

Flygtningenævnets baggrundsmateriale

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Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

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What action is taken by the Afghani authorities to combat the trafficking of male children for the purposes of prostitution within Afghanistan? What protection and services exist in Afghanistan for Child trafficking victims of sexual exploitation?

The *US Department of states* report on human trafficking in Afghanistan states:

“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. Despite these efforts, such as the continued referral of identified trafficking victims to care facilities, the government did not show evidence of increasing efforts over the previous year. Specifically, the Afghan government did not prosecute or convict trafficking offenders under its 2008 law, and punished victims of sex trafficking with imprisonment for adultery or prostitution. Afghanistan is therefore placed on Tier 2 Watch List.” (United States Department of State (14 June 2010) *Trafficking in Persons Report 2010 – Afghanistan*)

A 2009 report from the *UN Office on Drugs and Crime* states:

“Special units to combat trafficking in persons were created within the police departments in all provinces in Afghanistan. In practice, these units so far have dealt mainly with kidnapping. A new anti-trafficking section within the Criminal Investigation Directorate was established as a coordinating body in 2007. Due to the absence of a specific law, no prosecutions and no convictions were recorded in Afghanistan for trafficking in persons during the reporting period. The criminal justice system has used various articles of the penal code to prosecute some forms of trafficking in persons, including the kidnapping of minors. About 370 persons - 315 men and 55 women - were convicted of trafficking-related offences in 2005, and 393 persons - 371 men and 22 women - were convicted of trafficking-related offences in 2006. Services provided to victims The State provides legal consultation and advocacy, medical and psychological support, and treatment as well as clothing and transportation. Local NGOs and international organizations, such as IOM, provide legal assistance, housing and shelter, and medical and psychosocial support

A referral mechanism for victims of trafficking was established and includes the Ministry of the Interior, the Ministry of Women’s Affairs and the Ministry of Labour and Social Affairs. These ministries refer cases to IOM in order to provide victims with the necessary assistance. The Ministry of Women’s Affairs has four shelters to accommodate women in situations of distress. IOM is opening a shelter for child victims of trafficking in 2008.” (UN Office on Drugs and Crime (February 2009) *Global Report on Trafficking in Persons*)

A report from the *International Organization for Migration* in section 4.1 states:

“Although the Government of Afghanistan has not formally laid out a comprehensive national counter trafficking strategy in the form of legislation or policy papers, the Afghanistan National Development Plans (ANDS) for 2008 - 2013 prioritize human rights protection of all Afghans through the development, ratification and enforcement of legislation (Sector II), which tacitly but strongly supports the Government’s on-going counter trafficking efforts. In stark contrast to the absence of remarkable government achievements specifically in combating trafficking in persons as observed by the 2004 IOM report, some government agencies have recently taken concrete steps as described below.” (International Organization for Migration (June 2008) *Trafficking in Persons in Afghanistan Field Survey Report*)

A report from the *UN Committee on the Rights of the Child* under the heading Sexual exploitation of children states

“Sexual exploitation of children 331. The Government ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2002. 332. Children have the right to make an oral or written complaint to the court and accordingly, the Government established the Commission for Addressing Children’s Problems in 2008 that is mandated to address the complaints of child victims of sexual violence and abuse. 333. The Strategy on Children at Risk has been adopted to address the overall challenges facing children, including combating sexual exploitation as a priority. This strategy provides recommendations on the adoption and implementation of laws through child sensitive policies, supporting mechanisms for families, rehabilitation, and public awareness. 334. Article 427 of the Penal Code makes sexual intercourse outside the marriage (zina) or adultery punishable by “long term” imprisonment. Those who sexually abuse children are currently jailed and sentenced according to this article, which can bring a jail sentence of six to ten years. Article 426, however, provides that zina shall be punished under article 427 only if it is not punished as hudud. Hudud, not defined in the Penal Code, thereby refers to another source of law (Sharia Law) for the harshest punishment of zina (including whipping and stoning).” (UN Committee on the Rights of the Child (13 June 2010) *Afghanistan: “Consideration of reports submitted by States parties under article 44 of the Convention; Initial report of States parties due in 1996; Afghanistan [CRC/C/AFG/1]”*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.