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OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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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 government” refer to the Islamic Republic of Afghanistan. References to the Taliban reflect events both prior to and after August 15.

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, is not making significant efforts to do so; therefore Afghanistan remained on Tier 3. On August 15, 2021, the Taliban culminated its takeover of Kabul. On September 7, 2021, the Taliban announced a so-called interim government made up almost entirely of male Taliban fighters, clerics, and political leaders. As of December 2021, the Taliban announced most of its “interim cabinet” but had not outlined steps or a timeline to establish a new permanent government. Substantial personnel turnover and closing of some ministries related to the August 15 Taliban takeover severely hindered Afghanistan’s ability to maintain consistent anti-trafficking efforts and report on those efforts for this reporting period. Despite the lack of significant efforts, the pre-August 15 government took some steps to address trafficking, including developing

awareness materials to train government officials on human trafficking. However, during the reporting period, there was a pattern of employing or recruiting child soldiers, both by the pre-August 15 government and by the Taliban after August 15. The pre-August 15 government continued a government pattern of sexual slavery in government compounds (*Bacha bazi*—a practice in which men exploit boys for social and sexual entertainment). After August 15, the Taliban did not investigate, prosecute, or convict any traffickers, nor did it identify or protect any trafficking victims or make any efforts to prevent trafficking. The Taliban shut down shelters and protective services for victims of crime, including trafficking victims— leaving vulnerable populations without support. The Taliban continued to undermine the rights of women, minorities, and other vulnerable populations, increasing internal displacement and irregular migration, further exacerbating vulnerabilities to trafficking.

PRIORITIZED RECOMMENDATIONS:

- Cease the unlawful recruitment and use of children by the Taliban and demobilize children from all armed groups with adequate protection and reintegration support.
- Recognize and use existing anti-trafficking laws to combat human trafficking.
- While respecting due process, investigate, prosecute, and convict perpetrators of labor and sex trafficking, including *Bacha bazi*, and the unlawful recruitment and use of child soldiers, including by Taliban members.
- Ensure the re-opening of victim shelters throughout the country.
- Proactively identify victims of all forms of trafficking, including victims of *Bacha bazi*, and provide them with appropriate protection services, including shelter and long- term care for demobilized child soldiers.
- Designate a specific entity to coordinate inter-ministerial anti-trafficking efforts.
- Draft, finalize, and implement a National Action Plan (NAP) to combat trafficking in persons.

PROSECUTION

The Taliban decreased anti-trafficking law enforcement efforts since its August 15 takeover. Under the pre-August 15 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 offenses 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 offenses, 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 government also used the 2009 Law on the Elimination of Violence Against Women (EVAW) to prosecute and convict sex traffickers. After the August 15 takeover, the Taliban reported prior laws remained 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 and implemented. Observers reported that after August 15, the justice system became dysfunctional, without much clarity of applicable laws and change in personnel. Insecurity across the country hindered collection of law enforcement statistics. The pre-August 15 government did not report any law enforcement efforts between the beginning of the reporting period on April 1 and August 15, compared with the previous reporting period, when it investigated 185 cases of *Bacha bazi*, investigated 50 suspects (though it was unclear how

many of these suspects were involved in human trafficking or other crimes), and prosecuted an unknown number of cases. The pre-August 15 government's efforts were hindered by decades of conflict and a deteriorating security situation, widespread corruption, and the COVID-19 pandemic. The pre-August 15 government implemented awareness trainings to increase understanding of human trafficking, including the distinction between migrant smuggling and human trafficking, and developed awareness materials it planned to deliver to all government employees, with support from a foreign donor. After August 15, the Taliban did not report any investigations, prosecutions, or convictions of trafficking crimes. After August 15, the Taliban appointed personnel in the Ministry of Justice, Supreme Court, appeal courts, and at the Attorney General Office. The Taliban abolished the Ministry of Women Affairs and specialized courts addressing the elimination of violence against women. Experts reported vulnerable women were left without protection within the formal justice system.

The pre-August 15 government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes between April 1 and August 15; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action. Reports indicated that security forces and pro-government militias' recruitment of children for *Bacha bazi* continued between April 1 and August 15. Additionally, some security forces and pro-government militias—some of which may have received direct financial support from the pre-August 15 government—recruited boys specifically for the purpose of *Bacha bazi*. The pre-August 15 government did not prosecute any security officers for *Bacha bazi*—despite consistent reports of official complicity in *Bacha bazi*. Eight police officers were arrested in 2021 in connection with *Bacha bazi* incidents and were not prosecuted for perpetrating *Bacha bazi* as a separate crime but rather charged for “moral crimes,” sodomy, or other crimes. Observers reported insecurity and corruption remained after the August 15 takeover. After August 15, the Taliban did not report any efforts to address *Bacha bazi*.

The Taliban created a “commission for the purification of the ranks,” composed of senior Taliban members from security ministries, to address complaints of abuse of authority by Taliban members; observers reported the commission expelled 4,000 Taliban members as of February 2022. The violations committed by these individuals remain unknown. Observers reported women were prevented from fleeing abusive situations by punishments imposed by

the Taliban for “moral crimes,” increasing their vulnerability to trafficking. Under the pre-August 15 government, security forces continued to unlawfully recruit and use children in combat and support roles. There were multiple reports of security forces and pro-government militias unlawfully recruiting children for a variety of tasks, ranging from cooking to cleaning. Before and after August 15, the Taliban recruited and used children in combat and non-combat roles. The Taliban used children in combat roles, including to plant and detonate improvised explosive devices (IEDs) and to carry out suicide and other dangerous attacks—often recruiting them through coercion, fraud, and false promises. Experts noted thousands of children may remain in the Taliban ranks. The Taliban denied its use of children, reporting 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.

PROTECTION

The Taliban severely decreased efforts to protect victims since the August 15 takeover and continued to directly facilitate child trafficking. The Taliban did not report identifying any trafficking victims after August 15. The pre-August 15 government did not report identifying any victims between April 1 and August 15, compared with 550 potential trafficking victims in the previous reporting period. The pre-August 15 government maintained a National Referral Mechanism (NRM), but it was not clear if it was utilized. Additionally, the pre-August 15 government, in collaboration with an international organization and a foreign donor, provided training for government officials, border police, academics, community and religious leaders, and all relevant service providers on how to identify, refer, and assist victims using the NRM. The Taliban did not report by the end of the reporting period whether it would utilize the NRM maintained by the pre-August 15 government.

Prior to the August 15 Taliban takeover, NGOs, entirely dependent on foreign donor funding, provided the majority of care to trafficking victims; the pre-August 15 government reported enrolling child victims in school. An NGO provided support services and life skills training for vulnerable youth and victims of trafficking, including *Bacha bazi* victims, under the pre-August

15 government. Observers reported that among victims, it was more challenging for girls to reintegrate after trafficking compared to boys due to societal shame; girls were presumed to be complicit and “tarnished” after exploitation as a trafficking victim. The pre-August 15 government punished demobilized child soldiers by placing them in detention facilities and did not report if it had referred any child soldiers to appropriate care.

Under the pre-August 15 government, authorities penalized victims for unlawful acts that traffickers compelled them to commit, and reports indicate the Taliban routinely arrested, imprisoned, and penalized adult and child trafficking victims. Under the pre-August 15 government, authorities often placed victims of *Bacha bazi* in juvenile rehabilitation centers because they faced violence if they returned to their families, and no other shelters were available. Some female trafficking victims could not access the formal justice system because cultural norms precluded their engagement with male judicial officials. When female sex trafficking victims did access formal justice, officials penalized some of them for “moral crimes” such as sex outside of marriage. Under the pre-August 15 government, authorities sometimes detained victims of *Bacha bazi* in the absence of sufficient shelters for boys and placed them in juvenile rehabilitation centers—some victims may have been penalized rather than the perpetrators of the crime.

After August 15, protection services were mostly obsolete; NGOs were non-operational in most provinces due to lack of funding, fear of repercussions, and restrictions imposed by the Taliban. NGOs noted the Taliban closed shelters, damaging support networks for victims and vulnerable populations, and reported many shelters were looted and taken over by members of the Taliban and staff were harassed or threatened. According to experts, the majority of shelters for victims of crime remained closed at the end of the reporting period. Reportedly, some civil society actors faced killings, enforced disappearances, and detention by the Taliban. Due to a lack of formal procedures for identifying trafficking victims after August 15, the Taliban likely detained or arrested some unidentified trafficking victims.

PREVENTION

The Taliban has made no efforts to prevent trafficking in persons since the August 15 takeover, and its actions continued to amplify the magnitude of trafficking crimes in the country. Under the pre-August 15 government, the High Commission on Combating Trafficking in Persons, the government's anti-trafficking inter-ministerial committee led by the MOJ, was responsible for implementing anti-trafficking policies. The pre-August 15 government instructed officials from various government agencies to create focal points to streamline coordination and communication on anti-trafficking efforts, to include arresting and prosecuting officials involved in *Bacha bazi* and the recruitment of child soldiers. Additionally, provincial-level anti-trafficking commissions in 16 provinces were chaired by the respective provincial governors; however, there were no reports as to how frequently these commissions met or their effectiveness. The pre-August 15 government developed and approved a new NAP to combat human trafficking; however, the NAP was not implemented prior to the Taliban takeover. The Taliban made no efforts to prevent trafficking in persons since the August 15 takeover and their actions exacerbated trafficking crimes in the country. The pre-August 15 government did not operate an anti-trafficking hotline. Since the August 15 takeover, the Taliban did not designate a lead anti-trafficking agency or entity to coordinate anti-trafficking efforts. Additionally, 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 through irregular means to other countries.

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, vulnerabilities to exploitation have intensified, damaging victim support networks, limiting the freedom of movement and 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 Ghani government, internally displaced persons, forced deportees, voluntary refugee returnees, irregular migrants, and refugees were at a high risk of exploitation. Due to the current economic crisis, many 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—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.

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. IO experts have indicated that child labor increased after the Taliban takeover, noting that 9 percent of children ages 5 to 17 (1.06 million) are involved in child labor and boys are more vulnerable than girls to be victims of trafficking, especially in *Bacha bazi*. High levels of debt have also driven some families to sell their children 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 use issues reportedly force their children into labor, street begging, and sex trafficking. Victims alleged some law enforcement and judiciary officials requested sexual favors in exchange for pursuing cases. In 2019, 165 boys in Logar province reported widespread sexual abuse by government teachers, principals, and local law enforcement, including requiring children to have sex in exchange for passing grades and subjecting boys to sex trafficking in *Bacha bazi*. Some boys who reported sexual abuse and sex trafficking to police reported police officers then raped them.

Prior to August 15, 2021, Afghan security forces and non-state armed groups continued to unlawfully recruit or use children in combat and support roles, as in previous reporting periods. Before and after August 15, the Taliban and other non-state armed groups continued to unlawfully recruit or use children in combat and support roles. The Taliban recruit— at times through coercion, fraud, and false promises—and use children in combat roles, including to plant and detonate IEDs and to carry out suicide and other dangerous attacks. Groups such as the Taliban and the Islamic State in Khorasan Province (ISIS-K) used children in direct hostilities, to plant and detonate IEDs, to carry weapons, to spy, and to guard bases. Child soldiers were pressed into service with the Taliban, ISIS-K, and other groups and were imprisoned without regard to their age. The Taliban recruits child soldiers from its madrassas in Afghanistan and Pakistan that provide military training and religious indoctrination, and it sometimes provides 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 abducts and coerces adult women into forced labor. The Taliban maintains detention facilities in which it compels detainees, including child and adult sex trafficking victims charged with “moral crimes,” into forced labor.

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 police, military, and local government officials under the pre-August 15 government. Bacha bazi survivors reported to NGOs an “overwhelming understanding that Bacha bazi is committed by the powerful,” including military commanders (under the pre-August 15 government) and community leaders. International organizations reported cases of Bacha bazi by nearly all armed groups. Under the pre-August 15 government, perpetrators of Bacha bazi sometimes offered bribes or used relationships with law enforcement, prosecutors, and judges to evade punishment.

After August 15, restrictions on the movement of women and girls, and severely diminished access to employment and education, increased their vulnerability to trafficking. Women-headed households 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 (close male relative)—the Taliban have detained women who were found without a mahram in some provinces and denied some women medical treatment because they were not accompanied by a mahram. Prior to August 15, nine out of 10 women 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 groups in Afghanistan most vulnerable to exploitation, particularly under the Taliban. LGBTQI+ individuals have been attacked, sexually assaulted, and directly threatened by the Taliban—many have been abused by family members and neighbors who support the Taliban or believe in the need to act against the LGBTQI+ community for their own safety. The LGBTQI+ community faced discrimination, violence, and danger during the pre-August 15 government; according to experts, this has worsened since the Taliban took power. The Taliban reported 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 at a high risk of 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 prohibits women from traveling without a mahram, leaving lesbians and bisexual women not able to escape exploitative situations on their own.

Ethnic and religious minorities, such as Hazara Shiites, Ahmadi Muslims, Sikhs, Hindus, Baha’is, and Christians, are increasingly vulnerable to exploitation due to the threats and danger they face from the Taliban and 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—they are at increased risk due to displacement by the Taliban and attacks by the Taliban and non-state actors, such as ISIS-K.

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 increased the vulnerability of Afghans, 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 to husbands in Afghanistan, India, Iran, and Pakistan are exploited in sex trafficking and domestic servitude by their new husbands. According to an international organization, the economic effects of the pandemic, the 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, Turkey, and the Gulf states. Since August 15, many Afghan refugees fear being deported back to Afghanistan, which makes them less likely to report exploitation to foreign authorities—particularly in Iran, Pakistan, Turkey, 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 back to Afghanistan, and some families are separated in the process. The Iranian government and the Islamic Revolutionary Guards Corps continue to force and coerce Afghan migrants, including children as young as 12 years old, to fight in Iranian-led and -funded Shia militias deployed to Syria by threatening them with arrest and deportation to Afghanistan. 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 (PRC), 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. Afghans who resettled in Ukraine after the Taliban takeover face increased vulnerabilities as they flee the conflict caused by the Russian invasion.