

Afghanistan's country narrative in the 2014 TIP Report:

Afghanistan – Tier 2

Afghanistan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Internal trafficking is more prevalent than transnational trafficking. The majority of Afghan victims are children subjected to human trafficking in carpet-making and brick kiln factories, domestic servitude, and in commercial sexual exploitation, begging, transnational drug smuggling, and assistant truck driving within Afghanistan, as well as in the Middle East, Europe, and South Asia. Most Afghan victims exploited in Iran are boys under age 18 who are compelled to work in forced labor in the construction and agricultural sectors upon their arrival. The majority of Afghan victims in Pakistan are women and girls who are trafficked for the purpose of commercial sexual exploitation, including by forced marriages. Some Afghan families knowingly sell their children into prostitution, including for *bacha baazi*—where wealthy or influential men, including government officials and security forces, use young boys for social and sexual entertainment. Other families send their children to obtain employment through labor brokers, but the children end up in forced labor. Opium-farming families sometimes sell their children to settle debts with opium traffickers. According to the government and the UN, insurgent groups use children as young as nine years old as suicide bombers. Boys from Badakhsan, Takhar, Baghlan, Kunduz, and Balkh provinces in the north region of Afghanistan, as well as those travelling unaccompanied, were reportedly at the highest risk of trafficking. Exploiters often used drugs to control their victims. Sometimes entire Afghan families, including children, are trapped in debt bondage in the brick-making industry in eastern Afghanistan. Traffickers recruit Afghan villagers to Afghan cities and then sometimes subject them to forced labor or forced prostitution after their arrival.

Increasing numbers of men, women, and children in Afghanistan pay intermediaries to assist them in finding employment primarily in Iran, Pakistan, India, Europe, or North America; some of these intermediaries force Afghan citizens into labor or prostitution after their arrival. Afghan women and girls are subjected to prostitution and domestic servitude primarily in Pakistan, Iran, and India. Afghan boys and men are subjected to forced labor and debt bondage in the agriculture and construction sectors primarily in Iran, Pakistan, Greece, Turkey, and the Gulf states. Some Afghan boys are found in sex trafficking in Greece after being smuggled into the country with high fees. There were reports of women and

girls from the Philippines, Pakistan, Iran, Tajikistan, Africa, and China subjected to sex trafficking in Afghanistan. Under the pretense of high-paying employment opportunities, labor recruiting agencies lure foreign workers to Afghanistan, including from Sri Lanka, Nepal, India, Iran, Pakistan, and Tajikistan; the recruiters subject these migrants to forced labor after arrival.

The Government of Afghanistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Afghan government's response to the extensive human trafficking in its country and of its citizens was deficient. While victims of trafficking were routinely prosecuted and convicted as criminals for moral crimes, the government failed to hold the vast majority of traffickers criminally accountable for their crimes. Government complicity remained a serious problem and political will to combat the crime was low. The majority of the government's action plan to address trafficking was not completed. There were areas of small improvements, however. During the reporting period, the government issued a decree directing law enforcement agencies to cease prosecuting trafficking victims. It also took some limited steps to implement its anti-trafficking action plan, including through making executive branch efforts to ratify the 2000 UN TIP Protocol. Despite extensive international support of the government's anti-trafficking programming, the level of understanding of human trafficking among Afghan government officials remained very low.

RECOMMENDATIONS FOR AFGHANISTAN:

Eliminate police and court penalization of trafficking victims for offenses committed as a direct result of being trafficked, such as prostitution, sodomy, or adultery; increase use by law enforcement of the 2008 anti-trafficking law, including prosecuting suspected traffickers and convicting trafficking offenders; consider amending the 2008 anti-trafficking law to prohibit and penalize all forms of trafficking in persons; investigate and prosecute government officials suspected of being complicit in human trafficking; strengthen the capacity of the High Commission for Combating Crimes of Abduction and Human Trafficking/Smuggling, and implement the anti-trafficking national action plan; educate government officials at national, provincial, and local levels, including law enforcement and judicial officials, on the definition of human trafficking, as well as protection and law enforcement strategies; segregate older and younger boys in trafficking shelters to prevent the abuse of younger boys; increase awareness about the trafficking of male children, particularly in the northern regions of Afghanistan; strengthen the capacity of the Ministry of Interior (MOI)'s anti-trafficking/smuggling unit, including by ensuring the unit is fully staffed and able

to differentiate between smuggling and trafficking; undertake initiatives to prevent trafficking, such as running a public awareness campaign to warn at-risk populations of the dangers of trafficking, and encourage religious leaders to incorporate anti-trafficking messaging in religious teachings; improve efforts to collect, analyze, and accurately report counter-trafficking data; implement culturally appropriate long-term victim rehabilitation programs for boys that are designed for their specialized needs; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The Government of Afghanistan sustained low anti-trafficking law enforcement efforts over the reporting period; it failed to amend its anti-trafficking law and official complicity in human trafficking remained a serious problem. Afghanistan's 2008 Law Countering Abduction and Human Trafficking/Smuggling, along with Article 516 of the penal code, prohibits many, but not all, forms of human trafficking. For example, the law does not cover sex trafficking of a child if coercion was not involved. Government officials, including law enforcement and judicial officials, continued to have a limited understanding of human trafficking. In Dari—the language spoken most widely in Afghanistan—the same word denotes both human trafficking and human smuggling, compounding the confusion. The law prescribes between eight and 15 years' imprisonment for persons convicted of some forms of labor trafficking and prescribes penalties of up to life imprisonment for those convicted of some forms of sex trafficking. The 2009 Elimination of Violence Against Women (EVAW) law and other provisions of the penal code contain penalties for most forms of trafficking. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The MOI has an anti-trafficking in persons unit with approximately 20 officers, but they did not appear to be dedicated full-time to this unit and there was frequent turnover in their leadership. The interagency committee, the High Commission to Combat Trafficking in Persons (High Commission), reported that it convicted 14 offenders under the trafficking statute—an increase from four Pakistani sex traffickers convicted by the attorney general's office in the previous reporting period. The courts reportedly sentenced these offenders to terms of imprisonment ranging from three months to 20 years. For example, a defendant in Herat was convicted of human trafficking after bringing young girls from foreign countries and forcing them into prostitution. International organizations and NGOs continued to provide training to police, prosecutors, and other government officials on identifying and investigating trafficking cases; the MOI provided venues for some of the trainings.

Government employees' complicity in human trafficking remained a serious problem. Reports indicated that government officials, including commanders of the Afghan National Security Forces and provincial governors, engaged in the practice of *bacha baazi*. There have been reports that law enforcement facilitated trafficking and raped sex trafficking victims. Afghan courts convicted two policewomen for sex trafficking in 2013 and sentenced each to eight years' imprisonment. A Ministry of Defense official reported five Afghan National Army soldiers were convicted for crimes related to *bacha baazi* and received one to 10 years' imprisonment. There were no other reports of investigations or prosecutions of government employees for alleged complicity in trafficking-related offenses during the reporting period.

PROTECTION

The Government of Afghanistan made some progress on victim protection; despite a late-issued formal decree on prohibiting punishment of victims, penalization of victims was widespread and victim protection inadequate. Afghanistan did not develop or employ systematic procedures to identify victims of trafficking or refer them to protective services. The government, particularly authorities from the Ministry of Labor and Social Affairs, Martyrs, and the Disabled (MOLSAMD) and the Ministry of Women's Affairs, in practice referred victims to NGO-run shelters. The Ministry of Public Health reported it had created special forms for use by its health centers that could help to identify victims of human trafficking, but did not report whether these forms were used. The MOI reported that police lacked formal guidelines and funding to provide basic care (including water and food) to victims during the course of an investigation. In some instances, policemen paid out-of-pocket for basic care for the victims. Authorities reportedly placed child trafficking victims in juvenile detention facilities; some of these victims were questioned by the MOI for committing crimes of sodomy. The MOI reported it identified 91 victims of trafficking in 2013, but did not indicate whether they were sex or labor trafficking victims. MOLSAMD owns four short-term trafficking shelters in Kabul, Herat, Kunduz, and Nangarhar, which were operated by IOM and partner NGOs and paid for by other sources. Child trafficking victims were sometimes placed in shelters or orphanages; there have been reports that older boys sexually abused younger boys in shelters. IOM reported it assisted 250 victims during the reporting period, the majority of whom were boys; many of these boys were referred by the Afghan government. Experts report that victim identification was hindered by lack of capacity, lack of understanding of human trafficking, and lack of will to pursue criminal cases against traffickers. Although the government claimed that it encouraged victims to participate in investigations, this encouragement sometimes resulted in potentially negative rehabilitative

consequences, including in a case in which a child trafficking victim was forced to testify in front of his alleged trafficker.

Police often had trouble distinguishing trafficking victims from criminals, and government officials punished victims of trafficking for acts they may have committed as a direct result of being trafficked. Afghan officials continued to arrest, imprison, or otherwise punish female trafficking victims for prostitution or adultery, or for escaping from husbands who forced them into prostitution, even if the destination was a shelter. Authorities sometimes treated male and female victims as criminals simply for being unchaperoned or for having committed moral crimes. For example, two Pakistani child sex trafficking victims were convicted of moral crimes and jailed. NGOs reported instances of child trafficking victims placed in juvenile detention centers, sometimes for several years. Male child sex trafficking victims, including those subjected to *bacha baazi*, were referred to juvenile rehabilitation centers on criminal charges. Officials often placed trafficked women who could not be accommodated in shelters in prisons. Trafficked adult men were incarcerated, in part because they could not stay in shelters. In February 2014, the High Commission, in coordination with the Ministry of Justice, released a directive emphasizing that law enforcement must cease the prosecution of trafficking victims and refer them instead to social services. In response to international pressure, the Afghan government released five imprisoned child sex trafficking victims in February and March 2014. The government does not have a policy that provides relief from deportation for foreign victims of trafficking who may face retribution or hardship in the countries to which they would be deported; however, Afghan law allows foreign victims of trafficking to remain legally in Afghanistan for at least six months. There was no information that the government forcibly deported any foreign victims of trafficking during the reporting period.

PREVENTION

The government made modest improvements in preventing human trafficking. The Afghan government continued to organize its anti-trafficking activities through its interagency High Commission. From April 2013 to February 2014, the government held eight working level interagency meetings of its technical committee and four High Commission meetings, in addition to an ad hoc meeting to address the detention and convictions of two child sex trafficking victims. For the majority of the reporting period, attendance by deputy ministers at the meetings was poor and the commission ineffective; invitations to High Commission meetings were sent out with inadequate notice for many officials to be able to attend. In the last few months, there were some improvements to the functioning of the High Commission's administrative organizational unit, the Secretariat, largely attributed

to the secondment to the Secretariat of two staff members from the quasi-governmental Afghanistan Independent Human Rights Commission (AIHRC) who professionalized its administration. The High Commission took some limited steps to implement activities set forth in its national anti-trafficking action plan. Specifically, the Ministry of Foreign Affairs took steps to ratify the 2000 UN TIP Protocol, although the decision remained pending before Parliament at the close of the reporting period.

The government increased its efforts to raise awareness on trafficking. The AIHRC launched a national inquiry into the practice of *bacha baazi*, although the report had not yet been published at the close of the reporting period. The Ministry of Education reported that it asked all schools to spend the first five minutes of the school day on raising awareness about human trafficking/smuggling; there is no information confirming that this directive has been implemented. In collaboration with international organizations, the MOLSAMD launched a series of TV spots in January 2014 warning against human trafficking. There was no progress reported toward fulfilling the goals of the action plan signed in January 2011 to combat the practice of *bacha baazi* by the Afghan National Security Forces. The government did not take steps to reduce the demand for commercial sex acts or forced labor. Afghanistan is not a party to the 2000 UN TIP Protocol.