should be given, inter alia, to:

- a. work which exposes children to physical, psychological or sexual abuse;
- b. work underground, under water, at dangerous heights or in confined spaces;
- c. work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- d. work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- e. work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

4. For the types of work referred to under Article 3(d) of the Convention and Paragraph 3 above, national laws or regulations or the competent authority could, after consultation with the workers' and employers' organizations concerned, authorize employment or work as from the age of 16 on condition that the health, safety and morals of the children concerned are fully protected, and that the children have received adequate specific instruction or vocational training in the relevant branch of activity.

## **III. Implementation**

5.

1. Detailed information and statistical data on the nature and extent of child labour should be compiled and kept up to date to serve as a basis for determining priorities for national action for the abolition of child

labour, in particular for the prohibition and elimination of its worst forms as a matter of urgency.

2. As far as possible, such information and statistical data should include data disaggregated by sex, age group, occupation, branch of economic activity, status in employment, school attendance and geographical location. The importance of an effective system of birth registration, including the issuing of birth certificates, should be taken into account.
3. Relevant data concerning violations of national provisions for the prohibition and elimination of the worst forms of child labour should be compiled and kept up to date.
6. The compilation and processing of the information and data referred to in Paragraph 5 above should be carried out with due regard for the right to privacy.
7. The information compiled under Paragraph 5 above should be communicated to the International Labour Office on a regular basis.
8. Members should establish or designate appropriate national mechanisms to monitor the implementation of national provisions for the prohibition and elimination of the worst forms of child labour, after consultation with employers' and workers' organizations.
9. Members should ensure that the competent authorities which have responsibilities for implementing national provisions for the prohibition and elimination of the worst forms of child labour cooperate with each other and coordinate their activities.
10. National laws or regulations or the competent authority should determine the persons to be held responsible in the event of non-compliance with national provisions for the prohibition and elimination of the worst forms of child labour.
11. Members should, in so far as it is compatible with national law, cooperate with international efforts aimed at the prohibition and elimination of the worst forms of child labour as a matter of urgency by:
  - a. gathering and exchanging information concerning criminal offences, including those involving international networks;
  - b. detecting and prosecuting those involved in the sale and trafficking of children, or in the use, procuring or offering of children for illicit activities, for prostitution, for the production of pornography or for pornographic performances;
  - c. registering perpetrators of such offences.
12. Members should provide that the following worst forms of child labour are criminal offences:
  - . all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

- a. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and
- b. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties, or for activities which involve the unlawful carrying or use of firearms or other weapons.

13. Members should ensure that penalties including, where appropriate, criminal penalties are applied for violations of the national provisions for the prohibition and elimination of any type of work referred to in Article 3(d) of the Convention.

14. Members should also provide as a matter of urgency for other criminal, civil or administrative remedies, where appropriate, to ensure the effective enforcement of national provisions for the prohibition and elimination of the worst forms of child labour, such as special supervision of enterprises which have used the worst forms of child labour, and, in cases of persistent violation, consideration of temporary or permanent revoking of permits to operate.

15. Other measures aimed at the prohibition and elimination of the worst forms of child labour might include the following:

- . informing, sensitizing and mobilizing the general public, including national and local political leaders, parliamentarians and the judiciary;
- a. involving and training employers' and workers' organizations and civic organizations;
- b. providing appropriate training for the government officials concerned, especially inspectors and law enforcement officials, and for other relevant professionals;
- c. providing for the prosecution in their own country of the Member's nationals who commit offences under its national provisions for the prohibition and immediate elimination of the worst forms of child labour even when these offences are committed in another country;
- d. simplifying legal and administrative procedures and ensuring that they are appropriate and prompt;
- e. encouraging the development of policies by undertakings to promote the aims of the Convention;
- f. monitoring and giving publicity to best practices on the elimination of child labour;
- g. giving publicity to legal or other provisions on child labour in the different languages or dialects;
- h. establishing special complaints procedures and making provisions to protect from discrimination and reprisals those who legitimately expose violations of the provisions of the Convention, as well as establishing helplines or points of contact and ombudspersons;

- i. adopting appropriate measures to improve the educational infrastructure and the training of teachers to meet the needs of boys and girls;
  - j. as far as possible, taking into account in national programmes of action:
    - i. the need for job creation and vocational training for the parents and adults in the families of children working in the conditions covered by the Convention; and
    - ii. the need for sensitizing parents to the problem of children working in such conditions.
16. Enhanced international cooperation and/or assistance among Members for the prohibition and effective elimination of the worst forms of child labour should complement national efforts and may, as appropriate, be developed and implemented in consultation with employers' and workers' organizations. Such international cooperation and/or assistance should include:
- . mobilizing resources for national or international programmes;
  - a. mutual legal assistance;
  - b. technical assistance including the exchange of information;
  - c. support for social and economic development, poverty eradication programmes and universal education.