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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties to the Covenant
concerning rights covered by articles 6 to 9, in accordance
with the first stage of the programme established by the
Economic and Social Council in its resolution 1988 (LX)

Addendum

AFGHANISTAN

[10 June 1985]

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1. The Democratic Republic of Afghanistan attaches great importance to the recognition, promotion and protection of human rights. The Fundamental Principles which serve as an interim constitution of the country lay down a number of basic principles concerning each right.
2. In accordance with these principles and in line with the more specific norms of the Fundamental Principles concerning human rights, legislation in this field contains elements which are all in conformity with the above-mentioned principles.
3. The triumph of the National Democratic Revolution of April 1978, which laid a firm foundation for fundamental transformations in the economic, political, social and cultural life of the people, is one of the greatest events in the glorious history of our country and our freedom-loving people.
4. The People's Democratic Party of Afghanistan (PDPA), in line with its progressive and principled policy from its very foundation, has struggled as a staunch defender of the rights and freedoms of the people. In its first manifesto the Party clearly declared that it, the party of the working class and all working people of Afghanistan, fought for the establishment of a new, just and prosperous society free of exploitation of man by man, in which all Afghan citizens enjoyed equal democratic rights and freedoms and where there would be no oppressed and no oppressor.
5. After the victory of the National Democratic Revolution, especially its new and evolutionary phase, the Government of Afghanistan, by adopting and proclaiming the Fundamental Principles on 14 April 1980, once again reaffirmed its commitment to successful development of the revolution and the achievement of its lofty objectives and aspirations based on the creation of a new society of peaceful work, freedom and justice, fraternity and equality, democracy and progress (seventh preambular paragraph of the Fundamental Principles). On the basis of the Fundamental Principles and in accordance with the Programme of Action of PDPA, which guarantee the prosperity and well-being of the working masses of the country, the Government has been consistently striving, through the adoption and implementation of comprehensive plans and appropriate measures, to lay the ground for the gradual socio-economic development of the country and to raise the living standards of the working people.

ARTICLE 6: THE RIGHT TO WORK

Legal provisions concerning the right to work

6. The right to work is one of the rights guaranteed by the Fundamental Principles. The Government has taken constructive measures to provide every Afghan citizen with an equal opportunity freely to choose, in accordance with rules and regulations, any profession found suitable or appropriate for him or her, unless he or she is prohibited from having a specific profession by the final verdict of an authorized court. Article 29 of the Fundamental Principles reads in part:

"The following democratic rights and freedoms are ensured and guaranteed for citizens of the Democratic Republic of Afghanistan:

"...

"3. The right to work. The Government has adopted measures to ensure the rights of all people to socially useful work; it controls working conditions and enacts and implements progressive laws on labour."

Article 1, part one, of the draft Labour Code, which is now in the final stages of adoption, has ensured to all Afghan people the right to socially beneficial work.

7. To achieve full realization of the rights recognized in the International Covenant on Economic, Social and Cultural Rights and the ILO Conventions ratified or acceded to by Afghanistan, appropriate legal, administrative and other measures have been taken by the Government.

Technical and vocational guidance

8. Due to the importance the Government attaches to technical and vocational guidance and training, the State Committee on Labour and Social Security (hereinafter referred to as the Labour Committee) has taken constructive steps towards co-ordination of on-the-job training activities aimed at promoting the technical and vocational knowledge and skill of workers. In the public sector, with the co-operation of the Labour Committee and on the basis of its suggestions, several ministries and public organs have established new training departments, in which their employees are attending courses which will help them to improve their professional skills. The related departments of the Ministry of Higher and Vocational Education are studying very carefully the national development programme (Five-Year Development Plan) and adjust their educational plans in accordance with the future needs of the country. After the victory of the revolution this Ministry opened several new training institutions, schools and workshops where students, practitioners and workers are taking short-term or long-term courses.

9. In addition to the Ministry of Higher and Vocational Education, the Ministries of Education, Public Health, Agriculture and Land Reform, Mines and Heavy Industries, Defence, and the Interior, among others, have established training institutions for the further improvement of their employees' skills. The draft Labour Code provides that it is the responsibility of institutions, both public and private, and employers to take appropriate measures for the further advancement and promotion of technical and vocational knowledge of individuals (workers) through useful training programmes, policies and techniques. Article 88 of the draft Labour Code reads:

"For training, promoting vocational knowledge, acquiring experience and professional skill, the institutions, with the co-operation and approval of the Labour Committee, shall arrange and implement theoretical and practical training programmes."

The period during which employees are taking courses related to their profession in vocational or technical school shall be taken into account for their promotion and seniority.

10. Since the despotic régimes prior to the revolution kept people ignorant and illiterate, illiteracy is now one of the major problems. To overcome this problem the struggle against illiteracy has become one of the prime objectives of Afghanistan. As part of a nation-wide literacy campaign, literacy courses have

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been established in public and private enterprises and organizations to facilitate this process all over the country.

11. The draft Labour Code also obliges employers to take, in co-operation with the authorized organs, appropriate constructive measures to combat illiteracy. The subject-matter of the textbooks used in literacy courses is closely related to the profession of the employees.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

12. The existing and the newly drafted Labour Codes have ensured the right of every Afghan national to enjoy just remuneration and suitable conditions of work. Part two of article 46 of the Labour Code reads:

"The wages of the workers shall be determined and fixed on the basis of quantity, quality, difficulty, noxiousness and danger of working conditions, according to the accepted norms and on the basis of proposals of the Labour Committee and acceptance of the Council of Ministers and Central Council of the Trade Unions."

In spite of the undeclared war unleashed by world imperialism and the reaction of the region against revolutionary Afghanistan, and despite the economic blockade imposed by a number of imperialist powers and some neighbouring countries, the Government has tried, within the limits imposed by the State's financial capacity, to provide all workers with fair wages, to enable them to have a decent living for themselves and their families in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights.

13. The draft Labour Code provides for equal pay for work of equal value without any distinction. Part one of article 46 of the Code states:

"Equal pay shall be paid for equal work without consideration of distinctions such as race, nationality, ethnic group, tribe, language, residence, religion, sect, property, social status and other similar affiliations."

Further to the above-mentioned article, which has ensured equal pay for men and women, certain privileges are guaranteed for women which go beyond the rights recognized and ensured for women in the Covenant.

B. Safe and healthy working conditions

14. Article 75 of the new Labour Code states that it is prohibited to hire women and youth for difficult and hazardous work, and article 76 of the Code reads:

"Assigning women and youth to night or underground work is forbidden unless they carry out an administrative job, or are engaged in health or social services or if underground working is required for the advancement of professional skill, or when entering into underground parts of a mine would be necessary to carry out professional tasks."

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15. The support accorded to mothers and children in Afghanistan, and the measures taken to protect the family likewise exceed the requirements of article 7 of the Covenant. It is forbidden to assign expectant mothers and mothers of children up to one year of age and adolescents to night work and overtime during public holidays. It is also forbidden to assign the above-mentioned categories of people to travel away from their home town during public holidays in order to perform their duty. Every mother enjoys three months (90 days) maternity leave during which she continues to receive her average pay and the other usual privileges to which she is entitled. After the expiration of maternity leave she can ask for up to 270 days leave without pay. Every mother is entitled to a 30-minute break after every three hours' work during working hours.

16. As stated in the first paragraph of article 4 of the Fundamental Principles, "the People's Democratic Party of Afghanistan, the party of the working class and all the toilers of the country, is the guiding and mobilizing force of society and the State, reflecting the will and interests of workers, peasants and the intelligentsia, all the toilers and national democratic forces and a steadfast defender of the real interests of all the people living in our indivisible homeland, Afghanistan ...". PDPA and the Government of Afghanistan are tirelessly striving to raise the living standard of all Afghan people, especially the working class and all working people of Afghanistan. Immediately after the victory of the revolution, the Government took measures to promote the living standard of workers. The wages of low-paid workers have increased almost 50 per cent since the victory of the new evolutionary phase of the revolution in the public sector. Once again during the current Afghan year (which began on 21 March 1984) the level of wages of public servants and workers rose by 17 to 36 per cent. Decisive directives have been issued for ensuring a similar rise in wages in the private sector. The Government is of the opinion that the protection of man's life and health is one of the most fundamental of all human rights, therefore it is paying special attention to health protection and further development of health services for all Afghan nationals, including the working class, which has become the leading force in the construction of a new prosperous society in the country, and all other working people of Afghanistan.

17. The right to health protection and social insurance is guaranteed by the Government and confirmed in the Fundamental Principles (art. 29).

18. Article 82 of the Labour Code reads:

"Buildings, working places, working equipment and means should be built and adjusted in accordance with technical and sanitary measures fixed by the Government and shall correspond to the safety standards, regional climate, place and nature of work."

19. Several other provisions which ensure the safety of workers against possible dangers in the work field and provide health protection are incorporated in the Labour Code. Special regulations to protect workers from the danger of professional sicknesses and epidemic illnesses are under consideration. The Labour Code provides for certain norms under which industrial firms or other institutions, public or private, are obliged to establish health centres. If the said institutions are operating in such a capacity that the establishment of health

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centres is not required, they must facilitate treatment of their employees by other public health clinics.

C. Equal opportunity for promotion

20. Special laws and regulations have been adopted to regulate the promotion of civil servants, industrial and other workers to higher levels which vary according to the nature of the work and the responsibility of the holders of the job. In any case, promotion to the higher level means an increase in remuneration and is based on seniority and competence, a principle laid down in article 7 of the Covenant.

21. The loyalty of the individual for the noble aims and human objectives set forth by the revolution for securing the interests of workers, peasants and other working people of Afghanistan with a view to building a new, just and prosperous society is also of great importance and plays an important role in promoting the awareness and consciousness of the employees.

22. Equality among all Afghan citizens, and equal opportunity for every one is no longer questioned. The victorious April Revolution laid a firm foundation for equality and equal rights among all Afghan citizens in economic, political, social and cultural spheres. The Fundamental Principles read:

"All Afghan citizens are equal before the law ... Equality of rights among citizens is ensured in all economic, political, social and cultural spheres ..." (art. 28).

Article 7 of the Fundamental Principles also guarantees equality among all Afghan nationals and all nationalities in all fields of social life. The process of democratization of social life is well under way, because the Government believes that it is only through democratic legality that the working class, peasants and other toiling compatriots will be enabled to hold and exercise State power. As part of the process of democratization of social life, progressive decrees in conformity with article 7 of the Covenant are proclaimed by the Revolutionary Council, which abolished the anti-democratic provision of the Public Servants Law of 1356 (1977) regarding recruitment, entitlement to various positions and privileges, etc., which were discriminatory and had resulted in a certain number of people being deprived of their rights. In turn, it provided equal opportunities for all Afghan nationals to be recruited or to hold any position according to their ability, knowledge or experience without any limitations and to enjoy all benefits provided by the law for such jobs.

D. Rest, leisure, limitation of working hours, and holidays with pay

23. Part nine of the Labour Code deals with working hours and part ten deals with holidays, rest and leisure of the workers.

24. Article 54 of the Labour Code states that the maximum working time shall not exceed 40 hours a week. Due to the difficulty of underground and night work the maximum length of the working day for workers in these fields may not exceed 6 hours or 35 hours a week (art. 55).

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25. The maximum length of working hours prescribed by the above provisions of the Labour Code may be exceeded in order to meet some important national, technical or production requirements and to prevent any damage which might occur, if work were not allowed to continue. The difference between the maximum length of working hours a week set forth in the new Labour Code and the maximum length of working hours prescribed by the previous rules and regulations is a vivid example of the humanitarian nature of the Revolutionary Government of Afghanistan.

26. In relation to rest and leave, mention should be made of the fact that the workers have the right to a weekly rest-day, and to paid annual leave. The workers are also entitled to a lunch and a short rest break which cannot exceed one hour. Special provisions are contained in the Labour Code to regulate sick-leave and its paid and unpaid terms and conditions. In cases where the rest-day of the workers runs counter to the public interests or impairs the normal process of work, the institution can alter the regular rest-day.

27. The workers are also entitled to 20 leisure days a year. This period can be longer for some categories of workers, but in any case shall not exceed 30 days a year. It is also anticipated in the Labour Code that, if a worker agrees not to take his annual leisure, the institution is obliged to compensate him with additional pay. Certain provisions regulating paid sick-leave are incorporated in the Labour Code and are very progressive and democratic.

ARTICLE 8: TRADE UNION RIGHTS

28. The right to form or join trade unions for the promotion and protection of their economic and social interests is guaranteed to all Afghan workers (Art. 11 of the Labour Code). No restrictions are placed on the exercise of this right, unless public order, national security and interests, which are necessary for protection of the rights and freedoms of others in a democratic society, so require. This right is also incorporated in the Fundamental Principles. The trade union of Afghanistan, which is a non-governmental organization, is composed of different strata or working people of the country, namely, workers, peasants, public servants, teachers, professors, students, and artisans who have joined the organization voluntarily.

29. The trade union, whose membership currently stands at 203,533, did not exist under the régimes which ruled the country prior to the revolution. Therefore it was natural that workers were inferior to employers and were not able to fight for their rights. It was only after the victory of the April Revolution, especially its new evolutionary phase, that PDPA and the Government decided to establish the trade union. In other words establishment of the trade union is one of the achievements of the revolution.

30. The trade union, with the assistance and full support of the Revolutionary Government of Afghanistan, plays an important role in the promotion of the level of production and the national economy as well as of the living standard of workers, thus acting as a staunch defender of the revolution, and revolutionary gains.

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31. Through its primary organizations, the trade union is defending and protecting the interests of its members in production spheres and work fields. The primary organizations also advise and make suggestions to the competent authorities on the enactment of rules and regulations regarding work, wages and security of working conditions. They have established assistance funds, control them and spend the budget appropriated for them by the Central Council of the Trade Unions. Collective labour contracts have also been introduced by the trade union to regulate the relations of employees (workers) and institutions, enterprises and public organs, protect workers' rights and provide them with more democratic freedoms. The collective contracts enable workers to participate through the elected members of the Council of Representatives in the decision-making process in relation to their firms and institutions, and regarding the recruitment, working régime, leisure, rest and security of their work fields and environment.

32. The right to peaceful demonstration is guaranteed by law. Section 7 of article 24 of the Fundamental Principles reads:

"The right to express one's opinions freely and openly, the right of assembly and of peaceful demonstration and likewise the right patriotically to join democratic and progressive social organizations."

In spite of constitutional guarantees regarding the right to demonstrate (strike), since the victory of the revolution the workers have not found it necessary to strike, because, as mentioned earlier, political power now belongs to the working class and other working people and their vanguard, PDPA. The working people are participating in the decision-making process. What compels workers to go on strike is the conflict of interests between the workers and the employers, which is reduced to its lowest level in Afghanistan.

33. Now the Revolutionary Government does not allow private business to exploit the workers. Working managers of public firms and most of the private firms are working people like everybody else in an enterprise and they are generally also trade union members.

34. The Government has taken constructive steps to raise the living standard of workers, increasing their wages, improving working conditions, providing health insurance and many other benefits. It is natural that under such circumstances, which lay down a firm foundation for the improvement of working conditions, they would never attempt to go on strike. The working people and the working class of Afghanistan have become increasingly assured that further development of the economy of the country by national democratic, non-capitalist means is of benefit for each and every Afghan, ensuring a life without fear for the future.

35. Regarding the imposition of lawful restrictions on the exercise of these rights, it should be mentioned that no such restriction has been imposed except in the interests of society and protection of the rights and freedoms of others:

"Nobody is permitted to use his democratic rights and freedoms against the interests of the Democratic Republic of Afghanistan and the rights of other citizens." (art. 28, para. 4, of the Fundamental Principles).

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36. In any case, these restrictions do not run counter to the rights provided for in the ILO Convention concerning Freedom of Association and Protection of the Right to Organize (1948). Regarding the measures taken against prejudicial and discriminatory practices, it should be mentioned that all the victory of the April Revolution has eliminated, once and for all, all forms of discrimination and prejudice in social, economic and political life and social relations. The Fundamental Principles and other rules and regulations contain many provisions regarding equality among all Afghan nationals, nationalities and tribes in all spheres of life. Thus all Afghan citizens are equal before the law; they enjoy equal rights and freedoms. Some of the provisions incorporated in the rules and regulations of Afghanistan are even more progressive than the rights guaranteed in the international instruments regarding equality and equal rights among human beings.

37. The Government of Afghanistan has acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid; it fully adheres to and observes their values and sincerely strives for their implementation. The Fundamental Principles contain several provisions concerning equality among Afghan nationals and among the peoples and nations of the world (arts. 7, 14, 27-30).

ARTICLE 9: RIGHT TO SOCIAL SECURITY

38. The social security régime did not exist under the despotic régimes which ruled the country prior to the revolution. The country was ruled by a privileged minority which enjoyed all benefits and facilities. No one in the government apparatus had paid attention to the miserable conditions of Afghan nationals, particularly the working people of Afghanistan. Health insurance was provided for some employees of certain public and a few mixed (public, private) firms. But the total number of beneficiaries of social insurance was very small in comparison to the total population of the country and the total number of public and private employees.

39. Since the ruling régimes did not pay attention to the social and cultural advancement of the masses, the country was kept underdeveloped; even if the Government wanted to provide appropriate social security for the people, it could not afford to do so. Therefore no national insurance or social security programme or services existed in the past. After the revolution the Government launched a comprehensive plan for providing social security and social insurance services for Afghan nationals.

40. Of course the undeclared war unleashed against our people and revolution creates obstacles to the realization of the objectives the Government has set for this purpose. Some progress has nevertheless been achieved in providing service in cases such as disability, old age, unemployment and occupational and other illnesses.

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41. Part eighteen of the Labour Code (social security) contains several provisions regarding maintenance and assistance to workers. This part also ensures that workers have the right to be provided with an adequate livelihood in case of accident, in sickness, infirmity and old age. The worker's family is also entitled to some additional assistance from the pension fund and social insurance services. In case of sickness the worker will receive additional assistance equal to his or her wages. The same applies in the case of additional maternity assistance. Enterprises are duty-bound to provide, in addition to wages, food allowance, work protective equipment, and other allowances for workers to the limit fixed by the Council of Ministers. It should be added that retirement conditions, rights, etc., are governed by separate regulations.

42. As already mentioned, health insurance did not exist before the revolution. It was only after the revolution that the legal and practical guarantee for the right to health and social insurance for all Afghan citizens was implemented.

43. The Fundamental Principles state:

"The Government will adopt measures with regard to the creation of networks of public health organizations and, if possible, through free medical services, improve social insurance to be enjoyed by the working people in case of incapacity or in old age and likewise when the bread-winner in a family is lost." (sect. 4, art. 29).

44. Furthermore the Public Health Law states that the protection of the people's health is the duty of all State, mixed and private organs, including co-operatives. The Red Crescent and other social institutions take part in the protection of public health. Special provisions are also included for the protection of workers' health and their working conditions.

45. Industrial services and other institutions and organs, and trade unions, with the participation of public health institutes, shall take measures to prevent work accidents and professional illnesses and to restore the capacity to work of the injured and sick.

46. Articles 3, 4, 10, 11, 17, 18 and 22 of the Public Health Law guarantee provision of free and semi-free medical services for the people, including workers.

47. Article 25 of the said law has anticipated appropriate sanitary and epidemiological measures for the protection of the environment, improvement of life and working conditions and all State organs, State industrial firms, private firms, co-operatives and trade unions are obliged to implement the said measures.

48. Several articles are incorporated in the Public Health Law regarding the assessment of disability of workers and fixing the percentage of the injuries, the required rest period for the workers or the need for their temporary or permanent transfer to another job.

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49. It should be pointed out that Afghanistan, further to the observance of the international instruments and national rules and regulations mentioned in this report, firmly respects the Declaration on Social Progress and Development, proclaimed by the General Assembly on 11 December 1969 (resolution 2542 (XXIV)) and other similar national and international instruments and sincerely strives to take joint and separate action in co-operation with the United Nations and its related organs to protect and promote human rights and fundamental freedoms, higher standards of living, full employment and conditions of economic and social progress and development for its nationals.
