

## Policy Brief October 2016

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Afghanistan Public Policy Research Organization (APPRO) is an independent social research organization with a mandate to promote social and policy learning to benefit development and reconstruction efforts in Afghanistan and other less developed countries through conducting applied research, monitoring and evaluation, and training and mentoring. APPRO is registered with the Ministry of Economy in Afghanistan as a non-profit, non-government organization. APPRO is headquartered in Kabul, Afghanistan, with offices in Mazar-e Shrif (north), Herat (west), Kandahar (south), Jalalabad (east), and Bamyan (center). APPRO is also the founding organization of APPRO-Europe, registered in Belgium.

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# Child Labor in Afghanistan

## Background

According to Afghanistan's Labor Law, the minimum age for employment is 18. Children between the ages of 15-17 can be legally employed only if the work is not harmful to them, requires less than 35 hours per week, and represents a form of vocational training. Under the law, children aged 14 and younger are not allowed to work.<sup>1</sup> In 2011 the government signed an Action Plan with the United Nations to prohibit the recruitment and use of children under the age of 18 by Afghan National Security Forces, including the Afghan National Police, Afghan Local Police and Afghan National Army.<sup>2</sup> The government also listed 29 occupations and working conditions prohibited for children. In 2014, Afghanistan moved to eliminate the worst forms of child labor. In addition, Afghanistan has ratified the Palermo Protocol on Trafficking in Persons to combat child trafficking.

However, as with many other rights-related areas of legislation, laws and conventions prohibiting child labor in the country are widely ignored because of the demand by exploitative employers for cheap labor and the dire need among poor families for regular income.

An estimated 25 percent of Afghan children continue to work full or part time.<sup>3</sup> In South Asia, including

1 See for example: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/afghanistan>

2 See for example: <https://childrenandarmedconflict.un.org/wp-content/uploads/2016/04/Afghanistan-Fact-Sheet-May-2016.pdf>

3 Los Angeles Times (April 19, 2014). In Afghanistan, Childhood is Often a Fulltime Job, available from:

Afghanistan, 12 per cent of children aged 5 to 14 are engaged in work that is potentially harmful to their health and social development.<sup>4</sup> Research by APPRO and others indicate that children in Afghanistan often work long hours in the carpet industry, metal industry, brick kilns, mines and agriculture.

Children also work on streets as vendors, shoe shiners, and beggars. The illegal recruitment of children by elements within government security forces continues while armed opposition groups openly and systematically recruit children for a variety of purposes ranging from cheap or free labor to foot soldiers, and being subjects of physical and sexual violence. The main drivers of child labor are as rising poverty, unemployment, economic opportunism of the employers, and an absence of the rule of law.

## Recent Evidence

According to findings from APPRO's ongoing Afghanistan Rights Monitor (ARM), child labor is on the rise in the country with numerous negative outcomes. Working children are forced to combine the burdens of keeping down a job with education, potentially causing many children to drop out of school from time to time and ultimately stop attending school all together. According to a recent report by Human Rights Watch, only half of

<http://www.latimes.com/world/la-fg-afghanistan-child-workers-20140420-dto-htmlstory.html>.

4 See for example: Monitoring the Situation of Children and Women. <http://data.unicef.org/child-protection/child-labour.html>

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Child labor not only causes damage to a child's physical and mental health and development, it also results in a generation of adults who have grown up in abusive conditions and have been deprived of basic needs, such as access to education and healthy conditions of nurture and development.

As with many other rights-related areas of legislation, laws and conventions prohibiting child labor in the country are widely ignored because of the demand by exploitative employers for cheap labor and the dire need among poor families for regular income.

Afghanistan's child laborers attend school.

There is little public awareness of laws pertaining to child labor and no discernible efforts to monitor employers' adherence to the law. Some forms of child labor, such as traditional apprenticeship arrangements in crafts such as carpentry, mechanics, and carpet weaving allow children to continue their education and social development while they learn a skill. These occupations for children might be justifiable in the Afghan context. Other trades that require physical labor as well as difficult and unsafe working environments such as brick making, mining, and heavy construction work afford little or no protection for children's rights. These sectors are exploitative and deprive children of safety, education, and social development. These occupations can result in illness, injury, or even death due to hazardous working conditions and poor enforcement of safety and health standards. In addition, working children can be subject to physical and sexual abuse in unregulated and unprotected environments.

Child recruitment into the armed conflict is estimated to have doubled in 2015 over the previous year. Its increase is especially notable in the provinces of Kabul, Herat, Nimroz, Kunduz and Khost. Lack of education of parents, poverty, and unemployment are forcing children into active war. This includes the recruitment of children by the police in some areas, particularly by the Afghan Local Police whose funding is part of the national security budget. These children are extremely vulnerable to physical and sexual abuse. Some armed opposition groups are said to use children to attack police and or as sexual baits for entrapping senior security officers.

While the risks of physical and sexual abuse and denial of education are strong negative consequences of child labor at the individual level, there are also significant impacts of child labor at the societal level. Child labor not only causes damage to a child's physical and mental health and development, it also results in a generation of adults who have grown up in abusive conditions and have been deprived of basic needs, such as access to education and healthy conditions of nurture and development. It is probable that some of these children will become the abusers of the next generation of children, many of whom will become sexual predators

and criminals of tomorrow.

## Recommendations

- **Gain Better Understanding of the Drivers of Child Labor:** No amount of legislation on its own is going to put a stop to the exploitation of children in the labor market. Concurrent with legislation, there is need for a better understanding of the dynamics of different workplaces that employ children. This will require dedicated assessment, research, and ongoing monitoring of the current conditions of working children, including distinguishing between traditional apprenticeship arrangements for working children and exploitative child labor.
- **Ensure Children's Rights in Apprenticeships:** Working closely with employers and parents, efforts should be made to ensure rights for children working as apprentices in recognized and legitimate trades. These rights should include access to formal and practical (on-the-job) training, protection in the workplace against heavy physical work and physical injury, availability of a monitoring system that could be used by children faced with physical and sexual harassment, and access to sufficient food and adequate sanitary provisions. These efforts should be aligned with trade-based vocational training and apprenticeship programs being supported by international donors.
- **Protect Children's Rights in Unregulated, Informal Workplaces:** In unregulated, often not fully legitimate occupations, protecting children's rights will be particularly difficult. The exploitation of children in unregulated trades can be tackled through the implementation of general laws governing workplaces. This would include surprise inspections by government officials from the Ministry of Labor, Social Affairs, Martyrs and the Disabled and the prosecution of employers who exploit children. This type of law enforcement, however, is likely to succeed only if it is backed up by the political will of the government and has the support of the parents and the community more broadly.
- **Incentives to Neutralize Poverty as a Root Cause of Child Labor:** Establish a

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“Only half of Afghanistan’s child laborers attend school.”

- Human Rights Watch, 2016

system of incentives to dissuade poor or unemployed parents from sending their children to work, especially to the exclusion of schooling. This could include stipends, work opportunities for parents and other adults in the family, and assistance with obtaining legal, paid work for the children on the condition that they attend school. Efforts should also be made to increase parents’ awareness of children’s rights and their own legal obligations toward their children. Awareness raising should include legal provisions about child labor, consequences of non-compliance, and information about the 29 types of labor that are prohibited for children by the Government of Afghanistan.

- **Monitor the Relationship Between Child Labor and School Dropouts:** Schools must assume a more dedicated role in ensuring that children do not drop out of school to be employed as child laborers. All cases of truancy should be investigated by the Ministry of Education and cases of dropouts should be reported to the Ministry of Labor, Social Affairs, Martyrs and the Disabled, with repercussions tied to the system of incentives for families.
- **Enforce Legal Age in Employment:** Many of the legal provisions governing child labor are age-based. Efforts to increase access to birth registration information must be strengthened throughout the country through digitization of registration, for example, as a means to verify the age of children being recruited into workplaces. Employers should be able to objectively prove the ages of the children working for them.

- **Protect Children From Being Drawn Into Armed Conflict:** To prevent the recruitment of children into armed conflict, especially by police forces, age verification guidelines must be implemented during recruitment. There must also be investigation and prosecution of cases of the recruitment and use of children in armed conflict. Donor agencies, especially military aid donors, must put pressure on the Government of Afghanistan to crack down on the recruitment of children into police units.
- In the case of children being used as foot soldiers and or for sexual abuse, every effort must be made to denounce this practice based on teachings from Islam through ongoing nationwide awareness campaigns.