

Afghanistan



Population: 28,396,000 (2009 est.)
Population Growth Rate: 2.63% (2009 est.)
Birth Rate: 45.46 births/1,000 population (2009 est.)
Life Expectancy: total population: 44.64 years; male: 44.47 years; female: 44.81 years (2009 est.)
Literacy Rate: total population: 28.1%; male: 43.1%; female 12.6% (2000 est.)
Net Migration Rate: 21 migrant(s)/1,000 population (2009 est.)
Unemployment Rate: 40% (2008 est.)
Gross Domestic Product per Capita: \$700 (2008 est.)
Religions: Sunni Muslim 80%, Shia Muslim 19%, other 1%
Languages: Afghan Persian or Dari (official) 50%, Pashto (official) 35%, Turkic languages (primarily Uzbek and Turkmen) 11%, 30 minor languages (primarily Balochi and Pashai) 4%, much bilingualism
Ethnic Groups: Pashtun 42%, Tajik 27%, Hazara 9%, Uzbek 9%, Aimak 4%, Turkmen 3%, Baloch 2%, other 4%
Capital: Kabul¹

Trafficking Routes

Afghanistan is a destination, source, and transit country for human trafficking. Afghanistan is a destination country for Chinese, Iranian, and Pakistani women trafficked into the commercial sex trade.² Most victims trafficked out of Afghanistan are women taken to Saudi Arabia, Iran, and Pakistan.³ Afghani children and women are also often trafficked within the country.⁴ Afghanistan is a transit country for men, women, and children being trafficked between the six countries that border it.⁵

Factors That Contribute to the Trafficking Infrastructure

Afghani people are extremely vulnerable to human trafficking. The long-term conflict in the country has eroded political institutions, economic opportunities, and its

¹ CIA, World Factbook, Afghanistan, (March 16, 2010), <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>.

² IOM, TRAFFICKING IN PERSON IN AFGHANISTAN: FIELD STUDY REPORT (2008), available at: http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/afghanistan/iom_report_trafficking_afghanistan.pdf

³ *Opium Trade in Afghanistan Linked to Human Trafficking*, VOICE OF AMERICA, September 04, 2006, available at: <http://web.archive.org/web/20080221111416/http://voanews.com/english/archive/2006-09/2006-09-04-voa20.cfm?CFID=58252938&CFTOKEN=90637938>

⁴ *Id.*

⁵ IOM, *supra* note 2.

physical infrastructure, and there is a high level of overall insecurity.⁶ Internal displacement due to the conflict has left many Afghans without a home, exposing them to the dangers of trafficking. Widespread poverty and lack of legitimate economic opportunities have increased the instances of child labor and child trafficking. The cultural treatment of women makes them especially susceptible to violence, including forced marriage.⁷

Some customary practices regarding women also contribute to trafficking. Women are considered to be the property of men, a belief system that facilitates violence against women and other practices such as trading women and girls to resolve interfamily disputes.⁸ Cultural beliefs make it difficult to discuss human trafficking issues like forced prostitution. According to Musa Khan Jalalzai, author of several books about trafficking, “it is almost taboo to openly discuss the trafficking of women for prostitution.”⁹

Forms of Trafficking

The majority of victims are children who are often trafficked within the country to work as beggars or in the brick kiln and carpet-making industries. Girls are kidnapped or sold into forced marriages and prostitution.¹⁰ Boys are also trafficked for prostitution, forced labor, forced religious studies and conscription into armed forces or militias.¹¹ Children are sold by parents who are poor and unable to provide for them.

Women are trafficked for forced prostitution, forced marriage and domestic servitude.¹² Men are trafficked for forced labor in the agriculture and construction sectors.¹³

Government Responses

Afghanistan does not have a specific antitrafficking law and does not explicitly criminalize trafficking in persons in its penal code. However, other laws can be used to address trafficking in persons and related crimes.

Under the penal code of 1976, kidnapping is considered a crime. The punishment for this crime is increased to different levels if the victim is a child¹⁴, a girl¹⁵, or a married woman¹⁶ and if death or injury occurs as a result of this crime¹⁷. Increased

⁶ IOM, *supra* note 2.

⁷ IOM, *supra* note 2.

⁸ IOM, *supra* note 2.

⁹ IOM, *supra* note 2.

¹⁰ IOM, *supra* note 2.

¹¹ IOM, *supra* note 2.

¹² IOM, *supra* note 2.

¹³ IOM, *supra* note 2.

¹⁴ Penal Code, October 7, 1976 article 420 (Afghanistan), available at: <http://aceproject.org/ero-en/regions/asia/AF/Penal%20Code%20Eng.pdf/view>

¹⁵ Penal Code, October 7, 1976 article 420. (Afghanistan), available at: <http://aceproject.org/ero-en/regions/asia/AF/Penal%20Code%20Eng.pdf/view>

¹⁶ Penal Code, October 7, 1976 article 424. (Afghanistan), available at: <http://aceproject.org/ero-en/regions/asia/AF/Penal%20Code%20Eng.pdf/view>

¹⁷ Penal Code, October 7, 1976 article 419 (Afghanistan), available at: <http://aceproject.org/ero-en/regions/asia/AF/Penal%20Code%20Eng.pdf/view>

punishment also applies if the offender is a person having influence or authority over the victim, or if the crime is committed by a group of at least two people.¹⁸ The penal code also provides for the crime of hostage taking which is punishable by long term imprisonment¹⁹ and is greater if the victim is wounded or killed as a result of being taken hostage.²⁰ Child endangerment is also criminalized.²¹ Rape is punishable by up to seven years of imprisonment²² and is increased if the victim is under 18 years of age or if the offender is a guardian or a person having any form of control over the victim.²³ Adultery and pederasty are punished with a long term of imprisonment.²⁴ Forced labor and child forced labor are prohibited²⁵ and anyone who, through fraud or deceit, exploits, sells, or buys workers is sentenced to a long term of imprisonment.²⁶

The constitution of Afghanistan guarantees the equality of all Afghani citizens, whether male or female, before the law²⁷ as well as the liberty and human dignity of any human being.²⁸ The constitution also specifies that Afghanistan shall abide by the United Nations Charter, international treaties, and the Universal Declaration of Human Rights.²⁹

The new Afghan constitution, adopted on Jan. 5, 2004, provides for a permanent independent human rights commission, the Afghanistan Independent Human Rights Commission (AIHRC).³⁰ The AIHRC has reviewed the existing penal code and submitted recommendations to the judicial commission on provisions to combat trafficking.³¹ Any person whose fundamental human rights have been violated can file a complaint before the AIHRC.³² In this case, the commission can refer the case to the legal authorities and assist in defending the rights of the complainant.³³

¹⁸ Penal Code, October 7, 1976 article 423. (Afghanistan), available at: <http://aceproject.org/ero-en/regions/asia/AF/ Penal%20Code%20Eng.pdf/view>

¹⁹ Penal Code, October 7, 1976 article 515 (Afghanistan), available at: <http://aceproject.org/ero-en/regions/asia/AF/ Penal Code Eng.pdf/view>

²⁰ Penal Code, October 7, 1976 article 515 (Afghanistan), available at: <http://aceproject.org/ero-en/regions/asia/AF/ Penal%20Code%20Eng.pdf/view>

²¹ Penal Code, October 7, 1976 article 358 (Afghanistan), available at: <http://aceproject.org/ero-en/regions/asia/AF/ Penal%20Code%20Eng.pdf/view>

²² Penal Code, October 7, 1976, article 429 (Afghanistan), available at: <http://aceproject.org/ero-en/regions/asia/AF/ Penal%20Code%20Eng.pdf/view>

²³ Penal Code, October 7, 1976 article 429 (Afghanistan), available at: <http://aceproject.org/ero-en/regions/asia/AF/ Penal%20Code%20Eng.pdf/view>

²⁴ Penal Code, October 7, 1976 article 427 (Afghanistan), available at: <http://aceproject.org/ero-en/regions/asia/AF/ Penal%20Code%20Eng.pdf/view>

²⁵ Constitution of the Islamic Republic of Afghanistan (January 26, 2004) articles 49, available at: http://www.diplomatie.gouv.fr/fr/IMG/pdf/The_Constitution_of_the_Islamic_Republic_of_Afghanistan.pf/

²⁶ Penal Code, 15 Mizan 1355, article 516. No specific punishment is indicated for this crime.

²⁷ Constitution of the Islamic Republic of Afghanistan (January 26, 2004) article 22, available at: http://www.afghan-web.com/politics/current_constitution.html.

²⁸ Constitution of the Islamic Republic of Afghanistan (January 26, 2004) article 24, available at: http://www.afghan-web.com/politics/current_constitution.html.

²⁹ Constitution of the Islamic Republic of Afghanistan (January 26, 2004) article 7, available at: http://www.afghan-web.com/politics/current_constitution.html.

³⁰ Constitution of the Islamic Republic of Afghanistan (January 26, 2004), available at: http://www.afghan-web.com/politics/current_constitution.html

³¹ International Organization for Migration *supra* note 2.

³² Constitution of the Islamic Republic of Afghanistan (January 26, 2004) article 58, available at: http://www.afghan-web.com/politics/current_constitution.html.

³³ *Id.*

The Ministry of Women's Affairs (MoWA) was established under the Bonn Agreement in late 2001. MoWA focuses on advocacy and gender equality, aims at ensuring that the specific needs of women are reflected in national policy, develops projects targeting vulnerable women, promotes gender awareness among the public, collaborates with nongovernmental organizations on advocacy, and monitors government action on the development and implementation of national policies affecting women.³⁴

In response to reports of trafficking in children, the Ministry of Labor, Social Affairs, Martyrs & Disabled created the Committee to Counter Child Trafficking (CCCT) was created in order to develop a plan of action for the prevention of trafficking and protection and reintegration of child victims.³⁵ In cooperation with various NGOs, the CCT developed the Plan of Action to Combat Child Trafficking in Afghanistan in 2004.³⁶

Nongovernmental and International Organizations Responses

In 2008, the IOM published *Trafficking in Persons in Afghanistan: Field Survey Report*. The report represents the first attempt to interview a wide range of trafficking victims and other involved actors, and it provides an analysis of the scope of the trafficking problem in, from, and to Afghanistan.³⁷

A community-based demobilization and reintegration program, established by UNICEF in collaboration with NGOs, the Ministry of Labour and Social Affairs, and the National Commission for Disarmament, Demobilization and Reintegration was launched in February 2004.³⁸ As of June 2007, reintegration support was being provided in 29 provinces to a total of 12,590 war-affected and at-risk children, including 5,042 former child soldiers, combining information education, skills training, life skills and psychosocial support.³⁹

UNAMA, which was initially established by the U.N. secretary-general and endorsed by Security Council Resolution 1401, includes a human rights function. The human rights unit is mandated to build and strengthen human rights institutions (primarily the AIHRC) and to monitor and investigate human rights violations.⁴⁰

In response to the trend of domestic abuse and other forms of violence against women, several organizations have set up women's shelters to house and protect Afghan women against further violence. Among these are Women for Afghan Women and the Afghan Women Skills Development Center.⁴¹

³⁴ IOM, *supra* note 2.

³⁵ IOM, *supra* note 2.

³⁶ IOM, *supra* note 2.

³⁷ Press Release: International Organization for Migration, Survey on Human Trafficking in Afghanistan Documents Abuse, Recommends Action,"(September 12, 2008), *available at*: <http://www.iom.int/jahia/Jahia/pbnAS/cache/offonce?entryId=18925>

³⁸ COALITION TO STOP THE USE OF CHILD SOLDIERS, CHILD SOLDIERS GLOBAL REPORT 2008 (2008), *available at*: <http://www.childsoldiersglobalreport.org/content/afghanistan>

³⁹ *Id.*

⁴⁰ IOM, *supra* note 2.

⁴¹ Kirk Semple, Afghan Women Slowly Gaining Protection, THE NEW YORK TIMES, March 2, 2009, Afghan Women Slowly Gaining Protection

Multilateral Initiatives

On October 12–13, 2008, the IOM hosted a conference for law enforcement agencies from Afghanistan, Iran, Pakistan, Tajikistan, and the United Arab Emirates on the topic of human trafficking. The objective of the conference was “to develop strategies to prevent trafficking and prosecute traffickers through regional cooperation, and to explore possible areas of cross-border cooperation.”⁴²

Officials from Afghanistan’s Ministries of Interior and Women’s Affairs participated in a capacity-building workshop on countertrafficking and law enforcement in Almaty, Kazakhstan, in April 2003 as part of a larger regional initiative on migration management for Central Asian states.⁴³

⁴² Press Release: International Organization for Migration, IOM Afghanistan Hosts First Regional Conference on Counter-Trafficking Law Enforcement, (September 30, 2008), *available at*: <http://www.iom.int/jahia/Jahia/pbnAS/cache/offonce?entryId=19163>

⁴³ IOM, *supra* note 2.