

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	581
Land:	Afghanistan
Kilde:	United States Department of State
Titel:	2015 Trafficking in Persons Report - Afghanistan
Udgivet:	27. juli 2015
Optaget på baggrundsmaterialet:	5. oktober 2015



2015 Trafficking in Persons Report - Afghanistan

Publisher [United States Department of State](#)

Publication Date 27 July 2015

Cite as United States Department of State, *2015 Trafficking in Persons Report - Afghanistan*, 27 July 2015, available at: <http://www.refworld.org/docid/55b73c1e31.html> [accessed 2 October 2015]

Disclaimer This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

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 trafficking victims are children who end up in carpet making and brick factories, domestic servitude, commercial sexual exploitation, begging, transnational drug smuggling, and assistant truck driving within Afghanistan, as well as in the Middle East, Europe, and South Asia. Afghan boys are also subjected to forced labor in Iran in the construction and agricultural sectors. The majority of Afghan victims in Pakistan are women and girls subjected to trafficking for the purpose of commercial sexual exploitation, including through forced marriages. Some Afghan families knowingly sell their children into prostitution, including for *bacha baazi* – where men, sometimes including government officials and security forces, use young boys for social and sexual entertainment. Some law enforcement officials, prosecutors, and judges accept bribes from or use their relationships with perpetrators of *bacha baazi* to allow them to escape punishment. Other families send their children to obtain employment through labor brokers and 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 forcibly recruit and use children as suicide bombers. Boys from Badakhshan, Takhar, Baghlan, Kunduz, and Balkh provinces in the north, as well as those traveling unaccompanied, are particularly vulnerable to trafficking. Some entire Afghan families are trapped in debt bondage in the brick-making industry in eastern Afghanistan.

Men, women, and children in Afghanistan often 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 agriculture and construction, primarily in Iran, Pakistan, Greece, Turkey, and the Gulf states. Some Afghan boys are found in sex trafficking in Greece after paying high fees to be smuggled into the country. There were reports of women and girls from the Philippines, Pakistan, Iran, Tajikistan, Sri Lanka, and China subjected to sex trafficking in Afghanistan. Under the pretense of high-paying employment opportunities, some 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 government acceded to the 2000 UN TIP Protocol, increased convictions of offenders under the trafficking law, and the Afghanistan Independent Human Rights Commission (AIHRC) completed and published a national inquiry into the practice of *bacha baazi*. However, the government's prosecution and victim protection efforts remained inadequate. 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 offenses. Official complicity remained a serious problem and political will to combat the crime was low. Law enforcement and judicial officials continued to have a limited understanding of human trafficking, and the government did not develop or employ systematic procedures for the identification and referral of victims to protective services.

RECOMMENDATIONS FOR AFGHANISTAN:

Cease the penalization of victims for offenses committed as a direct result of being subjected to trafficking; increase prosecutions and convictions under the 2008 anti-trafficking law, while respecting due process; investigate and prosecute officials suspected of being complicit in trafficking; consider amending the 2008 anti-trafficking law to prohibit and penalize all forms of trafficking in persons; strengthen the capacity of the Ministry of Interior (MOI)'s anti-trafficking/smuggling units, including by increasing the number of staff in each region and ensuring their ability to differentiate between smuggling and trafficking; continue to increase the capacity of the High Commission for Combating Crimes of Abduction and Human Trafficking/Smuggling (high commission), and further implement the anti-trafficking national action plan; educate officials at national, provincial, and local levels on the definition of human trafficking, as well as identification, protection, and law enforcement strategies; improve efforts to collect, analyze, and accurately report counter-trafficking data; and implement culturally appropriate long-term victim rehabilitation programs for boys designed for their specialized needs.

PROSECUTION

The government made modest law enforcement efforts; convictions of trafficking offenders increased but official complicity remained a serious problem. The 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. The law defines sex trafficking of a child only when coercion is used. 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 law and other provisions of the penal code include penalties for most forms of trafficking. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The interagency high commission reported the government convicted 23 offenders under the trafficking statute, an increase from 14 convictions in 2013. The courts sentenced these offenders to terms of imprisonment ranging from one to 15 years.

Law enforcement and judicial officials continued to have a limited understanding of trafficking. In Dari – the language spoken most widely in Afghanistan – the same word is used for both human trafficking and human smuggling, compounding the confusion. The MOI had a central anti-trafficking/smuggling unit staffed with 16 officers and an additional two officers in each of the 34 provinces; however, officers were not solely dedicated to anti-trafficking, and officials noted two officers per province was insufficient. International organizations and NGOs continued to provide training in eight provinces to police, prosecutors, and other government officials on investigating and prosecuting trafficking cases; the governor's office in each of those provinces provided venues for some of the trainings.

Official complicity in trafficking remained a serious problem. Reports indicated some government and security officials engaged in the practice of *bacha baazi*. The AIHRC's report revealed the majority of those who engage in *bacha baazi* pay bribes to or have relationships with law enforcement, prosecutors, or judges that effectively exempt them from prosecution. Reports indicated some law enforcement officials facilitated trafficking and raped sex trafficking victims. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

PROTECTION

The government maintained its weak overall efforts to protect victims and penalization of victims continued to be widespread. The government did not develop or employ systematic procedures for the identification of victims and their subsequent referral 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 (MOWA), in practice referred victims to NGO-run shelters. Police lacked formal guidelines and funding to provide basic care (including water and food) to victims during the investigations. In some instances, police officers paid out-of-pocket for basic victim care. The government did not report the number of victims identified, but an international organization reported the government referred approximately 140 victims to it for assistance in 2014. During the reporting period, three of the four short-term trafficking shelters, owned by MOLSAMD but operated by an international organization, closed due to lack of funding. MOLSAMD assumed some of the operations of the fourth shelter, located in Kabul; an NGO handled the day-to-day operations while MOLSAMD registered the victims and provided security and other reintegration assistance. Similarly, NGOs operated women's protection shelters in 20 provinces that provided protection, legal, and social services to female victims of violence, including victims of trafficking; MOWA registered victims and provided shelter regulations. At times, the government placed child victims in orphanages. There continued to be no shelters for adult male victims.

Despite a directive by the high commission in the previous reporting period to cease prosecution of trafficking victims, victims continued to be penalized for crimes committed as a result of being subjected to human trafficking. Authorities sometimes treated male and female victims as criminals simply for being unchaperoned or for having committed moral crimes. Officials continued to arrest, imprison, or otherwise punish female victims for prostitution or adultery, without regard to whether they had been subjected to forced prostitution, or for escaping from husbands who forced them into prostitution. NGOs reported placement of child trafficking victims in juvenile detention centers, sometimes for several years. Male child sex trafficking victims, including those subjected to *bacha baazi*, were in some cases referred to juvenile rehabilitation centers on criminal charges. Officials sometimes placed male and female victims who could not be accommodated in shelters in prisons.

The government encouraged victims to participate in investigations; however, it did not provide adequate support, security, and protective services for victims to safely do so without supplemental trauma. For example, in one case, officials forced a child trafficking victim to testify in front of his alleged trafficker. Afghan law allows foreign victims to remain temporarily in Afghanistan for at least six months. There was no information the government forcibly deported any foreign trafficking victims in 2014.

PREVENTION

The government made modest improvements in preventing trafficking. The government continued to organize its anti-trafficking activities through its high commission, which met four times in 2014 and separately held 11 working level meetings; routine attendance by deputy ministers at the

meetings improved. The high commission took some limited steps to implement activities set forth in its national anti-trafficking action plan, including the establishment of 32 provincial anti-trafficking commissions, of which 31 were functioning at the close of the reporting period. The Ministry of Education requested all schools spend the first five minutes of the school day on raising awareness about human trafficking and smuggling; there is no information confirming that this directive had been implemented. In collaboration with international organizations, MOLSAMD continued to sponsor television spots warning against trafficking. The AIHRC published a groundbreaking report on the practice of *bacha baazi*, which stated the practice was a kind of human trafficking and proposed recommendations for government action; in the course of gathering information for the report, the AIHRC held 14 public hearings attended by 1,050 people in 14 provinces. However, 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. The government did not provide anti-trafficking training or guidance for its diplomatic personnel. Afghanistan acceded to the 2000 UN TIP Protocol in August 2014.

Search Refworld

by keyword
and / or country 

[Advanced Search](#) | [Search Tips](#)

Countries

- [Afghanistan](#)

Topics

- [Armed groups / Militias / Paramilitary forces / Resistance movements](#)
- [Child labour](#)
- [Child prostitution](#)
- [Child soldiers](#)
- [Corruption](#)
- [Drug trafficking](#)
- [Forced labour](#)
- [Forced marriage](#)
- [Prostitution / Commercial sex work](#)
- [Sale of children](#)
- [Survivors of trafficking / Persons at risk of trafficking](#)
- [Trafficking in persons](#)
- [Unaccompanied / Separated children](#)