



Executive Summary

Human Trafficking and Afghanistan

Human trafficking is a complex, illicit and, hence, partly covert activity involving the coercion, movement and exploitation of people across the globe. In 2005, the International Labour Organisation (ILO) estimated that there were [2.4 million](#) victims of trafficking at any one time. The scarcity and limited accuracy of data makes analysing and combating human trafficking particularly difficult. This is especially true in war-affected states such as Afghanistan, a [source, transit and destination](#) country for victims of trafficking, according to the 2012 Trafficking in Persons Report. Using the UN “[Protocol to Prevent, Suppress and Punish Trafficking in Persons](#)” as a basis, this report addresses global human trafficking trends, before using them to generate a deeper understanding of the crime as it occurs in Afghanistan. A 2008 report by the International Organization for Migration (IOM) suggests that the [vulnerability](#) of Afghanistan’s population as a result of persistent armed conflict and a lack of law and order, places the country at increased risk of trafficking activity.

Related to conflict is the use of trafficking victims on [military bases in Afghanistan](#), an activity highlighted in a joint report by the American Civil Liberties Union (ACLU) and Yale Law School (YLS). The exploitation of victims is claimed to largely involve forced labour, but is also said to include sexual exploitation. In 2006 *The Independent* reported on the arrest of [46 foreign women](#) accused of prostitution and the sale of alcohol in Kabul. Forms of sexual exploitation linked to human trafficking, including prostitution and rape, are illegal under Islamic Law and carry a “[long imprisonment](#)” under Afghanistan’s penal code. According to the 2012 Trafficking in Persons Report, this has led to the [prosecution of trafficking victims](#), as opposed to their protection.

Given these factors, the approaches summarised below may be useful to stakeholders in Afghanistan that are interested in expanding human trafficking awareness and building successful partnerships to encourage the prevention of the crime, the protection of victims and the prosecution of traffickers.

- **Prevent the Prosecution of Trafficking Victims:** There is a need to end the [penalisation of victims](#) of trafficking for activities they have “committed as a direct result of being trafficked”. The 2012 Trafficking in Persons Report cites prostitution and adultery as offenses which are frequently used to prosecute men and women in Afghanistan.
- **Address the Use of Trafficking Victims on Military Bases:** The [End Trafficking in Government Contracting Act](#), would go further in prosecuting contractors involved in human trafficking. The ACLU and YLS make a number of recommendations that are included in the bill in some form. These include encouraging the [direct hire](#) of third country nationals and the end of recruitment fees.
- **Build Capacity for the Protection of Victims:** The 2012 Trafficking in Persons Report states that there are no protective services available for [boys aged over 11](#) that are victims of human trafficking. This represents one case of the general challenge of providing protection for all victims of human trafficking, regardless of age or gender.
- **Anticipate Potential Trafficking Destinations:** Afghanistan’s status as a [destination country](#) for trafficking victims, as it is described by IOM, suggests a level of demand for the services provided by exploited victims. Identifying the main sites of this demand and their causes is vital, but it is also important for criminal investigation departments to pre-empt new demand from being created.

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Human Trafficking and Afghanistan

An Overview of Global Trends and Local Dynamics

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This report reviews open-source information regarding the extent of internal and interstate human trafficking in Afghanistan, with particular attention to the ways in which victims are exploited. Related information is available at www.cimicweb.org. Hyperlinks to source material are highlighted in blue and underlined in the text.

In 2012, a young woman trafficked across Pakistan's porous border with Afghanistan told *Deutsche Welle* of how the poverty she faces gives her [no choice](#) but to remain in Jalalabad as a prostitute. She describes her fear of the consequences if she were to try and escape. Should she turn to the law, there is a risk that Afghanistan's conservative legal system would [prosecute](#) her for sexual intercourse outside marriage, rather than protect her as a victim of human trafficking. Human trafficking is a complex, illicit and, hence, partly covert activity involving the coercion, movement and exploitation of people across the globe. The scarcity and limited accuracy of data makes analysing and combating human trafficking particularly difficult. This is especially true in war-affected states such as Afghanistan, a [source, transit and destination](#) country for victims of trafficking.

In order to generate a deeper understanding of human trafficking in Afghanistan and the factors associated with it, this report first addresses definitions and global trends. The author then proceeds to look at the factors that drive the existence of human trafficking as well as the current state of human trafficking in Afghanistan. The report ends with a brief consideration of on-going and possible responses to human trafficking in Afghanistan.

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This report will use the definition of human trafficking given in Article 3 of the United Nations “[Protocol to Prevent, Suppress and Punish Trafficking in Persons](#)” where it is described as:

“Recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

The United Nations Office on Drugs and Crime (UNODC) breaks this definition into [three constituent elements](#); the act, the means and the purpose. The first element involves the recruitment and movement of persons, the second element describes the type of coercion that the victim is subjected to (such as abduction or deception) and the final element addresses the form of exploitation. UNODC defines exploitation as including, “the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” It is on the basis of similarities between the forms of exploitation employed in human trafficking and traditional forms of servitude that US Secretary of State Hillary Clinton described human trafficking as a form of “[modern-day slavery](#)” at the launch of the US Department of State (DoS)’s 2012 Trafficking in Persons Report.

There is some debate over what constitutes human trafficking for legal purposes. The main reason for this being that human trafficking may involve a variety of different crimes. UNODC claims that existing comprehensive laws often fail to distinguish between victims of trafficking and the [smuggling of migrants](#), a crime treated by a separate UN Protocol.¹ In this case there are two distinctions that can be made which help to clarify what is meant by human trafficking. Firstly, the Australian Institute for Criminology discerns that while migrant or people smuggling is always a transnational activity, human trafficking may also occur [internally](#). Secondly, the purpose of migrant smuggling concerns illegal entrance into a country, whilst trafficking also involves the subsequent exploitation of its victims. The International Organization for Migration (IOM) claims that defining ‘[exploitation](#)’ is a particularly significant legal challenge due to the variety of activities it may include. Sigma Huda, a former UN Special Rapporteur on Human Trafficking, has argued that a definition that fails to properly address ‘exploitation’ risks [victims of trafficking](#) being prosecuted for an activity that they were forced into doing, such as prostitution. In the interests of inclusivity, this report will consider human trafficking in its broadest sense. This is to avoid some of the legally necessary, but complex and lengthy distinctions on syntax and labelling.

Global Trends in Human Trafficking

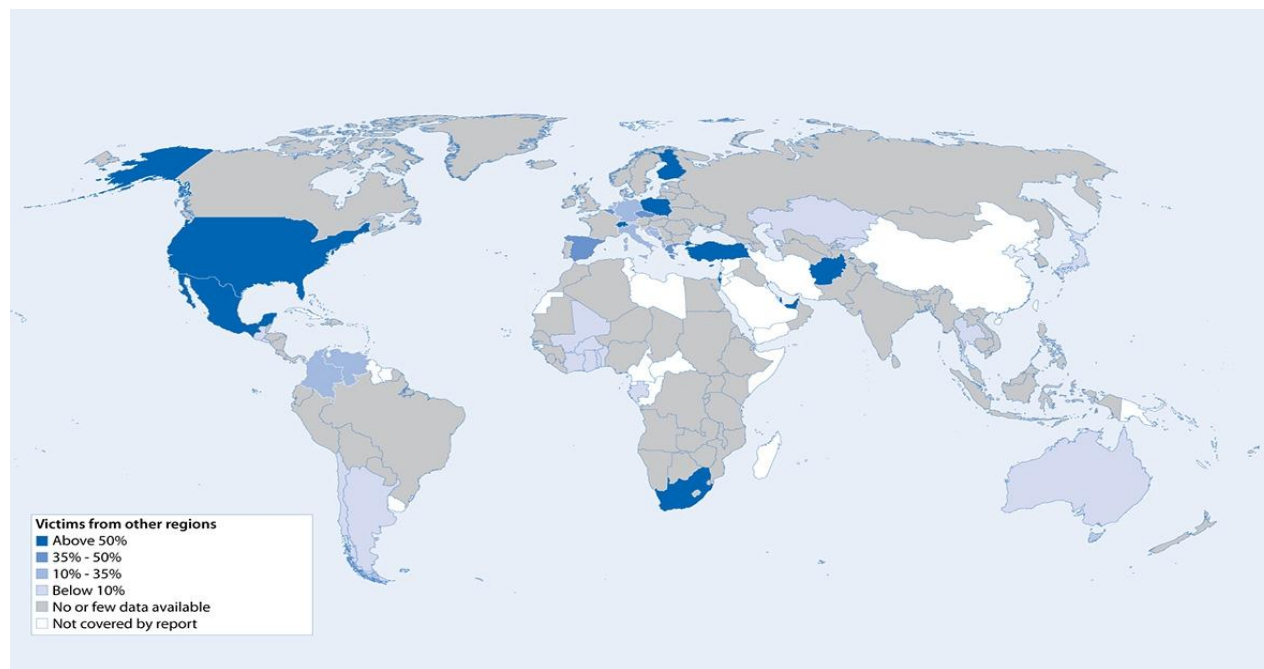
Human trafficking is a [global crime](#) with its consequences felt in almost all countries, regardless of whether they are a source, destination or transit location or sometimes a combination of the three. The 2012 estimate of the value of global human trafficking by the UN is placed at [USD 32 billion](#), a sizeable portion of the overall estimation of international organised crime (USD 820 billion). However, as a [clandestine criminal activity](#), there are numerous methodological difficulties facing those attempting to collect and analyse data on human trafficking. As such, the reliability of existing statistics is difficult to judge and conclusions drawn are generally only indicative. These challenges are in part a consequence of the challenges previously mentioned regarding the conflation of human trafficking with other crimes. UNODC also claims that the [unreliability of data](#) stems from challenges in gathering information from vulnerable victims and a general absence of co-ordinated statistical bodies in countries where trafficking in persons is a major problem.

¹ The Smuggling of Migrants Protocol defines migrant smuggling as the “procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”.

In June 2012, the International Labour Organisation (ILO) estimated there are [20.9 million victims](#) of forced labour worldwide. The ILO's first estimate, in 2005, recorded 12.3 million victims of forced labour worldwide, of which [2.4 million](#) were trafficked. According to the 2012 US DoS Trafficking in Persons Report, this change is a consequence of the newly-adopted view that human trafficking is [a crime defined by exploitation](#), rather than movement. Nevertheless, trends in the global estimate correspond to patterns observed in research by other organisations. Data from IOM's Global Human Trafficking Database between the years of 1999 to 2007 indicates that of the 12,627 victims assisted by the organisation, 83 per cent were [women and girls](#), while over 16 per cent were minors. Furthermore, the 2009 [Global Report on Human Trafficking](#) by UNODC also illustrates the extent to which victims of trafficking are disproportionately female, but also comments on the number of female traffickers. The ILO estimates that 98 per cent of persons trafficked as part of the international sex trade are women; a further 55 per cent of those trafficked as labourers are also women.

In addition to encompassing a range of different types of exploitation, human trafficking often involves some form of [transnational activity](#), whether within or across regions (Figure 1). It is for this reason that human trafficking is often conceptualised as a transnational crime. However, as is the case with the trafficking of narcotics or lumber, human trafficking can also occur on an intra-state or internal level. This dimension of the crime is less widely reported than transnational trafficking, possibly due to its smaller scale. According to the data presented in the IOM Global Trafficking Database, most trafficking does involve cross-border activity, with [internal trafficking](#) representing only 19 per cent of cases. For this reason, reporting on trends in Afghanistan may be supported by an awareness of the regional state of affairs.

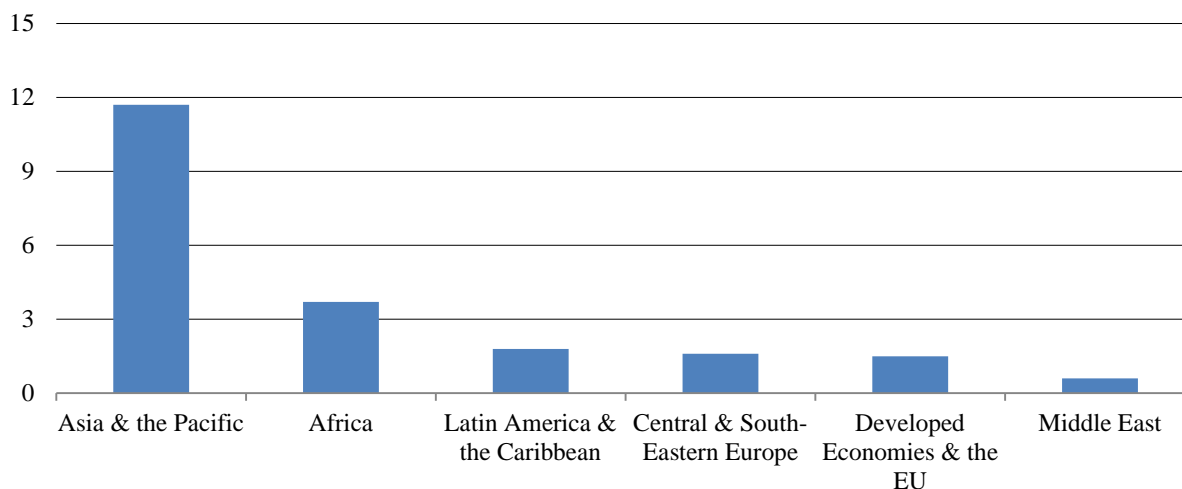
Figure 1. Victims of Human Trafficking from Foreign Origin



Source: UNODC, [“Global Report on Human Trafficking”](#), 2009.

Huda observes that Asia is the most vulnerable region to human trafficking offenses due to the [huge population pyramid](#), growing urbanisation and ever-present poverty. This claim is supported by [regional estimates](#) of global forced labour by the ILO (Figure 2).

Figure 2. Estimate of forced labour by region (in millions) ²



Source: International Labour Organisation, "[Global Estimate of Forced Labour](#)", 2012.

UNODC reports that the majority of South-Central Asian countries are [destination and source](#) countries for trafficked victims rather than countries of transit. India and Pakistan, as well as Iran to a lesser extent, are recorded as major destination countries. While transit to destinations in Western Asia and the European Union is also said to occur, the European Commission states that most trafficking is [national and regional](#). A study by IOM noted that trafficking in persons in Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) is allegedly [closely related](#) to the movement of narcotics and that recruitment of victims usually takes place through employment and travel agencies. The report claims that in one year alone, an estimated 4,000 women from Kyrgyzstan are trafficked for sexual exploitation, with a similar number from Uzbekistan. It is noted that actual figures are likely to be higher, given variations in national reporting methods and the manner in which numerous victims of trafficking are not identified as such.

Box I. The Trafficking Victims Protection Act

According to the criteria of the Trafficking Victims Protection Act (TVPA), Afghanistan is a '[Tier Two Watch List](#)' country. This means that Afghanistan has not met the TVPA's [minimum standards](#). Additionally, the category implies that there is a lack of evidence that anti-trafficking efforts by the government are increasing. Minimum standards require governments to make certain efforts to eliminate human trafficking and punish those found responsible through the adequate law enforcement and legal codification.

Since the factors which facilitate human trafficking are numerous and vary [from one country to another](#), it is important to look at patterns within states and regions as well as global trends, according to UNODC. Nonetheless, there are a number of common factors that are often associated with the occurrence of human trafficking. These factors can be distinguished as those that are universal and those only applicable to countries which primarily serve as a sources or destinations for trafficking victims. For instance, the European Commission claims that a universal cause or facilitator of trafficking may be inadequate anti-trafficking legislation and [law enforcement policy](#). Regardless of whether a country acts as a source, destination or even transit hub for trafficking, ineffective legal and political mechanisms will limit the extent to which it can be combated. On the other hand, a factor such as demand for cheap labour and prostitution is classified by the European Commission as

² According to the same statistics, the prevalence of forced labour by region (per 1,000 inhabitants) has Central & South-Eastern Europe with the highest prevalence, followed by Africa, the Middle East, Asia & the Pacific, Latin America & the Caribbean and lastly Developed Economies & the European Union.



a root cause of trafficking in richer countries or urban hubs, making them likely destination countries for trafficking victims.

Other factors that enable human trafficking to flourish include conditions such as poverty, political instability and natural disasters, which can increase the vulnerability of populations. The presence of such factors is observed by UNODC to accelerate [migration](#), which creates space for human traffickers to transport and exploit victims, often with the promise of safety. Related to these conditions is the presence of armed conflict, something that will often lead to instability and increase the vulnerability of populations. The “destabilisation and displacement” of populations as a result of conflict is described by UNODC as one of the main causes of human trafficking. This is supported by a 2010 report by the Institute for the Study of Labour (IAZ), an international research body based in Germany, which posits that “conflict prone countries with a high number of IDPs [Internally Displaced Persons]” and source countries for [refugees](#), are likely to also be source countries for human trafficking. Moreover, while armed conflict may push or pull people into becoming victims of trafficking, IOM states that insecurity can also make the protection of vulnerable populations and victims of trafficking [more difficult](#). Thus, while conflict can create the conditions that contribute to countries becoming a source of trafficking victims, it can also hamper efforts of governments and organisations to combat traffickers and offer protection to their victims.

Human Trafficking in Afghanistan

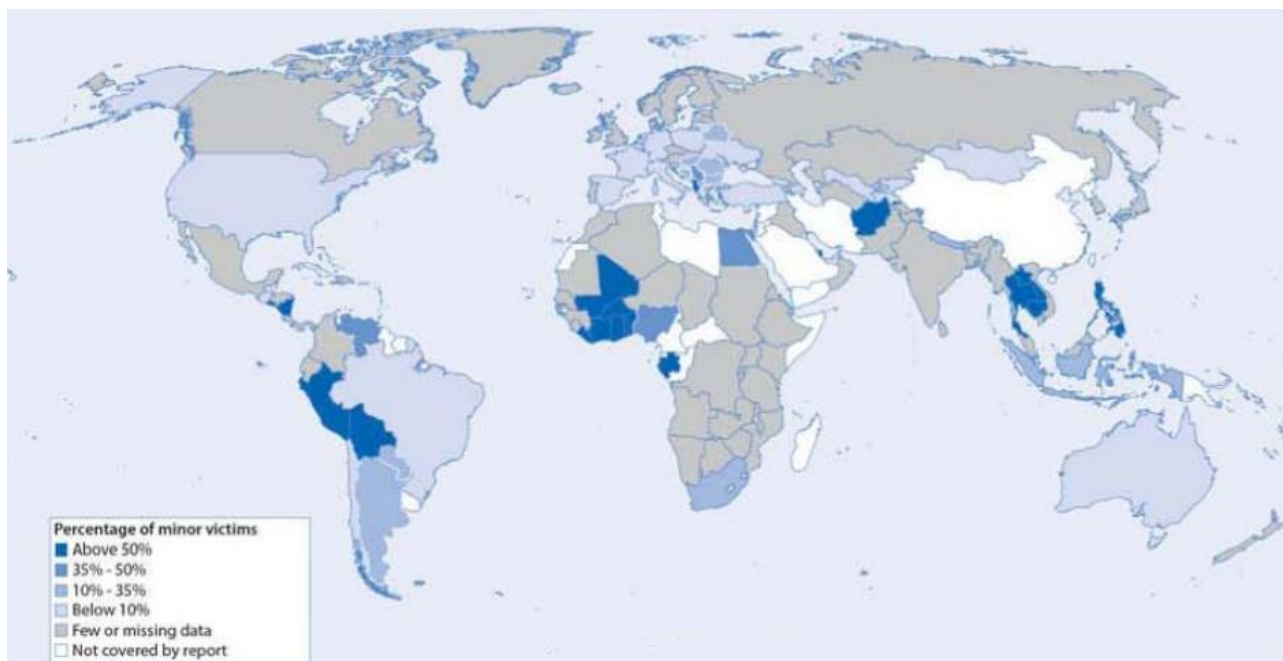
The rest of this document will cover the primary trafficking routes, types of exploitation known to exist in Afghanistan and the role that conflict has played with regard to human trafficking activities.

Afghanistan is a [source, transit and destination](#) country for trafficked persons, including men, women and children. According to the DoS’s [2012 Trafficking in Persons Report](#), trafficked persons arrive in Afghanistan from Sri Lanka, Nepal and India to be exploited in forced labour, while women and girls are transported from Iran, China and possibly Uganda for use in the sex trade, a subject considered in more detail later. Afghanistan is also a transit country for Tajik women being moved to Pakistan and a source country for Iran, Pakistan, the Gulf States and India. The 2008 IOM study of trafficking in Afghanistan indicated that the victims of transnational trafficking crossed [land borders](#) to Pakistan and Iran by foot and that the scale of regional cross-border trafficking appears far greater than the transit of victims to Eastern European countries or elsewhere. However, the same report also observes that the majority of trafficking occurs within Afghanistan itself, rather than transnationally. This is supported by the 2008 UNODC report, which claims that there is significant evidence [of internal trafficking](#) in Afghanistan. However, the 2009 Global Trafficking Report, using research collected between 2005 and 2007, claims that trafficking of victims in Afghanistan is largely [cross-border](#), with the majority of victims identified coming from another region entirely. This finding, illustrated by Figure 1, seemingly conflicts with the IOM reporting mentioned and also suggests that Afghanistan is an exception to the majority of countries, where trafficking is intra-regional. This could be due in part to the manner in which the report classifies all of Afghanistan’s neighbouring countries as part of another region, the exception being Pakistan. Moreover, the general challenges in acquiring data on such a clandestine subject could also explain conflicting conclusions.

The 2012 Trafficking in Persons Report claims that the majority of trafficked victims in Afghanistan are used to provide [forced labour](#) and are usually minors, though Afghan men are sometimes trafficked into the agricultural and construction sectors in Iran, Pakistan, Greece and the Gulf States (see Figure 3). The forms of exploitation of child labour most often associated with trafficking include those described by the ILO’s [1999 convention](#), namely prostitution, drug trafficking and armed conflict. However, the DoS report claims that many children are also trafficked internally to provide forced labour in carpet-making factories and brick kilns, on account of debt bondage. A 2011 report on bonded labour by the ILO demonstrates that while not all forced labour is linked to trafficking, [exploitative contract terms](#) with employers can force families towards child trafficking in the interest

of debt settlement. In addition, DoS report claims that human trafficking for debt settlement has also seen children used by insurgent groups as [suicide bombers](#) and opium traffickers.

Figure 3. Percentage of Human Trafficking Victims under the Age of 18



Source: UNODC, [“Global Report on Human Trafficking”](#), 2009.

Another source of work for cross-border trafficked victims is closely associated to the on-going conflict. In September 2012, US President Barack Obama issued an executive order seeking to end human trafficking by [government contractors](#). A joint report entitled “Victims of Complacency” by the American Civil Liberties Union (ACLU) and Yale Law School (YLS) highlighted the scope of the problem and gave explicit reference to the presence of trafficking victims surrounding US [military bases](#) in Afghanistan, as well as Iraq. Historically, military bases have been popular destinations for human traffickers, especially in the case of the illegal sex trade. For instance, bases occupied by the US military in [South Korea](#) are reported to be domestic trafficking hubs for the sexual exploitation of women. According to the ACLU and YLS, the majority of the trafficking victims in Afghanistan and Iraq come from central Asia and Uganda and largely perform “construction, security and food services”, though reference is also made to the on-going sexual exploitation of female third country nationals (TCNs).

The practice by which TCNs become employed by contractors in Afghanistan frequently [involves deception](#) regarding the location and type of employment, followed by transit, exploitative wages and debt bondage, according to the ACLU and YLS report. Recruitment usually occurs through a local agency employed by a subcontractor appointed by the company that has been awarded a contract by the US government. Recruiting agents will often charge large recruitment fees with the promise that a high wage in their employee’s destination country will allow them to quickly recoup the amount. The destination is usually advertised as Saudi Arabia, UAE or Kuwait; however, after arriving in Afghanistan, the reality is that the wages are often less than 10 per cent of what was promised and the employee becomes effectively locked in servitude with the contractor. One TCN spoke to *The Hindu* of the long transit to Afghanistan, followed by [uncertainty](#) as to whether he would be allowed through immigration and provided with employment.



In terms of salary, the report claims that the culture of [secrecy](#) makes it difficult to establish the salary paid to TCNs through government contracts. Nevertheless, it is estimated that many TCNs in Afghanistan are paid between USD 1,800 and USD 6,000 a year. This is despite the annual rate of USD 67,600 which certain contractors charge the US government for each TCN they employ. Such costs may be justified if the workers were afforded high-quality standards. However, a 2011 *New Yorker* article described how TCNs working on military bases in Afghanistan and Iraq, experienced conditions similar to “[indentured servitude](#)”. Extremely cramped accommodation, with meagre food and poor working conditions provide the basis for the “Victims of Complacency” report to claim that the fraudulent profits made by local recruitment agencies, sub-contractors and the prime contractors cost US taxpayers up to USD 58,000 a year. In addition, civilian contractors also face a number of the dangers common to employment in warzones. In 2012, *The New York Times* wrote that “[even dying is outsourced here](#)” with reference to the large number of contractor casualties in Iraq and Afghanistan. These casualties are not always recorded and as such families may be uncompensated.

Human Trafficking and Sexual Exploitation

In 2009, the United Nations Assistance Mission in Afghanistan (UNAMA) claimed that practices which violate the rights of women and girls are [pervasive](#) throughout Afghanistan. The violation of human rights is claimed to occur in all ethnic communities, as well as both urban and rural environments, and can include trafficking-related forms of exploitation such as rape and prostitution, to name a few. Indeed, IOM states that the trafficking victims referred to them for protection were [predominantly female](#) and trafficked for the purpose of sexual exploitation.³ These findings are supplemented by data on the cases of Chinese women working as prostitutes in Kabul after being given false promises and flown to Afghanistan from the east coast of China. In 2008, *Reuters* reported that there are up to 200 Chinese prostitutes living in Kabul and that money is paid to the police in order [for brothels](#) to remain open. The same article suggests that the women do not move around and are largely visited by foreigners. According to IOM, women who are victims of trafficking are frequently coerced into travelling through promises of high wages in an attractive destination.

While sexual exploitation of the kind reported above appears to largely involve women and TCNs, IOM reports on the use of Afghan male children as slaves and sometimes [child prostitutes](#), often after being trafficked, in a practice known as ‘*Bacha bareesh*’.⁴ The practice is described as one in which boys are made to dance for patrons after being dressed as girls. Despite being illegal and stigmatised, the practice is reported to be alive in

Box 2. Human Trafficking in Afghanistan under Taliban rule

Little information exists on the extent and nature of human trafficking in Afghanistan during the rule of the Taliban (1996 – 2001). This is partly due to the difficulties in acquiring reliable data on trafficking, but also due to repression by the Taliban government. The first Trafficking in Persons Report was published by the US DoS in [2001](#) and contains little information on Afghanistan, beyond references to the Afghan victims of trafficking being exploited in Indonesia, Hungary and Pakistan. In 2002, *Time Magazine* reported on the kidnap and [slavery of women](#) during the Taliban’s rule, primarily for the purpose of forced marriage. The report cites one particular case in which “600 women vanished in the 1999 Taliban offensive”. The abduction occurred on the Shomali Plain, north of Kabul, and the women were said to have been transported to the urban centres of Jalalabad and Khost. The report states a number of the women were forced into marriage with militants at *al-Qaeda* training camps surrounding Khost.

³ The study notes the difficulty in commenting on the wider demographics of trafficking victims in Afghanistan due to the methodological difficulties of researching the topic as well as the broader clandestine nature of the crime.

⁴ *Bacha Bareesh* is not synonymous with prostitution, but is a form of servitude associated with sexual abuse.



northern Afghanistan, and possessing a ‘boy’ is alleged to be a form of [status symbol](#). The [2012 Trafficking in Persons Report](#) claims that some boys are trafficked into servitude after being sold by their families.

Forms of sexual exploitation linked to human trafficking, such as prostitution and forced marriage, are crimes according to national and Islamic law. For instance, sex outside marriage, including prostitution and rape, is illegal under Islamic Law and also carries a [“long imprisonment”](#) in Afghanistan, according to the article 427 of the 1976 penal code. In addition, article 517 criminalises forced marriage, with specific reference to the use of forced marriage for the purpose of debt settlement.⁵ However, the lack of specific reference to crimes such as rape and other forms of sexual exploitation associated with trafficking creates a taboo around them and a lack of procedure for combating them. The IAZ reports that such strict, but general laws, prohibiting prostitution and sexual exploitation can [increase](#) the level of human trafficking for the purpose of sexual exploitation. This is in part due to higher returns in an illegal market, but also deficiencies in laws to restrict enforcement. The IOM study also observes that due to the stigma regarding sexual exploitation, victims cannot easily [report](#) their crimes.

Response to Human Trafficking

According to the Trafficking in Persons Report, there were [7,206 persecutions and 4,239 convictions](#) of human traffickers in 2012 worldwide. The same dataset claims that 41,210 people were identified as victims of human trafficking; suggesting that for almost every ten victims, there was a single conviction. Given the inconsistencies with regard to data gathering, it is extremely difficult to determine the true figures. For instance, the UN Global Initiative to Fight Human Trafficking (UNGIFT) suggests that the ratio is closer to [one conviction, for every 800 victims](#). Regardless of which estimates are closer to reality, UNODC strongly advocates the global need to increase the prosecution of human traffickers, while widening the [protection](#) for their victims and expanding preventative measures. This section of the report sets out each of these three areas as relevant to Afghanistan, giving a brief overview of the progress that has been made and the challenges that remain.

Prosecution

Afghanistan’s 2008 Law Countering Abduction and Human Trafficking/Smuggling is an example of a progress in the prosecution of traffickers. In conjunction with article 516 of the Penal Code, [labour traffickers](#) can be imprisoned for between eight and 15 years.⁶ A number of the provisions in the penal code were re-addressed by the 2009 Elimination of Violence against Women (EVAW) law, created to bolster women’s rights. The EVAW law gives specific treatment to rape and the sale of women for marriage.⁷ Moreover, sentences for such crimes are increased through the EVAW law, with the [forced prostitution of women](#) carrying a minimum sentence of not less than seven years, according to article 18.⁸ However, according to a 2011 UN Office of the High Commissioner for Human Rights (UNOHCHR) report, the EVAW law has been [poorly implemented](#). The data analysed in the report suggests that the EVAW law was only used in the judgements of cases in 4 per cent of applicable incidents. As such, the government has been heavily criticised by national and international groups for the failure to popularise the use of the EVAW law.

There remains a need for the government of Afghanistan to work towards ensuring that victims of trafficking are not penalised by the police and the courts for offenses “committed as a direct result of being trafficked”, with

⁵ Forced marriage carries a short imprisonment according to the penal code, while forced marriage for the purpose of “compensation” generates medium imprisonment of no more than two years.

⁶ Though such legislation is not authoritative in distinguishing between smuggling and trafficking, IOM notes that victims of [migrant smuggling](#) tend to suffer exploitation at the hands of the smugglers, placing them in a similar or the same situation as trafficking victims.

⁷ See Articles 5 and 24.

⁸ If the victim is not an adult woman, the minimum sentence is increased to 10 years.



prostitution given as a primary example. In 2012, for instance, Human Rights Watch published a report on the [imprisonment of women and girls](#) in Afghanistan, which states that the country's existing adultery law or *zina* is at times used to convict women who have been raped or forced into prostitution. These occurrences recall the argument of Huda introduced earlier, namely that the [conflation](#) of human trafficking with crimes such as rape and prostitution mean that victims of human trafficking can be imprisoned for activities forced upon them. The government of Afghanistan's High Commission for Combating Crimes of Abduction and Human Trafficking was inaugurated in January 2012 in a long-running effort to increase the [conviction rate](#) of traffickers, a statistic particularly hard to gather in any country due to the rarity with which a person is charged with human trafficking. The continuation of this commission and the creation of adequate terms of reference are likely to be key to future legislative change and improvement to law enforcement.

Protection

Despite the [scale](#) of aid given and promised to Afghanistan, the lack of human resources places immense strain on government efforts to protect victims of trafficking, according to the 2012 Trafficking in Persons Report. Indeed, the report also claims that the Afghan government has made "no discernible progress in protecting victims of trafficking", highlighting the lack of development and employment of [procedures](#) to identify and protect victims. The report illustrates this with an example from 2011, in which eight Pakistani victims of trafficking were identified, but only four, all women, were provided with protection; the other four, all men, were imprisoned.

IOM observes that there are a large number of non-governmental and international organisations offering protection to victims of human rights abuses in Afghanistan, but that few have a "[specific programmatic focus](#)" on human trafficking.⁹ The US DoS highlights IOM as a [leader](#) in this field, often fulfilling protective responsibilities expected of the government. In terms of the protective assistance offered, IOM established a referral mechanism that aims to deliver assistance to victims through the involvement of government, non-governmental organisations (NGOs) and international organisations, including the UN. The kind of assistance provided may include the supply of "daily necessities", as well as psychological support and possibly repatriation. According to a 2012 factsheet, IOM has assisted 578 victims of trafficking with "[return and reintegration](#)".

Prevention

UNODC claims that addressing the "[root causes](#)" that make individuals and groups more vulnerable to exploitation is a key step that needs to be taken in preventing human trafficking. This includes the "alleviation of economic, social, political and cultural" factors that push people into leaving their homes, such as poverty, violence and lack of opportunity. Addressing these causes is closely linked to long-term development goals that touch on far more than human trafficking. The Afghan National Development Strategy (2008 - 2013) is described by IOM as "tacitly" supporting the government's anti-trafficking efforts by prioritising the protection of all Afghans under [human rights](#) law. The development strategy also highlights combating human trafficking as a priority for the Ministry of Interior (MoI), whose responsibilities extend to [border security](#) and fighting criminal activity. The 2012 Trafficking in Persons Report claims that the MoI's anti-human trafficking unit is [understaffed](#), and that despite some institutional development, there has been little attempt to raise awareness amongst vulnerable populations and that no steps have been taken to reduce the demand for commercial sex acts.

The work of IOM has been important in improving awareness, both globally with the [2003](#) and [2008](#) human trafficking reports and in Afghanistan itself. The organisation has aided the MoI in the establishment of a Counter-Trafficking Unit and trained over 10,000 teachers, an activity they claim has led to anti-trafficking teaching being

⁹ The lack of donor funding is given as a reason for this.



offered to [200,000 students](#). Given the range of challenges facing Afghanistan in the face of the drawdown by the International Security Assistance Force (ISAF), specific initiatives aimed at preventing human trafficking are likely to be unrealistic. This is likely to be largely due to pertinent concerns regarding insecurity and corruption, issues shown to be closely linked to human trafficking. As an alternative, a UNODC report on the legal responses available to trafficking in person suggests that the enhancement of [civil society](#) is a “crucial element of any comprehensive approach to combating trafficking” in that civil society and NGOs can help raise awareness, as well as provide assistance and protection to victims of human trafficking.

Way Ahead

A number of reports and evaluations have made recommendations on ways in which human trafficking may be combated. Some of those recommendations that are applicable to Afghanistan are given below.

- **Prevent the Prosecution of Trafficking Victims:** There is a need to end the [penalisation of victims](#) of trafficking for activities they have “committed as a direct result of being trafficked”, according to the 2012 Trafficking in Persons Report. While the clarification and increased enforcement of anti-trafficking legislation, such as the 2008 anti-trafficking law is important, any progress in this area will also require a determined approach to raising awareness on trafficking. This is specified in the report as expanding and improving the training available to law enforcement officers, as well as running broader public awareness campaigns.
- **Address the Use of Trafficking Victims on Military Bases:** The [End Trafficking in Government Contracting Act](#), would go further in prosecuting contractors involved in human trafficking. The ACLU and YLS make a number of recommendations that are included in the bill in some form. These include encouraging the [direct hire](#) of TCNs and the end of recruitment fees. In terms of ending exploitation, the report advocates the end of exploitative contracts and a mandate for safe living and working conditions. A key component of these two recommendations is the need to “safeguard” a person’s right to return home, as well as a means by which they can contact their families and achieve compensation to which they should be entitled.
- **Build Capacity for the Protection of Victims:** The 2012 Trafficking in Persons Report states that there are no protective services available for [boys aged over 11](#) that are victims of human trafficking. This represents one case of the general challenge of providing comprehensive protection for all victims of human trafficking, regardless of age or gender. In 2008, IOM claimed that their system through which victims of trafficking are referred for protection requires enhanced co-operation from NGOs and community-based organisations as the number of victims they have access to is [inadequate](#). In this regard, the recommendations made by UNODC concerning the enhancement of the role played by [civil society](#) may be key to building partnerships between different organisations and improving protective services.
- **Anticipate Potential Trafficking Destinations:** Afghanistan’s status as a [destination country](#) suggests a level of demand for the services provided by exploited victims. Identifying the main sites of this demand and their causes is vital, but it is also important for Criminal Investigation Departments to pre-empt new demand from being created. A study of [mine sites in Mongolia](#) by the Asia Foundation demonstrates the potential for commercial activities, such as mining, to create a market for the sexual exploitation of trafficking victims. International involvement in mineral mining in rural Afghanistan, in areas such as Aynak and Hajigak, could potentially generate such a market. For this reason it is important that the government of Afghanistan continues to allow organisations such as IOM to train its specialist law



enforcement personnel, such as [border police officers](#), and invest in understaffed institutions, such as the MoI's anti-trafficking unit.

The recommendations given here represent a very small selection of those made in reporting on human trafficking and broader criminal activity within Afghanistan. Further detail and suggestions can be found in the studies and reports referenced in this section and those that precede it.

Conclusion

Strengthening anti-trafficking legislation and enforcement in Afghanistan is dependent on widespread awareness of the crime and close co-operation with regional governments. However, the large degree of internal trafficking in Afghanistan also entails the need for improved law enforcement and reporting mechanisms. This report has demonstrated that the risk of human trafficking is particularly high in conflict and post-conflict environments, where the rule of law is generally weakened and communities are left fragmented and vulnerable. Ensuring that human trafficking, as well as other forms of criminality, do not consolidate further in Afghanistan beyond 2014 will be reliant on the creation of new economic opportunities, as well as the expansion of government and civil society's efforts in protecting victims and convicting traffickers.