THESIS

THE URGENCY OF THE PREVENTION OF CHILD LABOR IN AFGHANISTAN BASED ON INTERNATIONAL HUMAN RIGHTS LAW

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THESIS

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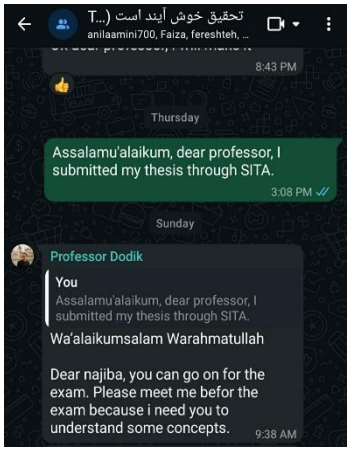
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THE URGENCY OF THE PREVENTION OF CHILD LABOR IN AFGHANISTAN

BASED ON INTERNATIONAL HUMAN RIGHTS LAW

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The Urgency of the Prevention of Child Labour in Afghanistan Based on International Human Rights Law

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I, the undersigned:

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hereby declare that the thesis entitled:

THE URGENCY OF THE PREVENTION OF CHILD LABOUR IN AFGHANISTAN BASED ON INTERNATIONAL HUMAN RIGHTS LAW

is my original academic work, prepared and written independently as part of the requirements for completing the Master of Laws (LL.M.) program at the Faculty of Law, Universitas Islam Indonesia.

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The Declarant,

Najiba Farahmand



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Assalamu'alaikum Wr. Wb.

Alhamdulillahirabbil'alamin, all praise and gratitude are due to Allah SWT for His mercy, blessings, guidance, and strength, which have enabled me to complete this thesis. Peace and blessings be upon Prophet Muhammad SAW, his family, companions, and followers.

This thesis, entitled The Urgency of the Prevention of Child Labour in Afghanistan Based on International Human Rights Law, was prepared as one of the requirements for completing the Master of Laws (LL.M.) in International Law and Human Rights at the Faculty of Law, Universitas Islam Indonesia.

The completion of this thesis would not have been possible without the guidance, support, prayers, and encouragement of many people. Therefore, with sincere gratitude and respect, I would like to express my appreciation to Prof. Dodik Setiawan Nur Heriyanto, S.H., M.H., LL.M., Ph.D., my thesis supervisor, for his valuable guidance, knowledge, time, constructive suggestions, and support throughout the process of conducting and completing this research.

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I fully realize that this thesis may still have limitations and shortcomings. Therefore, I sincerely welcome constructive criticism, suggestions, and recommendations for its improvement and for the further development of my understanding of the subject.

Finally, I hope that this thesis will be useful and contribute to the study of international law and human rights, particularly in strengthening the protection of children and the prevention of child labour in Afghanistan.

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Abstract

Child labor is a serious human rights challenge in Afghanistan that has far-reaching consequences for human development and the achievement of the Sustainable Development Goals. Despite international instruments such as the Convention on the Rights of the Child (CRC) and International Labour Organization (ILO) conventions, a gap remains between international obligations and practical realities in Afghanistan. This study aimed to examine the necessity and urgency of preventing child labor and to assess the national legal framework. The research method is normative (doctrinal) and based on the study of domestic and international legal documents. The findings show that child labor in Afghanistan has increased under the influence of factors such as poverty, war, political instability, migration, climate change, and educational restrictions, especially after 2021. From a legal perspective, the main challenges are the lack of a precise definition of child labor, the lack of a list of hazardous occupations, the limited coverage of the informal economy, and the ineffectiveness of the monitoring system. The conclusion shows that child labor is a serious violation of children's fundamental rights and an obstacle to sustainable development, and requires reform of the legal system, strengthening of executive institutions, expansion of education, and institutionalization of the principle of the best interests of the child.

Keywords: Child labor, child rights, Afghanistan, international law

CHAPTER I

INTRODUCTION

1.1.Background of Study

Childhood is one of the most fundamental stages of human life, playing a crucial role in shaping a person's identity, personality, and moral development. Spending childhood in a safe and healthy environment lays the foundation for raising responsible and successful individuals in the future. Inappropriate conditions such as poverty, war, insecurity, and unhealthy culture have negative effects on the psyche, social development, and future of children.[1]

Child labor is a phenomenon that deprives children of their fundamental and primary rights.[2] According to international standards, child labor refers to any activity that deprives children of appropriate educational opportunities, natural development, and human dignity.[3]

Child labor has long existed in Afghanistan. However, it became more widespread and increasingly hazardous following the Soviet invasion in 1979, as decades of armed conflict, insecurity, and political instability forced many children into labor, including in military labor camps. In the 1990s and the first Taliban government (1996-2001), children were forced to work in jobs such as carpet weaving and other hard labor on the streets.[4] After 2001, child labor not only did not decrease, but continued on the streets, in factories, and in mines. With the return of the Taliban government to power in 2021, the situation has increased dramatically. According to Save the Children, one-third of surveyed Afghan children work to support their families. Many of them are employed in dangerous, unhealthy, and underage jobs.[5] This situation highlights the need for effective legal measures to prevent child labor and protect them.

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[1] Erik H. Erikson, *Childhood and Society*, first edition (W. W. Norton & Company, 1950), pp,15-20 https://archive.org/details/dli.ernet.19961.Accessed June 25, 2026

[2] Alhassan Abdullah et al., "Conceptualization of Child Labour: Contemporary Understanding and Gaps," *Child Abuse Review* 34, no. 2 (2025): pp, 2-7 https://doi.org/10.1002/car.70025.Accessed December 11, 2025

[3] "Child Labour | International Labour Organization," January 28, 2024, https://www.ilo.org/topics-and-sectors/child-labour. Accessed April 3, 2026

[4] Jennifer Heath and Ashraf Zahedi, *Children of Afghanistan: The Path to Peace*, first edition (University of Texas Press, 2014), https://utpress.utexas.edu/9780292759336/.pp. 20-26 Accessed May 26, 2025

[5] "Afghanistan: Three in Four Children Surveyed Are Eating Less amid Soaring Hunger, as Country Marks Two Years of Taliban Rule," Save the Children UK, August 15, 2023,

According to the 2023 report of the US Department of Labor, about 22 percent of Afghan children between the ages of 5 and 14 are working. Of these, 24.5 percent are boys and 19.3 percent are girls. This statistic shows that despite the relative prohibition of child labor in Afghan domestic law and the country's membership in International Labor Organization conventions, the phenomenon of child labor remains widespread. Poverty, insecurity, and the forced use of children in hazardous activities, particularly by the Taliban for security and military purposes, are among the most important factors in this problem in Afghanistan.[6] In addition, the above report also shows that since the Taliban returned to power in August 2021, children have been pushed further into hazardous and exploitative work due to the lack of enforcement of laws and the lack of effective measures to combat child labor.[7]

To explain these statistics, the following stories further illustrate the reality of child labor in Afghanistan. For example, Ghulam Ali, a 14-year-old boy from Kabul, is the sole breadwinner for his family. His father is unable to work due to illness, and Ghulam Ali has been forced to drop out of school and earn about $2 a day selling vegetables from a wooden stall. He is one of more than a million child laborers in Afghanistan, many of whom work as waxers, car washers, beggars, or miners.[8]

Beside him is Rahmatullah, a 15-year-old boy who has been working in a brick factory with his father and brothers for five years. He and his family work from four in the morning until night. Rahmatullah says, When we turn five, we have to work. Everyone in the factory does something; one clears the ground, another shovels or carries buckets; in short, everyone works."[9] These two examples are just a few of thousands of similar stories across the country that show

https://www.savethechildren.org.uk/news/media-centre/press-releases/2023/afghanistan-three-in-four-children-surveyed-are-eating-less-amid-soaring-hunger-as-country-marks-two-years-of-taliban-rule. Accessed May 26, 2025

[6] U.S. Department of Labor, Bureau of International Labor Affairs (ILAB), "Findings on the Worst Forms of Child Labor - Afghanistan | U.S. Department of Labor," United States Department of Labor (ILAB), 2025, https://www.dol.gov/agencies/ilab/resources/reports/child-labor/afghanistan. Accessed May 22, 2025

[7] U.S. Department of Labor, Bureau of International Labor Affairs (ILAB), "Findings on the Worst Forms of Child Labor - Afghanistan | U.S. Department of Labor." Accessed May 22, 2025

[8] Mansoor Khosrow, "'Life Of Toil': Growing Number Of Starving Afghan Families Send Children To Work," Afghanistan, *Radio Free Europe/Radio Liberty*, 15:46:11Z, https://www.rferl.org/a/afghanistan-child-labor-humanitiarian-economic-crisis/32415971. Accessed December 12, 2025

[9] Ahmad Shuja, *"They Bear All the Pain"* (Human Rights Watch, 2016), https://www.hrw.org/report/2016/07/15/they-bear-all-pain/hazardous-child-labor-afghanistan. Accessed November 2, 2025

how economic poverty, ignorance of children's rights, and weak policymaking have trapped the new generation in a cycle of deprivation and physical and mental harm.

At both the national and international levels, the issue of child labor has been taken into consideration. The Convention on the Rights of the Child, in Article 32, obliges States Parties to prevent children from engaging in work that is harmful to their health and development.[10] Similarly, Convention No. 138 of the International Labor Organization prohibits the employment of children before the age of 15. In special circumstances, taking into account the conditions and opportunities for education, it allows employment up to the age of 14.[11]

At the national level, Article 13 of the Afghan Labor Law sets the legal age for employment at 18 years. Employment before age 18 is permitted, subject to the child's health and development and a maximum of 35 weekly working hours. This is still limited to ages 15.[12]

A review of existing laws shows that there is a significant gap between legal obligations and the reality of child labor in Afghanistan. Although Afghanistan has acceded to international conventions on the protection of children's rights and has restricted child labor in domestic laws, child labor continues to be widespread. This gap is due, on the one hand, to shortcomings in the domestic legal framework, as many international standards, including the worst forms of child labor, are not fully reflected in Afghan laws. On the other hand, the implementation of these laws also faces serious challenges. This situation has become more complicated since the Taliban returned to power in 2021, as Taliban officials have repeatedly announced that they will regulate Afghanistan's legal system based on Islamic Sharia law, not Western and international legal standards or frameworks[13]. As a result, the implementation of Afghanistan's international obligations in the field of protecting children's rights has faced greater ambiguity and challenge.

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[10] United Nations, "Convention on the Rights of the Child," 1989, Article 32 https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child. Accessed May 22, 2025

[11] Convention C138 - Minimum Age Convention, 1973 (No. 138) (1973), https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312283. Accessed May 12, 2025

[12] Mary Rose Gurrea, "Law on Labour in Islamic Republic of Afghanistan," Text, Humanitarian Library, February 25, 2014, https://www.humanitarianlibrary.org/resource/law-labour-islamic-republic-afghanistan-0.Accessed May 20, 2025

[13] Associated Press, "The Taliban Leader Says There Is No Need for Western Laws in Afghanistan | AP News," accessed July 20, 2026, https://apnews.com/article/afghanistan-taliban-western-laws-sharia-c11444b20fbb6c77d2632fae84435af2; Afghaniatan International, "Do Not Accept Human Rights Sought By

Furthermore, the Afghan laws that provide relative support for the prohibition of child labor also apply to formal work. There is no mention of informal activities, while children in Afghanistan are mostly engaged in street work, informal, and hard work. In addition to legal shortcomings, structural problems such as poverty, insecurity, political instability, and the prohibition of girls from education cannot be ignored.[14]

Child labor, beyond depriving children of education and knowledge in the short term, threatens the physical and mental health of children and disrupts their personal development.[15] Therefore, it can be said that child labor can violate the most basic rights of children. In addition, in the long term, it creates the basis for poverty, inequality, and social challenges, such as achieving the United Nations Sustainable Development Goals, including poverty eradication, quality education, and gender equality, the realization of which is directly related to the prohibition of child labor.[16]

Although many studies have examined the intensity of child labor in Afghanistan, most of them are in the form of reports and statistics, and no in-depth legal analysis has been conducted in the field. Also, the degree of compliance of Afghanistan's domestic laws with international documents protecting children's rights, including the International Labor Organization's conventions, has not been considered and legally examined.

Therefore, this new research, using a legal analytical method, seeks to analytically study the intensity of child labor and the degree of compliance of domestic laws with international documents, and to provide effective legal reforms and policies to prevent child labor. In addition to its scientific value, this research can be useful for reforming existing laws and policies in society.

Western Countries, Says Taliban," December 11, 2024, https://www.afintl.com/en/202412119701. Accessed July 15, 2026

[14] Hazrat Shah Kayen, "The Impact of Child Labor on Children's Development: A Case Study of Afghanistan," *Bhineka Tunggal Ika Journal* 10, no. 2 (2023): pp 326–36. Accessed May 23, 2025

[15] U.S. Department of Labor, Bureau of International Labor Affairs (ILAB), "Findings on the Worst Forms of Child Labor - Afghanistan | U.S. Department of Labor." Accessed May 23, 2025

[16] United Nation, "Goal 8 | Department of Economic and Social Affairs," United Nation Sustainable Development, 2015, https://sdgs.un.org/goals/goal8. Accessed June 1, 2025

1.2.Problem Formulation

1. How urgent is the situation of child labor in Afghanistan?
2. What kind of legal national framework should be established in Afghanistan to combat child labor effectively in accordance with International Human Rights Law?

1.3. Research Objectives

2. To analyze how urgent the situation of child labor in Afghanistan is.
3. To analyze the existing national legal framework that should be established in Afghanistan to combat child labor effectively in accordance with International Human Rights Law.

1.4.Originality of Research

Lutfullah Lutf and Shahadat I Haq Yasini, in their study titled "Factors Contributing to Child Labor in Afghanistan: A Case Study in Jalalabad City," examined the factors that caused child labor.[17]

The main difference between the previous study and the present study lies in their geographical scope. While the previous study focused only on Jalalabad City, the present study examines child labor across Afghanistan. Given the differences in the economic, social, and cultural conditions across the country, the broader geographical scope of the present study provides a more comprehensive legal analysis.

Boutin and Jouvin, in their study entitled "Child Labour Consequences on Education and Health: A Review of Evidence and Knowledge Gaps," reviewed the literature on the consequences of child labour on children's education and physical and mental health.[18] While the new study is a legal analytical approach, using secondary data to examine the situation of children, it has presented a clear and practical solution to prevent child labour.

[17] Lutfullah Lutf and Shahadat I Haq Yasini, *Factors Contributing to Child Labor in Afghanistan: A Case Study in Jalalabad City*, no. 3 (2018): p.372, https://www.unwe.bg/uploads/Alternatives/5_EA_3_2018_en.pdf. Accessed June 2, 2025

[18] Boutin, Delphine and Jouvin, Marine, *Child Labour Consequences on Education and Health: A Review of Evidence and Knowledge Gaps* (Bordeaux School of Economics (BSE), 2022), pp,2-5 https://bordeauxeconomicswp.u-bordeaux.fr/2022/2022-14.pdf. Accessed December 14, 2025

Ihsanullah Shorish, in a research work titled Impact of Poverty and Child Labor on the Economic Growth of Afghanistan, examined the relationship between poverty, child labor, and economic development in Afghanistan. This study employed an empirical method and focused on economic data and statistics.[19] In contrast, the present study was conducted using a legal normative method. and focus on identifying the dos and don'ts to reduce child labor. In addition, this study examined the gaps in domestic laws to propose a strong legal framework to solve this problem.

Dr. Sayed Raza Shah Gilani, Shehla Zahoor, and Muhammad Arshad Iqbal conducted their research under the title "Child Labor in Pakistan: Causes, Consequences and Prevention," and examined the factors and consequences of child labor in the light of international documents.[20] While the new research, in addition to the situation of working children and its consequences, examined the compliance of international documents with the domestic laws of Afghanistan. As a result, by identifying the gaps in Afghan laws, it has presented legal solutions to protect children from the phenomenon of labor.

Kaletski, E. A. (2014). In his doctoral dissertation titled Essays on the Causes and Consequences of Child Labor, he examined the consequences and effects of child labor, and his research population mainly included children in Indonesia.[21] In contrast, the present study focuses on the situation of child laborers in Afghanistan. The difference in geographical scope is one of the most important aspects of distinguishing between the two studies, because the structural and contextual conditions affecting child labor, including long-term wars, insecurity, political instability, and widespread poverty, are different in Afghanistan and Indonesia, and this can affect the situation of child laborers.

Kayen, Hazrat Shah. In his research entitled "The Impact of Child Labor on Children's Development: A Case Study of Afghanistan," he has examined the impact of child labor on

[19] Ihsanullah Shorish, "Impact of Poverty and Child Labor on the Economic Growth of Afghanistan | Khurasan University Business Administration Journal," *Khurasan University Business Administration Journal* 1, no. 1 (2023), pp,2-6 https://krj.khurasan.edu.af/index.php/files/article/view/10. Accessed December, 2025

[20] Dr. Sayed Raza Shah Gilani et al., "Child Labor in Pakistan: Causes, Consequences and Prevention," *Pakistan Social Sciences Review* 6, no. II (2022), pp,198-201 https://doi.org/10.35484/pssr.2022(6-II)18.Accessed December 15, 2025

[21] Elizabeth Kaletski, "Essays on the Causes and Consequences of Child Labor" (University of Connecticut Graduate School, 2014), https://opencommons.uconn.edu/dissertations/523.Accessed December 12, 2025

children's development in terms of personality, economic, and social dimensions.[22] However, the present research, in addition to studying the situation of children, has also harmonized the national laws of Afghanistan with international documents and provided legal solutions for the protection of children. In this way, the present research, in addition to stating the problem, has also provided a solution to this problem and filled the gaps in the laws of Afghanistan.

Ahmadi, Ramazan, and Mohammad Reza Akbari have investigated the factors, consequences, and general situation of child laborers in Afghanistan in their research.[23] The new research examines the need to protect child laborers in light of relevant international documents. In other words, this research, in addition to stating the problem, has emphasized the need to solve this problem. In addition, the area of study of the present research is the entire Afghan society, while the previous research was limited to Bamyan province. Considering that the provinces of Afghanistan differ in terms of security and economy, the results of the research will definitely differ.

Sanjay Bhatnagar, Gunveen Ahluwalia, Hemanth S. Kumar, Sweta Kumari, Sangeeta Mishra, and Hameem P. Khan. In their research, they examined the relationship between poverty and access to education and hard labor, and taking into account the above factors, they addressed the situation of child laborers.[24] While the current research, in addition to discussing the factors of child labor, has provided legal solutions to solve this problem in Afghanistan.

Beegle, Kathleen, Rajeev H. Dehejia, and Roberta Gatti. In their study titled "Why Should We Care about Child Labor? The Education, Labor Market, and Health Consequences of Child Labor.", they examined the need to protect child laborers.[25] The difference from this study is that the present study was conducted legally and analytically, and examined child labor from the

[22] Hazrat Shah Kayen, "The Impact of Child Labor on Children's Development: A Case Study of Afghanistan." pp, 326-2330. Accessed May 24, 2025

[23] Ramazan Ahmadi and Mohammad Reza Akbari, "Social Harms of Child Labor in Afghanistan (Case Study of Bamyan City)," *Journal of Social and Political Sciences* 7, no. 2 (2024), https://doi.org/10.31014/aior.1991.07.02.497.Accessed December 14, 2025

[24] Sanjay Bhatnagar et al., "Investigating the Relationship between Poverty, Access to Education, and Hazardous Child Labor | Multidisciplinary Science Journal," 7 (2025), p,18 https://doi.org/https://10.31893/multiscience.2025ss0330.Accessed December 15, 2025

[25] Kathleen Beegle et al., "Why Should We Care About Child Labor?: The Education, Labor Market, and Health Consequences of Child Labor," *Journal of Human Resources* 44, no. 4 (2009).pp, 871- 889. Accessed December 15, 2025

perspective of national and international documents. The previous study was conducted using an empirical and econometric method.

Gourangi Koushik and Mrigakhi Goswami, in a study titled Child labour in India: Issues, consequences and measures. Social Vision examined the data on child labour in India from an economic and social perspective.[26] In contrast, the present study examined child labour in a geographical area called Afghanistan, and the analysis was more legal and focused on national and international documents. The present study has mainly addressed the issue of child labour from a legal lens.

No	Resource	Problem formulations	Similarities	Differences
1	Lutfullah Lutf, and Shahadat I. H. Yasini. 2018. "Factors Contributing to Child Labor in Afghanistan: A Case Study in Jalalabad City." Economic Alternatives. https://www.unwe.bg/uploads/Alternatives/5_EA_3_2018_en.pdf	What are the most important factors that lead to child labor, and what is the relationship between the economic status of families and the amount of child labor?	Their similarity is that both studies examined child labor in Afghanistan.	The difference between the two studies is in their geographical scope. The present study has a broader scope, including all of Afghanistan.
2	Boutin, Delphine, and Marine Jouvin. 2022.	What are the effects of child labor on	The similarity between these two	The difference between these two

[26] Gourangi Koushik and Mrigakhi Goswami, *Child Labour in India: Issues, Consequences and Measures*, 11, no. 1 (2024), pp,8-10 https://www.academia.edu/122541793/Child_Labour_in_India_Issues_Consequences_and_Measures. Accessed June 10, 2025

	"Child Labour Consequences on Education and Health: A Review of Evidence and Knowledge Gaps." Bordeaux Economics Working Papers No. BxWP2022-14, Bordeaux School of Economics (BSE). Accessed at https://bordeauxeconomicswp.u-bordeaux.fr/2022/2022-14.pdf	education and participation in educational programs? What are the effects of child labor on mental health and social development?	studies is that both were conducted with an interdisciplinary approach and child labor was examined from a socio-economic and psychological perspective.	studies is in the research approach. The previous study reviewed past research, but the current study had an analytical-legal approach.
3	Ihsanullah Shorish, "Impact of Poverty and Child Labor on the Economic Growth of Afghanistan," Khurasan University Business Administration Journal (KU-BAJ) 1, no. 1 (2023): 1–5, accessed April 5, 2024, https://krj.khurasan.edu.af	What is the relationship between poverty, child labor, and economic growth in Afghanistan?	The similarity between these two studies is that both studies consider economic poverty to be one of the factors of child labor.	The difference between these two studies is their research approach. The previous one was conducted empirically and focused on economic statistics, while the current study was conducted using a normative legal method.

4	Dr. Sayed Raza Shah Gilani, Shehla Zahoor, and Muhammad Arshad Iqbal. (2022). "Child Labor in Pakistan: Causes, Consequences and Prevention." Pakistan Social Sciences Review 6 (2): 197–208. https://doi.org/10.35484/pssr.2022(6-II)18	What are the factors that drive children to work in Pakistan? And can child labor be considered a crime?	The similarity between these two studies lies in their approach. Both studies were conducted using an analytical and normative legal method and have a specific geographical scope.	The difference between the two studies is the objectives of the research. The previous study examined the situation of child laborers in light of international documents, while the new study harmonized Afghanistan's domestic laws with international documents and highlighted the gaps in domestic laws.
5	Kaletski, E. A. (2014). Essays on the causes and consequences of child labor (Doctoral dissertation, University of Connecticut). OpenCommons@UConn. https://opencommons	What are the causes and factors of child labor in developing countries, and what effect does family mobility have on child labor?	The similarity between these two studies is that both examine children's work and the extent to which children are affected by childhood work.	The difference between these two studies is their geographical scope. The previous study examined the causes and consequences of child labor in Indonesian society, while the current study's

	.uconn.edu/dissertations/523			geographical scope is Afghanistan.
6	Kayen, Hazrat Shah. 2023. "The Impact of Child Labor on Children's Development: A Case Study of Afghanistan." Bhineka Tunggal Ika: Kajian Teori dan Praktik Pendidikan PKN 10, no. 2 (November): 326–336. E-ISSN 2614-6134 . Indonesian International Islamic University. https://jbti.ejournal.unsri.ac.id/index.php/jbti/article/download/71/34/253 .	What areas of children's development are delayed by child labor? And what are the developmental differences between working and non-working children in Afghanistan? (3)	The similarity between these two studies is that both examined the situation of child laborers in Afghanistan.	The difference between these two studies is that the current study focuses more on providing a comprehensive and practical solution to protect children from labor.
7	Ahmadi, Ramazan, and Mohammad Reza Akbari. 2024. "Social Harms of Child Labor in Afghanistan (Case Study of Bamyan City)." Journal of	This question aims to examine the roots and reasons for the spread of the child labor phenomenon in Bamyan and	The similarity between these two studies is that both examine the situation of child laborers in Afghanistan.	The difference between the two studies is in the research objectives and geographical scope. The previous study focused more

	Social and Political Sciences 7 (2): https://doi.org/10.31014/aior.1991.07.02.497	its impacts on the lives and futures of these children. Also, what factors cause children to work in different jobs?		on the situation of child laborers, while the new study analyzed the need to protect child laborers. Also, the previous study was limited to child laborers in Bamyan province, but the new study examined child laborers throughout Afghanistan.
8	Sanjay Bhatnagar, Gunveen Ahluwalia, Hemanth S. Kumar, Sweta Kumari, Sangeeta Mishra, and Hameem P. Khan. "Investigating the Relationship Between Poverty, Access to Education, and Hazardous Child Labor," Multidisciplinary Science Journal (2025), accessed December 14, 2025, https://malque.pub/oj	How are poverty and limited access to education are linked to children's participation in hazardous work and what factors exacerbate child labor?	Both studies examined the factors affecting child labor and its impact on the status and vulnerability of children.	The difference between these two studies lies in the discussion of the research objectives. The previous study aimed to explain the relationship between poverty and lack of access to education with child labor. However, the current study aims to compare Afghanistan's domestic laws and provide solutions to

	s/index.php/msj/article/view/12609			the existing problem.
9	Beegle, Kathleen, Rajeev H. Dehejia, and Roberta Gatti. 2009. "Why Should We Care about Child Labor? The Education, Labor Market, and Health Consequences of Child Labor." Journal of Human Resources 44 (4): 871–889. https://muse.jhu.edu/article/466715	What is the impact of child labor on children's deprivation of education? And to what extent does child labor threaten children's health?	The similarity between these two studies is that they address the phenomenon of child labor as a multidimensional issue with economic, social, and health consequences.	The difference between these two studies is in the research approach. The previous study was conducted empirically, while the current study was conducted in a legal, analytical, and normative manner.
10	Koushik, G., & Goswami, M. (2024). Child labour in India: Issues, consequences and measures. Social Vision, 11(1), 11–21. https://www.academia.edu/122541793/Child_Labour_in_India_Issues_Consequences_and_Measures	What are the consequences of child labor on the physical, mental, and social health of our people, and what factors have caused child labor to increase in India?	Both studies emphasize the need to protect children from hard work that is harmful to their health and violates their fundamental rights.	The difference between these two studies is the geographical scope. The previous study examines the phenomenon of child labor in India and the current study examines it in Afghanistan. The difference between these studies is also in the research approach. The

				previous study is more of an economic study than a legal and normative analysis.

Although numerous studies have been conducted on child labor, most of these studies have focused solely on economic and social factors or the consequences of child labor. Although these studies have provided valuable information about the main causes of this phenomenon, the need for legal protection of children against forms of work that violate children's fundamental rights and are harmful to their physical and mental health has not been comprehensively and systematically addressed.

In addition, a significant part of previous research has had a general and global approach without focusing on a specific geographical area. Some have been conducted in countries whose economic, social, cultural, and legal conditions are completely different from the situation in Afghanistan. Therefore, the results of this research cannot be accurately applied to Afghanistan.

The originality of this research lies in its examination of child labor as not only an economic and social problem and an obstacle to human growth and development, but also as a violation of the fundamental rights of the child, emphasizing the need for legal protection and the prevention of child labor. Furthermore, this study, adopting a legal-normative approach, analyzes Afghanistan's national laws alongside the country’s international obligations, particularly the Convention on the Rights of the Child and the International Labor Organization conventions.

This study attempts to identify and examine the legal gaps in Afghanistan's child labor legal framework before and after the Taliban's return to power in 2021. Accordingly, this study proposes legal reforms and policy recommendations to strengthen the protection of children in accordance with international human rights law.

1.5.Literature Review

Child labor is a phenomenon that has increased significantly worldwide, especially in developing countries. The effects of this phenomenon on the social and human condition of children have caused concerns that highlight the need for child protection at the national and international levels.[27] This problem has encouraged many researchers to investigate the need for legal protection of children from an international law perspective.

a. The Basic Conception of the Rights of Children

Several studies have been conducted at the national and international levels to protect working children. In this regard, Kaushik Basu, in his research on the causes, consequences, and solutions to combat child labor, states that according to Convention No. 138 of the International Labor Organization, the employment of children under the age of 15 is prohibited. However, evidence and research show that child labor continues to be widespread worldwide, and many children work long hours, even more than ten hours a day. Basu considers economic poverty to be one of the most important factors driving families to child labor, in such a way that the inability of families to meet basic needs pushes children into the labor market.[28]

Similarly, Md Nurul Momen emphasizes in her research that factors such as poverty, lack of access to education, and gender inequality have led to the continuation of child labor worldwide. From the perspective of international law, the Convention on the Rights of the Child emphasizes the right of children to enjoy an adequate standard of living and access to education. Studies show that children who spend their childhood in a well-rounded educational and living environment will play an effective role in reducing poverty and achieving economic development in the future. Therefore, legal protection of children against early labor is not only a human rights obligation, but also a necessity for sustainable development.[29]

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[27] Jean Fares and Dhushyanth Raju, *Child Labor across the Developing World: Patterns and Correlations* (The World Bank, 2007), http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2007/01/25/000016406_20070125152956/Rendered/PDF/wps4119.pdf.Accessed June 6, 2025

[28] Kaushik Basu, "Child Labor: Cause, Consequence, and Cure, with Remarks on International Labor Standards," *American Economic Association* 37, no. 3 (1999). pp. 1083-1092 https://www.aeaweb.org/articles?id=10.1257/jel.37.3.1083. Accessed June 9, 2025

[29] Md Nurul Momen, "Child Labor: History, Process, and Consequences," in *No Poverty* (Springer Nature Switzerland AG, 2020), pp,1-6

b. Legal Framework of Children's Rights

Children's rights are an integral part of the international human rights system, explicitly stated in international instruments. According to the 1989 Convention on the Rights of the Child, which is the most important binding international instrument on children's rights, children are recognized as human beings with rights in addition to being protected. This convention obliges states to observe fundamental principles such as non-discrimination, the right to survival and development, and the child's right to express his or her views in all matters affecting the child and to have those views given due weight according to the child's age and maturity.[30]

In addition to the Convention on the Rights of the Child, international human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, have committed states to ensuring the fundamental rights of children, including the right to education, the right to health, and the right to an adequate standard of living. These instruments consider the protection of children as a legal obligation of states.

In the area of child labor, the International Labor Organization conventions, such as Convention No. 138, which sets the minimum age for admission to employment for children,[31] and Convention No. 182, which defines the worst forms of child labor, have established a specific legal framework for the protection of working children.[32] These conventions oblige governments to harmonize their domestic laws with international standards and to prevent the spread of child labor in practice.

https://www.researchgate.net/publication/340894698_Child_Labor_History_Process_and_Consequences. Accessed June 11, 2025

[30] United Nations, "Convention on the Rights of the Child."Articles,1,2,6 & 12. Accessed June 12, 2025

[31] Convention C138 - Minimum Age Convention, 1973 (No. 138). Accessed June 12, 2025

[32] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182) (1999), https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312327.Accessed June 14, 2025

At the national level, Afghan laws, including the Constitution, emphasize principles such as human dignity and the right to education,[33] and labor laws restrict child labor.[34] However, these laws are general and do not fully comply with international standards. This challenge requires a comparative study of national laws with international instruments and the identification of legal gaps.

c. The Prohibition of Child Labor

The existing literature in the field of human rights, especially children's rights, explicitly prohibits child labor. Studies have shown that this prohibition is a result of governments' commitment to protect human dignity, health, and the development of children. In this regard, a study conducted in Bangladesh shows that child labor leads to the spread of poverty, gender inequality, exploitation of children, and even their death. Accordingly, child labor must be prevented. The study concludes that the prohibition of child labor should exist not only in law but also in practice and policy.[35]

Moreover, a report that was conducted in Myanmar states that although child labor is prohibited due to the country's commitment to international human rights instruments and International Labor Organization conventions, domestic laws are not comprehensive. This study shows that the lack of a precise definition of types of child labor, especially hazardous work, and the weakness of the legal framework have led to the widespread persistence of child labor in practice.[36]

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[33] Government of Afghanistan, *Constitution of the Islamic Republic of Afghanistan* (Government of Afghanistan, 2004), https://www.diplomatie.gouv.fr/IMG/pdf/The_Constitution_of_the_Islamic_Republic_of_Afghanistan.pdf.Accessed June 15, 2025

[34] "Afghan Labour Law - Official Gazette, 2007 | International Labour Organization," August 18, 2014, https://www.ilo.org/resource/afghan-labour-law-official-gazette-2007.Accessed June 20, 2025.

[35] Mohammad Belayet Hossain, "Compliance of the Bangladesh Legal Policies with the ILO Convention on the Prohibition of Child Labor," *Lex Publica* 7, no. 2 (2020): p,15-23 https://doi.org/10.58829/lp.7.2.2020.15-23.Accessed December 17, 2025

[36] International Labour Organization (ILO), *A Legal Review of National Laws and Regulations Related to Child Labour in Myanmar* (International Labour Organization (ILO), 2016), pp,9-16 https://www.ilo.org/sites/default/files/2024-09/Myanmar_Child_Labour_Legal_Review_Report.pdf. Accessed December 17, 2025

In the context of Afghanistan, the Human Rights Watch report shows that despite the country's accession to international child rights instruments and the provision of prohibitions in domestic laws, children are still widely employed in hard and dangerous work. The report states that one of the main reasons for the persistence of child labor in Afghanistan is the lack of a clear and comprehensive definition of "hazardous work" in domestic laws and the limitation of existing regulations to the sphere of formal work, while the majority of child labor in Afghanistan takes place in informal activities and outside legal supervision.[37]

Overall, the literature review shows that although child labor is prohibited in international human rights instruments and in the domestic laws of some countries, in many cases, legal gaps and weak enforcement have prevented the practical implementation of this prohibition. In Afghanistan, this challenge is more prominent; despite international obligations and general references to relevant provisions in domestic laws, child labor continues to be widespread. However, to date, no comprehensive and independent legal study has been conducted that analyzes the legal gaps in Afghanistan regarding the prohibition of child labor in light of international human rights; therefore, the present study seeks to fill this scientific and legal gap.

1.6.Research method

This study employs a qualitative normative legal research method. The research is conducted through a desk review of primary and secondary legal materials to examine Afghanistan's legal framework on child labor in light of International Human Rights Law.

a. Type of Research

The present study uses the normative legal research method. In this method, norms derived from laws, judicial decisions, and legal doctrine are used. To analyze this issue, legal principles from international law and documents, as well as legal concepts from other legal sources, are used. Therefore, the purpose of normative legal research is to correctly interpret laws and remove any ambiguity about the subject of research.[38]

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[37] Shuja, *"They Bear All the Pain."* Accessed November 2, 2025

[38] Afif Noor, "Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research," *Fakultas Syariah Dan Hukum, Universitas Islam Negeri Walisongo, Semarang* 7, no. 2 (2023): 97, ttps://ejurnal.duniaehukum.com/index.php/jiduh/article/view/198.Accessed June 2, 2025

b. Research Approach

In this research, the author examines the subject under study using different methodological approaches and within the framework of normative legal research, which includes the following:

2. Statutory Approach

   This approach focuses on examining and analyzing laws and legal regulations related to child labor. International human rights documents related to child rights, especially the Convention on the Rights of the Child and the International Labor Organization conventions, along with Afghanistan's domestic laws on child labor, are examined and analyzed. This approach aims to assess the compliance of Afghanistan's national laws with international obligations, identify legal gaps and ambiguities in national laws in light of international documents, and clarify the legal framework on child labor.

3. Conceptual Approach

   The conceptual approach focuses on analyzing the fundamental concepts and principles related to child rights and the prohibition of child labor. Important concepts such as human dignity and the right to growth and development are examined. As a result, this approach provides the necessary theoretical basis for the legal interpretation and analysis of child labor as a violation of the fundamental rights of the child in light of international human rights.

c. Sources and types of legal materials

The data used in this research are divided into three categories based on level and type: primary legal materials, secondary legal materials, and tertiary legal materials.

1. Primary legal materials:

   These are those binding legal rules that are established and approved by authorities such as governments and organizations. In this research, national laws, including the Constitution and Labor Law of Afghanistan, and international documents such as the Convention on the Rights of the Child, International Labor Organization conventions,

judicial decisions of national courts, and, if necessary, decisions of international courts, form the basis of legal analysis.

2. Secondary legal materials:

   These are sources that explain and interpret primary legal materials. Books, scientific articles, treatises, and authoritative reports in the field have been used to strengthen the legal argument in this research.

3. Tertiary legal materials:

   These are sources that have an auxiliary and complementary role, meaning that they further explain primary and secondary legal sources. These sources are not mandatory, but their use is not without utility for further understanding of the concepts. In this research, legal dictionaries, glossaries, definitions of legal terms, and existing websites have been used to further explain legal principles and rules.

d. Data Collection Methods

The legal materials for this study were collected through library research. This work aims to obtain legal materials and secondary information needed for the research. This information was collected from sources such as books, articles, scientific research, and other information sources (including legal materials registered and documented on reputable websites). The library study method was also used to obtain information on the literature review, theories, and concepts of this study, particularly those related to child labor regulations that the Afghan government is obliged to comply with.

e. Data Analysis Methods

The legal materials collected in this study are qualitative descriptive data. In this method, facts, events, and concepts were examined and collected descriptively and analytically. As a result, they were subjected to legal experience and analysis. In the descriptive qualitative method, general principles are first used, then more specific issues are examined, and finally, conclusions are drawn.

1.7.Thesis Framework

The author has divided and examined this research into four main sections, called chapters, each of which has its sub-headings, and the author explains them in detail. This section is as follows:

Chapter I is the background of the research topic, identifies the research problem, formulates the research question and objectives, and defines key concepts. Then, the author has created the research innovation, reviewed the literature on the research topic, explained the research methods used, and stated the structure of the research.

In Chapter II the author presents the theoretical and legal framework of child labor from the perspective of international human rights law, which includes the following sections:

a. Explains the concept and legal definition of child labor in international law.
b. Examines the distinction between acceptable child work, hazardous work, and the worst forms of child labor.
c. Presents child protection and vulnerability theories, including the principle of the best interests of the child.
d. Examines the positive obligations of states and the principle of due diligence in combating child labor.
e. Examines the obligations of states regarding legislation, criminalization, monitoring, protection, and rehabilitation of children.
f. Examines the international legal framework on child labor, particularly ILO Convention No. 182 and related international standards.

Chapter 3 analyzes the Situation of Child Labor in Afghanistan. This chapter analyzes the situation of child labour in Afghanistan and evaluates the adequacy of the national legal framework in light of international human rights standards, using the theoretical framework presented in Chapter Two (vulnerability theory, best interests of the child, state positive obligations, and due diligence). The chapter includes:

a. Overview of the situation and urgency of child labour in Afghanistan.
b. Review of available data and general realities of child labour.

c. Analysis of main causes, including poverty, conflict, displacement, climate pressures, and limited access to education.
d. Identification of main forms of child labour, including hazardous and informal sector work. Examination of Afghanistan's national legal framework on child labour.
e. Analysis of key legal gaps, including a lack of definition, absence of a hazardous work list, weak enforcement, weak monitoring, and limited informal sector coverage (especially after 2021). Assessment of Afghanistan's compliance with international standards, particularly ILO Conventions No. 138 and No. 182, CRC, and ICESCR**.**

Chapter 4 is the conclusion. In this chapter, the author presents the results and findings of his research and presents practical or legal suggestions.

CHAPTER II

THEORETICAL FRAMEWORK

2.1.Legal Definition of Child Labor

The concept of "child labor" in international law is a normative and legal construct grounded in fundamental human rights.[39] From this perspective, child labor does not apply only to economic activities carried out by persons under a certain age.[40] Child labor includes activities that, due to the child's age, the nature of the work, and the conditions in which the work is carried out, violate the fundamental rights of the child. These rights include the right to education, the right to health, the right to physical and mental development, and the right to human dignity.[41] Therefore, not every type of child employment is considered child labor. Light, educational activities that are appropriate to the child's age and abilities and, more importantly, do not hinder his or her education and health can be considered acceptable within the framework of the child's social and professional development. On the other hand, when economic activity prevents a child from studying and exposes him or her to physical or mental dangers, it fulfills the concept of child labor.

a.Child Labor as a Normative Concept

Analysis of the law shows that child labor is based on human rights values. In some societies, child labor may be a normal occurrence and even a structural part of the economy, but in international law, it is the criterion for evaluating children's fundamental rights, not the prevailing custom of society. In this sense, from the perspective of international law, child labor, even if it is a necessity of society, is against human rights standards and, in some cases, even

[39] Ewan Ingleby et al., "Children's Rights and Child Labour," *PRISM: Casting New Light on Learning* Theory and Practice (October 2023): Early View, https://doi.org/10.24377/PRISM.ARTICLE696. Accessed March 1, 2026

[40] Intan Maharani and Junifer Dame Panjaitan, "Analysis of the Causes and Efforts to Protect Child Labor from an Indonesian Legal Perspective," *Jurnal Restorasi : Hukum Dan Politik* (Indonesia) 1, no. 02 (2023): pp 54–57, https://seaninstitute.or.id/bersinar/index.php/restorasi/article/view/58.Accessed March 3, 2026

[41] International Labour Organization (ILO, "What Is Child Labour | International Labour Organization," April 20, 2024, https://www.ilo.org/topics/child-labour/what-child-labour.Accessed March 5, 2026

prohibited from the perspective of international custom if it violates children's rights.[42] This approach shows that child labor is not a social phenomenon but a legal issue with a clear and distinct distinction that requires a careful assessment of its effects on children.

b. The Age Element and Its Inadequacy

Although age is one of the basic elements in the definition of child labor in the legal literature, age alone is not the criterion for identifying child labor. Determining the legal age without considering the nature and conditions of work cannot provide effective protection for children.[43] Therefore, it can be concluded that determining age is a legislative assumption and requires that, in addition to it, substantive criteria such as the type of activity, the amount of working hours, and the extent of possible risks and their effects on the physical and mental health of the child be considered. Determining age alone cannot prevent violations of the rights of the child.

c. Harm-Based Approach

The emphasis on a harm-based approach is one of the fundamental characteristics of the legal concept of child labor. According to this approach, the degree of harm that an activity causes to a child's physical, mental, and educational health is one of the most important criteria for identifying child labor. Whenever an economic activity harms a child's natural development or deprives him or her of access to education, that activity is classified as child labor.[44] This approach is especially important in the context of the worst forms of child labor, because in those cases, the harm is often severe, immediate, and sometimes irreparable.[45]

d. Exploitation Element

Another element in the legal definition of child labor is the existence of exploitation. Due to their inability to bargain and the lack of awareness of their families, children are forced to

[42] Madeleine Grey Bullard, "Child Labor Prohibitions Are Universal, Binding, and Obligatory Law: The Evolving State of Customary International Law Concerning the Unempowered Child Laborer," *Houston Journal of International Law* 24, no. 1 (2021).p. 141-148. Accessed March 5, 2026

[43] Convention C138 - Minimum Age Convention, 1973 (No. 138). Article 3. Accessed May 22, 2025

[44] Md Abdul Ahad et al., "Key Informant Views of the Determinants of Child Labour Maltreatment," *Children* 11, no. 6 (2024), pp,2-8 https://doi.org/10.3390/children11060708.Accessed March 22, 2026

[45] Kavita Ratna, "Addressing Child Labour through a Child Rights Lens," *BMJ Paediatrics Open* 9, no. 1 (2025),pp1-3 https://doi.org/10.1136/bmjpo-2024-002749. Accessed March 22, 2026

perform the most dangerous activities for long hours for low wages.[46] In addition to the physical and mental pressure they put on children, these activities limit their access to their basic rights and expose them to a cycle of poverty[47]. Therefore, it can be argued that although children appear to consent, their consent is invalid due to the lack of real agency and is itself a clear form of exploitation.

From the perspective of international standards, especially the International Labor Organization conventions, child labor is not only defined as an activity performed by minors, but the nature of the work and its impact on the child's fundamental rights are the main criteria. International standards emphasize that any economic activity that deprives children of their basic rights and threatens their health falls within the definition of child labor. [48]This legal approach requires a distinction to be made between light and acceptable work and exploitative activities that violate the human rights of the child.

2.2.The distinction between child work and exploitative labor

In international law, not all work performed by children is prohibited. A distinction is made between child labour that is exploitative and work that is permissible. Work that deprives children of their fundamental rights or harms their health, education, development, or dignity is regarded as child labour and is prohibited. In contrast, work that is appropriate to a child's age, contributes to the child's education or personal development, and does not interfere with schooling or the enjoyment of childhood is generally permitted.[49] This distinction seeks to protect children from exploitation while allowing them to participate in age-appropriate activities that support their growth and development.

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[46] Soetji Andari et al., "Child Labor Efforts to Prevent Exploitation Child for Public Poor," *Proceedings International Conference of Innovation Science, Technology, Education, Children and Health (ICISTECH)* 3, no. 1 (2023).p,140-143. Accessed March 20, 2026

[47] Maharani and Panjaitan, "Analysis of the Causes and Efforts to Protect Child Labor from an Indonesian Legal Perspective."pp. 53-60 https://seaninstitute.or.id/bersinar/index.php/restorasi/article/view/58.Accessed March 23, 2026

[48] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182); Convention C138 - Minimum Age Convention, 1973 (No. 138).

[49] Hanson, Karl et al., "Child Labour, Working Children and Children's Rights," in *Routledge International Handbook of Children's Rights Studies* (Routledge, 2015), p. 8-10 https://access.archive-ouverte.unige.ch/access/metadata/4e24a3c5-8304-496d-8b74-960c3dd1467b/download. Accessed March 23, 2026

a. Light and acceptable work

Light and permissible work refers to activities that are limited, appropriate to the child's age and nature of the work, and do not negatively impact the child's education.[50] Helping with family chores or doing simple, short-term tasks are examples of such work.[51] These tasks help children develop social skills and a sense of responsibility and are beneficial to children in the long or short term.[52] However, the fundamental requirement is that such work must not be harmful and must be consistent with the best interests of the child.

b. Child Labor

Child labor refers to activities that threaten the physical and mental health of children, violate their human dignity, or disrupt the formation of children's human capital due to deprivation of education[53]. Under international human rights and labour standards, any activity that deprives children of their rights to education, health, dignity, or development is considered child labour because it violates their fundamental rights.[54]

Therefore, international law distinguishes between permissible work and child labour. While age-appropriate work that contributes to a child's development and does not interfere with education or health is generally permitted, work that harms children's rights, development, or well-being is prohibited.

c. Hazardous Child Work

In child rights literature and existing studies, hazardous work refers to activities that, due to the inherent nature of the work or the working environment and conditions, are likely to

[50] Abdullah et al., "Conceptualization of Child Labour." Accessed December 11, 2025

[51] Jónína Einarsdóttir, "Street and Working Children: Perspectives on Child Labour and Child Work," *BMJ Paediatrics Open* 8, no. 1 (2024), pp. 1- 2 https://doi.org/10.1136/bmjpo-2024-002953.Accessed March 2, 2026

[52] Karl Hanson and Arne Vandaele, "Working Children and International Labour Law: A Critical Analysis," *The International Journal of Children's Rights* 11, no. 1 (2003): pp. 73–80, https://doi.org/10.1163/092755603322384038. Accessed March 12, 2026

[53] Brando, Nico, "Child Work and Education: A Global Perspective," in *The Routledge Handbook of the Philosophy of Education* (Routledge, 2023), https://livrepository.liverpool.ac.uk/3191278/1/18%20Child%20work%20and%20education%20rc%26nb.pdf.Accessed March 29

[54] Merzougui Hanane et al., "Contextual Analysis of Child Labor Laws and Educational Rights for Children in Pakistan with a Focus on KPK Province," *Discover Global Society* 2, no. 1 (2024): 74, https://doi.org/10.1007/s44282-024-00105-0.Accessed March 29

cause serious harm to the physical, mental, or overall development of the child.[55] The literature emphasizes that the hazardousness of work does not depend solely on the type of activity, but rather on a combination of the intensity of the work, the duration of employment, the work environment, and the degree to which the child is exposed to risk.[56]

Empirical studies have shown that working in environments that involve toxic substances, heavy tools, carrying heavy loads, prolonged exposure to heat or cold, or long working hours has long-term negative consequences on children's health.[57] In addition, the psychological stress caused by working in high-risk and non-standard environments causes anxiety, fear, and insecurity in children and, in the long term, leads to depression, aggression, and disorders in children's personality development.[58]

From the perspective of this study, hazardous child labour should be assessed based on the child's individual circumstances rather than the type of work alone. Factors such as the child's age, working conditions, and level of protection should be considered, as the same activity may pose different levels of risk to different children. Therefore, a context-specific assessment provides a more appropriate basis for identifying hazardous child labor.

d. Worst Form of Child Labor

According to international law, the worst forms of child labour include slavery and acts similar to slavery, the sale and trafficking of children, forced labour, child prostitution or pornography, the use of children in illegal activities, and hazardous work. These activities are considered the

[55] Emily Camastra, "Hazardous Child Labor as a Crime against Humanity: An Investigation into the Potential Role of the International Criminal Court in Prosecuting Hazardous Child Labor as Slavery," *Georgetown Journal on Poverty Law & Policy* (Washington, D.C) 15, no. 2 (2008).pp. 335- 338. Accessed March 29, 2026

[56] Md Abdul Ahad et al., "Hazardous Working Conditions and Employers Perception Regarding Child Laborer: A Study at Sylhet City of Bangladesh," *South Asian Journal of Social Studies and Economics*, September 20, 2018, 1–7, https://doi.org/10.9734/sajsse/2018/v2i125822. Accessed March 29, 2026

[57] Charita L. Castro and Katherine Hunting, "Measuring Hazardous Work and Identifying Risk Factors for Non-Fatal Injuries among Children Working in Philippine Agriculture," *American Journal of Industrial Medicine* 56, no. 6 (2013): 709–719, https://doi.org/10.1002/ajim.22185. Accessed March 30, 2026

[58] Uzzaman, Muhammad Akram et al., "Mental Health Status of Hazardous and Non-Hazardous Child Worker," *Bangladesh Journal of Psychology* (Bangladesh) 22 (2019).p, 18. Accessed April 1, 2026

most severe forms of child exploitation and are therefore immediately prohibited by international law[59].

The worst forms of child labour are distinguished from other forms of child labour not simply by the level of hardship, but by the severity of the exploitation and widespread violations of the rights and dignity of the child[60]. These activities are often accompanied by coercion, violence, sexual exploitation, or the use of children in criminal activities and have irreparable effects on the physical and mental health, human dignity, and social development of the child. Therefore, international law has provided the highest level of protection and prohibition for these activities[61].

2.3.Child Protection and Vulnerability Theory

1. Children as Vulnerable Rights-Holders

Contemporary theories consider children as holders of fundamental human rights.[62] At the same time, children are in a vulnerable position due to reasons such as poverty and economic dependence, lack of awareness of their rights and freedoms, and their physical and mental immaturity. These factors disable them from defending their rights. For this reason, international documents and legal systems consider children to require special protection.[63]

In addition, children are more vulnerable to child labor due to their weak bargaining power and limited intellectual and experiential development in the era of rapid technological growth.[64] The spread of new technology has increased the demand for cheap and low-skilled labor, in

[59] Mashele Rapatsa, "Understanding Trends in the Worst Forms of Child Labour and the State's Legal Responses: A Descriptive Analysis," *Juridical Tribune - Review of Comparative and International Law* 7, no. Special (2017): 186–99, https://ideas.repec.org//a/asr/journl/v7y2017ispecialp186-199. Accessed April 1, 2026

[60] Grazia Caleo et al., "A Public Health Wound: Health and Work among Children Engaged in the Worst Forms of Child Labour in the Informal Sector in Dhaka, Bangladesh: A Retrospective Analysis of Médecins Sans Frontières Occupational Health Data from 2014 to 2023," *BMC Public Health* 25, no. 1 (2025): p 1420, https://doi.org/10.1186/s12889-025-22483-z.Accessed April 2, 2026

[61] Rapatsa, "Understanding Trends in the Worst Forms of Child Labour and the State's Legal Responses." pp. 186-192 https://ideas.repec.org//a/asr/journl/v7y2017ispecialp186-199. Accessed March 4, 2026

[62] Roberta Bosisio and Paola Ronfani, "Children as Rights Holders," *Revue Des Sciences Sociales*, no. 63 (2020): 63, https://doi.org/10.4000/revss.4767. Accessed March 7, 2026

[63] Yusefri Yusefri et al., "Protecting Child Labor Rights: Maqasid Sharia Framework and Policy Recommendations," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 1188–1200, https://doi.org/10.22373/sjhk.v8i2.24559. Accessed March 7, 2026

[64] Indah Sri Utari et al., "Legal Protection for Children as Victims of Economic Exploitation: Problems and Challenges in Three Major ASEAN Countries (Indonesia, Vietnam and Philippines)," *Lex Scientia Law Review* 7, no. 2 (2023): 788–790, https://doi.org/10.15294/lesrev.v7i2.68301. Accessed March 7, 2026

which children are disproportionately represented, leading to greater economic exploitation of children. This situation further highlights the vulnerability of children and the need for stronger protection.[65]

2. The Best Interests of the Child Principle

One of the most important principles for protecting children's rights is the principle of best interests. This principle states that in making decisions and taking actions related to children, the children's interests and well-being must be the primary consideration.[66] This principle, which is also recognized in international child rights instruments, emphasizes that decision-makers, including governments, organizations, and other institutions, must prioritize the interests of children and their human dignity in making decisions about children's affairs in order to prevent violations of children's rights.[67]

In the context of child labor, the principle of the best interests of the child is also a fundamental criterion in assessing the legitimacy of economic activities involving children. According to this principle, any type of work activity that interferes with the physical, mental, educational, and social development of the child or endangers his or her health and human dignity is considered contrary to the best interests of the child.[68] Therefore, laws and policies related to child labor should be designed in a way that supports the healthy development, education, and well-being of children and prohibits work that is harmful to them.

3. Preventive Protection Approach

The preventive approach requires that necessary measures be taken before exploitation or violations of children's rights occur. Under this approach, child protection should not be done only after the harm has occurred; it is necessary to protect children from early labor and exploitation through effective laws, policies, and programs. Preventive measures include strengthening social protection systems, reducing poverty, providing employment opportunities for adults, ensuring children's effective access to education, and monitoring working environments.[69]

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[65] Utari et al., "Legal Protection for Children as Victims of Economic Exploitation."

[66] Lilla Garayová, "The Best Interests of the Child Principle," *Central European Academy Law Review* 2, no. 1 (2024), p,10-12 https://doi.org/10.62733/2024-1.9-28.

[67] United Nations, "Convention on the Rights of the Child."

[68] Sally Yeo Yi Tong et al., "Child Labour Issues and Challenges: A Review of International and Malaysian Law," *Veredas Do Direito* 22 (November 2025): e223716–e223716, https://doi.org/10.18623/rvd.v22.n4.3716.

[69] Róisín Hennessy, "Exploring the Role of Social Protection Interventions in Preventing Child Labour: Reinforcing the Case for a Human Rights-Based Model of Intervention," *Journal of Human Rights Practice* 15, no. 1 (2023): 262–283, https://doi.org/10.1093/jhuman/huac064. Accessed March, 10, 2026

The implementation of such policies can reduce economic pressures on families and reduce the likelihood of children entering the labor market. Accordingly, governments and responsible institutions should strengthen policies that aim to reduce the factors that predispose children to child labor. These measures help prevent children from being placed in working conditions that are contrary to their interests and fundamental rights.[70]

4. Urgency of Protection in Contexts of Severe Exploitation

Within the framework of child protection theory, the urgency of protecting children from exploitation has also been emphasized. Certain forms of child labour, particularly those that are hazardous or exploitative, pose a serious threat to children's health, development, education, and human dignity.[71] In these circumstances, if governments and responsible institutions do not take the necessary measures promptly, this may have irreparable consequences for the lives and futures of children. Therefore, child protection theory requires that governments and responsible institutions intervene without delay in cases where children are exposed to severe exploitation and prevent the continuation of this situation through effective legislation, monitoring, and support programs[72].

This approach is also reflected in international child rights and labour standards, which identify certain activities as the worst forms of child labour and require their immediate elimination. These activities are regarded as the most serious violations of children's rights because they expose children to severe exploitation and significant physical, psychological, and moral harm.[73]

Consequently, the theory of child protection and vulnerability can provide an important conceptual framework for understanding the need to protect children from child labor. This

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[70] Eric V. Edmonds and Nina Pavcnik, "Child Labor in the Global Economy," *Journal of Economic Perspectives* 19, no. 1 (2005): 208–218, https://doi.org/10.1257/0895330053147895. Accessed March 9, 2026

[71] Abdalla Ibrahim et al., "Child Labor and Health: A Systematic Literature Review of the Impacts of Child Labor on Child's Health in Low- and Middle-Income Countries," *Journal of Public Health* 41, no. 1 (2019): 24–26, https://doi.org/10.1093/pubmed/fdy018. Accessed March 10, 2026

[72] Lalu Ary Kurniawan Hardi et al., "Child Labour and Sexual Exploitation in Bangladesh: Analysis of Government Failure to Protect Children's Rights within the Constitutional Framework," *Jurnal Politik Indonesia (Indonesian Journal of Politics)* 11, no. 2 (2025): 180–186, https://doi.org/10.20473/jpi.v11i2.79896; Eric V. Edmonds and Maheshwor Shrestha, "The Impact of Minimum Age of Employment Regulation on Child Labor and Schooling*," *IZA Journal of Labor Policy* 1, no. 1 (2012): 14, https://doi.org/10.1186/2193-9004-1-14. Accessed March 10, 2026

[73] Michael J. Dennis, "The ILO Convention on the Worst Forms of Child Labor," *American Journal of International Law* 93, no. 4 (1999): 943–948, https://doi.org/10.2307/2555360. Accessed March 10, 2026

theory shows that children need special protection due to their vulnerable position and that governments should take immediate action to protect them when they are exposed to hazardous and exploitative work.

The framework of this research can be a basis for analyzing the urgency of protecting children from child labor in Afghanistan, while also showing the extent to which the current conditions are compatible with the principles of international law and what legal and institutional measures should be taken to protect children in this context.

While the theory of child protection and vulnerability explains why children need special protection from child labor, it does not fully clarify the legal responsibilities of states. Therefore, it is necessary to examine the concept of positive obligations of states and the principle of due diligence in international human rights law to better clarify the legal duties of states in preventing and combating child labor.

2.4.State Positive Obligations and Due Diligence in International Human Rights Law

a.Negative and Positive State Obligations to Protect Human Rights

In international human rights law, states are responsible for protecting human rights and fundamental freedoms of individuals. This responsibility includes both negative and positive obligations, which complement each other and ensure the effective protection of human rights.[74]

In general, negative obligations require states to refrain from interfering with the rights and freedoms of individuals. In other words, the state must not take actions that lead to the violation of human rights. In contrast, positive obligations require them to take active measures to protect, guarantee, and fulfill human rights. These measures include enacting laws, establishing protection mechanisms, and taking preventive policies to prevent violations of rights.[75]

[74] Spyridoula Katsoni, "Is the Obligation Not to Refoule a Positive Obligation? An Intermediate Approach Toward the Classification Dilemma | Human Rights Law Review | Oxford Academic," *Human Rights Law Review* 25, no. 1 (2024), https://doi.org/10.1093/hrlr/ngae027. Accessed March 15, 2026

[75] Center for Justice and International Law (CEJIL), *The Esperanza Protocol: International Legal Framework on Positive and Negative Obligations of States* (Center for Justice and International Law (CEJIL), 2021), pp. 10-14, https://cejil.org/wp-content/uploads/2021/10/Protocolo-Esperanza-FINAL-051021.pdf. Accessed March 15, 2026

Contemporary international law has recognized both types of obligations to protect fundamental human rights[76]. Although different human rights systems at the regional and global levels use different terminology to describe these obligations, they share the same underlying principle. States are obliged to take the necessary measures to protect and guarantee these rights, in addition to refraining from violating them.[77]

International human rights law generally classifies state obligations into three categories: the obligations to respect, protect, and fulfill human rights. The obligation to respect represents a negative obligation of the state and requires the state to refrain from interfering with the rights of individuals. In contrast, the obligation to protect and fulfill represents a positive obligation of the state, which requires the adoption of legal, administrative, and social measures to protect human rights.[78]

According to the United Nations Human Rights Committee, states fulfil their human rights obligations only when individuals are protected against violations committed by both state authorities and non-state actors. This means that governments must not only avoid violating rights themselves but also prevent abuses committed by individuals and organizations.[79]

b. Legislative Duty to Prevent the Worst Forms

Within the framework of international human rights law, the establishment of effective laws to prevent human rights violations is one of the forms of positive obligations of the state.[80] This obligation means that states must adopt laws and regulations that prevent human rights violations to the greatest extent possible.[81] In other words, the protection of human rights is not

[76] United Nations, "The Foundation of International Human Rights Law," United Nations, United Nations, accessed July 23, 2026, https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law.

[77] Hasselbacher, Lee, "State Obligations Regarding Domestic Violence: The European Court of Human Rights, Due Diligence, and International Legal Minimums of Protection," *Northwestern Journal of International Human Rights* 8, no. 2 (2010), https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi. Accessed March 16, 2026

[78] Spyridoula Katsoni, "Is the Obligation Not to Refoule a Positive Obligation? An Intermediate Approach Toward the Classification Dilemma | Human Rights Law Review | Oxford Academic." Accessed March 15, 2026

[79] Center for Justice and International Law (CEJIL), *The Esperanza Protocol: International Legal Framework on Positive and Negative Obligations of States*.

[80] United Nationa Human Rights Committee, "General Comment No. 31 [80], The Nature of the General Legal Obligation Imposed on States Parties to the Covenant," United Nations, 2004, https://www.refworld.org/legal/general/hrc/2004/52451.Accessed March 16, 2026

[81] Brice Dickson, "Positive Obligations and the European Court of Human Rights," *Northern Ireland Legal Quarterly* 61, no. 3 (2010): 3, pp. 203- 208 https://doi.org/10.53386/nilq.v61i3.449.Accessed March 16, 2026

achieved only by recognizing the rights, but also by the existence of specific legal structures capable of preventing violations and effective implementation. As a result, legislation is one of the essential tools for fulfilling the state's positive obligations.[82]

The obligation becomes even more important when the issue is related to the protection of vulnerable groups such as children. They are more vulnerable to violations of their fundamental rights due to their age, economic dependence, and limitations in defending their rights.[83] Therefore, international law obliges states to protect children from child labor by establishing specific and comprehensive laws. These laws should not only prohibit child labor but also provide precise and clear definitions of the various forms of child labor and that pose the greatest risk to children's health, education, and development.[84]

From the perspective of this study, comprehensive legislation is an essential component of child protection mechanisms. The existence of clear laws not only helps prevent violations of children's rights but also paves the way for the implementation of other state obligations, such as monitoring, protection, and accountability.[85] Conversely, any gap or weakness in the legal framework can lead to the continuation of child labor and raise the responsibility of the state for the lack of effective protection of children's rights.

c. Duty to Criminalize and Regulate

Within the framework of international human rights law, the obligation of states to protect children from child labor requires taking active and effective measures to control and respond to this phenomenon. This obligation requires states to establish an appropriate legal framework that minimizes violations of children's rights. One of the most important clarifications is the criminalization of behaviors that lead to violations of children's fundamental rights.[86]

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[82] Guy Baldwin, "Positive Obligations to Protect the Population under Human Rights Law," *Judicial Review* 0, no. 0 (2025): 1–16, https://doi.org/10.1080/10854681.2025.2556618. Accessed March 17, 2026

[83] United Nations, "Convention on the Rights of the Child." Accessed May 22, 2025

[84] Leeladhara Mangalpady Bhandary, "Child Labour Regulations in International Law and Indian Legislations: A Survey," *World Journal of Social Sciences and Humanities* 5, no. 2 (2019): 111–19, https://doi.org/10.12691/wjssh-5-2-7. Accessed March 16, 2026

[85] Baldwin, "Positive Obligations to Protect the Population under Human Rights Law."pp. 1-16. Accessed March 16, 2026

[86] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Articles 1& 7. Accessed May 31, 2025

In human rights theory, especially within the framework of the due diligence standard, states are not only obliged to refrain from direct violations of rights, but must also prevent violations committed by private individuals through legal, administrative, and judicial measures[87]. In this context, criminalization is recognized as one of the key tools for implementing this obligation, because without identifying harmful behaviors as crimes, it will not be possible to apply effective enforcement guarantees and create real deterrence.[88] In other words, rights without enforcement guarantees have limited effectiveness from a practical perspective.[89] In the area of child labour, this obligation is reflected in international instruments such as Convention No. 182 of the International Labour Organization. By requiring States to take all necessary measures for effective implementation, it effectively leads States to criminalize the worst forms of child labour.[90]

Criminalizing the worst forms of child labour can serve as a deterrent and significantly reduce the likelihood of such practices.[91] It also demonstrates a strong normative stance of the State towards the protection of children and shows that these behaviors are not only reprehensible but also unacceptable and punishable.[92] However, criminalization alone is not enough, but must be accompanied by the establishment of a regulatory framework.[93] This framework includes workplace monitoring and labor inspections to identify and prevent

[87] Olivier De Schutter et al., *Human Rights Due Diligence: The Role of States* (International Corporate Accountability Roundtable & European Coalition for Corporate Justice, 2012), https://www.business-humanrights.org/en/latest-news/pdf-report-human-rights-due-diligence-the-role-of-states. Accessed March 18, 2026

[88] Human Rights Committee (UN), "United Nations Human Rights Website - Treaty Bodies Database - Document - General Comments -," 2004, https://internationalhumanrightslexicon.org/hrdoc/docs/hrcGC31. Accessed March 17, 2026

[89] Muhammed Gürkan Gür, "The Effectiveness of the Enforcement Mechanism of the ECHR: A Critical Overview," *Ankara Barosu Dergisi* 83, no. 3 (2025): 425–45, https://doi.org/10.30915/abd.1709902. Accessed March 18, 2026

[90] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Article 7 Accessed May 31, 2025

[91] Daniel S. Nagin et al., *Deterrence, Choice, and Crime, Volume 23: Contemporary Perspectives* (Routledge, 2018),pp,18-29 https://www.perlego.com/book/1382894/deterrence-choice-and-crime-volume-23-contemporary-perspectives-pdf Accessed March 17, 2026

[92] Thomas J. Miceli, "Expressive Law and Escalating Penalties: Accounting for the Educational Function of Punishment," *Review of Law & Economics* 19, no. 3 (2023): 245–61, https://doi.org/10.1515/rle-2023-0015. Accessed March 17, 2026

[93] Roberto Pires, "Promoting Sustainable Compliance: Styles of Labour Inspection and Compliance Outcomes in Brazil," *International Labour Review* 147, nos. 2–3 (2008), https://doi.org/https://doi.org/10.1111/j.1564-913X.2008.00031.x. Accessed March 17, 2026

violations.[94] In this regard, Convention No. 182 obliges States to designate competent authorities to monitor the implementation of regulations and develop programmes for the elimination of child labor.[95]

Finally, commitment to criminalize and regulate is one of the fundamental pillars of States' positive obligations under the human rights system. Criminalization establishes legal accountability and deterrence, while regulatory mechanisms strengthen monitoring and enforcement. Together, these measures contribute to the effective protection of children's rights. Without such a framework, even comprehensive legal recognition of children's rights cannot effectively prevent the continuation of child labour.

d. Duty to Investigate, Prosecute, and Punish

The protection of children from child labour requires states to fulfil a series of enforcement obligations that include investigation, prosecution, and punishment.[96] These obligations require states to respond quickly and effectively to violations of children's rights to prevent their continuation.[97] According to human rights literature, states have fulfilled their obligations not only by preventing violations of rights, but also by impartially investigating cases of violations, prosecuting the perpetrators, and punishing them.[98] This approach in due diligence studies also emphasizes that without enforcement mechanisms, human rights do not exist in practice, and the mere existence of legal rules is not enough to prevent criminal acts.[99]

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[94] Prudence Nomtandazo Malope and Sipho Kenneth Mokoena, "An Assessment of a Labour Inspection and Enforcement Strategy on Occupational Health and Safety in a Selected Labour Centre in South Africa," *International Journal of Social Science Research and Review* 6, no. 9 (2023): 365–77, https://doi.org/10.47814/ijssrr.v6i9.1488. Accessed March 19, 2026

[95] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Accessed May 31, 2025

[96] University of Minnesota Human Rights Library, "University of Minnesota Human Rights Library," accessed March 22, 2026, https://hrlibrary.umn.edu/monitoring/adminchap15.

[97] Robert McCorquodale and Justine Nolan, "The Effectiveness of Human Rights Due Diligence for Preventing Business Human Rights Abuses," *Netherlands International Law Review* 68, no. 3 (2021): 455–78, https://doi.org/10.1007/s40802-021-00201-x. Accessed March 22, 2026

[98] Anja Seibert-Fohr, *The Fight against Impunity under the International Covenant on Civil and Political Rights!*, (The Hague) 6 (2002), https://www.mpil.de/files/pdf1/mpunyb_seibert-fohr_6.pdf. Accessed March 23, 2026

[99] McCorquodale and Nolan, "The Effectiveness of Human Rights Due Diligence for Preventing Business Human Rights Abuses."pp, 455-477. Accessed March 23, 2026

These obligations are particularly significant in cases of child labour, where children are subjected to exploitation that violates their rights, dignity, and development.[100] Empirical research shows that the lack of effective monitoring and weak enforcement of laws makes children more vulnerable to harm and violations of their rights.[101] Accordingly, the obligation to investigate, prosecute, and punish can be considered a core component of the effective protection of children's rights. They also express the urgency of protecting children from child labor.[102] Any delay in enforcement can lead to the continuation of irreparable physical, psychological, and social harm.[103] Therefore, this obligation is not only a legal requirement, but also a practical mechanism for immediate and effective protection of children from child labor.

e. Duty to Protect and Rehabilitate

The obligation of States to protect children from child labour requires that they take proactive and comprehensive measures to safeguard child victims, including their rehabilitation and reintegration into society.[104] This approach is based on the understanding that child labour is not simply a legal violation, but a multidimensional violation of human rights that has long-term consequences for the child's individual growth and social development.[105] As a first step, the commitment to protection requires States to promptly and effectively remove children from exploitative work and ensure their access to basic rights, including education, health services, shelter, and adequate nutrition.[106] Studies show that the lack of initial protection after leaving

[100] Ramya Subrahmanian, "Eliminating Child Labour: What Needs to Be Done?," *BMJ Paediatrics Open* 7, no. 1 (2023): e002102, https://doi.org/10.1136/bmjpo-2023-002102. Accessed March 24, 2026

[101] Md Abdul Ahad et al., "Key Informant Views of the Determinants of Child Labour Maltreatment," *Children* 11, no. 6 (2024), https://doi.org/10.3390/children11060708. Accessed March 22, 2026

[102] Seibert-Fohr, *The Fight against Impunity under the International Covenant on Civil and Political Rights!* pp. 305- 309. Accessed March 22, 2026

[103] Sefa Bulut and Shaima Tariq Hasan Alabed, "Causes and Long-Term Consequences of Child Labour," *Ibn Haldun University, Istanbul, Turkey* 2, no. 2 (2021), https://aditum.org/images/currentissue/1614584159Clinical_Psychology_and_Mental_Health_Care_Galley_Proof.pdf. Accessed

[104] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Accessed May 31, 2025

[105] Kathleen Beegle et al., "Why Should We Care About Child Labor?: The Education, Labor Market, and Health Consequences of Child Labor," Articles, *Journal of Human Resources* 44, no. 4 (2009): 871–89, https://doi.org/10.3368/jhr.44.4.871. Accessed March 25, 2026

[106] Sanjai Bhatt and Atul Pratap Singh, "Rehabilitation of Rescued Children from Worksites in India," *Social Development Issues* 43, no. 2 (2022),pp,54-48 https://doi.org/10.3998/sdi.1824. Accessed March 25, 2026

work leads to children re-entering the labour market.[107] Therefore, protection should be immediate and continuous, and designed and implemented with the child's human dignity and best interests in mind.[108]

In addition, states are required to restore children's physical, psychological, and educational capacities through effective rehabilitation measures.[109] Research evidence shows that working children often face trauma, mental disorders, and educational deprivation.[110] Accordingly, the government must provide effective rehabilitation programmes to successfully return the child to the path of normal development.[111]

f. Due Diligence Standard and State Responsibility

The principle of due diligence is one of the fundamental standards of states' responsibility in international human rights law. This standard requires states to take preventive measures within their territory to protect individuals from violations of their fundamental rights. According to this standard, states must enact effective laws and policies and provide the necessary enforcement mechanisms to ensure that individuals' rights are respected and protected from violations committed by the state or other individuals.[112]

In the context of child labour, the due diligence standard requires that States establish effective legal frameworks to prevent children from being employed in harmful and illegal work. These frameworks should be designed to safeguard children's fundamental rights, including the right to a decent life, access to education, and a healthy childhood.[113] From the perspective of

[107] Eric V. Edmonds, *NBER WORKING PAPER SERIES*, no. 12926 (2007), https://doi.org/10.3386/w12926. Accessed March 25, 2026

[108] United Nations, "Convention on the Rights of the Child." Article 39

[109] Ibid.

[110] Ibrahim, Abdalla, Jafer, Abdelgadir, and De Vries, "Child Labor and Health." Accessed March 26, 2026

[111] Bhatt and Singh, "Rehabilitation of Rescued Children from Worksites in India." Accessed March 25, 2026

[112] Jonathan Bonnitcha and Robert McCorquodale, "The Concept of 'Due Diligence' in the UN Guiding Principles on Business and Human Rights," *European Journal of International Law* 28, no. 3 (2017): Bonnitcha, Jonathan, and Robert McCorquodale. "The Concept of 'Due Diligence' in the UN Guiding Principles on Business and Human Rights." European Journal of International Law 28, no. 3 (2017): 899-919. https://doi.org/10.1093/ejil/chx042., https://doi.org/10.1093/ejil/chx042. Accessed March 26, 2026

[113] Danwood Mzikenge Chirwa, "The Doctrine of State Responsibility as a Potential Means of Holding Private Actors Accountable for Human Rights," *Melbourne Journal of International Law* 5 (2004), pp. 12,13 https://law.unimelb.edu.au/__data/assets/pdf_file/0005/1680422/Chirwa.pdf. Accessed March 27, 2026

international law, any failure by States to enact effective laws and ensure their implementation can give rise to international responsibility of the State.[114]

The responsibility of the State in the field of children's rights also includes continuous monitoring and coordination with international obligations. States should ensure that domestic laws are enacted in accordance with international standards to protect children from harmful work and deprivation of education. In addition, effective monitoring institutions, supportive policies for families, and the provision of educational resources to improve children's access to education and health are also responsibilities of the State.[115] Failure of the State in any of these dimensions, including incomplete implementation of laws and weak monitoring, can be considered a violation of its positive obligations towards children's rights.[116]

g. Principle of Effectiveness of Laws

One of the fundamental principles of international human rights law is the Principle of Effectiveness, which emphasizes the need for effective implementation and monitoring of laws, not just their enactment.[117] Without these elements, laws cannot prevent human rights violations or guarantee the fundamental rights of individuals.[118]

In the field of human rights, especially in the field of protecting children from child labour, States are required to establish effective prevention, monitoring, and enforcement mechanisms to prevent violations of children's fundamental rights in practice.[119] This includes monitoring the implementation of the law, protecting victims, and assessing the impact of laws on the actual

[114] Danwood Mzikenge Chirwa, "The Doctrine of State Responsibility as a Potential Means of Holding Private Actors Accountable for Human Rights." Pp, 2004-2017 Accessed March 26, 2026

[115] Nur Paikah et al., "The Government's Responsibility for the Fulfillment of the Right to Education for Child Labour in Working Relationships," *Indian Journal of Forensic Medicine & Toxicology* 15, no. 2 (2021): 4231–43, https://doi.org/10.37506/ijfmt.v15i2.15036. Accessed March 25, 2026

[116] Ibid.

[117] Bob Barnetson, "Effectiveness of Complaint-Driven Regulation of Child Labour in Alberta," *Just Labour: A Canadian Journal of Work and Society* 16 (2010), pp 16-22 https://doi.org/https://doi.org/10.25071/1705-1436.40. Accessed March 28, 2026

[118] McCorquodale and Nolan, "The Effectiveness of Human Rights Due Diligence for Preventing Business Human Rights Abuses." pp. 425- 478. Accessed March 22, 2026

[119] United Nations, "Convention on the Rights of the Child." Article 4

human rights situation.[120] If existing laws are not effectively enforced, they cannot provide meaningful protection for children's rights in practice. Such a failure may also constitute a breach of the state's positive obligations, as states are required to protect human rights in practice, not merely in theory or on paper.[121]

The theoretical framework of positive state obligations and the principle of due diligence suggest that an effective legal system is not limited to the mere recognition of rights but also requires practical and enforcement measures. Accordingly, an effective legal framework to combat child labor should include elements such as comprehensive legislation, criminalization of forms of exploitation, establishment of effective monitoring mechanisms, ensuring investigation and prosecution, and rehabilitation of affected children.

The theoretical framework is directly applicable to the second research question, as it provides specific analytical criteria for assessing what kind of legal system Afghanistan should have in place in the field of child labor to combat the phenomenon effectively. However, this framework alone is insufficient, as it is mostly conceptual and analytical and does not set precise, binding standards. Therefore, this theoretical framework should be complemented by international normative standards to transform these general requirements into objective criteria, consistent with international law. Accordingly, in the next section, these standards, especially ILO Convention No. 182 on the Worst Forms of Child Labour, will be examined to complete the present theoretical framework.

2.5.Normative Standards under ILO Convention No. 182

Studies show that Convention No. 138 of the International Labor Organization, despite its objective of setting a minimum age for work, failed to protect children from child labor.[122] For

[120] International Labour Organization, "Protocol of 2014 to the Forced Labour Convention," Treaty, International Labour Organization, 2014, Article 4 https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:P029:NO. Accessed March 22, 2026

[121] Kovalchuk, V. B et al., "Human Rights and Positive Obligations of the State," *Journal of the National Academy of Legal Sciences of Ukraine* 28, no. 3 (2021), pp. 1- 5 https://doi.org/3/27/2026,%209:30:07%20PM. Accessed March 27, 2026

[122] R. A. Mavunga, "A Critical Assessment of the Minimum Age Convention 138 of 1973 and the Worst Forms of Child Labour Convention 182 of 1999," *Potchefstroom Electronic Law Journal (PELJ)* 16, no. 5 (2013):

this reason, Convention No. 182 of the International Labor Organization was adopted in Geneva on June 17, 1999, and entered into force on November 19, 2000.[123]

The main objective of this convention is to eliminate the worst forms of child labor and places special emphasis on criminalization and urgent measures to combat child labor.[124] This convention is one of the international documents that all member states of the International Labor Organization have ratified, which indicates its status as a global norm in the field of children's rights and child labor.[125]

a. Scope and objectives of the ILO Convention No.182

Convention No. 182 applies to all persons under the age of 18 and focuses on the elimination of the worst forms of child labor. This convention addresses the most severe and exploitative forms of work, including slavery, human trafficking, forced labor, and the use of children in war and other illegal activities.[126] This work not only deprives children of their basic rights but also seriously threatens their physical, mental, and moral health. The convention also covers informal activities and requires governments to take serious measures to eliminate them.[127] The main objective of this convention is to eliminate the worst forms of child labor and ensure that children have access to their basic rights. To achieve this objective, states must adopt immediate and effective measures, including establishing appropriate legal frameworks, effective enforcement mechanisms, and monitoring systems. These measures are intended to

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01–49, http://www.scielo.org.za/scielo.php?script=sci_abstract&pid=S1727-37812013000500004&lng=en&nrm=iso&tlng=en. Accessed March 27, 2026

[123] (International Labour Organization), "Ratifications of ILO Conventions: Ratifications by Convention," accessed June 1, 2025, https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312327.

[124] Mavunga, "A Critical Assessment of the Minimum Age Convention 138 of 1973 and the Worst Forms of Child Labour Convention 182 of 1999."pp. 1-40. Accessed April 1, 2026

[125] Cecilia Zsögön, "ILO's Convention 182 on the Worst Forms of Child Labour: Challenges for Its Application in Latin America," *Studia Iuridica Lublinensia* 33, no. 3 (2024): pp 158, https://doi.org/10.17951/sil.2024.33.3.157-172. Accessed April 2, 2026

[126] Yuvashree K and Subavarshini J, "Eliminating Worst Forms of Child Labour: An Examination of ILO Convention 182 & Recommendations 125&190," *IJFMR - International Journal For Multidisciplinary Research* 6, no. 6 (2024), pp,6-8 https://doi.org/10.36948/ijfmr.2024.v06i06.33253. Accessed April 2, 2026

[127] O'Donnell, O, *Child Labour and Health: Evidence and Research Issues*, Working Paper UCW Working Paper No. 33 (University of Rome Tor Vergata / UCW Project, 2002), pp. 2-12 https://documents1.worldbank.org/curated/en/832621468337828094/pdf/438690WP0Box321alth1Review01PUBLIC1.pdf Accessed April 3, 2026

prevent exploitation, protect affected children, and ensure compliance with international labour standards.[128]

b. Definition of the worst forms of child labour (Article 3)

ILO Convention No. 182 defines the worst forms of child labour as the most severe and exploitative forms of work that are inherently a violation of the human rights of the child. These include all forms of slavery and similar practices to slavery such as trafficking and sale of children, forced recruitment of children for armed conflict, sexual exploitation in the form of prostitution and pornography, their use in illicit activities such as drug trafficking and human trafficking, and, last but not least, the use of children in work that, due to its hazardous nature, poses a particular threat to the physical and mental health of children.[129] This definition also includes informal and street work and obliges governments to take serious and urgent measures to eliminate them.

c. Urgent and effective measures (Article 7)

Article 7 of the ILO Convention requires States Parties to take the necessary measures to ensure the effective implementation and enforcement of the Convention. These measures include the provision and application of penal or other appropriate sanctions. The establishment of a monitoring and inspection system and the provision of comprehensive protection for affected children through rehabilitation, education, and social reintegration.[130] This article reflects the principle of due diligence and requires States not only to prohibit the continuation of exploitation but also to take active measures to prevent, monitor, and combat it.

d. National designation of hazardous occupations

ILO Convention 182 requires States parties to develop and update a national list of hazardous works. This determination can be done in consultation with relevant organizations and institutions to identify which types of activities are most harmful to children.[131] Establishing a clear national list of hazardous work enables States to define prohibited activities

[128] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182).
[129] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Article 3
[130] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Article 7
[131] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Article 4

and improve the effectiveness of prevention, monitoring, and enforcement measures aimed at protecting children from hazardous labour.

e. Legal implications for national systems

ILO Convention No. 182 emphasizes that countries should harmonize their domestic legal framework with international standards. This includes clearly defining the worst forms of child labor in national laws, establishing appropriate penal sanctions for those responsible, and effective enforcement and monitoring mechanisms for the prevention of this phenomenon. In summary, ILO Convention No. 182, as an international legal standard, provides a basic framework for analyzing the degree of compliance of Afghan laws with international standards.

In conclusion, the theoretical framework of this study shows that child labor is not only an economic activity but also a human rights issue. Accordingly, the theories of child vulnerability, child protection, and the principle of the best interests of the child emphasize the need for urgent protection of children, while positive state obligations and the principle of due diligence oblige states to take effective measures such as legislation, monitoring, and protection. Also, Convention No. 182, as a normative standard, provides a specific framework for identifying and eliminating the worst forms of child labor. Accordingly, this theoretical framework provides the necessary basis for assessing the urgency of preventing child labor and analyzing the Afghan legal system. In the next chapter, these standards are applied to the situation in Afghanistan.

CHAPTER III

ANALYSIS AND DISCUSSION

3.1. Assessing the Urgency of Child Protection and the Legal Framework of Afghanistan in Combating Child Labour

The theoretical framework developed in Chapter 2 provides the basis for analyzing the urgency of preventing child labour and the adequacy of Afghan laws for addressing this issue. Concepts such as vulnerability, best interests of the child, state positive obligations, due diligence, and the standards of ILO Convention No. 182 are used as analytical tools to assess both the current situation of child labor and the effectiveness of the Afghan legal framework in combating it.

a. The Situation of Child Labor in Afghanistan

Child labor in Afghanistan is one of the most serious human rights, economic, and social challenges.[132] Millions of children in the country are forced to drop out of school and engage in hard labor to make ends meet and support their families.[133] According to the U.S. Department of Labor, about 22% of Afghan children between the ages of 5 and 14 are working, of which 24% are boys and 19% are girls. These children are mainly engaged in hazardous activities such as working in mines and participating in armed conflicts.[134]

The outbreak of the COVID-19 virus in February 2020 forced more than 50 percent of families to send their children to work to support the family.[135] In addition, the return of the Taliban to power in August 2021 further worsened the situation of child labor. Poverty, adult unemployment, and girls' exclusion from education have led children, especially girls, to resort

[132] Arash Ziapour et al., "A Qualitative Study on the Challenges of Afghan Child Labourers in Tehran," *PLOS ONE* 19, no. 7 (2024): e0306318, pp. 1-4 https://doi.org/10.1371/journal.pone.0306318.

[133] Hazrat Shah Kayen, "The Impact of Child Labor on Children's Development: A Case Study of Afghanistan," *Bhineka Tunggal Ika Journal* 10, no. 2 (2023): 326–328.

[134] U.S. Department of Labor, Bureau of International Labor Affairs (ILAB), "Findings on the Worst Forms of Child Labor - Afghanistan | U.S. Department of Labor."

[135] Abubakr Yosufi and Kirandeesh Kaur, "The Burden of COVID-19 Pandemic on Child Labour in Afghanistan," *Razi International Medical Journal* 1, no. 2 (2021), https://doi.org/10.56101/rimj.v1i2.28.

to a variety of jobs to earn a living that pose a significant threat to their physical and mental health and development.[136]

Children in Afghanistan are engaged in dangerous and heavy work, including working in brick factories, mines, carpet weaving, begging for money, informal collection of cans and bottles from municipal waste sites, and other street jobs.[137] They are also used by the Taliban in armed conflicts.[138]

There is also a significant difference between the work of girls and boys. Girls are more often engaged in household chores, childcare, and collecting water and fuel, and sometimes also in selling or working on the streets, while boys are more often employed in factories, workshops, mines, construction, and other heavy and industrial jobs.[139]

A large part of girls' work is done in the home and is usually considered to help the family. For this reason, this type of work is often unpaid and involves long hours, preventing them from receiving an education and enjoying their childhood. In contrast, boys' work is usually accompanied by a wage.[140]

The return of the Taliban to power has significantly worsened the situation of child labor in Afghanistan. The deprivation of girls from education and the closure of schools led many girls to enter the labor market or domestic work. This situation has made girls more vulnerable to exploitation and social harm than before.[141]

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[136] The Afghan Times, *Child Labour In Taliban's Afghanistan - The Afghan Times* (IUF Asia/Pacific & The Afghan Times, 2025), pp 4-9 https://theafghantimes.com/magazine/2025/06/01/child-labour-in-talibans-afghanistan/. Accessed March 29, 2026

[137] Shuja, *"They Bear All the Pain"*; Lutfullah Lutf and Shahadat I Haq Yasini, *Factors Contributing to Child Labor in Afghanistan: A Case Study in Jalalabad City*; Aasif Hussain Nengroo and Gulam Mohammad Bhat, "Why Child Labour? Evidences from Homebased Carpet Weaving Industry of Kashmir," *Children and Youth Services Review* 79 (August 2017): 50–56, https://doi.org/10.1016/j.childyouth.2017.05.032. Accessed April 3, 2026

[138] .

[139] Kameel Ahmady, "Gender Differences in Child Labour: A Systematic Review of Causes, Forms, Features and Consequences," *International Journal of Multidisciplinary Research and Growth Evaluation* (India) 5, no. 1 (2024), pp,950-951https://www.allmultidisciplinaryjournal.com/uploads/archives/20240708193452_A-24-190.1.pdf. Accessed April, 3, 2026

[140] UNICEF, "UNICEF Campaigns against Child Labour in Afghanistan," UNAMA, United Nations Peace Operations, 2009, https://unama.unmissions.org/en/unicef-campaigns-against-child-labour-afghanistan. Accessed April 8, 2026

[141] Times, *Child Labour In Taliban's Afghanistan - The Afghan Times*. Accessed April 3, 2026

At the same time, increasing poverty and hunger in Afghanistan intensified families' reliance on child labor. According to Save the Children, about 38.4% of Afghan children are involved in hard and illegal work to support themselves and their families.[142] In addition, reports indicate that the Taliban's recruitment of children in armed conflict has significantly increased child labor.[143] The exclusion of girls from education has also reduced their future workforce capacity and perpetuated the cycle of poverty, which is a major factor in the increase in child labor in the country.[144]

According to the harm-based approach, which is one of the fundamental elements of child labor and explained in Chapter 2, the work of children under the age of eighteen in brick factories, coal mines, and all the aforementioned activities is a clear form of child labor.[145] These activities endanger the physical and mental health of children and, at the same time, prevent their access to education.[146] Also, according to the standards of the International Labor Organization contained in Convention No. 182, such activities are hazardous forms of work.[147]

Deprivation of education and engagement in activities that remove them from the educational and learning environment are contrary to the best interests of the child. [148]Access to education is a fundamental and primary right of children, and deprivation of it is considered a violation of their fundamental rights.[149] At the same time, the enjoyment of childhood and the

[142] Save the Children, "More Than a Third of Children Surveyed in Afghanistan Pushed into Child Labor, as Country Marks Two Years of Taliban Rule," Save the Children, Save the Children, August 15, 2023, https://www.savethechildren.org/us/about-us/media-and-news/2023-press-releases/children-surveyed-in-afghanistan-pushed-into-child-labor. Accessed July, 28,2026

[143] U.S. Department of Labor, Bureau of International Labor Affairs (ILAB), "Findings on the Worst Forms of Child Labor - Afghanistan | U.S. Department of Labor." Accessed July 28, 2026

[144] Ali Ahsan Randhawa et al., "The Psychological and Socioeconomic Impacts of Education Denial on Afghan Girls," *Dialogue Social Science Review (DSSR)* 3, no. 2 (2025): pp. 1104–1112, https://dialoguesreview.com/index.php/2/article/view/347. Accessed April 1, 2026

[145] Ahad et al., "Key Informant Views of the Determinants of Child Labour Maltreatment," 2024.Accessed March,2 2026

[146] Lutfullah Lutf and Shahadat I Haq Yasini, *Factors Contributing to Child Labor in Afghanistan: A Case Study in Jalalabad City*.p,352. Accessed June, 2025

[147] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Article 3

[148] Garayová, "The Best Interests of the Child Principle." pp. 9-17. Accessed March 7, 2026

[149] United Nations, "Convention on the Rights of the Child." Articles 28, 31

right to healthy development are fundamental rights of children and are contrary to the state's commitment to ensuring the welfare and comfort of children.[150]

Overall, the current situation of child labor in Afghanistan shows the urgent need for immediate legal and policy intervention. Economic hardship, social and political factors, especially poverty, and the systematic exclusion of girls from education have forced children to perform dangerous and harmful work. These conditions, in addition to violating the fundamental rights of children, reinforce the cycle of poverty and undermine sustainable development. Therefore, preventing child labor and ensuring equal access to education have become urgent legal and humanitarian priorities in Afghanistan.

b. The Main Factors behind the Spread of Child Labor in Afghanistan

1. Structural and Conflict-Related Drivers

Child labor is a phenomenon that has existed in Afghanistan for a long time, as in other countries, and is still considered one of the country's serious social and economic problems. This phenomenon is due to several factors arising from Afghanistan's historical and social context.[151] One of the most important of these factors is the insecurity caused by continuous wars. Since the Soviet invasion in 1979, Afghanistan has faced wars and instability. After that, civil wars between Mujahideen groups and then the Taliban government have embroiled the country in numerous conflicts and crises to this day. These conflicts have caused the loss of family breadwinners, the orphaning of children, and the impoverishment of many households. As a result, many children have been forced to work to support themselves and their families.[152]

Another important factor is poverty, which is directly linked to the wars and insecurity in Afghanistan. The ongoing conflicts have led to the destruction of infrastructure, the closure of many businesses, and an increase in unemployment, and as a

[150] Center for Justice and International Law (CEJIL), *The Esperanza Protocol: International Legal Framework on Positive and Negative Obligations of States*.

[151] Hazrat Shah Kayen, "The Impact of Child Labor on Children's Development: A Case Study of Afghanistan." pp. 326-327

[152] Lutfullah Lutf and Shahadat I Haq Yasini, *Factors Contributing to Child Labor in Afghanistan: A Case Study in Jalalabad City*.pp,336-350

result, families' incomes are not enough to meet their basic needs.[153] As household income declines, many children are compelled to engage in informal and often hazardous work to help meet their basic needs. Poverty also restricts access to education, as many families can no longer afford to keep their children in school.[154]

Poverty also forces families to migrate to neighboring countries or urban areas to achieve better living conditions, where children are forced to work and are exposed to greater risks instead of continuing their education.[155] Consequently, poverty not only creates the conditions for child labor but also leads to the deprivation of the right to education and the continuation of the cycle of poverty in subsequent generations.

As a result, children become one of the most vulnerable groups in Afghan society. When parents or other adult family members are unable to earn a sufficient income, or when families lose their primary breadwinner due to conflict, children are often forced to enter the labour market at an early age. Because of their age, limited bargaining power, and lack of awareness of their rights, they are particularly vulnerable to exploitation in the workplace[156].

2. Migration and Displacement

Another important factor contributing to child labor in Afghanistan is migration and displacement. [157] Many Afghan families have been forced to leave their homes due to war, insecurity, and various natural disasters. These families usually lose their livelihood, assets, and job opportunities after being displaced and face severe economic difficulties. As a result, children are forced to work to help meet the family's basic needs, such as food and

[153] Chiara Kofol and Tommaso Ciarli, "Child Labor and Conflict: Evidence from Afghanistan," SSRN Scholarly Paper no. 3005965 (Social Science Research Network, July 1, 2017), pp. 8- 26, https://doi.org/10.2139/ssrn.3005965. Accessed April 6, 2026

[154] Salman Ali Nabavi et al., "Child Laborers Access to Education in Kandahar City," *American International Journal of Social Science Research* (USA) 6, no. 2 (2021): 39–42, https://doi.org/10.46281/aijssr.v6i2.1207. Accessed April 6, 2026

[155] Timothy J. Dunn and Natalia Ribas-Mateos, *Handbook On Human Security, Borders And Migration* (Edward Elgar Publishing, 2021), pp. 400-405 https://doi.org/10.4337/9781839108907. Accessed April 6, 2026

[156] Yusefri et al., "Protecting Child Labor Rights." pp. 1188- 1200. Accessed March 6, 2026

[157] Ziapour et al., "A Qualitative Study on the Challenges of Afghan Child Labourers in Tehran." pp 1-10 Accessed March 29, 2026

shelter, and other essential needs. At the same time, displacement frequently disrupts children's education, making labour the only available alternative for many of them.[158]

Afghan children who migrate with their families to neighboring countries also face similar problems. Many are unable to attend school because of the lack of legal documentation, financial hardship, or barriers to school enrollment. Consequently, they often engage in informal work, including street vending and other low-paid jobs, to support their families. [159]These circumstances not only deprive children of their right to education but also increase their exposure to hazardous and exploitative forms of child labour.

3. Environmental and Climate Factors

Climate change is another factor contributing to child labour in Afghanistan. Environmental crises such as drought, rising temperatures, and floods have severely affected agricultural production and rural livelihoods. Since a large proportion of Afghanistan's economy depends on agriculture, these environmental shocks have reduced household income and limited employment opportunities for adults. [160] Drought, in particular, has restricted access to water and food in many parts of the country, which places economic pressure on families. As a result, many households rely on children's work to help meet their basic needs. Climate-related displacement has also disrupted children's access to education, increasing the likelihood that they will enter the labour market.[161]

Therefore, climate change does not directly cause child labor. Rather, it contributes to child labour indirectly by weakening family economies and reducing job opportunities for family heads.

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[158] Internal Displacement Monitoring Center (IDMC), *Equitable Access to Quality Education for Internally Displaced Children* (Internal Displacement Monitoring Center (IDMC), 2019), https://doi.org/10.55363/IDMC.KJXM9608. Accessed April7, 2026

[159] Saeed Zanganeh Shahraki et al., "Child Labor Processes in the City of Mashhad: A Narrative Study," *Children and Youth Services Review* 119 (December 2020): 105474, pp 6-8 https://doi.org/10.1016/j.childyouth.2020.105474. Accessed April 7, 2026

[160] Homayoon Raoufi et al., "Assessing the Impact of Climate Change on Agricultural Production in Central Afghanistan," *Regional Sustainability* 5, no. 3 (2024): 100156, pp,1-3 https://doi.org/10.1016/j.regsus.2024.100156. Accessed April 8, 2026

[161] Save the Children, "Drought Drives Child Labour in Northern Afghanistan – Save the Children," 2026, https://www.developmentaid.org/news-stream/post/205598/save-the-children-northern-afghanistan-drought-child-labour-school-absences-2026. Accessed April 18, 2026

4. The Role of Education and the Taliban's Policies

Studies show that education is one of the most important mechanisms that protect children from child labor. When access to education is limited or impossible, children's entry into the labor market becomes an alternative. This not only exposes them to exploitation but, in the long run, also expands the cycle of poverty, and children are used as a source of income to help their families financially.[162] In Afghanistan, the Taliban's return to power in 2021 has significantly worsened this situation. Restrictions on women's employment and the deterioration of economic conditions have increased poverty, forcing many children to work. In addition, the Taliban's ban on girls' education beyond the sixth grade has deprived millions of girls of their right to education and increased their vulnerability to child labour and other forms of exploitation.[163]

From the perspective of the best interests of the child, denying children access to education is inconsistent with their fundamental rights and healthy development. Since education is a core component of children's well-being and future opportunities, policies that restrict access to education undermine the best interests of the child and increase the risk of child labour.[164]

c. Impacts of Child Labor on Children's Rights and Lives

1. Deprivation of right to education

One of the most important consequences of child labor is the deprivation of their right to education[165]. In Afghanistan, children often lose access to education once they enter the labor market[166]. Child labor is usually associated with long hours and physical strain,

[162] Tharaka Magammana et al., "Breaking the Cycle: Long-Term Socio Economic Determinants of Child Labour in SAARC Countries," *BMC Public Health* 25, no. 1 (2025): 4040, p. 4 https://doi.org/10.1186/s12889-025-25399-w. Accessed April 11, 2026

[163] Times, *Child Labour In Taliban's Afghanistan - The Afghan Times*. Accessed March 7, 2026

[164] Garayová, "The Best Interests of the Child Principle." Accessed March, 18, 2026

[165] Ramazan Ahmadi and Mohammad Reza Akbari, "Social Harms of Child Labor in Afghanistan (Case Study of Bamyan City)." Pp. 186- 200. Accessed December 14, 2025

[166] Radha Chettri and Sachin Bhardwaj, "Psycho-Socio Study of Disparaging Education System and Child Labour Issue in the Conflict Areas and War Zones: A Critical Case Study of Afghanistan," *Journal of Positive*

which result in children not having enough time to attend school or the necessary physical and mental strength to learn and fulfill their educational responsibilities[167].

As a result, many working children either do not enter the education system at all or, if they do enroll, they do not participate in classes regularly because of fatigue from work and work commitments. Over time, they become excluded from the educational process and eventually drop out of school. This indicates the close relationship between child labor and the deprivation of education[168].

From a human rights perspective, education is recognized as a fundamental right of every child.[169] Child labor actually undermines this right and instead makes them a means to meet the economic needs of the family. As a result, education is no longer given priority as a right but becomes a secondary matter. [170]

In the long run, this deprivation contributes to illiteracy and reduced job opportunities and the continuation of poverty across generations. [171]It also undermines the intellectual, personal, and social development of children and deprives them of a healthy childhood[172]. Consequently, states are obliged to eliminate the factors and contexts that deprive children of education and, by adopting the necessary legal and economic measures, ensure children's effective access to education[173].

School Psychology 6, no. 3 (2022): 9150–9162, https://journalppw.com/index.php/jpsp/article/view/5313. Accessed April 24, 2025

[167] Sakhibaksh Assadi and Jawid Ahmad Gulistani, "Family Determinants of School Dropout among Street-Working Children in Afghanistan," *Strategic Business Research*, April 16, 2026, 100149, https://doi.org/10.1016/j.sbr.2026.100149. Accessed April 24, 2026

[168] United Nations Children's Fund and International Labour Organization, *Child Labour: Global Estimates 2020, Trends and the Road Forward* (International Labour Organization, 2021).p,47 Accessed April, 25, 2026

[169] United Nations, "Convention on the Rights of the Child." Article,28

[170] Rima R. Habib et al., "Child Labor and Associated Risk Factors in the Wake of the COVID-19 Pandemic: A Scoping Review," *Frontiers in Public Health* 11 (February 2024), pp. 2-12 https://doi.org/10.3389/fpubh.2023.1240988. Accessed April 28, 2026

[171] Amos Nnaemeka Amedu and Osita Victor Ossai, "Influence of Child Labour on Primary School Pupil's Enrolment and Dropout: A Scoping Review," *Journal of Education and Teaching (JET)* 4, no. 3 (2023): 396–407, https://doi.org/10.51454/jet.v4i3.317. Accessed April 28, 2026

[172] Garayová, "The Best Interests of the Child Principle."

[173] Hasselbacher, Lee, "State Obligations Regarding Domestic Violence: The European Court of Human Rights, Due Diligence, and International Legal Minimums of Protection."

2. Physical and Mental Harm of Child Labour

Another major impact of child labour is its harmful physical and psychological impact on children. These harmful effects are not limited to childhood but often continue throughout their lives. From a psychological perspective, working at a young age places severe psychological stress on children. Child laborers usually work in environments characterized by persistent fatigue, fear, and work pressure. Long working hours, physically demanding tasks, and excessive workloads leave them mentally and emotionally exhausted [174]. In addition, changing work shifts, especially night work, disrupts their normal sleep patterns and rest patterns, resulting in chronic fatigue, mental distress, and decreased concentration. Many children have little control over working conditions as their activities are directed by employers or adults, reinforcing feelings of helplessness and low self-esteem[175].

The working environment further increases these psychological harms. Many children work in unsafe, noisy, and dimly lit work environments without protective equipment, creating constant fear and worry in them[176]. In some cases, children in the workplace are victims of verbal, physical, and even sexual harassment, which can cause them to suffer from severe mental disorders such as depression and emotional trauma[177].

From a physical perspective, child labor is also a serious threat to their health and normal development. Children are more vulnerable to workplace hazards due to their physical weakness and growth stage. Heavy and strenuous work can cause muscle weakness, bone damage, and impaired physical development[178] .In addition, many child workers also suffer from malnutrition and vitamin deficiencies due to poor economic

[174] Danusha Jayawardana et al., "The Long Shadow of Child Labour on Adolescent Mental Health: A Quantile Approach," *Empirical Economics* 64, no. 1 (2023): 77–97, https://doi.org/10.1007/s00181-022-02241-5.

[175] The Alliance for Child Protection in Humanitarian Action, "Psychosocial Impacts of Child Labour," The Alliance for Child Protection in Humanitarian Action, 2021.

[176] The Alliance for Child Protection in Humanitarian Action, "Psychosocial Impacts of Child Labour."

[177] Abdalla Ibrahim, Salma M. Abdalla, Mohammed Jafer, Jihad Abdelgadir, and Nanne de Vries, "Child Labor and Health: A Systematic Literature Review of the Impacts of Child Labor on Child's Health in Low- and Middle-Income Countries," *Journal of Public Health* 41, no. 1 (2019): P,25, https://doi.org/10.1093/pubmed/fdy018.

[178] Ibrahim, Abdalla, Jafer, Abdelgadir, and de Vries, "Child Labor and Health."p.24 Accessed March 10, 2026

conditions and inadequate nutrition, which weaken their physical ability and immune system[179].

Furthermore, children in workplaces are more exposed to injuries and work accidents. Using dangerous tools, exposure to harmful substances, and lack of safety measures increase the risk of permanent injuries and even disability. In the long term, these problems can severely affect their overall health, ability to work, and quality of life[180].

These physical and psychological consequences demonstrate that child labour is fundamentally incompatible with children's rights to health, development, and human dignity. They also reflect the vulnerability theory. Because children have not yet reached full physical, psychological, and emotional maturity, they are less able to recognize risks, protect themselves from exploitation, or resist abusive working conditions. Their inherent vulnerability therefore justifies the need for preventing child labour[181].

3. The Continuation of the Cycle of Poverty

The continuation of the cycle of poverty is another significant consequence of child labor. It not only affects children's lives in the present but also keeps them and future generations in a situation of poverty and deprivation. Children who enter the labor market at a young age are usually deprived of education and the opportunity to acquire necessary skills. As a result, these children also lose the opportunity to access decent, stable jobs in adulthood and are more likely to face unemployment or low-paid work. Consequently, poverty continues in their lives and is transmitted to future generations[182].

Child labour also provides only limited short-term economic benefits to families. Many working children receive very low wages or no wages at all, while the long-term costs of child labour, including educational deprivation and physical and psychological

[179] Ibid.

[180] The Alliance for Child Protection in Humanitarian Action, "Psychosocial Impacts of Child Labour." Accessed May 21, 2026

[181] Yusefri et al., "Protecting Child Labor Rights." Pp. 1188-1200. Accessed March,

[182] International Labour Organization, *World Report on Child Labour: Economic Vulnerability, Social Protection and the Fight against Child Labour* (International Labour Organization, 2013), p,15-18 https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_178184.pdf. Accessed May 22, 2026

harm, far outweigh these temporary financial gains[183]. Therefore, families that rely on child labor to alleviate economic problems continue to face poverty and economic problems in the long run[184].

At the societal level, the spread of child labor also weakens the human capital of society, because children enter unskilled jobs instead of being educated and acquiring skills. This ultimately reduces economic productivity and increases unemployment[185]. Therefore, child labor is not only an individual or family problem but also a factor in the persistence of poverty in society.

From the perspective of the vulnerability theory discussed in Chapter 2, this cycle of poverty further reinforces children's vulnerability. Poverty increases children's likelihood of entering the labour market, while child labour itself deprives them of education and future opportunities, thereby reproducing the same conditions of poverty and vulnerability across generations[186].

4. Exploitation and Violation of the Human Dignity of Child Laborers

Children are particularly vulnerable to economic exploitation because of limited bargaining power and inability to defend their rights. Their financial dependence and the economic hardship faced by their families often compel them to accept work under exploitative conditions. As a result, many child labourers receive extremely low wages or even no wages at all and are required to perform demanding work for excessively long hours without adequate legal or social protection[187].

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[183] Gerry Rodgers and Guy Standing, "Economic Roles of Children in Low-Income Countries - International Labour Organization," *International Labour Review* (Geneva) 120, no. 1 (1981), pp.33-40 https://researchrepository.ilo.org/esploro/outputs/journalArticle/Economic-roles-of-children-in-low-income/995274853202676 Accessed May22, 2026

[184] Edmonds and Pavcnik, "Child Labor in the Global Economy." Pp. 199- 220. Accessed March 9, 2026

[185] Kaushik Basu and Zafiris Tzannatos, "The Global Child Labor Problem: What Do We Know and What Can We Do," *World Bank Economic Review* 17, no. 2 (2003), pp. 15- 22 https://cae.economics.cornell.edu/Basu-Tzannatos%2012.pdf. Accessed May 23, 2026

[186] Yusefri et al., "Protecting Child Labor Rights." PP,1188-1200 Accessed March 6, 2026

[187] Soetji Andari et al., "Child Labor Efforts to Prevent Exploitation Child for Public Poor." Accessed March 2, 2026

Child labour also exposes children to various forms of abuse, including physical and sexual abuse as well as emotional neglect. Such conditions cause children to be seen more as tools of labor than as individuals with human rights, undermining their human dignity[188]. In many workplaces, children are insulted, humiliated, and unfairly punished. This type of treatment not only damages the child's body but also weakens their self-esteem and individual identity[189].

The violation of children's dignity extends beyond the workplace. In many societies, child laborers are treated with disrespect and contemptuous pity. Instead of being seen as individuals with equal rights, these children are often treated with pity. Similarly, child laborers are also disrespected in society for their thoughts, beliefs, and identity. This type of social attitude and behavior constitutes a serious threat to human dignity[190].

These conditions can be understood through both the vulnerability theory and the principle of the best interests of the child. Because children have not yet reached full physical and emotional maturity, they are less able to protect themselves from exploitation and abuse[191]. At the same time, exploitative labour that humiliates children and deprives them of respect and safety is fundamentally inconsistent with the principle of the best interests of the child and violates their inherent human dignity[192].

5. Threat to Sustainable Development

Another significant consequence of child labor is that it affects the achievement of the United Nations Sustainable Development Goals (SDGs). Child labor undermines SDG 4, which aims for equal and universal access to quality education[193]. The entry of children

[188] Emine Öncü et al., "Abuse of Working Children and Influencing Factors, Turkey," *Child Abuse & Neglect* 37, no. 5 (2013): 140-149, https://doi.org/10.1016/j.chiabu.2012.11.006. Accessed May 22, 2026

[189] Aye Myat Thi et al., "Child Domestic Work, Violence, and Health Outcomes: A Rapid Systematic Review," *International Journal of Environmental Research and Public Health* 19, no. 1 (2022): 427, https://doi.org/10.3390/ijerph19010427. Accessed May 22, 2026

[190] Fateme Mohammadi et al., "Dignity: The Cornerstone of Psychological Health among Victims of Child Labor, a Qualitative Study | BMC Research Notes | Springer Nature Link," *BMC Research Notes* 17 (2024), p5-7 https://doi.org/5/22/2026,%208:21:26%20PM. Accessed May 22, 2026

[191] Yusefri et al., "Protecting Child Labor Rights." Pp. 1188-1200. Accessed March 6, 2026

[192] Garayová, "The Best Interests of the Child Principle."pp. 10- 12. Accessed March 7, 2026

[193] United Nations, "THE 17 GOALS | Sustainable Development," accessed May 23, 2026, https://sdgs.un.org/goals.

into the labor market deprives them of educational opportunities or reduces their attendance and concentration in education. This ultimately leads to a decrease in the level of literacy and skills in the next generation[194].

Child labour perpetuates poverty in the short and long term, undermining SDG 1 (No Poverty). It also undermines SDG 8 (Decent Work and Economic Growth), particularly Target 8.7, which calls for the elimination of the worst forms of child labour[195]. By keeping children in low-paid and exploitative work instead of education, child labour perpetuates poverty, weakens human capital, and limits economic productivity. Therefore, it can be concluded that child labor in Afghanistan is not simply an individual problem, but rather a structural phenomenon whose consequences affect the human, social, and economic future of the country and require serious measures to combat it.

d. Legal Analysis of the Necessity of Combating Child Labor

Due to its wide-ranging consequences, child labor is completely in conflict with the fundamental principles of human rights and international child protection standards. This phenomenon is a binding legal obligation for governments. Therefore, the Afghan government is obliged to take effective measures to prevent and eliminate child labor in accordance with its international obligations[196].

First, child labor violates the fundamental rights of the child, especially the right to education, development, health, and human dignity as recognized under the Convention on the Rights of the Child (CRC)[197]. In addition, child labor conflicts with the right to education, which is recognized under Article 13 of the Covenant on Economic, Social and Cultural Rights[198]. However, child laborers are usually deprived of education or forced to drop out of school due

[194] Brooke Wortsman et al., "Accelerating Progress towards Eradicating Child Labour (SDG8.7) with Quality Education (SDG4): School Quality Is Linked to Reduced Child Cocoa Labour in Côte d'Ivoire," *Annals of the New York Academy of Sciences* 19, no. 3 (2024),pp.321-350 https://doi.org/https://doi.org/10.1177/17454999241255182. Accessed June 9, 2026

[195] United Nations, "THE 17 GOALS | Sustainable Development." Accessed May 22, 2025

[196] Ionelia Hirju, "International Labour Law. International Protection of Youth and Children," *Romanian Journal of Public Affairs*, no. 8 (December 2023): p 12–15, https://doi.org/10.69581/RJPA.2023.08.05.

[197] United Nations, "Convention on the Rights of the Child." Article 3,6

[198] United Nations, "International Covenant on Economic, Social and Cultural Rights," 1996, https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights.

to long working hours and physical fatigue[199]. The situation in Afghanistan has worsened since the Taliban took over in 2021. Widespread restrictions on girls' education and the closure of schools beyond the sixth grade have increased the vulnerability of children, especially girls[200].

Child labor is also a violation of children's right to health. According to ILO Convention No. 182, states are obligated to eliminate the worst forms of labor, particularly hazardous and exploitative work[201]. Children engaged in hazardous work are exposed to physical injuries, chronic diseases, malnutrition, psychological stress, and severe psychological trauma[202].

Child labor also conflicts with the principle of human dignity. Human dignity is a fundamental principle of human rights that has been emphasized in international instruments[203]. When children are forced to perform exhausting and degrading work, they are treated as economic instruments rather than rights holders. Such conditions are incompatible with the philosophy of protecting children in international law and the principle of human dignity[204].

These violations also engage the State's positive obligations under international human rights law. In accordance with the due diligence standard, Afghanistan is required to adopt effective legislation and establish monitoring and enforcement mechanisms to ensure children's access to education and protect child victims[205]. Ruling authorities, as de facto authorities, are obligated to uphold fundamental human rights obligations[206]. Under international law, a change

[199] Amos Nnaemeka Amedu and Osita Victor Ossai, "Influence of Child Labour on Primary School Pupil's Enrolment and Dropout: A Scoping Review," *Journal of Education and Teaching (JET)* 4, no. 3 (2023): 396–407, https://doi.org/10.51454/jet.v4i3.317.

[200] Save the Children, "Ban on Female Aid Workers Could Push Afghan Children Back into Work," Save the Children International, January 7, 2023, https://www.savethechildren.net/news/ban-female-aid-workers-could-push-afghan-children-back-work.

[201] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Article 7

[202] Hazrat Shah Kayen, "The Impact of Child Labor on Children's Development: A Case Study of Afghanistan."pp325-328

[203] United Nations, "Universal Declaration of Human Rights," United Nations, 1948, https://www.un.org/en/about-us/universal-declaration-of-human-rights. Article 1

[204] Öncü et al., "Abuse of Working Children and Influencing Factors, Turkey." pp. 140- 145. Accessed May 22, 2026

[205] Bonnitcha and McCorquodale, "The Concept of 'Due Diligence' in the UN Guiding Principles on Business and Human Rights." pp, 899-910. Accessed March 23, 2026

[206] Human Rights Committee, *General Comment No. 31 [80], The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13 (United Nations, 2004), https://www.refworld.org/legal/general/hrc/2004/52451.Accessed May 28, 2026

of government or lack of formal recognition does not absolve a state from its responsibility to implement international human rights obligations[207].

As a result, the situation of child labor in Afghanistan is not a social or economic issue but an urgent and multidimensional human rights crisis. Urgent action is needed at the national and international levels to address this phenomenon because of its widespread consequences.

3.2. The Legal Framework Necessary to Combat Child Labor in Afghanistan

a. International Legal Framework on Child Labor

Child labor is considered one of the most important human rights challenges in the contemporary world due to its wide-ranging consequences[208]. For this reason, the international community has provided special protection for children against harmful and arduous labor through instruments and conventions. Afghanistan has also joined many of these international instruments and is obliged under international law to implement the obligations arising from them[209]. However, the situation of child labor in Afghanistan shows that there is a significant gap between legal obligations and practical reality[210].

1. United Nations Legal Framework

The United Nations ,as a central international institution for human rights protection, has taken effective legal measures in safeguarding children, particularly against child labor [211].

a. Convention on the Rights of the Child (CRC)

[207] International Law Commission, "Responsibility of States for Internationally Wrongful Acts (2001)," United Nations, 2001, https://legal.un.org/ilc/texts/instruments/english/draft_articles/4_8_2001.pdf. Accessed May,2026

[208] International Labour Organization, *Framework for Action on Child Labour 2023–2025* (International Labour Organization, 2023), pp,16-20 https://www.ilo.org/publications/framework-action-child-labour-2023-2025.Accessed May 28, 2026.

[209] United Nations, "Status of Treaties – Afghanistan (Human Rights Treaties)," United Nations Treaty Collection, United Nations, accessed May 28, 2026, https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=_en.

[210] Mozamel Omarzi et al., "Forced Child Labor: Rights at Risk and Legal Consequences," *International Journal of Multidisciplinary Research and Growth Evaluation* 7, no. 1 (2026): 273–277, https://doi.org/10.54660/.IJMRGE.2026.7.1.273-277. Accessed May 28, 2026.

[211] UNICEF, "The United Nations and Human Rights | UNICEF," 2024, https://www.unicef.org/child-rights-convention/united-nations-human-rights.

The Convention on the Rights of the Child is the most important and first UN treaty adopted to protect children from the phenomenon of child labor[212]. This convention was ratified in 1989, and Afghanistan ratified it in 1990[213]. Therefore, the Afghan government is responsible for fulfilling the obligations arising from that convention.

This convention recognizes children as independent rights holders and recognizes them as having political, social, and cultural rights[214]. Article 32 of the convention explicitly protects children from exploitative and harmful work. This article obliges the state to protect children from work that is harmful to their health, interferes with their right to education, or interferes with their physical, mental, and social development. To fulfil this obligation, states must set a minimum age for work and enact laws at the national level to improve working conditions[215]. In addition, Article 24 recognizes the children's right to good health standards, Article 27 considers the right to an adequate standard of living, and Article 28 guarantees the right to education. This obliges states to prevent children from entering the labour market before reaching a certain legal age to protect them better[216].

b. The International Covenant on Economic, Social, and Cultural Rights (ICESCR)

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) is also one of the most important human rights instruments of the United Nations that contribute to preventing child labor. Article 10 of this Covenant obliges states to protect children and young people from all economic and social exploitation. This article also emphasizes that the employment of children in activities harmful to their physical, mental, moral, or social development should be prohibited and

[212] Julinda Beqiraj, "Hazardous Work as a Worst Form of Child Labour: A Comment on Article 3(d) of ILO Convention 182," in *Child Labour in a Globalized World*, 1st Edition (Routledge, 2008).

[213] International Committee of the Red Cross (ICRC), "IHL Treaties - Afghanistan Convention on the Rights of the Child, 1989 Declaration," accessed May 28, 2026, https://ihl-databases.icrc.org/en/ihl-treaties/crc-1989/state-parties/af.

[214] United Nations, "Convention on the Rights of the Child." Article 6

[215] United Nations, "Convention on the Rights of the Child." Article 32. Accessed May 22, 2025

[216] United Nations, "Convention on the Rights of the Child." Articles 24,27 & 28. Accessed May 22, 2025

punishable. In addition, the Covenant obliges states to set a minimum age for employment and to provide guarantees and penalties for the employment of children below the legal age[217]. Although this Covenant is not specifically formulated on the rights of the child, it plays an important role in combating this phenomenon by protecting the right to education, the right to an adequate standard of living, protection against economic exploitation, and the prohibition of child labor[218].

Afghanistan acceded to the International Covenant on Economic, Social, and Cultural Rights (ICESCR) on 24 January 1983 and is bound by international law to comply with its obligations[219]. Despite these obligations, many children are engaged in work such as carpet weaving, brick making, agricultural work, and street activities, particularly shoe shining, garbage collection, and begging, which shows a deep gap between legal obligations and the reality in Afghanistan[220].

2. International Labor Organization Standards

The International Labor Organization (ILO) is the most specialized international body in the field of labor rights regulation, and its two main conventions constitute the main pillars of the fight against child labor[221].

a. ILO Convention No. 138

ILO Convention No. 138 of the International Labor Organization was adopted at the 58th Conference of the International Labor Organization on June 26, 1973. This document is one of the most important instruments that has set the minimum age for the employment of children, and the countries that have joined it are obliged

[217] United Nations, "International Covenant on Economic, Social and Cultural Rights." Article 10. Accessed May 28, 2025

[218] United Nations, "International Covenant on Economic, Social and Cultural Rights." Articles 10,11, & 13 Accessed May 28, 2025

[219] Human Rights Committee (UN), "United Nations Human Rights Website - Treaty Bodies Database - Document - General Comments -." Accessed March 17, 2025

[220] Sakhibaksh Assadi and Jawid Ahmad Gulistani, "Family Determinants of School Dropout among Street-Working Children in Afghanistan," *Strategic Business Research* 2, no. 1 (2026): 100149, pp,1-2 https://doi.org/10.1016/j.sbr.2026.100149.

[221] International Labour Organization (ILO, "About the ILO | International Labour Organization," January 28, 2024, https://www.ilo.org/about-ilo.

to implement its provisions[222]. The main objective of this convention is to abolish child labor by progressively raising the minimum age for employment to ensure children's health, development and access to education[223].

This Convention, under Article 2, obliges States Parties to establish a minimum age for admission to employment in their national legislation. This age shall not be less than 15 years and shall not be less than the age of completion of compulsory education. However, developing countries may, in consultation with relevant labour and employment organizations, set the minimum age at 14 years[224].

In addition, the Convention distinguishes between different types of work. Article 3 prohibits the employment of children under the age of 18 in work that is hazardous to their health or morals. Article 7 permits light work for children aged 13 to 15, provided that it does not harm their health or development or interfere with their education[225].

This Convention, in Article 1, further obliges States to develop effective policies at the national level to eliminate child labour and ensure the health of children[226]. Afghanistan also acceded to this Convention in 2010 and is obliged under international law to implement its provisions[227].

The provisions of Convention No. 138 are directly related to the positive obligations of States under international human rights laws. By obliging States to prevent the early entry of children into work through setting a minimum age for employment, legislating and monitoring the labor market[228]. Accordingly, the State

[222] Asyaffa Ridzqi Amandha et al., "The Mainstreaming of the Concept of Legal Protection for Child Labor in Indonesia Based on ILO Conventions," *The Indonesian Journal of International Clinical Legal Education* (Indonesia) 4, no. 3 (2022),pp364-366 https://doi.org/https://doi.org/10.15294/iccle.v4i3.36555.

[223] International Labour Organization, *ILO Convention No. 138 at a Glance* (International Labour Organization (ILO), 2024), https://www.ilo.org/sites/default/files/2024-04/C138_at_a_glance_EN.pdf.

[224] Convention C138 - Minimum Age Convention, 1973 (No. 138). Article 2

[225] Convention C138 - Minimum Age Convention, 1973 (No. 138). Articles 3& 7. Accessed May 31, 2025

[226] Convention C138 - Minimum Age Convention, 1973 (No. 138). Article 1. Accessed May 31, 2025

[227] International Labour Organization (ILO, "Ratifications of ILO Conventions: Ratifications by Convention, "https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB%3A11300%3A0%3A%3ANO%3A11300%3AP11300_INSTRUMENT_ID%3A312283. Accessed May 30, 2026,

[228] Center for Justice and International Law (CEJIL), *The Esperanza Protocol: International Legal Framework on Positive and Negative Obligations of States*.Accessed March 30, 2026

is not only obliged to prohibit child labor, but must also take preventive measures to protect children and their rights.

b. ILO Convention No. 182

ILO Convention No. 182 concerning the Worst Forms of Child Labor was adopted at the 87th Session of the International Labor Conference in 1999[229]. This convention is considered one of the most important international instruments in the field of protecting children from the most severe and exploitative forms of child labor. Its main goal is the immediate and effective elimination of the worst forms of child labor[230].

According to Article 3 of this Convention, the worst forms of child labor include slavery and acts similar to slavery, the sale and trafficking of children, forced labor, and forced recruitment of children in armed conflicts. It also covers sexual exploitation of children through prostitution and pornography, and the use of children in illegal activities such as the production and trafficking of drugs. Furthermore, work which, by its nature or in the circumstances in which it is carried out, is likely to endanger the health, safety or morals of children is considered to be the worst forms of child labor[231].

In Article 7, this Convention requires States Parties to take immediate and effective measures to prohibit and eliminate the worst forms of child labor. These measures include the adoption of appropriate legislation, the establishment of inspection and monitoring systems, the establishment of penalties for violators of the law, and the provision of necessary protection for child victims[232].

The Convention also emphasizes the rehabilitation and reintegration of children into society. States are obliged to provide children with access to free

[229] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Accessed May 2025

[230] Mohammad Belayet Hossain, "Compliance of the Bangladesh Legal Policies with the ILO Convention on the Prohibition of Child Labor," *Lex Publica* 7, no. 2 (2020): pp 17-18, https://doi.org/10.58829/lp.7.2.2020.15-23. Accessed December 17, 2025

[231] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Article 3

[232] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Article 7

education, vocational training, health services, and social protection to prevent their return to exploitative environments and hazardous work[233].

Another important requirement of the Convention is to establish a list of hazardous occupations in national legislation. Governments are required, in consultation with workers' and employers' organizations, to identify activities that are considered hazardous to children and to prohibit the employment of persons under the age of 18 in these occupations[234]. Afghanistan also acceded to this Convention in 2010 and is obliged under international law to implement its provisions[235]. However, reports from international organizations show that children in Afghanistan are widely engaged in activities such as street work, carpet weaving, bricklaying, agriculture, and other forms of hazardous work that conflict with the standards of this Convention[236].

Convention No. 182 reflects the due diligence standard. It requires governments to take immediate and effective measures to identify and prohibit the worst forms of child labor. It also protects children from hazardous work through inspection and monitoring of the labor market, and the provision of rehabilitation programs[237].

3. Sustainable Development Goals and the Elimination of Child Labor

The United Nations Sustainable Development Goals (SDGs) were adopted by the United Nations General Assembly in 2015. Although they are not legally binding, they are considered the most important global framework for combating poverty, inequality, and human rights violations[238]. In the meantime, the phenomenon

[233] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Article 7

[234] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Articles 4& 6

[235] (International Labour Organization), "Ratifications of ILO Conventions: Ratifications by Convention."

[236] Shuja, *"They Bear All the Pain."*

[237] Bonnitcha and McCorquodale, "The Concept of 'Due Diligence' in the UN Guiding Principles on Business and Human Rights."

[238] Frank Biermann et al., "Global Governance by Goal-Setting: The Novel Approach of the UN Sustainable Development Goals," *Current Opinion in Environmental Sustainability* 26–27 (2017), pp26-27 https://www.sciencedirect.com/science/article/pii/S1877343517300209?via%3Dihub.

of child labor is directly related to a number of the UN Sustainable Development Goals, and the spread of child labor undermines the achievement of the Sustainable Development Goals[239].

The most important goal related to child labor is Target 8.7 of Sustainable Development Goal 8. It calls on governments to take urgent and effective measures to eradicate forced labor, end modern slavery and human trafficking, and eliminate the worst forms of child labor. This goal also emphasizes the end of all forms of child labor [240].

In addition, Sustainable Development Goal 1, which emphasizes ending poverty, has a direct connection with child labor, because poverty is one of the most important factors in child labor. Therefore, poverty reduction can reduce the entry of children into the labor market[241]. Also, Sustainable Development Goal 4, which emphasizes quality, inclusive, and equitable education, plays an important role in preventing child labor. Since education is one of the most effective tools to prevent children from entering the labor market, achieving this goal directly contributes to reducing engagement of children in child labor[242].

From an analytical perspective, the Sustainable Development Goals are closely linked to the concept of states' positive obligations. These goals encourage governments to eliminate child labor through economic policies, expanding education, and creating job opportunities for adults[243]. Therefore, combating child labor is possible not only by legal prohibition but also by adopting development and social policies.

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[239] Himashi Muthugala et al., "Addressing Child Labour in SAARC: The Synergy of Education, Health and Economic Growth Towards SDGs - Muthugala - 2026 - Sustainable Development - Wiley Online Library," *Sustainable Development*, 2025, https://onlinelibrary.wiley.com/doi/10.1002/sd.70451.

[240] United Nations, "THE 17 GOALS | Sustainable Development." Goal 8

[241] Himashi Muthugala et al., "Addressing Child Labour in SAARC: The Synergy of Education, Health and Economic Growth Towards SDGs - Muthugala - 2026 - Sustainable Development - Wiley Online Library." Accessed May 30, 2026

[242] United Nations, "THE 17 GOALS | Sustainable Development." Goal 4. Accessed May 23, 2026

[243] Center for Justice and International Law (CEJIL), *The Esperanza Protocol: International Legal Framework on Positive and Negative Obligations of States*. pp. 10-19. Accessed March 17, 2026

In Afghanistan, poverty, unemployment, political instability, and educational restrictions, especially for girls, have caused a large number of children to turn to work[244]. This situation not only violates the fundamental rights of children but also makes it difficult to achieve sustainable development[245]. Therefore, reducing child labor in Afghanistan is also considered a fundamental prerequisite for achieving sustainable development and social justice.

Overall, the international instruments and standards discussed have provided a relatively comprehensive framework for the prevention and elimination of child labor. They oblige member states to adopt legal and protective measures to safeguard children's rights. Afghanistan has also committed to implementing its provisions by acceding to many of these instruments. Therefore, it is necessary to examine whether the Afghan legal framework complies with these international standards. The following section therefore analyses Afghanistan's domestic legal framework governing child labour in light of these international obligations.

b. Review of Afghanistan's Domestic Laws on Combating Child Labor

1. The Constitution of Afghanistan and the Protection of Children's Rights

The Constitution of Afghanistan, adopted in 2004, is the most important and fundamental national document for the protection of fundamental human rights and freedoms, including those of children. Although the Constitution does not explicitly address child labor, it recognizes several constitutional rights that are the legal basis for protecting children from child labor[246].

In the Constitution, children's rights are not defined independently in a separate chapter; however, by emphasizing human dignity and the fundamental rights of citizens,

[244] UNICEF, "Children in Afghanistan | UNICEF Afghanistan," accessed May 30, 2026, https://www.unicef.org/afghanistan/children-afghanistan.
[245] United Nations, "THE 17 GOALS | Sustainable Development."
[246] Government of Afghanistan, *Constitution of Afghanistan*. Accessed May 22, 2025

the Constitution creates a general framework that includes all members of society[247]. Accordingly, children, like other citizens, enjoy the rights and freedoms outlined in Chapter Two of the Constitution, and the government is obligated to respect and protect these rights for all individuals, without discrimination[248].

One of the most important rights which is closely connected with child labor is the right to education. The Constitution declares free education up to the bachelor's level and obliges the government to provide free public education. It also declares education up to the secondary level compulsory and obliges the government to take effective and immediate measures to eradicate illiteracy[249]. This right is directly related to the phenomenon of child labor from a legal perspective, because one of the most important consequences of child labor is the deprivation of education and school dropout. In fact, when children enter the labor market, they often lose the opportunity and ability to continue their education[250]. Therefore, protecting the right to education also indirectly acts in combating child labor.

The principle of human dignity is also recognized in the Constitution as an inviolable principle, and the state is obliged to respect and protect it[251]. Child labor, especially in its dangerous forms, often leads to turning children into economic tools[252]. Consequently, protecting children from harmful work can be considered part of the state's commitment to protecting human dignity.

Finally, the Constitution also obliges the Afghan government to comply with international obligations. According to Article 7 of the Constitution, the government is obliged to comply with the United Nations Charter, international treaties, and agreements accepted by Afghanistan. This commitment includes conventions related to children's

[247] Asadullah Noori, "Children's Rights in Afghanistan Law and the Convention on the Rights of the Child," *International Journal of Global Sustainable Research* 3, no. 12, pp. 1035-1037 (2026), https://doi.org/10.59890/ijgsr.v3i12.113. Accessed May 21, 2026

[248] Government of Afghanistan, *Constitution of Afghanistan*. Accessed May 22, 2025

[249] Government of Afghanistan, *Constitution of Afghanistan*. Article 43. Accessed May 22, 2025

[250] Amedu and Ossai, "Influence of Child Labour on Primary School Pupil's Enrolment and Dropout," 2023.pp. 396-400. Accessed May 28, 2026

[251] Government of Afghanistan, *Constitution of Afghanistan*. Article 24. Accessed May 21, 2025

[252] Fateme Mohammadi et al., "Dignity: The Cornerstone of Psychological Health among Victims of Child Labor, a Qualitative Study | BMC Research Notes | Springer Nature Link."pp,2-6. Accessed May 22, 2026

rights and child labor, including ILO Conventions 138 and 182[253]. Therefore, protecting children from child labor is not only a domestic obligation, but also an international obligation that the Afghan government is obligated to implement[254].

In summary, although the Afghan Constitution does not explicitly prohibit child labor, it has provided an important constitutional foundation for its prevention by guaranteeing fundamental rights such as education, human dignity, and adherence to international obligations[255]. For this reason, it is necessary to examine the ordinary legislation governing child labour in Afghanistan, particularly the Labour Law, the Law on the Protection of Child Rights, and the Penal Code.

2. Afghanistan Labor Law and Child Employment Regulation

The Afghan Labor Law is considered one of the most important legislative documents in the field of regulating labor relations and protecting the workforce in the country[256]. In addition to regulating the rights and obligations of workers and employers, this law includes specific provisions on child employment. The main purpose of these regulations is to support the natural development of children and prevent their early entry into the labor market, and ultimately prevent their exploitation[257].

One of the most important preventive aspects of labor law is the determination of the minimum age for employment. Labor law explicitly limits minors' entry into the labor market and sets a specific age for light work, apprenticeships, and hazardous work[258]. This approach is in line with Convention No. 138 of the International Labor Organization and in accordance with the right to education and physical and mental development of

[253] Government of Afghanistan, *Constitution of Afghanistan*. Article 7. Accessed May 21, 2025

[254] United Nations, "Convention on the Rights of the Child." Article 32. Accessed May 22, 2025

[255] Government of Afghanistan, *Constitution of Afghanistan*. Accessed May 22, 2025

[256] International Labour Organization (ILO, *Afghanistan: National Child Labour Legislation, Policy and Programme Review* (International Labour Organization (ILO), 2018), pp 12-13 https://www.ilo.org/sites/default/files/2024-06/Afghanistan_National_Child_Labour_Legislation.pdf. Accessed May 18, 2026.

[257] Labour Law (No. 35 of 2007) (2007), https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=78309.Accessed May 26, 2025

[258] Labour Law (No. 35 of 2007). Article 13. Accessed May 26, 2025

children[259]. By establishing a minimum age for employment, the Labour Law seeks to prevent children's premature entry into the labour market and to protect their right to education and healthy development. This reflects the State's positive obligation to prevent child labour before violations occur.

The labor law has also imposed restrictions on working hours for adolescents who have reached the legal working age, not allowing more than 35 hours per week. The limitation of working hours is to prevent deprivation of education, rest, and natural development of the child[260]. From the perspective of the principle of the best interests of the child, work should not endanger the physical and mental health of the child and should not prevent him from enjoying other fundamental rights[261]. In addition, the Afghan Labor Law prohibits night work for youths. Night work can affect the physical and mental health of children and disrupt the natural order of their life, rest, and education. For this reason, the legislator has protected the health and well-being of children by prohibiting night work[262].

The Afghan Labor Law prohibits the employment of children in hazardous and harmful work. According to the law, persons under the age of eighteen cannot engage in activities that threaten their health, safety, or natural development[263]. This prohibition is of particular importance, because in Afghanistan, many children work in hazardous works[264].

Finally, the Labor Law places certain responsibilities on employers. Employers are required to observe the minimum age of employment when hiring and to prevent the employment of children in hazardous jobs[265]. From a human rights perspective, these

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[259] Convention C138 - Minimum Age Convention, 1973 (No. 138). Accessed May 22, 2025

[260] Ministry of Justice, Islamic Republic of Afghanistan, "Labour Law of Afghanistan," Government of Afghanistan, January 15, 2007, Article 31 https://kakaradvocates.com/uploads/laws/translation-Labor%20Law%20-%20En.pdf.Accessed May 26, 2025

[261] Garayová, "The Best Interests of the Child Principle." Accessed March 7, 2026

[262] Ministry of Justice, Islamic Republic of Afghanistan, "Labour Law of Afghanistan." Article 121. Accessed May 26, 2025

[263] Ministry of Justice, Islamic Republic of Afghanistan, "Labour Law of Afghanistan." Article 120. Accessed May 26, 2025

[264] International Labour Organization (ILO, *Afghanistan: National Child Labour Legislation, Policy and Programme Review*. pp 8-10. Accessed June 2, 2026

[265] International Labour Organization (ILO, *Afghanistan: National Child Labour Legislation, Policy and Programme Review*. Article 13. Accessed June 2, 2026

regulations show that protecting children is not only the duty of the government, but employers are also responsible for respecting children's rights.

Overall, the Afghan Labor Law has created a significant legal framework for children and adolescents by setting a minimum age for employment, limiting working hours, prohibiting night work, and prohibiting employment in hazardous jobs[266]. On the one hand, these regulations show that the legislator has identified children as a vulnerable group and has foreseen specific protective measures to prevent their exploitation[267]. On the other hand, these regulations reflect the government's efforts to fulfill some of its positive obligations in the field of protecting children's rights[268]. Also, the alignment of many of these provisions with international standards, especially Convention No. 138 and Convention No. 182 of the International Labor Organization, reflects the legislator's efforts to adapt the domestic legal system to Afghanistan's international obligations in the field of child protection[269].

3. Law on the Protection of Children's Rights and Protection of Children from Child Labor

The Law on the Protection of Children's Rights, adopted in 2019, is one of the most comprehensive national documents in the field of protecting the welfare and rights of children. This law has created a relatively comprehensive framework for protecting the civil, social, cultural, and economic rights of children. The key feature of this law is that it clearly defines a child from a legal perspective [270]. According to Article 3 of this law, a

[266] International Labour Organization (ILO, *Afghanistan: National Child Labour Legislation, Policy and Programme Review*. Accessed

[267] Yusefri et al., "Protecting Child Labor Rights."

[268] Center for Justice and International Law (CEJIL), *The Esperanza Protocol: International Legal Framework on Positive and Negative Obligations of States*. pp. 10-19. Accessed March 15, 2026

[269] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182); Convention C138 - Minimum Age Convention, 1973 (No. 138).

[270] Asadullah Noori, "Children's Rights in Afghanistan Law and the Convention on the Rights of the Child." p 1037

child is someone who has not reached the age of majority, which is fully consistent with Article 1 of the Convention on the Rights of the Child[271].

The law also protects the rights of children against hazardous work and economic exploitation by prohibiting their employment in activities that threaten their physical, mental, or educational health[272]. This approach shows that the legislator has also taken into account the protection of the development and welfare of children. In addition, it guarantees the children's right to education and obliges the government and the family to provide children with access to compulsory and free education [273].

This law further obliges the government to provide the conditions for the physical, mental, and social development of children[274]. Therefore, any form of employment that disrupts the health or natural development of the child conflicts with the protective objectives of this law. Moreover, the principle of best interests is one of the law's basic objectives and principles. This law obliges the government and responsible institutions to consider their best interests in making decisions and taking measures related to children[275]. This principle can prevent children from being employed in dangerous and harmful work.

Overall, the law on the Protection of Children's Rights has a more comprehensive approach by comprehensively protecting children, preventing economic exploitation, ensuring the right to education, health, and balanced development of children. Its provisions are largely consistent with the Convention on the Rights of the Child, especially the principle of the best interests of the child[276]. Also, this Law reflects the State's positive

[271] Law on Protection of Child Rights (2019), https://www.unicef.org/afghanistan/media/3936/file/law%2520on%2520protection%2520of%2520child%2520rights.pdf.pdf. Article 3

[272] "Law on Protection of Child Rights.Pdf.Pdf," n.d., accessed June 2, 2026, Article 62 & 63 https://www.unicef.org/afghanistan/media/3936/file/law%20on%20protection%20of%20child%20rights.pdf.pdf

[273] "Law on Protection of Child Rights.Pdf.Pdf." Articles 48-51

[274] Law on Protection of Child Rights. Article 2

[275] Law on Protection of Child Rights. Article 2 Accessed June 2, 2026.

[276] Ibid.

obligations by requiring preventive and protective measures to safeguard children's rights before violations occur[277].

4. Criminal law and criminalization of child exploitation

The Afghan Penal Code constitutes an important component of Afghanistan's legal framework to prevent children from exploitation and combat child labor. This law has attempted to protect children from the worst forms of child labor by criminalizing certain behaviors and determining punishments for their perpetrators[278].

The Afghan Penal Code considers child trafficking a crime and has determined punishments for its perpetrators. Child trafficking is considered a form of exploitation because children may be kept or bought and sold for forced labor, exploitation, forced begging, and other illegal activities[279]. This is consistent with the theory of child vulnerability because children are particularly susceptible to exploitation in the labor market due to their economic dependence and inability to defend their rights[280]. According to international standards related to children's rights, this practice is also considered one of the worst forms of child labor, and Convention No. 182 of the International Labor Organization also obliges governments to criminalize and immediately combat it[281].

In addition, the Criminal Code prohibits the use of children in illegal activities. The use of children in activities such as drug trafficking, organized crime, and other illegal activities is considered an aggravating circumstance of the crime[282]. The criminalization of these behaviors indicates that the legislator intends to prevent exploitation of children for criminal purposes, which constitutes the worst form of child labor.

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[277] Center for Justice and International Law (CEJIL), *The Esperanza Protocol: International Legal Framework on Positive and Negative Obligations of States* (Center for Justice and International Law (CEJIL), 2021), pp. 10- 14, https://cejil.org/wp-content/uploads/2021/10/Protocolo-Esperanza-FINAL-051021.pdf. Accessed March 22, 2026

[278] Penal Code, Official Gazette No. 1260 (2017), https://studylib.net/doc/25393547/penal-code-2017-og-%23-1260-english-translated-by-jssp-final. Accessed June 4, 2026.

[279] Penal Code. Articles 510 & 511. Accessed June 4, 2026

[280] Yusefri et al., "Protecting Child Labor Rights."

[281] Zsögön, "ILO's Convention 182 on the Worst Forms of Child Labour." Accessed March 26, 2025

[282] Penal Code. Article 687. Accessed June 4, 2026

On the other hand, the Criminal Code has provided for criminal enforcement guarantees for some of these crimes. Determining punishment for perpetrators is more in line with the theory of positive state obligations because the state must not only refrain from directly violating children's rights, but is also obliged to protect children from abuse by individuals through criminalization, prosecution, and punishment[283].

Overall, the Afghan Penal Code has established a criminal framework for the protection of children by criminalizing child trafficking, economic exploitation, and the use of children in criminal activities[284]. These provisions demonstrate an effort to align Afghanistan's criminal domestic laws with its international obligations, especially ILO Convention No. 182, which requires governments to take immediate and effective measures to eliminate and combat the worst forms of child labor[285].

5. Educational Laws and Regulations and Their Role in Preventing Child Labor

Education is one of the fundamental rights of the child, and one of the essential means of promoting children's development[286]. International human rights and child rights documents consider education not only a fundamental right, but also a means to support the development of children[287]. In Afghanistan, educational laws and regulations, especially the Constitution, the Education Law, and the Law on the Protection of Children's Rights, have emphasized children's right to free and compulsory education[288].

The Constitution is the most important national law in the field of recognizing the right of children to education. According to Article 43 of the Constitution, education is the right of all Afghan citizens, and the government is obliged to provide free education up to the bachelor's level in government institutions. Similarly, Article 44 of the Constitution has obliged the government to adopt effective programs for the balanced development of

[283] Center for Justice and International Law (CEJIL), *The Esperanza Protocol: International Legal Framework on Positive and Negative Obligations of States*. Pp. 10-14. Accessed March 22, 2026

[284] Penal Code.

[285] Zsögön, "ILO's Convention 182 on the Worst Forms of Child Labour." Accessed March 26, 2026

[286] Venkatanarayana Motkuri, "Child Labour and Educational Deprivation of Children : A Review of Literature," January 2006, https://mpra.ub.uni-muenchen.de/48437/. Accessed June 26, 2026

[287] United Nations, "Convention on the Rights of the Child." Articles 28 & 29. Accessed May 5, 2025

[288] Government of Afghanistan, *Constitution of Afghanistan*; Education Law, Pub. L. No. No. 56, No.: 955 (2008), https://planipolis.iiep.unesco.org/upload/Afghanistan/Afghanistan_Education_law.pdf; "Law on Protection of Child Rights.Pdf.Pdf."

education, especially the education of women and children[289]. These regulations indicate that the government is required not only to recognize the right to education, but also to take positive measures for its practical realization[290].

In addition to the Constitution, the Afghan Education Law also emphasizes compulsory and free primary education. The main goal of this law is to provide children with access to education and prevent their deprivation from education[291]. The importance of this issue in relation to child labor is that there is a direct relationship between deprivation of education and the spread of child labor. Children who are out of school are more exposed to economic exploitation and employment in hazardous work[292].

The Law on the Protection of Child Rights also emphasizes children's right to education and obliges the government and families to provide it[293]. From the perspective of the principle of the best interests of the child, the education system is considered one of the most important protective mechanisms against child labor[294]. Education can provide the basis for children's intellectual development[295]. Furthermore, effective access to education increases awareness among children and families about children's rights, thereby significantly reducing the likelihood of child labor and exploitation[296].

However, there are extensive challenges to the practical realization of this right in Afghanistan. Insecurity, poverty, limited access to education, gender discrimination, prevailing customs and traditions in society, weak government performance, and forced deprivation of girls from education have resulted in a large number of children being

[289] Government of Afghanistan, *Constitution of Afghanistan*. Articles 43 & 44

[290] Center for Justice and International Law (CEJIL), *The Esperanza Protocol: International Legal Framework on Positive and Negative Obligations of States*.

[291] Education Law.

[292] Rasheda Khanam, "Child Labour and Schooling in Developing Countries: A Review of the Literature," *International Journal of Business Research* (Russia) 10, no. 3 (2010): 137–42, https://research.usq.edu.au/item/q03qx/child-labour-and-schooling-in-developing-countries-a-review-of-the-literature.

[293] "Law on Protection of Child Rights.Pdf.Pdf." Articles 48 & 49

[294] Garayová, "The Best Interests of the Child Principle."

[295] Peng Peng and Rogier A. Kievit, "The Development of Academic Achievement and Cognitive Abilities: A Bidirectional Perspective," *Child Development Perspectives* 14, no. 1 (2020): 15–20, https://doi.org/10.1111/cdep.12352.Accessed June 5, 2026

[296] Education Law. Accessed June 5, 2026

deprived of education[297]. This situation has prevented the realization of the protective objectives of education laws and the spread of child labor. Therefore, simply recognizing the right to education in laws is not enough; the government is obliged to take effective and practical measures to ensure children's access to education in accordance with its positive obligations[298].

Overall, Afghanistan's national laws and regulations have created a relatively important framework for the prevention of child labor by recognizing free and compulsory education, establishing accountability for the government, and supporting the right of children to education[299]. These regulations are largely consistent with the Preventive Protection Approach, because compulsory and free education can, to some extent, prevent children from entering the labor market[300].

6. Legal Status and Prevailing Policies after 2021

After the Taliban came to power in August 2021, the political, social, legal, and economic situation in Afghanistan became extremely unstable and legally ambiguous[301]. Although the international community has not formally recognized the Taliban government, it exercises effective control over the executive, judicial, and security institutions of Afghanistan as the de facto ruling power, which has affected the situation of children and the implementation of national laws[302].

a. The State of the Republic's Laws After the Taliban Takeover

[297] Hassan Reza Rezaye, *Addressing Education Challenges in Afghanistan under Taliban Rule* (Academia.edu, 2023), pp.2-7 https://avicennahjlc.academia.edu/HassanRezaye. Accessed June 5, 2026

[298] Center for Justice and International Law (CEJIL), *The Esperanza Protocol: International Legal Framework on Positive and Negative Obligations of States*.pp.10-14. Accessed March 15, 2026

[299] Education Law; "Law on Protection of Child Rights.Pdf.Pdf.". Accessed March 20256

[300] Hennessy, "Exploring the Role of Social Protection Interventions in Preventing Child Labour." Accessed March 2026

[301] Lamberti-Castronuovo et al., "Exploring Barriers to Access to Care Following the 2021 Socio-Political Changes in Afghanistan: A Qualitative Study," *Conflict and Health* 18, no. 36 (2024).pp. 1- 3. Accessed June 5, 2026

[302] Matiullah Safi, "The Rabble of International Community over Afghanistan and the Recognition of Taliban Government," *South Asian Studies* 39, no. 2 (2024), pp. 98-101 https://southasianstudies.org/index.php/sa/article/download/419/363. Accessed June 5, 2026

After the Taliban took power, the laws of the Afghan Republic, including the Constitution and other laws, were not formally repealed; in practice, they were suspended and faced legal ambiguity[303]. The de facto authorities have stated that the implementation of laws is subject to their compliance with Islamic Sharia, which has led to the implementation of laws being accompanied by various and inconsistent interpretations. In such a situation, the Labor Law and the Law on the Protection of Child Rights remain part of the country's legal framework, but their effective implementation faces serious challenges[304].

In addition, changes in the structure of the judicial system, the weakening of law enforcement and administrative institutions, and the spread of arbitrary decision-making have weakened the implementation of child protection laws. The decline in the activities of independent human rights institutions has further reduced the effectiveness of monitoring the human rights situation and preventing child labor[305].

c. Policies and Measures Adopted After 2021 and Their Impact on the Increase of Child Labour in Afghanistan

1. Restrictions on Girls' Education

After returning to power in August 2021, the Taliban adopted a series of policies and decrees in various areas that had direct and indirect effects on the situation of children and the expansion of child labor. The most important development in this regard has been the severe restrictions imposed on girls' education. They stopped the education of girls beyond the sixth grade and women's and girls' access to higher education in Afghanistan[306]. In addition to violating the fundamental right to education, this policy is considered one of

[303] Country of Origin Information Unit, *General Country of Origin Information Report – Afghanistan* (Government of the Netherlands, 2025), https://www.government.nl/site/binaries/site-content/collections/documents/2025/12/16/general-country-of-origin-information-report-afghanistan-december-2025/netherlands-coi-report-afghanistan-december-2025.pdf.pp. 98-105. Accessed June 12, 2026

[304] Country of Origin Information Unit, *General Country of Origin Information Report – Afghanistan*.

[305] Amal Sethi, "Rule of Law and Governance in Afghanistan after the Taliban's Return to Power," 2024, https://figshare.le.ac.uk/articles/chapter/Rule_of_Law_In_Afghanistan_Prospects_Under_the_Taliban_Rule/28358879. Accessed June 12, 2026

[306] Country of Origin Information Unit, *General Country of Origin Information Report – Afghanistan*.p,78 Accessed June 9, 2026

the main factors in children's entry into the labor market. When the opportunity for education is lost, the likelihood of early employment and forced domestic labor increases[307].

Reports show that millions of Afghan girls have been deprived of continuing their education after 2021. This situation has further aggravated Afghanistan's humanitarian and economic crises and increased children's vulnerability to child labor. [308]. Many families are forced to enter their children into the labor market in times of economic crisis to help them meet their living expenses[309].

Education is a fundamental element of the development, well-being, and protection of children, and the best interests of the child require that children enjoy this right without distinction of gender[310]. In contrast, limiting girls' access to education significantly increases children's vulnerability to child labor. Therefore, policies that deprive children of the right to education can lead to early labor and economic exploitation[311].

2. Restrictions on women's employment

Restrictions on women's employment after the Taliban's return in 2021 constitute another policy that has indirectly increased household poverty and children's vulnerability to child labor. After regaining control of Afghanistan, the Taliban imposed extensive restrictions on women's employment in government institutions, international organizations, and non-governmental organizations. These restrictions gradually excluded

[307] Brooke Wortsman et al., "Accelerating Progress towards Eradicating Child Labour (SDG8.7) with Quality Education (SDG4): School Quality Is Linked to Reduced Child Cocoa Labour in Côte d'Ivoire," *Research in Comparative and International Education* 19, no. 3 (2024): 321–51, https://doi.org/10.1177/17454999241255182. Accessed June 9, 2026

[308] UNICEF, "1,000 Days of Education – Equivalent to Three Billion Learning Hours – Lost for Afghan Girls," June 2024, https://www.unicef.org/press-releases/1000-days-education-equivalent-three-billion-learning-hours-lost-afghan-girls. Accessed June 9, 2026

[309] Joydeb Sasmal and Jorge Guillen, "Poverty, Educational Failure and the Child-Labour Trap: The Indian Experience," *Global Business Review* 16, no. 2 (2015): 270–80, https://doi.org/10.1177/0972150914564419. Accessed June 10, 2026

[310] Garayová, "The Best Interests of the Child Principle." Accessed March 25, 2026

[311] Yusefri et al., "Protecting Child Labor Rights."

women from the labor market and deprived them of the ability to provide for their families and children[312].

According to a report by the International Labor Organization (ILO), the level of women's employment in Afghanistan decreased by about 25 percent by the end of 2022 compared to before the Taliban's return. The report emphasizes that restrictions on women's participation in the labor market are one of the main factors in this decline. As a result, many women were forced to turn to informal and low-income jobs[313].

Such restrictions have not only deprived thousands of women of their right to work but have also reduced the capacity of humanitarian agencies to provide support services to women and children. Human Rights Watch reports that these restrictions have made it more difficult for families to access humanitarian assistance and have exacerbated Afghanistan's economic crisis[314].

Restrictions on women's employment have had a direct impact on families' economic situation. In many Afghan families, women played a significant role in supporting their households' livelihoods before 2021; however, after their exclusion from the labor market, household incomes have fallen sharply[315]. When mothers are denied the right to work, economic pressure on families increases, and children are more vulnerable to early employment and economic exploitation[316].

According to vulnerability theory, poverty and economic insecurity of families are one of the main factors in children entering the labour market and their vulnerability to exploitation. Restrictions on women's employment reduce family income and exacerbate

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[312] Lyla Schwartz et al., "Economic Constraints and Gendered Rules: Understanding Women's Perspectives of How Government-Imposed Restrictions Impact Women's Mental Health and Social Wellbeing across Afghanistan," *SSM - Mental Health* 6 (December 2024): 100327, https://doi.org/10.1016/j.ssmmh.2024.100327.

[313] International Labour Organization (ILO, "Women Bear Brunt of Afghanistan Job Losses | International Labour Organization," March 7, 2023, https://www.ilo.org/resource/news/women-bear-brunt-afghanistan-job-losses.

[314] Human Rights Watch, *Afghanistan: Taliban Blocking Female Aid Workers | Human Rights Watch*, November 4, 2021, https://www.hrw.org/news/2021/11/04/afghanistan-taliban-blocking-female-aid-workers.

[315] Adila Haidari, "Gendered Labor Rights Under Taliban Rule: Addressing Employment Inequality in Post-2021 Afghanistan," *International Journal Administration, Business & Organization* 5, no. 3 (2024): 1–4, https://doi.org/10.61242/ijabo.24.417. Accessed June 12, 2026

[316] Kaushik Basu, "Child Labor: Cause, Consequence, and Cure, with Remarks on International Labor Standards." PP. 1089-1100 . Accessed June 9, 2026

poverty. Consequently, children become more likely to enter the labour market to compensate for lost household income[317].

3. Weakening of protection institutions

After the Taliban regained power in 2021, institutions responsible for protecting human rights, including those of children, in Afghanistan faced structural and practical weakening. This weakening has caused the government and non-governmental organizations to face serious challenges in the field of protecting working children and preventing economic exploitation[318].

In this regard, the structure of government institutions related to child protection, including executive and judicial institutions, has undergone changes and restrictions. The reduction in specialized personnel and the limitation of institutional activities have weakened the government's supervisory role in the field of child labor[319]. The justice and judicial system have also faced a reduction in capacity to investigate violations. Consequently, the effective enforcement of child protection laws has become highly difficult. This situation has significantly reduced the guarantee of the implementation of children's rights as part of human rights at the practical level.[320]

In addition, the weakening of human rights institutions and the restriction of the activities of civil society institutions by the de facto authorities have exacerbated the economic and social crises in Afghanistan. At the same time, the reduction and termination of a significant portion of international aid and humanitarian programs have led to the spread of poverty, unemployment, and food insecurity in the country[321]. The poverty resulting from these developments has faced many families with severe livelihood

[317] Yusefri et al., "Protecting Child Labor Rights." Accessed March 6, 2026

[318] Zakia Adeli, *The Consequences of Taliban Policies on Human Rights in Afghanistan (August 2021–August 2023)* (East-West Center, 2024), https://www.jstor.org/stable/resrep57923. Accessed June 9, 2026

[319] Haroun Rahimi, "Remaking of Afghanistan: How the Taliban Are Changing Afghanistan's Laws and Legal Institutions," paper presented at 361, July 2022.pp. 2-9. Accessed June 9, 2026

[320] Sebghatullah Qazi Zada and Mohd Ziaolhaq Qazi Zada, "The Taliban and Women's Human Rights in Afghanistan: The Way Forward," *The International Journal of Human Rights* 28, no. 10 (2024): 1687–1710, https://doi.org/10.1080/13642987.2024.2369584.

[321] Human Rights Watch, "Afghanistan: Events of 2022," in *World Report 2023* (2023), https://www.hrw.org/world-report/2023/country-chapters/afghanistan.

problems and has exposed children to significant exposure to child labor and economic exploitation[322].

From the perspective of positive obligations of states, states are obliged not only to refrain from direct violations of children's rights, but also to establish institutions, monitoring and support mechanisms to prevent children from entering the labor market. Therefore, weakening of protection and monitoring institutions after 2021 could reduce the ability of the state to prevent child labor and effectively enforce the law[323].

4. Poverty and Unemployment

The economic crisis after 2021 is another factor that has pushed one in five children into child labor. After the Taliban takeover, Afghanistan experienced economic collapse due to reduced humanitarian aid, international sanctions, and the freezing of national assets. As a result, adult unemployment and food insecurity have increased. This situation has caused many families to lose the ability to meet basic living needs and has led children to enter the labor market as a source of income for the family[324]. Reports show that the economic crisis after 2021 has caused many families, especially urban residents, to lose their source of income altogether. Accordingly, families have been forced to send their children to work to provide for their families[325].

Although Afghan national laws and international documents provide a legal framework for the protection of children against child labor and various forms of exploitation, significant challenges remain in their implementation. In addition, several

[322] Vatican News Staff Reporter, "A Fifth of Afghan Families Forced to Send Children to Work - Vatican News," February 14, 2022, https://www.vaticannews.va/en/world/news/2022-02/afghanistan-hunger-families-child-labour-save-children.html.

[323] Center for Justice and International Law (CEJIL), *The Esperanza Protocol: International Legal Framework on Positive and Negative Obligations of States*.

[324] Mohammad Sharif Rahimi, "28th RSEP Conference Proceedings," paper presented at 28th RSEP International Conference on Economics, Finance & Business, *Poverty and Unemployment Crisis: The Case of Afghanistan from Recent Evidence*, 2022, pp 118-125 https://doi.org/10.19275/RSEPCONFERENCES231. Accessed June 10, 2026

[325] Vatican News Staff Reporter, "A Fifth of Afghan Families Forced to Send Children to Work - Vatican News." Accessed June 10, 2026

legal gaps and deficiencies in the field of combating child labour continue to weaken the effectiveness of the prevention of child labour. These are examined in the following section.

d. Legal Gaps and Deficiencies in Combating Child Labor in Afghanistan

Despite the adoption of domestic laws and Afghanistan's accession to international instruments related to child labor, there are still significant legal gaps in the effective prevention of child labor. These weaknesses have led to the persistence of child labor in Afghanistan.

1. Lack of a Comprehensive and Precise Definition of Child Labor

One of the most important deficiencies in Afghanistan's national laws is the lack of a comprehensive and precise definition of the concept of child labor[326]. Afghan laws mainly focus on establishing the minimum age for work and regulating certain working conditions. They have not provided a clear and comprehensive definition of what types of activities are considered child labor. As a result, there is no distinction between light and harmful work[327]. The lack of such clarity makes it difficult to identify child labor, determine legal violations, and provide effective preventive measures[328].

In contrast, ILO Convention No. 138 emphasizes the need to distinguish between different types of child labor[329]. From this perspective, the absence of a comprehensive definition in Afghan laws indicates a gap between the domestic legal system and international standards related to child protection[330]. In addition, the vulnerability of children also requires that laws enacted must clearly identify and prohibit any type of activity harmful to children's health, development and dignity[331].

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[326] International Labour Organization (ILO, *Afghanistan: National Child Labour Legislation, Policy and Programme Review*.p. 10 Accessed June 1, 2026

[327] "Afghan Labour Law - Official Gazette, 2007 | International Labour Organization." Accessed May 23, 2025

[328] International Labour Organization (ILO, *Afghanistan: National Child Labour Legislation, Policy and Programme Review*.

[329] Zsögön, "ILO's Convention 182 on the Worst Forms of Child Labour." Pp. 157-172. Accessed March 26, 2026

[330] International Labour Organization (ILO, *Afghanistan: National Child Labour Legislation, Policy and Programme Review*.pp. 10-13

[331] Yusefri et al., "Protecting Child Labor Rights." Pp. 1188-1200 Accessed March 9, 2026

2. Lack of a Comprehensive Definition and List of Hazardous Work and Worst Forms of Child Labour

Another important legal gap in national laws is the absence of a clearly defined list of hazardous occupations and the worst forms of child labour prohibited for children. ILO Convention No. 182 requires member states to identify and determine hazardous work prohibited for persons under the age of eighteen through national legislation or other competent authority[332]. While children in Afghanistan are engaged in various hazardous forms of work in Afghanistan national legislation does not provide a clear definition of hazardous activities[333]. The absence of a formal and comprehensive list is one of the weaknesses of national laws to protect children. It also makes monitoring and implementation more difficult and allows employers to use children without taking responsibility[334].

From the perspective of child vulnerability theory, governments are obliged to accurately identify and prohibit all hazardous and harmful activities for children, because children are inherently more vulnerable to early labor due to their physical, psychological, and economic status. Therefore, the lack of a comprehensive list of hazardous occupations in Afghanistan can pave the way for continued economic exploitation and violations of children's rights[335]. In addition, the principle of due diligence obliges the government to protect children from harmful labor through the establishment of transparent and comprehensive laws and effective supervision[336].

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[332] Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182). Article .4Accessed May 31, 2025

[333] International Labour Organization, "Rapid Assessment of Hazardous Work for Children in Carpet Weaving, Painting Metal and Wooden Products, and Spraying, Mixing or Selling Insecticides in Balkh Province: Final Report - International Labour Organization," 2023, https://researchrepository.ilo.org/esploro/outputs/report/Rapid-assessment-of-hazardous-work-for/995321004702676 "Afghan Labour Law - Official Gazette, 2007 | International Labour Organization." Accessed June 11, 2026

[334] International Labour Organization (ILO, *Afghanistan: National Child Labour Legislation, Policy and Programme Review*.

[335] Yusefri et al., "Protecting Child Labor Rights." Pp. 1188-1200. Accessed March 9, 2026

[336] Bonnitcha and McCorquodale, "The Concept of 'Due Diligence' in the UN Guiding Principles on Business and Human Rights." Accessed March 23, 2026

3. Inadequate coverage of the informal sector of the economy

Most children in Afghanistan are engaged in informal work, which largely falls outside the scope of labor regulation[337]. This situation has left millions of children working in the informal sector effectively deprived of legal and regulatory protections. As a result, this legal gap has increased the possibility of economic abuse and exploitation of children and has limited the access of regulatory agencies to children's work environments[338].

From the perspective of the principle of due diligence, the state is obliged to monitor and protect all environments in which children are exposed to exploitation[339]. Therefore, inadequate coverage of the informal economy can indicate a failure of the state to fulfill its positive obligations.

4. Weak enforcement of child labor laws

Although some Afghan laws prohibit child labor and the economic exploitation of children, they are poorly enforced[340]. In practice, many cases of child rights violations go unpunished. Weak enforcement has allowed employers and perpetrators of child labor to continue using child labor in many cases without fear of punishment. In addition, the limited capacity of judicial and labor inspection institutions has made it difficult to effectively enforce the laws[341].

International labor standards emphasize that effective enforcement of child labor laws requires a comprehensive inspection system, effective enforcement, access to justice for victims, and monitoring of all environments where children work[342]. These shortcomings show that Afghanistan has not fulfilled its obligations based on the principle

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[337] "Afghan Labour Law - Official Gazette, 2007 | International Labour Organization." Accessed May 23, 2026

[338] U.S. Department of Labor, *Afghanistan, 2023 Findings on the Worst Forms of Child Labor* (Bureau of International Labor Affairs (ILAB), n.d.), accessed November 2, 2025, https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2023/Afghanistan.pdf.

[339] Bonnitcha and McCorquodale, "The Concept of 'Due Diligence' in the UN Guiding Principles on Business and Human Rights." Accessed March 23, 2026

[340] International Labour Organization (ILO, *Afghanistan: National Child Labour Legislation, Policy and Programme Review*.

[341] International Labour Organization (ILO, *Afghanistan: National Child Labour Legislation, Policy and Programme Review*.

[342] International Labour Organization (ILO, "Labour Legislation Guidelines," 2001, https://webapps.ilo.org/static/english/dialogue/ifpdial/llg/noframes/ch8.

of due diligence to protect children from economic exploitation[343]. Therefore, weak enforcement in Afghanistan is considered one of the main obstacles to effectively combating child labor.

5. Weaknesses of the Inspection and Monitoring System

One of the serious challenges in Afghanistan is the weakness of the monitoring system, responsible for identifying and preventing child labor. The lack of specialized personnel, weak institutional capacity, and limited financial resources have reduced effective monitoring of children's working environments[344]. After the developments of 2021, these problems have intensified, and many institutions related to child protection have faced operational restrictions. As a result, the state's ability to detect hazardous work and monitor their compliance with labor laws has been weakened[345]. From the perspective of due diligence in international law obliges governments to establish effective monitoring and inspection mechanisms. Therefore, the weakness of the Afghan monitoring system indicates limitations in implementing the government's obligations in the field of child protection[346].

6. Inconsistency of Afghanistan's Domestic Laws with ILO Conventions No. 138 and No. 182

Afghanistan acceded to ILO Conventions 138 and 182 in 2010 and is committed to complying with international standards on combating child labor[347]. However, a review of Afghanistan's domestic laws shows that there is no full compliance between national laws and the requirements outlined in these conventions. There are numerous gaps in defining

[343] Bonnitcha and McCorquodale, "The Concept of 'Due Diligence' in the UN Guiding Principles on Business and Human Rights."

[344] U.S. Department of Labor, *Afghanistan, 2023 Findings on the Worst Forms of Child Labor*.

[345] Haroun Rahimi, "Remaking of Afghanistan: How the Taliban Are Changing Afghanistan's Laws and Legal Institutions." Accessed June 10, 2026

[346] Bonnitcha and McCorquodale, "The Concept of 'Due Diligence' in the UN Guiding Principles on Business and Human Rights." Accessed March 23, 2026

[347] (International Labour Organization), "Ratifications of ILO Conventions: Ratifications by Convention." Accessed June 1, 2026

the worst forms of child labor, compiling a list of hazardous occupations, establishing an effective monitoring system, and ensuring the implementation of laws[348]. In addition, weak executive institutions and economic constraints have hindered the effective implementation of Afghanistan's international obligations. This situation shows that there is still a significant gap between international obligations and the practical reality in the field of prevention of child labor[349]. Overall, a review of Afghanistan's legal system shows that despite the adoption of laws related to child labor and accession to international conventions, there are still gaps in the fight against child labor. The lack of a comprehensive definition of child labor and hazardous work, the weakness of the monitoring and enforcement system, the lack of coverage of informal activities, and the lack of full compliance of national laws with international standards are among the most important legal challenges in the field of child protection.

[348] International Labour Organization (ILO, *Afghanistan: National Child Labour Legislation, Policy and Programme Review*.

[349] Adeli, *The Consequences of Taliban Policies on Human Rights in Afghanistan (August 2021–August 2023)*. Accessed June 9, 2026

CHAPTER IV
CONCLUSION

4.1.Conclusion

This study concludes that the situation of child labor in Afghanistan is highly urgent because it has become a serious human rights, humanitarian, and development crisis. The findings show that child labor has significantly increased, particularly after the political changes of 2021, as a result of poverty, unemployment, prolonged conflict, displacement, climate-related challenges, and restrictions on education. Consequently, millions of Afghan children are deprived of their fundamental rights, including the rights to education, health, protection from economic exploitation, and human dignity. The persistence of child labor also perpetuates intergenerational poverty and undermines the achievement of the Sustainable Development Goals, particularly those relating to poverty eradication, quality education, decent work, and reduced inequalities. Therefore, the situation of child labor in Afghanistan requires immediate legal, institutional, and policy intervention.

This study further concludes that Afghanistan should establish a comprehensive national legal framework that is fully consistent with International Human Rights Law, particularly the Convention on the Rights of the Child and ILO Conventions Nos. 138 and 182. Such a framework should provide a clear and comprehensive definition of child labour, explicitly prohibit its worst forms, extend legal protection to children working in the informal sector, strengthen labour inspection and enforcement mechanisms, and ensure effective legal sanctions for violations. At the same time, legal reform should be accompanied by institutional and social measures, including improving access to education, strengthening child protection institutions, reducing poverty, and supporting vulnerable families. Only through an integrated legal, institutional, and social approach can Afghanistan effectively combat child labor and fulfil its obligations to protect the rights and best interests of every child.

4.1. Recommendations

Based on the findings of this study and the analysis of national and international legal frameworks related to child labor in Afghanistan, the following suggestions are made to improve the child protection system and effectively reduce the phenomenon of child labor.

1. It is necessary to harmonize the domestic legal system with international standards, especially ILO conventions. The definition of "child labor" should be precise, comprehensive, and in line with the international approach, and a clear distinction should be made between light work and harmful work. A specific list of hazardous occupations should also be included in national laws, and the informal economy, which accounts for the majority of child labor, should be explicitly covered in the legal system.
2. In the second step, it is necessary to strengthen the guarantee of implementation and monitoring institutions. The labor inspection system should be strengthened to be independent and specialized, and the capacity of justice and judicial institutions to handle cases of child exploitation should be increased. It is also important to establish safe and accessible mechanisms for reporting violations of children's rights.
3. In the third step, institutionalizing the right to education as a tool for preventing child labor should be prioritized. Ensuring equal access to education, especially for girls, programs to get working children back to school, and economic support for poor families are essential measures in this area.
4. In step four, it is essential to tackle the worst forms of child labor. The prohibition and effective prosecution of the use of children in armed conflict, the gradual elimination of work in hazardous sectors such as mines and brick kilns, and the provision of rehabilitation and reintegration services for affected children should be considered.
5. In step five, it is important to strengthen international cooperation. Cooperation with the International Labor Organization (ILO), UNICEF, and other relevant agencies for monitoring and implementation of child labor reduction programs should be expanded.

Finally, the principle of the "best interests of the child" should be institutionalized as a fundamental criterion in all policymaking, and before any economic and social policy, its impact on the rights and situation of children should be seriously assessed.

References

Abdullah, Alhassan, Felix Mensah, and Enoch B. Amponsah. "Conceptualization of Child Labour: Contemporary Understanding and Gaps." *Child Abuse Review* 34, no. 2 (2025): e70025. https://doi.org/10.1002/car.70025.

Adeli, Zakia. *The Consequences of Taliban Policies on Human Rights in Afghanistan (August 2021–August 2023)*. East-West Center, 2024. https://www.jstor.org/stable/resrep57923.

"Afghan Labour Law - Official Gazette, 2007 | International Labour Organization." August 18, 2014. https://www.ilo.org/resource/afghan-labour-law-official-gazette-2007.

Afghaniatan International. "Do Not Accept Human Rights Sought By Western Countries, Says Taliban." December 11, 2024. https://www.afintl.com/en/202412119701.

Afif Noor. "Socio-Legal Research: Integration of Normative and Empirical Juridical Research in Legal Research." *Fakultas Syariah Dan Hukum, Universitas Islam Negeri Walisongo, Semarang* 7, no. 2 (2023): 97. ttps://ejurnal.duniaehukum.com/index.php/jiduh/article/view/198.

Ahad, Md Abdul, Farjana Eleen, and Mitu Chowdhury. "Hazardous Working Conditions and Employers Perception Regarding Child Laborer: A Study at Sylhet City of Bangladesh." *South Asian Journal of Social Studies and Economics*, September 20, 2018, 1–7. https://doi.org/10.9734/sajsse/2018/v2i125822.

Ahad, Md Abdul, Yvonne Karen Parry, Eileen Willis, and Shahid Ullah. "Key Informant Views of the Determinants of Child Labour Maltreatment." *Children* 11, no. 6 (2024). https://doi.org/10.3390/children11060708.

Ahad, Md Abdul, Yvonne Karen Parry, Eileen Willis, and Shahid Ullah. "Key Informant Views of the Determinants of Child Labour Maltreatment." *Children* 11, no. 6 (2024). https://doi.org/10.3390/children11060708.

Amal Sethi. "Rule of Law and Governance in Afghanistan after the Taliban's Return to Power." 2024. https://figshare.le.ac.uk/articles/chapter/Rule_of_Law_In_Afghanistan_Prospects_Under_the_Taliban_Rule/28358879.

Amedu, Amos Nnaemeka, and Osita Victor Ossai. "Influence of Child Labour on Primary School Pupil's Enrolment and Dropout: A Scoping Review." *Journal of Education and Teaching (JET)* 4, no. 3 (2023): 396–407. https://doi.org/10.51454/jet.v4i3.317.

Amedu, Amos Nnaemeka, and Osita Victor Ossai. "Influence of Child Labour on Primary School Pupil's Enrolment and Dropout: A Scoping Review." *Journal of Education and Teaching (JET)* 4, no. 3 (2023): 396–407. https://doi.org/10.51454/jet.v4i3.317.

Asadullah Noori. “Children’s Rights in Afghanistan Law and the Convention on the Rights of the Child.” *International Journal of Global Sustainable Research* 3, no. 12 (2026). https://doi.org/10.59890/ijgsr.v3i12.113.

Assadi, Sakhibaksh, and Jawid Ahmad Gulistani. “Family Determinants of School Dropout among Street-Working Children in Afghanistan.” *Strategic Business Research* 2, no. 1 (2026): 100149. https://doi.org/10.1016/j.sbr.2026.100149.

Assadi, Sakhibaksh, and Jawid Ahmad Gulistani. “Family Determinants of School Dropout among Street-Working Children in Afghanistan.” *Strategic Business Research*, April 16, 2026, 100149. https://doi.org/10.1016/j.sbr.2026.100149.

Associated Press. “The Taliban Leader Says There Is No Need for Western Laws in Afghanistan | AP News.” Accessed July 20, 2026. https://apnews.com/article/afghanistan-taliban-western-laws-sharia-c11444b20fbb6c77d2632fae84435af2.

Asyaffa Ridzqi Amandha, Paundria Dwijo Hapsari, Muhammad Akmal Rizki Rivaldi, Bagus Adi Saputro, Anisa Cahyani, and Ridwan Arifin. “The Mainstreaming of the Concept of Legal Protection for Child Labor in Indonesia Based on ILO Conventions.” *The Indonesian Journal of International Clinical Legal Education* (Indonesia) 4, no. 3 (2022). https://doi.org/https://doi.org/10.15294/iccle.v4i3.36555.

Baldwin, Guy. “Positive Obligations to Protect the Population under Human Rights Law.” *Judicial Review* 0, no. 0 (2025): 1–16. https://doi.org/10.1080/10854681.2025.2556618.

Beegle, Kathleen, Rajeev Dehejia, and Roberta Gatti. “Why Should We Care About Child Labor?: The Education, Labor Market, and Health Consequences of Child Labor.” *Journal of Human Resources* 44, no. 4 (2009): 871–89. https://muse.jhu.edu/pub/19/article/466715.

Beegle, Kathleen, Rajeev Dehejia, and Roberta Gatti. “Why Should We Care About Child Labor?: The Education, Labor Market, and Health Consequences of Child Labor.” Articles. *Journal of Human Resources* 44, no. 4 (2009): 871–89. https://doi.org/10.3368/jhr.44.4.871.

Bhandary, Leeladhara Mangalpady. “Child Labour Regulations in International Law and Indian Legislations: A Survey.” *World Journal of Social Sciences and Humanities* 5, no. 2 (2019): 111–19. https://doi.org/10.12691/wjssh-5-2-7.

Bhatt, Sanjai, and Atul Pratap Singh. “Rehabilitation of Rescued Children from Worksites in India.” *Social Development Issues* 43, no. 2 (2022). https://doi.org/10.3998/sdi.1824.

Bob Barnetson. “Effectiveness of Complaint-Driven Regulation of Child Labour in Alberta.” *Just Labour: A Canadian Journal of Work and Society* 16 (2010). https://doi.org/https://doi.org/10.25071/1705-1436.40.

Bonnitcha, Jonathan, and Robert McCorquodale. “The Concept of ‘Due Diligence’ in the UN Guiding Principles on Business and Human Rights.” *European Journal of International Law* 28, no. 3 (2017): Bonnitcha, Jonathan, and Robert McCorquodale. “The Concept of ‘Due Diligence’ in the UN Guiding Principles on Business and Human Rights.” European

Journal of International Law 28, no. 3 (2017): 899-919. https://doi.org/10.1093/ejil/chx042. https://doi.org/10.1093/ejil/chx042.

Bosisio, Roberta, and Paola Ronfani. "Children as Rights Holders." *Revue Des Sciences Sociales*, no. 63 (2020): 63. https://doi.org/10.4000/revss.4767.

Boutin, Delphine and Jouvin, Marine. *Child Labour Consequences on Education and Health: A Review of Evidence and Knowledge Gaps*. Bordeaux School of Economics (BSE), 2022. https://bordeauxeconomicswp.u-bordeaux.fr/2022/2022-14.pdf

Brando, Nico. "Child Work and Education: A Global Perspective." In *The Routledge Handbook of the Philosophy of Education*. Routledge, 2023. https://livrepository.liverpool.ac.uk/3191278/1/18%20Child%20work%20and%20education%20rc%26nb.pdf.

Brooke Wortsman, Jasodhara Bhattacharya, and Jasińska, Kaja. "Accelerating Progress towards Eradicating Child Labour (SDG8.7) with Quality Education (SDG4): School Quality Is Linked to Reduced Child Cocoa Labour in Côte d'Ivoire." *Annals of the New York Academy of Sciences* 19, no. 3 (2024). https://doi.org/https://doi.org/10.1177/17454999241255182.

Caleo, Grazia, Sohana Sadique, Didem Yuce, et al. "A Public Health Wound: Health and Work among Children Engaged in the Worst Forms of Child Labour in the Informal Sector in Dhaka, Bangladesh: A Retrospective Analysis of Médecins Sans Frontières Occupational Health Data from 2014 to 2023." *BMC Public Health* 25, no. 1 (2025): 1420. https://doi.org/10.1186/s12889-025-22483-z.

Castro, Charita L., and Katherine Hunting. "Measuring Hazardous Work and Identifying Risk Factors for Non-Fatal Injuries among Children Working in Philippine Agriculture." *American Journal of Industrial Medicine* 56, no. 6 (2013): 709–19. https://doi.org/10.1002/ajim.22185.

Center for Justice and International Law (CEJIL). *The Esperanza Protocol: International Legal Framework on Positive and Negative Obligations of States*. Center for Justice and International Law (CEJIL), 2021. https://cejil.org/wp-content/uploads/2021/10/Protocolo-Esperanza-FINAL-051021.pdf.

Chettri, Radha, and Sachin Bhardwaj. "Psycho-Socio Study of Disparaging Education System and Child Labour Issue in the Conflict Areas and War Zones: A Critical Case Study of Afghanistan." *Journal of Positive School Psychology* 6, no. 3 (2022): 9153–64. https://journalppw.com/index.php/jpsp/article/view/5313.

"Child Labour | International Labour Organization." January 28, 2024. https://www.ilo.org/topics-and-sectors/child-labour.

Convention C138 - Minimum Age Convention, 1973 (No. 138) (1973). https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312283.

Convention C182 - Worst Forms of Child Labour Convention, 1999 (No. 182) (1999). https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312327.

Country of Origin Information Unit. *General Country of Origin Information Report – Afghanistan*. Government of the Netherlands, 2025. https://www.government.nl/site/binaries/site-content/collections/documents/2025/12/16/general-country-of-origin-information-report-afghanistan-december-2025/netherlands-coi-report-afghanistan-december-2025.pdf.

Danwood Mzikenge Chirwa. "The Doctrine of State Responsibility as a Potential Means of Holding Private Actors Accountable for Human Rights." *Melbourne Journal of International Law* 5 (2004). https://law.unimelb.edu.au/__data/assets/pdf_file/0005/1680422/Chirwa.pdf.

Dennis, Michael J. "The ILO Convention on the Worst Forms of Child Labor." *American Journal of International Law* 93, no. 4 (1999): 943–48. https://doi.org/10.2307/2555360.

Dickson, Brice. "Positive Obligations and the European Court of Human Rights." *Northern Ireland Legal Quarterly* 61, no. 3 (2010): 3. https://doi.org/10.53386/nilq.v61i3.449.

Dr. Sayed Raza Shah Gilani, Shehla Zahoor2, and Muhammad Arshad Iqbal3. "Child Labor in Pakistan: Causes, Consequences and Prevention." *Pakistan Social Sciences Review* 6, no. II (2022). https://doi.org/10.35484/pssr.2022(6-II)18.

Dunn, Timothy J., and Natalia Ribas-Mateos. *Handbook On Human Security, Borders And Migration*. Edward Elgar Publishing, 2021. https://doi.org/10.4337/9781839108907.

Edmonds, Eric V. *NBER WORKING PAPER SERIES*. No. 12926. 2007. https://doi.org/10.3386/w12926.

Edmonds, Eric V., and Nina Pavcnik. "Child Labor in the Global Economy." *Journal of Economic Perspectives* 19, no. 1 (2005): 199–220. https://doi.org/10.1257/0895330053147895.

Edmonds, Eric V., and Maheshwor Shrestha. "The Impact of Minimum Age of Employment Regulation on Child Labor and Schooling*." *IZA Journal of Labor Policy* 1, no. 1 (2012): 14. https://doi.org/10.1186/2193-9004-1-14.

Education Law, Pub. L. No. No. 56, No.: 955 (2008). https://planipolis.iiep.unesco.org/upload/Afghanistan/Afghanistan_Education_law.pdf.

Einarsdóttir, Jónína. "Street and Working Children: Perspectives on Child Labour and Child Work." *BMJ Paediatrics Open* 8, no. 1 (2024). https://doi.org/10.1136/bmjpo-2024-002953.

Emily Camastra. "Hazardous Child Labor as a Crime against Humanity: An Investigation into the Potential Role of the International Criminal Court in Prosecuting Hazardous Child Labor as Slavery." *Georgetown Journal on Poverty Law & Policy* (Washington, D.C) 15, no. 2 (2008).

Erik H. Erikson. *Childhood and Society*. First edition. W. W. Norton & Company, 1950. https://archive.org/details/dli.ernet.19961.

Fateme Mohammadi, Seyedeh Zahra Masoumi, Khodayar Oshvandi, Seyed Reza Borzou, Fatemeh Cheraghi, and Behruz Karkhanei. "Dignity: The Cornerstone of Psychological Health among Victims of Child Labor, a Qualitative Study | BMC Research Notes | Springer Nature Link." *BMC Research Notes* 17 (2024). https://doi.org/5/22/2026,%208:21:26%20PM.

Frank Biermann, Norichika Kanie, and Rakhyun E. Kim. "Global Governance by Goal-Setting: The Novel Approach of the UN Sustainable Development Goals." *Current Opinion in Environmental Sustainability* 26–27 (2017). https://www.sciencedirect.com/science/article/pii/S1877343517300209?via%3Dihub.

Garayová, Lilla. "The Best Interests of the Child Principle." *Central European Academy Law Review* 2, no. 1 (2024). https://doi.org/10.62733/2024-1.9-28.

Gerry Rodgers and Guy Standing. "Economic Roles of Children in Low-Income Countries - International Labour Organization." *International Labour Review* (Geneva) 120, no. 1 (1981). https://researchrepository.ilo.org/esploro/outputs/journalArticle/Economic-roles-of-children-in-low-income/995274853202676.

Gourangi Koushik and Mrigakhi Goswami. *Child Labour in India: Issues, Consequences and Measures*. 11, no. 1 (2024). https://www.academia.edu/122541793/Child_Labour_in_India_Issues_Consequences_and_Measures.

Government of Afghanistan. *Constitution of the Islamic Republic of Afghanistan*. Government of Afghanistan, 2004. https://www.diplomatie.gouv.fr/IMG/pdf/The_Constitution_of_the_Islamic_Republic_of_Afghanistan.pdf.

Gür, Muhammed Gürkan. "The Effectiveness of the Enforcement Mechanism of the ECHR: A Critical Overview." *Ankara Barosu Dergisi* 83, no. 3 (2025): 425–45. https://doi.org/10.30915/abd.1709902.

Gurrea, Mary Rose. "Law on Labour in Islamic Republic of Afghanistan." Text. Humanitarian Library, February 25, 2014. https://www.humanitarianlibrary.org/resource/law-labour-islamic-republic-afghanistan-0.

Habib, Rima R., Moussa El Khayat, Joly Ghanawi, Reem S. Katrib, Layal Hneiny, and Dana A. Halwani. "Child Labor and Associated Risk Factors in the Wake of the COVID-19 Pandemic: A Scoping Review." *Frontiers in Public Health* 11 (February 2024). https://doi.org/10.3389/fpubh.2023.1240988.

Haidari, Adila. "Gendered Labor Rights Under Taliban Rule: Addressing Employment Inequality in Post-2021 Afghanistan." *International Journal Administration, Business & Organization* 5, no. 3 (2024): 1–14. https://doi.org/10.61242/ijabo.24.417.

Hanane, Merzougui, Gong Xianghe, and Danish Ali. “Contextual Analysis of Child Labor Laws and Educational Rights for Children in Pakistan with a Focus on KPK Province.” *Discover Global Society* 2, no. 1 (2024): 74. https://doi.org/10.1007/s44282-024-00105-0.

Hanson, Karl, and Arne Vandaele. “Working Children and International Labour Law: A Critical Analysis.” *The International Journal of Children’s Rights* 11, no. 1 (2003): 73–146. https://doi.org/10.1163/092755603322384038.

Hanson, Karl, Volonakis, Diana, and Al-Rozzi, Mohammed. “Child Labour, Working Children and Children’s Rights.” In *Routledge International Handbook of Children’s Rights Studies*. Routledge, 2015. https://access.archive-ouverte.unige.ch/access/metadata/4e24a3c5-8304-496d-8b74-960c3dd1467b/download.

Hardi, Lalu Ary Kurniawan, Casey Alexa Kruger, Richard Anderson, et al. “Child Labour and Sexual Exploitation in Bangladesh: Analysis of Government Failure to Protect Children’s Rights within the Constitutional Framework.” *Jurnal Politik Indonesia (Indonesian Journal of Politics)* 11, no. 2 (2025): 171–86. https://doi.org/10.20473/jpi.v11i2.79896.

Haroun Rahimi. “Remaking of Afghanistan: How the Taliban Are Changing Afghanistan’s Laws and Legal Institutions.” Paper presented at 361. July 2022.

Hassan Reza Rezaye. *Addressing Education Challenges in Afghanistan under Taliban Rule*. Academia.edu, 2023. https://avicennahjlc.academia.edu/HassanRezaye.

Hasselbacher, Lee. “State Obligations Regarding Domestic Violence: The European Court of Human Rights, Due Diligence, and International Legal Minimums of Protection.” *Northwestern Journal of International Human Rights* 8, no. 2 (2010). https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi.

Hazrat Shah Kayen. “The Impact of Child Labor on Children’s Development: A Case Study of Afghanistan.” *Bhineka Tunggal Ika Journal* 10, no. 2 (2023): 326–36.

Hennessy, Róisín. “Exploring the Role of Social Protection Interventions in Preventing Child Labour: Reinforcing the Case for a Human Rights-Based Model of Intervention.” *Journal of Human Rights Practice* 15, no. 1 (2023): 262–83. https://doi.org/10.1093/jhuman/huac064.

Himashi Muthugala, Tharaka Magammana, Ayodhya Perera, Amanda Bandara, and Ruwan Jayathilaka. “Addressing Child Labour in SAARC: The Synergy of Education, Health and Economic Growth Towards SDGs - Muthugala - 2026 - Sustainable Development - Wiley Online Library.” *Sustainable Development*, 2025. https://onlinelibrary.wiley.com/doi/10.1002/sd.70451.

Hirju, Ionelia. “International Labour Law. International Protection of Youth and Children.” *Romanian Journal of Public Affairs*, no. 8 (December 2023): 05–15. https://doi.org/10.69581/RJPA.2023.08.05.

Hossain, Mohammad Belayet. “Compliance of the Bangladesh Legal Policies with the ILO Convention on the Prohibition of Child Labor.” *Lex Publica* 7, no. 2 (2020): 15–23. https://doi.org/10.58829/lp.7.2.2020.15-23.

Human Rights Committee. *General Comment No. 31 [80], The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*. CCPR/C/21/Rev.1/Add.13. United Nations, 2004. https://www.refworld.org/legal/general/hrc/2004/52451.

Human Rights Committee (UN). “United Nations Human Rights Website - Treaty Bodies Database - Document - General Comments -.” 2004. https://internationalhumanrightslexicon.org/hrdoc/docs/hrcGC31.

Human Rights Watch. “Afghanistan: Events of 2022.” In *World Report 2023*. 2023. https://www.hrw.org/world-report/2023/country-chapters/afghanistan.

Human Rights Watch. *Afghanistan: Taliban Blocking Female Aid Workers | Human Rights Watch*. November 4, 2021. https://www.hrw.org/news/2021/11/04/afghanistan-taliban-blocking-female-aid-workers.

Ibrahim, Abdalla, Salma M. Abdalla, Mohammed Jafer, Jihad Abdelgadir, and Nanne De Vries. “Child Labor and Health: A Systematic Literature Review of the Impacts of Child Labor on Child’s Health in Low- and Middle-Income Countries.” *Journal of Public Health* 41, no. 1 (2019): 18–26. https://doi.org/10.1093/pubmed/fdy018.

Ibrahim, Abdalla, Salma M. Abdalla, Mohammed Jafer, Jihad Abdelgadir, and Nanne de Vries. “Child Labor and Health: A Systematic Literature Review of the Impacts of Child Labor on Child’s Health in Low- and Middle-Income Countries.” *Journal of Public Health* 41, no. 1 (2019): 18–26. https://doi.org/10.1093/pubmed/fdy018.

Ihsanullah Shorish. “Impact of Poverty and Child Labor on the Economic Growth of Afghanistan | Khurasan University Business Administration Journal.” *Khurasan University Business Administration Journal* 1, no. 1 (2023). https://krj.khurasan.edu.af/index.php/files/article/view/10.

Ingleby, Ewan, Clive Hedges, and Mervyn Gerard Martin. “Children’s Rights and Child Labour.” *PRISM: Casting New Light on Learning* Theory and Practice (October 2023): Early View. https://doi.org/10.24377/PRISM.ARTICLE696.

Internal Displacement Monitoring Center (IDMC). *Equitable Access to Quality Education for Internally Displaced Children*. Internal Displacement Monitoring Center (IDMC), 2019. https://doi.org/10.55363/IDMC.KJXM9608.

International Committee of the Red Cross (ICRC). “IHL Treaties - Afghanistan Convention on the Rights of the Child, 1989 Declaration.” Accessed May 28, 2026. https://ihl-databases.icrc.org/en/ihl-treaties/crc-1989/state-parties/af.

International Labour Organization. *Framework for Action on Child Labour 2023–2025*. International Labour Organization, 2023. https://www.ilo.org/publications/framework-action-child-labour-2023-2025.

International Labour Organization. *ILO Convention No. 138 at a Glance*. International Labour Organization (ILO), 2024. https://www.ilo.org/sites/default/files/2024-04/C138_at_a_glance_EN.pdf.

International Labour Organization. "Protocol of 2014 to the Forced Labour Convention." Treaty. International Labour Organization, 2014. https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:P029:NO.

International Labour Organization. "Rapid Assessment of Hazardous Work for Children in Carpet Weaving, Painting Metal and Wooden Products, and Spraying, Mixing or Selling Insecticides in Balkh Province: Final Report - International Labour Organization." 2023. https://researchrepository.ilo.org/esploro/outputs/report/Rapid-assessment-of-hazardous-work-for/995321004702676

(International Labour Organization). "Ratifications of ILO Conventions: Ratifications by Convention." Accessed June 1, 2025. https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312327.

International Labour Organization. *World Report on Child Labour: Economic Vulnerability, Social Protection and the Fight against Child Labour*. International Labour Organization, 2013. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipec/documents/publication/wcms_178184.pdf.

International Labour Organization (ILO). *A Legal Review of National Laws and Regulations Related to Child Labour in Myanmar*. International Labour Organization (ILO), 2016. https://www.ilo.org/sites/default/files/2024-09/Myanmar_Child_Labour_Legal_Review_Report.pdf.

International Labour Organization (ILO. "About the ILO | International Labour Organization." January 28, 2024. https://www.ilo.org/about-ilo.

International Labour Organization (ILO. *Afghanistan: National Child Labour Legislation, Policy and Programme Review*. International Labour Organization (ILO), 2018. https://www.ilo.org/sites/default/files/2024-06/Afghanistan_National_Child_Labour_Legislation.pdf.

International Labour Organization (ILO. "Labour Legislation Guidelines." 2001. https://webapps.ilo.org/static/english/dialogue/ifpdial/llg/noframes/ch8.htm.

International Labour Organization (ILO. "Ratifications of ILO Conventions: Ratifications by Convention." Accessed May 30, 2026.

https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB%3A11300%3A0%3A%3ANO%3A11300%3AP11300_INSTRUMENT_ID%3A312283

International Labour Organization (ILO. "What Is Child Labour | International Labour Organization." April 20, 2024. https://www.ilo.org/topics/child-labour/what-child-labour.

International Labour Organization (ILO. "Women Bear Brunt of Afghanistan Job Losses | International Labour Organization." March 7, 2023. https://www.ilo.org/resource/news/women-bear-brunt-afghanistan-job-losses.

International Law Commission. "Responsibility of States for Internationally Wrongful Acts (2001)." United Nations, 2001. https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf.

Jayawardana, Danusha, Nadezhda V. Baryshnikova, and Terence C. Cheng. "The Long Shadow of Child Labour on Adolescent Mental Health: A Quantile Approach." *Empirical Economics* 64, no. 1 (2023): 77–97. https://doi.org/10.1007/s00181-022-02241-5.

Jean Fares and Dhushyanth Raju. *Child Labor across the Developing World: Patterns and Correlations*. The World Bank, 2007. http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2007/01/25/000016406_20070125152956/Rendered/PDF/wps4119.pdf.

Jennifer Heath and Ashraf Zahedi. *Children of Afghanistan: The Path to Peace*. First edition. University of Texas Press, 2014. https://utpress.utexas.edu/9780292759336/.

Julinda Beqiraj. "Hazardous Work as a Worst Form of Child Labour: A Comment on Article 3(d) of ILO Convention 182." In *Child Labour in a Globalized World*, 1st Edition. Routledge, 2008.

K, Yuvashree, and Subavarshini J. "Eliminating Worst Forms of Child Labour: An Examination of ILO Convention 182 & Recommendations 125&190." *IJFMR - International Journal For Multidisciplinary Research* 6, no. 6 (2024). https://doi.org/10.36948/ijfmr.2024.v06i06.33253.

Kaletski, Elizabeth. "Essays on the Causes and Consequences of Child Labor." University of Connecticut Graduate School, 2014. https://opencommons.uconn.edu/dissertations/523.

Kameel Ahmady. "Gender Differences in Child Labour: A Systematic Review of Causes, Forms, Features and Consequences." *International Journal of Multidisciplinary Research and Growth Evaluation* (India) 5, no. 1 (2024). https://www.allmultidisciplinaryjournal.com/uploads/archives/20240708193452_A-24-190.1.pdf.

Kaushik Basu. "Child Labor: Cause, Consequence, and Cure, with Remarks on International Labor Standards." *American Economic Association* 37, no. 3 (1999): 1083–119. https://www.aeaweb.org/articles?id=10.1257/jel.37.3.1083.

Kaushik Basu and Zafiris Tzannatos. “The Global Child Labor Problem: What Do We Know and What Can We Do.” *World Bank Economic Review* 17, no. 2 (2003). https://cae.economics.cornell.edu/Basu-Tzannatos%2012.pdf.

Khanam, Rasheda. “Child Labour and Schooling in Developing Countries: A Review of the Literature.” *International Journal of Business Research* (Russia) 10, no. 3 (2010): 137–42. https://research.usq.edu.au/item/q03qx/child-labour-and-schooling-in-developing-countries-a-review-of-the-literature.

Khosrow, Mansoor. “‘Life Of Toil’: Growing Number Of Starving Afghan Families Send Children To Work.” Afghanistan. *Radio Free Europe/Radio Liberty*, 15:46:11Z. https://www.rferl.org/a/afghanistan-child-labor-humanitiarian-economic-crisis/32415971.

Kofol, Chiara, and Tommaso Ciarli. “Child Labor and Conflict: Evidence from Afghanistan.” SSRN Scholarly Paper No. 3005965. Social Science Research Network, July 1, 2017. https://doi.org/10.2139/ssrn.3005965.

Kovalchuk, V. B, Zharovska, I. M., Gutiv, B. I., Melnychenko, B. B., and Panchuk, I. O. “Human Rights and Positive Obligations of the State.” *Journal of the National Academy of Legal Sciences of Ukraine* 28, no. 3 (2021). https://doi.org/3/27/2026,%209:30:07%20PM.

Labour Law (No. 35 of 2007) (2007). https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=78309.

Lamberti-Castronuovo, Alessandro, Martina Valente, and et.al. “Exploring Barriers to Access to Care Following the 2021 Socio-Political Changes in Afghanistan: A Qualitative Study.” *Conflict and Health* 18, no. 36 (2024).

Law on Protection of Child Rights (2019). https://www.unicef.org/afghanistan/media/3936/file/law%2520on%2520protection%2520of%2520child%2520rights.pdf.pdf.

“Law on Protection of Child Rights.Pdf.Pdf.” n.d. Accessed June 2, 2026. https://www.unicef.org/afghanistan/media/3936/file/law%20on%20protection%20of%20child%20rights.pdf.pdf

Lutfullah Lutf and Shahadat I Haq Yasini. *Factors Contributing to Child Labor in Afghanistan: A Case Study in Jalalabad City*. no. 3 (2018): 372. https://www.unwe.bg/uploads/Alternatives/5_EA_3_2018_en.pdf.

Madeleine Grey Bullard. “Child Labor Prohibitions Are Universal, Binding, and Obligatory Law: The Evolving State of Customary International Law Concerning the Unempowered Child Laborer.” *Houston Journal of International Law* 24, no. 1 (2021).

Magammana, Tharaka, Himashi Muthugala, Amanda Bandara, Ayodhya Perera, and Ruwan Jayathilaka. “Breaking the Cycle: Long-Term Socio Economic Determinants of Child Labour in SAARC Countries.” *BMC Public Health* 25, no. 1 (2025): 4040. https://doi.org/10.1186/s12889-025-25399-w.

Maharani, Intan, and Junifer Dame Panjaitan. “Analysis of the Causes and Efforts to Protect Child Labor from an Indonesian Legal Perspective.” *Jurnal Restorasi : Hukum Dan Politik* (Indonesia) 1, no. 02 (2023): 53–61. https://seaninstitute.or.id/bersinar/index.php/restorasi/article/view/58.

Malope, Prudence Nomtandazo, and Sipho Kenneth Mokoena. “An Assessment of a Labour Inspection and Enforcement Strategy on Occupational Health and Safety in a Selected Labour Centre in South Africa.” *International Journal of Social Science Research and Review* 6, no. 9 (2023): 365–77. https://doi.org/10.47814/ijssrr.v6i9.1488.

Matiullah Safi. “The Rabble of International Community over Afghanistan and the Recognition of Taliban Government.” *South Asian Studies* 39, no. 2 (2024). https://southasianstudies.org/index.php/sa/article/download/419/363.

Mavunga, R. A. “A Critical Assessment of the Minimum Age Convention 138 of 1973 and the Worst Forms of Child Labour Convention 182 of 1999.” *Potchefstroom Electronic Law Journal (PELJ)* 16, no. 5 (2013): 01–49. http://www.scielo.org.za/scielo.php?script=sci_abstract&pid=S1727-37812013000500004&lng=en&nrm=iso&tlng=en.

McCorquodale, Robert, and Justine Nolan. “The Effectiveness of Human Rights Due Diligence for Preventing Business Human Rights Abuses.” *Netherlands International Law Review* 68, no. 3 (2021): 455–78. https://doi.org/10.1007/s40802-021-00201-x.

Md Nurul Momen. “Child Labor: History, Process, and Consequences.” In *No Poverty*. Springer Nature Switzerland AG, 2020. https://www.researchgate.net/publication/340894698_Child_Labor_History_Process_and_Consequences.

Miceli, Thomas J. “Expressive Law and Escalating Penalties: Accounting for the Educational Function of Punishment.” *Review of Law & Economics* 19, no. 3 (2023): 245–61. https://doi.org/10.1515/rle-2023-0015.

Ministry of Justice, Islamic Republic of Afghanistan. “Labour Law of Afghanistan.” Government of Afghanistan, January 15, 2007. https://kakaradvocates.com/uploads/laws/translation-Labor%20Law%20-%20En.pdf.

Mohammad Sharif Rahimi. “28th RSEP Conference Proceedings.” Paper presented at 28th RSEP International Conference on Economics, Finance & Business. *Poverty and Unemployment Crisis: The Case of Afghanistan from Recent Evidence*, 2022. https://doi.org/10.19275/RSEPCONFERENCES231.

Motkuri, Venkatanarayana. “Child Labour and Educational Deprivation of Children : A Review of Literature.” January 2006. https://mpra.ub.uni-muenchen.de/48437/.

Nabavi, Salman Ali, Alinaqi Mohammadi, Jailani Achak, and Ezatullah Sail. “Child Laborers Access to Education in Kandahar City.” *American International Journal of Social Science Research* (USA) 6, no. 2 (2021): 39–48. https://doi.org/10.46281/aijssr.v6i2.1207.

Nagin, Daniel S., Francis T. Cullen, Cheryl Lero Jonson, Daniel S. Nagin, Francis T. Cullen, and Cheryl Lero Jonson. *Deterrence, Choice, and Crime, Volume 23: Contemporary Perspectives*. Routledge, 2018. https://www.perlego.com/book/1382894/deterrence-choice-and-crime-volume-23-contemporary-perspectives-pdf.

Nations, United. "The Foundation of International Human Rights Law." United Nations, United Nations. Accessed July 23, 2026. https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law.

Nengroo, Aasif Hussain, and Gulam Mohammad Bhat. "Why Child Labour? Evidences from Homebased Carpet Weaving Industry of Kashmir." *Children and Youth Services Review* 79 (August 2017): 50–56. https://doi.org/10.1016/j.childyouth.2017.05.032.

O'Donnell, O. *Child Labour and Health: Evidence and Research Issues*. Working Paper UCW Working Paper No. 33. University of Rome Tor Vergata / UCW Project, 2002. https://documents1.worldbank.org/curated/en/832621468337828094/pdf/438690WP0Box321alth1Review01PUBLIC1.pdf.

Olivier De Schutter, Anita Ramasastry, Mark B. Taylor, and Robert C. Thompson. *Human Rights Due Diligence: The Role of States*. International Corporate Accountability Roundtable & European Coalition for Corporate Justice, 2012. https://www.business-humanrights.org/en/latest-news/pdf-report-human-rights-due-diligence-the-role-of-states.

Omarzi, Mozamel, Faridullah Safi, and Ilyaskhil Ashna. "Forced Child Labor: Rights at Risk and Legal Consequences." *International Journal of Multidisciplinary Research and Growth Evaluation* 7, no. 1 (2026): 273–77. https://doi.org/10.54660/.IJMRGE.2026.7.1.273-277.

Öncü, Emine, Ahmet Öner Kurt, Figen Işık Esenay, and Fatma Özer. "Abuse of Working Children and Influencing Factors, Turkey." *Child Abuse & Neglect* 37, no. 5 (2013): 283–91. https://doi.org/10.1016/j.chiabu.2012.11.006.

Paikah, Nur, Achmad Ruslan, Marwati Riza, and Iin Karita Sakharina. "The Government's Responsibility for the Fulfillment of the Right to Education for Child Labour in Working Relationships." *Indian Journal of Forensic Medicine & Toxicology* 15, no. 2 (2021): 4231–43. https://doi.org/10.37506/ijfmt.v15i2.15036.

Penal Code, Official Gazette No. 1260 (2017). https://studylib.net/doc/25393547/penal-code-2017-og-%23-1260-english-translated-by-jssp-final.

Peng, Peng, and Rogier A. Kievit. "The Development of Academic Achievement and Cognitive Abilities: A Bidirectional Perspective." *Child Development Perspectives* 14, no. 1 (2020): 15–20. https://doi.org/10.1111/cdep.12352.

Pires, Roberto. "Promoting Sustainable Compliance: Styles of Labour Inspection and Compliance Outcomes in Brazil." *International Labour Review* 147, nos. 2–3 (2008). https://doi.org/https://doi.org/10.1111/j.1564-913X.2008.00031.x.

Qazi Zada, Sebghatullah, and Mohd Ziaolhaq Qazi Zada. “The Taliban and Women’s Human Rights in Afghanistan: The Way Forward.” *The International Journal of Human Rights* 28, no. 10 (2024): 1687–722. https://doi.org/10.1080/13642987.2024.2369584.

Ramazan Ahmadi and Mohammad Reza Akbari. “Social Harms of Child Labor in Afghanistan (Case Study of Bamyan City).” *Journal of Social and Political Sciences* 7, no. 2 (2024). https://doi.org/10.31014/aior.1991.07.02.497.

Randhawa, Ali Ahsan, Muhammad Tahir, and Muhammad Umar Zaman. “The Psychological and Socioeconomic Impacts of Education Denial on Afghan Girls.” *Dialogue Social Science Review (DSSR)* 3, no. 2 (2025): 1104–12. https://dialoguesreview.com/index.php/2/article/view/347.

Raoufi, Homayoon, Hamidreza Jafari, Wakil Ahmad Sarhadi, and Esmail Salehi. “Assessing the Impact of Climate Change on Agricultural Production in Central Afghanistan.” *Regional Sustainability* 5, no. 3 (2024): 100156. https://doi.org/10.1016/j.regsus.2024.100156.

Rapatsa, Mashele. “Understanding Trends in the Worst Forms of Child Labour and the State’s Legal Responses: A Descriptive Analysis.” *Juridical Tribune - Review of Comparative and International Law* 7, no. Special (2017): 186–99. https://ideas.repec.org//a/asr/journl/v7y2017ispecialp186-199.

Ratna, Kavita. “Addressing Child Labour through a Child Rights Lens.” *BMJ Paediatrics Open* 9, no. 1 (2025). https://doi.org/10.1136/bmjpo-2024-002749.

Sanjay Bhatnagar, Gunveen Ahluwalia, Hemanth S. Kuma, Sweta Kumari, Sangeeta Mishra, and Hameem P. Khan. “Investigating the Relationship between Poverty, Access to Education, and Hazardous Child Labor | Multidisciplinary Science Journal.” 7 (2025). https://doi.org/https://10.31893/multiscience.2025ss0330.

Sasmal, Joydeb, and Jorge Guillen. “Poverty, Educational Failure and the Child-Labour Trap: The Indian Experience.” *Global Business Review* 16, no. 2 (2015): 270–80. https://doi.org/10.1177/0972150914564419.

Save the Children. “Ban on Female Aid Workers Could Push Afghan Children Back into Work.” Save the Children International, January 7, 2023. https://www.savethechildren.net/news/ban-female-aid-workers-could-push-afghan-children-back-work.

Save the Children. “Drought Drives Child Labour in Northern Afghanistan – Save the Children.” 2026. https://www.developmentaid.org/news-stream/post/205598/save-the-children-northern-afghanistan-drought-child-labour-school-absences-2026.

Save the Children. “More Than a Third of Children Surveyed in Afghanistan Pushed into Child Labor, as Country Marks Two Years of Taliban Rule.” Save the Children, Save the Children, August 15, 2023. https://www.savethechildren.org/us/about-us/media-and-news/2023-press-releases/children-surveyed-in-afghanistan-pushed-into-child-labor.

Save the Children UK. "Afghanistan: Three in Four Children Surveyed Are Eating Less amid Soaring Hunger, as Country Marks Two Years of Taliban Rule." August 15, 2023. https://www.savethechildren.org.uk/news/media-centre/press-releases/2023/afghanistan-three-in-four-children-surveyed-are-eating-less-amid-soaring-hunger-as-country-marks-two-years-of-taliban-rule.

Schwartz, Lyla, Zainab Hassanpoor, Hannah Lane, and Elizabeth Klapheke. "Economic Constraints and Gendered Rules: Understanding Women's Perspectives of How Government-Imposed Restrictions Impact Women's Mental Health and Social Wellbeing across Afghanistan." *SSM - Mental Health* 6 (December 2024): 100327. https://doi.org/10.1016/j.ssmmh.2024.100327.

Sefa Bulut and Shaima Tariq Hasan Alabed. "Causes and Long-Term Consequences of Child Labour." *Ibn Haldun University, Istanbul, Turkey* 2, no. 2 (2021). https://aditum.org/images/currentissue/1614584159Clinical_Psychology_and_Mental_Health_Care_Galley_Proof.pdf.

Seibert-Fohr, Anja. *The Fight against Impunity under the International Covenant on Civil and Political Rights!* (The Hague) 6 (2002). https://www.mpil.de/files/pdf1/mpunyb_seibert-fohr_6.pdf.

Shahraki, Saeed Zanganeh, Majid Fouladiyan, and Jamal Toosifar. "Child Labor Processes in the City of Mashhad: A Narrative Study." *Children and Youth Services Review* 119 (December 2020): 105474. https://doi.org/10.1016/j.childyouth.2020.105474.

Shuja, Ahmad. *"They Bear All the Pain."* Human Rights Watch, 2016. https://www.hrw.org/report/2016/07/15/they-bear-all-pain/hazardous-child-labor-afghanistan.

Soetji Andari, Ikawati, Istiana Hermawati, et al. "Child Labor Efforts to Prevent Exploitation Child for Public Poor." *Proceedings International Conference of Innovation Science, Technology, Education, Children and Health (ICISTECH)* 3, no. 1 (2023).

Spyridoula Katsoni. "Is the Obligation Not to Refoule a Positive Obligation? An Intermediate Approach Toward the Classification Dilemma | Human Rights Law Review | Oxford Academic." *Human Rights Law Review* 25, no. 1 (2024). https://doi.org/10.1093/hrlr/ngae027.

Subrahmanian, Ramya. "Eliminating Child Labour: What Needs to Be Done?" *BMJ Paediatrics Open* 7, no. 1 (2023): e002102. https://doi.org/10.1136/bmjpo-2023-002102.

The Alliance for Child Protection in Humanitarian Action. "Psychosocial Impacts of Child Labour." The Alliance for Child Protection in Humanitarian Action, 2021.

Thi, Aye Myat, Cathy Zimmerman, Nicola S. Pocock, Clara W. Chan, and Meghna Ranganathan. "Child Domestic Work, Violence, and Health Outcomes: A Rapid Systematic Review." *International Journal of Environmental Research and Public Health* 19, no. 1 (2022): 427. https://doi.org/10.3390/ijerph19010427.

Times, The Afghan. *Child Labour In Taliban's Afghanistan - The Afghan Times*. IUF Asia/Pacific & The Afghan Times, 2025. https://theafghantimes.com/magazine/2025/06/01/child-labour-in-talibans-afghanistan/.

Tong, Sally Yeo Yi, Nadhilah A. Kadir, Ramalinggam Rajamanickam, and Mohd Zamre Mohd Zahir. "Child Labour Issues and Challenges: A Review of International and Malaysian Law." *Veredas Do Direito* 22 (November 2025): e223716–e223716. https://doi.org/10.18623/rvd.v22.n4.3716.

UNICEF. "1,000 Days of Education – Equivalent to Three Billion Learning Hours – Lost for Afghan Girls." June 2024. https://www.unicef.org/press-releases/1000-days-education-equivalent-three-billion-learning-hours-lost-afghan-girls.

UNICEF. "Children in Afghanistan | UNICEF Afghanistan." Accessed May 30, 2026. https://www.unicef.org/afghanistan/children-afghanistan.

UNICEF. "The United Nations and Human Rights | UNICEF." 2024. https://www.unicef.org/child-rights-convention/united-nations-human-rights.

UNICEF. "UNICEF Campaigns against Child Labour in Afghanistan." UNAMA, United Nations Peace Operations, 2009. https://unama.unmissions.org/en/unicef-campaigns-against-child-labour-afghanistan.

United Nation. "Goal 8 | Department of Economic and Social Affairs." United Nation Sustainable Development, 2015. https://sdgs.un.org/goals/goal8.

United Nationa Human Rights Committee. "General Comment No. 31 [80], The Nature of the General Legal Obligation Imposed on States Parties to the Covenant." United Nations, 2004. https://www.refworld.org/legal/general/hrc/2004/52451.

United Nations. "Convention on the Rights of the Child." 1989. https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

United Nations. "International Covenant on Economic, Social and Cultural Rights." 1996. https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights.

United Nations. "Status of Treaties – Afghanistan (Human Rights Treaties)." United Nations Treaty Collection, United Nations. Accessed May 28, 2026. https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=_en.

United Nations. "THE 17 GOALS | Sustainable Development." Accessed May 23, 2026. https://sdgs.un.org/goals.

United Nations. "Universal Declaration of Human Rights." United Nations, 1948. https://www.un.org/en/about-us/universal-declaration-of-human-rights.

United Nations Children's Fund and International Labour Organization. *Child Labour: Global Estimates 2020, Trends and the Road Forward*. International Labour Organization, 2021.

University of Minnesota Human Rights Library. "University of Minnesota Human Rights Library." Accessed March 22, 2026. https://hrlibrary.umn.edu/monitoring/adminchap15.

U.S. Department of Labor. *Afghanistan, 2023 Findings on the Worst Forms of Child Labor*. Bureau of International Labor Affairs (ILAB), n.d. Accessed November 2, 2025. https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2023/Afghanistan.pdf.

U.S. Department of Labor, Bureau of International Labor Affairs (ILAB). "Findings on the Worst Forms of Child Labor - Afghanistan | U.S. Department of Labor." United States Department of Labor (ILAB), 2025. https://www.dol.gov/agencies/ilab/resources/reports/child-labor/afghanistan.

Utari, Indah Sri, Diandra Preludio Ramada, Ridwan Arifin, and Robert Brian Smith. "Legal Protection for Children as Victims of Economic Exploitation: Problems and Challenges in Three Major ASEAN Countries (Indonesia, Vietnam and Philippines)." *Lex Scientia Law Review* 7, no. 2 (2023): 771–842. https://doi.org/10.15294/lesrev.v7i2.68301.

Uzzaman, Muhammad Akram, Rahim, Rahama, and Mollah, Md. Shaheen. "Mental Health Status of Hazardous and Non-Hazardous Child Worker." *Bangladesh Journal of Psychology* (Bangladesh) 22 (2019).

Vatican News Staff Reporter. "A Fifth of Afghan Families Forced to Send Children to Work - Vatican News." February 14, 2022. https://www.vaticannews.va/en/world/news/2022-02/afghanistan-hunger-families-child-labour-save-children.

Wortsman, Brooke, Jasodhara Bhattacharya, Joshua Lim, et al. "Accelerating Progress towards Eradicating Child Labour (SDG8.7) with Quality Education (SDG4): School Quality Is Linked to Reduced Child Cocoa Labour in Côte d'Ivoire." *Research in Comparative and International Education* 19, no. 3 (2024): 321–51. https://doi.org/10.1177/17454999241255182.

Yosufi, Abubakr, and Kirandeesh Kaur. "The Burden of COVID-19 Pandemic on Child Labour in Afghanistan." *Razi International Medical Journal* 1, no. 2 (2021). https://doi.org/10.56101/rimj.v1i2.28.

Yusefri, Yusefri, Mu'adil Faizin, and Wahyu Abdul Jafar. "Protecting Child Labor Rights: Maqasid Sharia Framework and Policy Recommendations." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 1188–215. https://doi.org/10.22373/sjhk.v8i2.24559.

Ziapour, Arash, Fakhreddin Chaboksavar, Ahmad Ahmadi, et al. "A Qualitative Study on the Challenges of Afghan Child Labourers in Tehran." *PLOS ONE* 19, no. 7 (2024): e0306318. https://doi.org/10.1371/journal.pone.0306318.

Zsögön, Cecilia. “ILO’s Convention 182 on the Worst Forms of Child Labour: Challenges for Its Application in Latin America.” *Studia Iuridica Lublinensia* 33, no. 3 (2024): 157–72. https://doi.org/10.17951/sil.2024.33.3.157-172.