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AFGHANISTAN (Tier 3)

The United States has not recognized the Taliban or another entity as the government of Afghanistan. All references to “the pre-August 15, 2021, government” refer to the Islamic Republic of Afghanistan. References to the Taliban in this report do not denote or imply that the United States recognizes the Taliban as the government of Afghanistan.

Afghanistan does not fully meet the minimum standards for the elimination of trafficking and, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity, if any, is not making significant efforts to do so; therefore Afghanistan remained on Tier 3. During the reporting period, there was a pattern of employing or recruiting child soldiers and a pattern of sexual slavery by the Taliban (*bacha bazi* – a practice in which men exploit boys for social and sexual entertainment). The Taliban did not make efforts to address labor trafficking and sex trafficking, nor did they identify or protect any trafficking victims or make any efforts to prevent trafficking. The Taliban continued to undermine the rights of women and members of minority groups, and other vulnerable populations, and hindered the work of NGOs, further exacerbating vulnerabilities to trafficking and obstructing the protection of victims.

PRIORITIZED RECOMMENDATIONS:

- Cease the unlawful recruitment or use of children by the Taliban and demobilize children from all armed groups with adequate protection and reintegration support.
- Increase efforts to comprehensively address labor trafficking and sex trafficking, including identification of victims and referral to NGOs and international organizations for services.
- Cease the harassment of civil society organizations seeking to assist vulnerable populations, including trafficking victims
- Recognize and use existing anti-trafficking laws to combat human trafficking.
- Ensure the re-opening of victim shelters throughout the country, including for women and girls.
- Designate a specific entity to coordinate inter-ministerial anti-trafficking efforts.
- Draft, finalize, and implement a NAP to combat trafficking in persons.

PROSECUTION

The Taliban did not report any law enforcement efforts to combat human trafficking. Under the pre-August 15, 2021, government, the 2017 Law to Combat Crimes of Trafficking in Persons and Smuggling of Migrants criminalized sex trafficking and labor trafficking, including *bacha bazi*.

The law prescribed penalties between five and eight years’ imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes. Aggravating factors increased the maximum sentence to 10 to 15 years’ imprisonment and the imposition of the death penalty if exploitation for armed fighting resulted in the victim’s death.

Article 510 of the 2018 criminal code criminalized sex trafficking and labor trafficking, including *bacha bazi*. Article 511 prescribed penalties of five to 10 years’ imprisonment for trafficking crimes involving adult male victims and 10 to 16 years’ imprisonment if the victim was

a woman or child or exploited in *bacha bazi*. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Article 512 outlined aggravating factors and increased penalties to 16 to 20 years' imprisonment for sex trafficking or forced armed fighting and between 20 to 30 years' imprisonment if the victim who was forced to fight died while subjected to trafficking. While the 2018 penal code also specifically criminalized more crimes related to *bacha bazi*, some of which would constitute trafficking crimes, it also prescribed lower penalties for certain acts constituting *bacha bazi* than those prescribed under Article 510. Most of these penalties were not sufficiently stringent nor commensurate with the penalties prescribed for other serious crimes, such as rape. The pre-August 15, 2021, government also used the 2009 Law on the Elimination of Violence Against Women to prosecute and convict sex traffickers. The Taliban reported it would review all existing criminal laws and some will remain in effect unless they violated the Taliban's interpretation of sharia, as determined by Taliban courts. The Taliban did not report by the end of the reporting period whether any laws related to trafficking would be amended or upheld. However, the Ministry of Justice continued to list anti-trafficking laws and anti-trafficking related articles of the penal code as enforceable, although observers have noted that these have not been utilized during the reporting period.

The Taliban did not report any investigations, prosecutions, or convictions of trafficking crimes.

The Taliban did not report investigating, prosecuting, or convicting Taliban members for alleged complicity in trafficking crimes. Observers reported impunity was a significant problem among the Taliban and there was no formal system of accountability. Although *bacha bazi* is officially banned, the practice has continued under the Taliban. Observers reported the Taliban and its "commanders" were in some cases perpetrators of *bacha bazi*; reports indicated incidents of *bacha bazi* increased in the reporting period. The Taliban recruited and used children in combat and non-combat roles; according to observers, the recruitment and use of children increased from two percent in 2021 to 28.1 percent in 2022. The Taliban often recruited children through coercion, fraud, and false promises. The Taliban denied its recruitment and use of children, reporting that their code of conduct prohibited boys with no facial hair from being allowed onto the battlefield or military bases; however, they made no use of formalized age verification mechanisms to ensure recruits were older than age 18.

Experts reported vulnerable women were left without protection within the formal justice system. Observers reported women were prevented from fleeing abusive situations by punishments imposed by the Taliban for "moral crimes," increasing their vulnerability to trafficking. The police, which is under the Ministry of Interior, is responsible for investigating criminal offenses, including trafficking. The Taliban reportedly released thousands of detainees from prisons, including many who were convicted for gender-based violence, which may have also included some traffickers.

PROTECTION

The Taliban did not report any protection efforts. The Taliban did not report identifying any trafficking victims or providing services. Observers noted victim assistance continued to significantly decrease across the country and most shelters remained closed. Reportedly, some civil society actors, including those assisting crime victims, continued to operate in an environment of fear and endure threats, harassment, and interference by the Taliban. Observers noted there were trafficking shelters for boys still operating, but not for girls. The Taliban severely limited the work of NGOs by prohibiting women NGO staff from working outside of the health and nutrition fields and detaining female staff for not being accompanied by a *mahram* (male chaperone), likely affecting the availability of trafficking victim services. One organization reported assisting 16 trafficking victims. Some NGO staff and former pre-August 15 government employees were forced to hide along with the victims they were assisting due to threats from perpetrators, victims' family members, the Taliban, and the Islamic State in Khorasan Province (ISIS-K). Reportedly, some civil society actors faced killings, forced disappearances, and detention by the Taliban. Authorities often placed child trafficking victims in detention centers alongside adults.

The Taliban did not report whether it would utilize the NRM maintained by the pre-August 15 government. The Taliban did not report having formal procedures for identifying trafficking victims. The Taliban have allegedly incarcerated potential trafficking victims. The Taliban has acknowledged using *hudud* punishments (corporal punishments for perceived moral crimes), including for engaging in a sexual relationship outside of marriage, which makes sex trafficking victims unlikely to report exploitation and vulnerable to penalization solely for acts committed as a direct result of being trafficked. Observers reported *bacha bazi* victims were hesitant to report their exploitation out of fear of punishment from the Taliban and social stigma. The Taliban reported the Child Protection Action Network with 34 provincial offices, including Kabul, was operating and available to support child victims of crime, including child trafficking.

PREVENTION

The Taliban did not report any efforts to prevent trafficking. The Taliban's so-called Deputy Minister of Interior was responsible for anti-trafficking efforts and the Ministry of Labor and Social Affairs, in coordination with security agencies, was responsible for the enforcement of laws related to forced child labor. The Taliban did not report any activities to prevent human trafficking or raise awareness, despite a large number of vulnerable Afghans internally displaced or migrating by irregular means to other countries. The Taliban did not implement measures to prevent children from unlawful recruitment or use in combat and in support roles. The Taliban reportedly identified 2,000 children engaged in child labor and referred them to an international organization for assistance. The Taliban did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in Afghanistan, and traffickers exploit victims from Afghanistan abroad. Internal trafficking is more prevalent than transnational trafficking. Traffickers exploit men, women, and children in bonded labor, a form of forced labor by which traffickers offer loans and manipulate the debts to coerce workers into continued employment. The pandemic, economic crisis, drought, and food insecurity increased the risk of exploitation by traffickers, particularly in bonded labor, as individuals took out loans to cover expenses and paid increasing prices to migrant smugglers. Since the Taliban takeover on August 15, 2021, vulnerabilities to exploitation have continued to intensify, damaging victim support networks, limiting the freedom of movement and other rights of women and girls, displacing minorities, intensifying the refugee crisis, instilling fear within the population, and increasing internal displacement, including forced displacements. Traffickers compel entire families to work in bonded labor in the brickmaking industry, predominately in eastern Afghanistan, and in carpet weaving countrywide. Former members of the Afghan National Security Forces and others associated with the pre-August 2021 government, internally displaced persons, forced deportees, voluntary refugee returnees, undocumented migrants, and refugees were at a high risk of exploitation. Due to the current economic crisis, many Afghans may become dependent on the opium trade for survival, particularly as the prices have increased due to continued uncertainty in the country. Experts have noted that the opium trade has been one of the main sources of income for non-state actors in Afghanistan and the Taliban and other groups have collected taxes from farmers growing the crop in the past, although there is currently a ban on its cultivation and trade; many Afghans may be at risk of exploitation in the opium trade, in forced labor in the fields or as mules to transport the drugs. In previous years, NGOs confirmed reports of children used to support opium poppy cultivation and harvesting, as well as drug production and smuggling. Climate change, including slow-onset events like drought and extreme weather, affected agricultural production, increasing irregular migration and vulnerabilities to trafficking.

Most Afghan trafficking victims are children forced to work in carpet making, brick kilns, domestic servitude, sex trafficking (including *bacha bazi*), domestic work, herding livestock, begging, poppy

cultivation and harvesting, salt mining, drug smuggling, weapons trafficking, and truck driving.

International organization experts have indicated that child labor increased after the Taliban takeover, noting that 25 percent of children are involved in child labor and boys are more vulnerable than girls to be victims of trafficking, especially in *bacha bazi*. Children, predominantly boys between the ages of 13 and 18 and often unaccompanied, are forced by their families to migrate for work to other parts of Afghanistan or abroad to Türkiye, Iran, and Pakistan to support their families. Some families with high debt, including drug-related debt, have “sold” their children to traffickers who require them to work as indentured servants or marry off underaged daughters in exchange for a dowry payment; some families force their children into labor with physical violence or knowingly “sell” their children into sex trafficking, including *bacha bazi*.

Some parents with substance abuse habits reportedly force their children into labor, street begging, and sex trafficking.

The Taliban and non-state armed groups continued to unlawfully recruit or use children in combat and support roles. Recruitment of child soldiers has continued to drastically increase since the Taliban takeover on August 15, 2021. The Taliban recruit – at times through coercion, fraud, and false promises – and use children in combat roles. Groups such as ISIS-K used children in direct hostilities, to plant and detonate improvised explosive devices, to carry weapons, to spy, and to guard bases. The Taliban and groups such as ISIS-K forcibly used child soldiers and imprisoned children associated with other armed groups without regard to their age. The Taliban recruit child soldiers from its madrassas in Afghanistan and Pakistan that provide military training and religious indoctrination, and they sometimes provide families cash payments or protection in exchange for sending their children to these schools. Armed groups target children from impoverished and rural areas – displaced children are at a higher risk for recruitment by armed groups. The Taliban abduct and coerces adult women into forced labor. The Taliban maintain detention facilities in which they compel detainees, including child and adult sex trafficking victims charged with “moral crimes,” into forced labor. Prior to August 15, 2021, Afghan security forces and non-state armed groups unlawfully recruited and used children in combat and support roles.

Traffickers exploit children as young as 9 years old in *bacha bazi*. In northern provinces, many *bacha bazi* traffickers were community elders or private citizens. In southern provinces, *bacha bazi* perpetrators were more commonly officials from the pre-August 15, 2021, government. *Bacha bazi* survivors reported to NGOs an “overwhelming understanding that *bacha bazi* is committed by the powerful, including community leaders, and previous military commanders, police, and government officials under the pre-August 15, 2021, government.”

International organizations reported cases of *bacha bazi* by the Taliban and nearly all armed groups.

Restrictions on the movement of and exercise of rights by women and girls, and severely diminished access to employment and education, significantly increase their vulnerabilities to trafficking and drastically increase their risk of child and forced marriage. Women-headed households and widows are at an increased risk of poverty and vulnerability to trafficking.

Freedom of movement for women, including LGBTQI+ women, has been largely restricted unless accompanied by a *mahram* – the Taliban have detained women who were found without a *mahram* in some provinces, denied some women medical treatment because they were not accompanied by a *mahram*, and subjected some unaccompanied women to beatings. Prior to August 15, 2021, nine out of 10 women in Afghanistan experienced at least one form of intimate partner violence in their lifetime – many of these women have been forced to return to their families after the Taliban closed women’s shelters throughout the country. Women in Afghanistan may be reluctant to seek help or escape from an abusive situation, including trafficking, due to “honor killings,” which are sometimes carried out by family members. It was previously reported that women and girls have been charged for *Zina* (sex outside of marriage) – some women and girls have been convicted of *Zina* after being raped or forced into sex trafficking. International organizations reported there is an institutionalization of largescale and systemic gender-based discrimination and violence against women and girls.

According to experts, LGBTQI+ individuals are among the most vulnerable to exploitation in Afghanistan, particularly under the Taliban. The Taliban have attacked, sexually assaulted, and

directly threatened LGBTQI+ individuals, and many family members and neighbors who support the Taliban or believe in the need to act against the LGBTQI+ community for their own safety target LGBTQI+ individuals. The LGBTQI+ community faces discrimination, violence, and other dangers. The Taliban reported that human rights would be respected within the framework of Islamic law, which would not include LGBTQI+ rights, and that LGBTQI+ individuals are against Sharia law. This leaves LGBTQI+ individuals highly vulnerable to trafficking as they are left out of social services, are coerced due to their sexual orientation, or seek informal methods to escape Afghanistan – as they fear passing through checkpoints or going into a passport office. The Taliban prohibition on women traveling without a mahram, hinders lesbians and bisexual women from escaping exploitative situations on their own.

Members of ethnic and religious minority groups, such as Hazara Shiites, Ahmadi Muslims, Sikhs, Hindus, Baha'is, and Christians, are increasingly vulnerable to exploitation due to the threats and other dangers they face from the Taliban and non-state actors, such as ISIS-K. Ethnic and religious minorities are forced to hide in fear or to seek ways to leave the country, putting them at increased risk of exploitation. Muslim Shiite populations have been historically targeted by the Taliban and ISIS-K and are at increased risk of trafficking due to displacement and attacks.

Afghan men, women, and children pay intermediaries to assist them in finding employment abroad, primarily in Iran, Pakistan, and Europe; some intermediaries and employers force Afghans into labor or sex trafficking. The substantial increase in the number of individuals seeking to flee Afghanistan, combined with the closure of borders and diplomatic missions and passport offices in Afghanistan, has exacerbated Afghans' trafficking risks, as many migrate through irregular means. Many Afghans have sought refuge in neighboring countries, particularly Pakistan and Iran. Some Afghan women and girls who are sold in Afghanistan, India, Iran, and Pakistan are exploited in sex trafficking and domestic servitude by their new husbands. According to an international organization, the dire economic and security situation, and political instability, as well as other factors such as drought in several provinces, exacerbated the problem of families selling girls into marriages. Some women and girls were forced into marriage to escape Afghanistan after the Taliban takeover. Some Afghan parents forcibly send boys to Iran to work to pay for their dowry in an arranged marriage. Afghan boys and men are subjected to forced labor and debt bondage in agriculture and construction, primarily in Iran, Pakistan, Greece, Türkiye, and the Gulf states.

Since August 15, 2021, many Afghan refugees fear being deported back to Afghanistan, which makes them less likely to report exploitation to foreign authorities – particularly in Iran, Pakistan, Türkiye, Europe, and Central Asia. Traffickers in Iran, including Iranian criminal groups, exploit Afghan children in forced labor as beggars and street vendors and in forced criminality, including drug trafficking and the smuggling of fuel and tobacco. Iranian police sometimes detain, torture, and extort Afghan child trafficking victims before deportation. Turkish authorities sometimes beat Afghan asylum-seekers and push them back into Iran, where they may face deportation to Afghanistan, and some families are separated in the process. The Iranian government and the Islamic Revolutionary Guards Corps continue to compel Afghan migrants, including children as young as 12 years old, to fight in Iranian-led and funded Shia militias deployed to Syria, including through force and by threatening them with arrest and deportation to Afghanistan. Former Afghan soldiers, either hiding from the Taliban in Afghanistan or who fled to other countries, such as Iran, are at risk of recruitment to fight in Russia's war against Ukraine due to threats to their security and financial instability. Smuggling networks transport Afghan nationals living in Iran to Europe and subject them to sex trafficking and force them to work in restaurants to pay off debts incurred by smuggling fees. Some Afghan traffickers have subjected Afghan boys to *bacha bazi* in Germany, Hungary, North Macedonia, and Serbia. Traffickers have subjected women and girls from the People's Republic of China, Iran, Pakistan, the Philippines, Sri Lanka, and Tajikistan to sex trafficking in Afghanistan. Under the pretense of high-paying employment opportunities, some labor recruiting agencies lure foreign workers to Afghanistan from South and Central Asia and subject them to forced labor after arrival.