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Trafficking in Persons Report 2016 - Country Narratives - Afghanistan

AFGHANISTAN: Tier 2 Watch List

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. Most Afghan trafficking victims are children who end up in carpet making and brick factories, domestic servitude, commercial sexual exploitation, begging, poppy cultivation, transnational drug smuggling, and assistant truck driving within Afghanistan, as well as in the Middle East, Europe, and South Asia. NGOs documented the practice of bonded labor, whereby customs allow families to force men, women, and children to work as a means to pay off debt or to settle grievances, sometimes for multiple generations with children forced to work to pay off their parents' debt. Some Afghan families knowingly sell their children into sex trafficking, including for bacha baazi—where men, including some government officials and security forces, use young boys for social and sexual entertainment. There are reports that 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. Some 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, especially those traveling unaccompanied, are particularly vulnerable to trafficking. Children in orphanages are also particularly vulnerable and were sometimes subjected to trafficking. Some entire Afghan families are trapped in debt bondage in the brick-making industry in eastern Afghanistan. Members of the Shia Hazara minority group were victims of forced recruitment and forced labor.

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 Afghans into labor or prostitution. Afghan women and girls are subjected to sex trafficking and domestic servitude primarily in Pakistan, Iran, and India. 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. 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 subjected to sex trafficking in Greece after paying high fees to be smuggled into the country. In January 2016, an international organization reported the Iranian government and the Islamic Revolutionary Guards Corps (IRGC) coerced male Afghan migrants and registered refugees to fight in Syria in IRGC-organized and commanded militias by threatening them with arrest and deportation to Afghanistan. Some of those coerced into service were boys younger than the age of 18, some as young as 12, and have been used as combatants. Afghan boys are at high risk of sexual abuse by their

employers in Iran and harassment or blackmailing by the Iranian security service and other government officials.

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.

In 2015, widespread and credible reporting from multiple sources indicated both the government and armed non-state groups in Afghanistan continued to recruit and use children in combat and non-combat roles. The UN verified and reported an increase in the number of children recruited and used in Afghanistan, mostly by the Taliban and other armed non-state actors. In January 2011, the Afghan government signed an action plan with the UN to end and prevent the recruitment and use of children by the Afghan National Defense and Security Forces (ANDSF), and in 2014, they endorsed a road map to accelerate the implementation of the action plan. Despite these efforts, there are still government cases of recruitment, most notably by the Afghan Local Police (ALP) and National Police (ANP). In a widely publicized case, a 10-year-old boy participated with Afghan local police forces in operations against the Taliban; local authorities publicly recognized the child, whom the Taliban later murdered. The media reported in some cases security force units used children as personal servants or support staff, and for sexual purposes. The abuse and sexual exploitation of children continues to be an issue of serious concern, as members of the Afghan security forces and other groups of non-state actors frequently sexually abuse and exploit young girls and boys.

The Taliban have used children as combatants and combat support personnel since the 1990s, but increased their use in 2015 in conjunction with an increase in the group's operations against the Afghan government. The Taliban have a well-established process of indoctrination and recruitment using religious and military education, and teaching children between the ages of 6 and 13 how to use small arms and produce and deploy improvised explosive devices. Children from impoverished and rural areas, particularly those under Taliban control, are especially vulnerable to recruitment. The children receive food and clothing, and some families receive cash payments or protection in exchange for sending their children to the schools.

The Government of Afghanistan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government doubled convictions and increased prosecutions of trafficking-related offenses in 2015. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Afghanistan is placed on Tier 2 Watch List. Victim protection efforts remained inadequate. The government routinely incarcerated, prosecuted, and convicted trafficking victims as criminals for moral crimes. Official complicity remained a serious problem, especially in the sexual exploitation of children by members of the military and police, in spite of public statements by the President and the Ministry of Interior (MOI) condemning the practice; and the recruitment and use of children by Afghan security forces was a concern. However, the government reported no investigations, prosecutions, or convictions of complicit officials. The existing anti-trafficking law does not prohibit all forms of human trafficking, but the government began to revise it, aiming to align definitions of trafficking and smuggling with international law. 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. Government-run shelters for trafficking victims remained closed during the reporting period, although government officials did refer trafficking victims to shelters run by NGOs on an informal basis.

RECOMMENDATIONS FOR AFGHANISTAN:

Cease the recruitment and use of children by the Afghan security forces and ensure adequate protection and reintegration support for demobilized children; continue to increase investigations, prosecutions, and convictions under the anti-trafficking law, while respecting due process; investigate and prosecute government officials, law enforcement, and members of the military suspected of being complicit in trafficking and convict and appropriately sentence the perpetrators; cease the penalization of victims for offenses committed as a direct result of being subjected to trafficking, including stopping prosecutions for moral crimes and placement of child trafficking victims in juvenile rehabilitation centers; finalize and enact current draft amendments to 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 further increases in 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) to coordinate and report on the government's anti-trafficking efforts, and oversee implementation of the anti-trafficking national action plan; as the security situation and access to rural areas allow, 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; implement culturally appropriate long-term victim rehabilitation programs for boys designed for their specialized needs; educate government officials and the public on the criminal nature of bacha baazi and debt bondage of children; and proactively inform government officials, especially at the MOI

and Ministry of Defense, of the law prohibiting the recruitment and enlistment of minors, and enforce these provisions with criminal prosecutions.

PROSECUTION

The government made law enforcement efforts; while prosecutions increased and convictions of traffickers doubled, these may have included non-trafficking cases, and official complicity remained a serious and pervasive 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 many forms of trafficking. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government completed a draft revision of the 2008 anti-trafficking law, aiming to better align definitions of trafficking and smuggling with international law and outline increased protection provisions for victims of trafficking; the draft remained pending review and adoption at the end of the reporting period. The draft revision of the anti-trafficking law criminalizes specific exploitative aspects of bacha baazi, although it does not explicitly name the practice. Furthermore, in separate legislation, the Afghanistan Independent Human Rights Commission (AIHRC), completed a draft law explicitly naming and criminalizing bacha baazi, intended to be enacted and applied while extensive revisions to the penal code were completed; however, the Ministry of Justice did not approve the draft law, and it will be considered for incorporation into the revisions to the penal code. The government enacted a law in the previous reporting period to prohibit national security institutions from enlisting minors, supplementing existing policies at both the interior and defense ministries prohibiting the recruitment of minors into governmental armed forces; however, the government did not proactively inform officials of such provisions and relied instead on recruiters at the interior and defense ministries to identify underage applicants.

From March 2015 through February 2016, the government reported the prosecution of 70 human trafficking cases, which resulted in 46 convictions with sentences of imprisonment ranging from three months to 15 years, double the 23 convictions reported in 2014; however, officials did not provide detailed information on these cases, which may have included non-trafficking crimes. An additional 31 cases remained under investigation by the arresting agency or the prosecutor's office at the close of the reporting period. Law enforcement and judicial officials continued to have a limited understanding of trafficking. Dari, the language spoken most widely in Afghanistan, uses the same word for both human trafficking and human smuggling, compounding the confusion. MOI had a central anti-trafficking/smuggling unit staffed with 17 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 15 provinces to police, prosecutors, and other government officials on investigating and prosecuting trafficking cases; some of the governor's offices in those provinces provided venues for the trainings.

Official complicity in trafficking remained a serious and pervasive problem. Some government and security officials reportedly engaged in the practice of bacha baazi. The Afghanistan Independent Human Rights Commission's 2014 report revealed that most who engage in bacha baazi pay bribes to or have relationships with law enforcement, prosecutors, or judges that effectively exempt them from prosecution. Some law enforcement officials reportedly facilitated trafficking and raped sex trafficking victims. Government military and police forces, as well as pro-government militias, continued to use children in combat and non-combat roles. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; officials reported they had no indication of government complicity in trafficking by Afghan officials during the year.

PROTECTION

The government maintained inadequate efforts to protect victims, failing to protect and prevent children from sexual exploitation and recruitment and use by the armed forces and continuing the widespread penalization of victims. The government did not report the number of victims identified, but an international organization reported the government referred approximately 40 victims to it for assistance in 2015. 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, 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 investigations. In some instances, police officers paid out-of-pocket for basic victim care. All short-term shelters, previously owned by the government, remained closed due to a lack of resources. MOLSAMD provided registration, referral, and social services for trafficking victims, including receiving victims repatriated to Afghanistan from other countries. NGOs operated women's protection shelters in 20 provinces that provided protection, legal, and social services to female victims of violence, which were available to victims

of trafficking. At times, the government placed child victims in orphanages, although some children in orphanages were subjected to trafficking. There continued to be no shelters for adult male victims.

Despite a directive by the high commission 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. Officials sometimes placed male and female victims who could not be accommodated in shelters in prisons. 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. Children attempting to join the army using falsified documents were remanded to juvenile rehabilitation centers, sometimes for indefinite periods, while awaiting prosecution and trial. The government made no efforts to demobilize child soldiers associated with governmental or nongovernmental armed groups or provide or refer such children for protection services or reintegration support.

The government encouraged victims to participate in investigations; however, it did not provide adequate support, security, or protective services for victims to safely do so without supplemental trauma. NGOs reported child trafficking victims are at times forced to testify in front of their alleged traffickers. 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 2015.

PREVENTION

The government made modest improvements to trafficking prevention efforts. The government continued to coordinate its anti-trafficking activities through its high commission, which met four times in 2015, with attendance of deputy ministers, and separately held 12 working level meetings. The high commission produced its scheduled annual report of the government's anti-trafficking activities in March 2015; the report on 2015 activities had not yet been released. The national action plan was not updated in 2015. The high commission's member ministries took some limited steps to implement activities set forth in its national anti-trafficking action plan, including the establishment of 33 provincial anti-trafficking commissions, of which 14 were functioning at the close of the reporting period. The government warned citizens through radio, television, and print media of the dangers of illegal migration and investigated two employment agencies suspected of fraudulent recruitment practices. For example, the Ministry of Information and Culture broadcasted 128 messages on trafficking to the public via the Afghan National television channel. In September 2015, the president ordered the creation of a committee to investigate, monitor, and oversee the prevention and prosecution of sexual abuse of children by security forces. However, no additional progress was reported toward fulfilling the goals of the action plan signed in January 2011 to combat the practice of bacha baazi by Afghan 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 for its diplomatic personnel.