

UNICEF  
Afghanistan

A Discussion Paper on  
**CHILD TRAFFICKING**  
in Afghanistan



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# INTRODUCTION

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When UNICEF Afghanistan in 2007 set out to analyze the child trafficking situation in the country it became apparent that there was a lot of confusion about the definition of trafficking. This applied to international organizations as well as NGOs and government counterparts, at central and local levels. Several of the misconceptions were also evident in the analyses or documentation that existed on trafficking in Afghanistan. This made it very difficult to have a meaningful discourse on trafficking - which would have been necessary in order to get an accurate update on the situation. As a result, the focus of this paper was changed from trying to update the trafficking situation to look at why it is virtually impossible to do so currently in Afghanistan.<sup>1</sup>

In Afghanistan the label trafficking is generally applied too broadly to include situations of child exploitation, abuse or neglect that do not fall under the definition. At the same time there are some issues that could be trafficking that are currently excluded from the debate. These issues particularly affect girls.

Hence the primary purpose of this paper is to clarify the key misconceptions that exist in Afghanistan about trafficking; explaining why some issues do not belong in the trafficking category and exploring other issues that should perhaps be included.

The lack of precision in the use of the trafficking label affects how information is collected, recorded and used. At the level of case identification, the poor understanding of trafficking often means that the information collected about the case is not sufficient to determine whether it was trafficking or not. Proper verification of a case will often require going all the way back to the source. At the aggregated level, 'trafficking data' that are quoted often turn out to be records of children kidnapped, smuggled, or missing from home – sometimes in a mix.

The secondary purpose of this paper is therefore to give an overview of sources of information on trafficking in Afghanistan and arrive at a more sober assessment of what is really known about trafficking in the country today.

This poor understanding and weak information base has formed the basis for several initiatives aimed at preventing or reducing the impact of trafficking.

The final part of the paper therefore takes a critical look at key counter-trafficking interventions in Afghanistan and discusses how they can and should be improved – even before or in parallel with improvements in conceptual understanding and information gathering.

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<sup>1</sup> A separate paper was developed on certain groups of children at border points with Iran and Pakistan who are at risk of trafficking: migrant children, deported children and children working at the border point. See Situation Analysis of Vulnerable Groups of Children in Three Border Areas: Islam Qala, Zaranj and Torkham, Lise Bendiksen, UNICEF Afghanistan 2008.

# I. WHAT IS TRAFFICKING?

The now standard definition of human trafficking was adopted by the UN in 2000, in the *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children* (see box 1). This Protocol supplements the United Nations Convention against Transnational Organized Crime that was developed the same year. The ‘Trafficking Protocol’ (or ‘Palermo Protocol’ as it is also often called) is widely used and accepted internationally as the standard definition of trafficking. Over 110 states have ratified the Protocol. Afghanistan is not yet among them.<sup>2</sup>

The definition in the Protocol is quite complex (Box 1). In simple terms however, it says that trafficking consists of three elements: (i) the acquisition of or control over a person, (ii) by the use of deception or coercion, (iii) for the purpose of exploitation.

## Box 1. The international definition of trafficking<sup>3</sup>

(a) "Trafficking in persons" shall mean

the 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. Exploitation shall include, at a minimum, the exploitation of 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;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

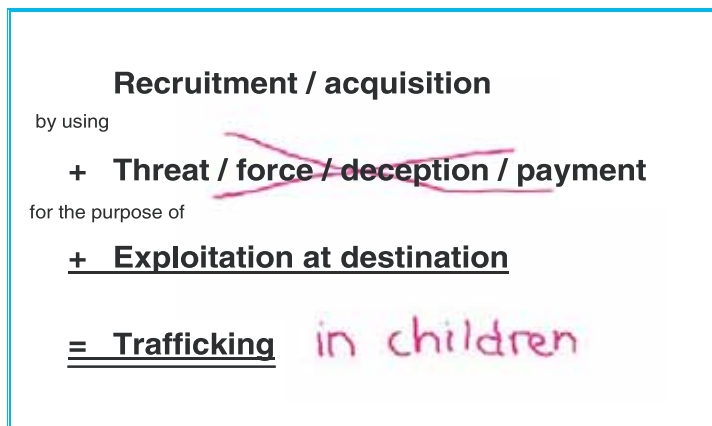
For children, the condition of coercion/deception is waived – in other words, **the acquisition of a child for the purpose of exploitation is trafficking** (Figure 1). This reflects the view that children cannot consent to their own exploitation. It also does not matter if the parents have consented to the child going away. Consent is irrelevant when it comes to *child* trafficking.

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<sup>2</sup> [www.unodc.org](http://www.unodc.org)

<sup>3</sup> Article 3, paragraph a, b, and d of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*.

Figure 1. The difference between trafficking in adults and children



Acquisition means taking control over a child, he or she is not free or allowed to leave. The acquisition has been done for **the purpose of exploiting the child**.

The protocol lists five specific forms of exploitation; sexual exploitation, forced labor, slavery, servitude and organ removal. In the debate and coverage of the trafficking issue there has been so much emphasis on the exploitation stage of the trafficking process, and in particular on sexual exploitation, that many believe trafficking to be synonymous with for example girls and women sold into prostitution.<sup>4</sup> It is important to remember that not only are there other forms of exploitation equally grave that are listed in the Protocol, but also that the Protocol clearly says the list of five is not exhaustive. In other words there could be other forms of exploitation that are relevant too. In any case, it is not the form of exploitation that indicates whether a case is trafficking, but rather the presence of the two interlinked elements: **Acquisition for the purpose of exploitation**.

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<sup>4</sup> For example, the only regional tool for combating trafficking in South Asia is the 2002 SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. As its title suggests, it covers only acquisition of women and girls (excluding boys and men) for the purpose of prostitution (excluding any other form of exploitation), and the Convention is often criticized for being too narrow.

## II. MISCONCEPTIONS ABOUT TRAFFICKING

There is no legal definition yet of trafficking in Afghanistan. The use of the word trafficking is nevertheless common and widespread, and on the surface this awareness from central to local levels among government authorities and development organizations is good. Much of it probably stems from training and capacity building done by international organizations and others in 2004 and later, following several incidents that were thought to suggest large scale trafficking of children out of Afghanistan.<sup>5</sup>

Unfortunately however the trafficking concept is widely misunderstood. First, the label is used very liberally to cover a range of issues that do not fall under the trafficking definition. The inclusion of such non-trafficking issues is ad hoc and subjective. Second, the trafficking label is at the same time applied narrowly as it completely ignores some practices that could constitute trafficking. These practices relate to marriage and affect only girls.<sup>6</sup>

### 1. 'Afghan children going abroad without parents are trafficked'

This misconception concerns the countless number of Afghan children working abroad. Labor migration has persisted throughout times of war and peace in Afghanistan as a household coping mechanism. Boys are often expected to take part once they reach adolescence, and the majority of Afghan labor migrants go to Iran and Pakistan.<sup>7</sup> Awareness is high in Afghanistan about the difficult situation of these children but it is often confused with trafficking. The argument is that children going abroad without their parents is 'wrong' and could only be caused by traffickers who have made promises to the families.

#### EXAMPLE 1:

In 2003, 258 Afghan children (23 of them girls) were deported from Saudi Arabia for illegal stay and work in the country.<sup>8</sup> Such a large number of children arrested abroad without their parents naturally generated a lot of attention, and trafficking alarm bells started going off. Once returned to Kabul, interviews with 164 of them (13 girls) were recorded.<sup>9</sup> Most of the children were from Baghlan province; about half were under 13 years old. Their year of separation varied, e.g. they did not leave at the same time, and many did not know. Almost all had known where they were going when they left Afghanistan (147), left with the consent of their family (157), and traveled with family or relative (131). Most of the children (138) also lived with family or relatives in Saudi Arabia. It is not known how many may have lived with close family such as parents. Almost all the children had been working, though many (77) did not specify what type of work (60 had been selling things on the street). Almost all (140) sent money to their family in Afghanistan.

Considering that the children went with relatives and lived there with them, it seems unlikely that these were cases of trafficking. There is no acquisition to speak of if the children

<sup>5</sup> Among these, UNICEF trained staff from the Ministry of Labour, Social Affairs, Disabled and Martyrs (MoLSADM) at central and local (DoLSADM) levels. NGOs and other organizations were trained by DoLSA in each province. IOM focused more on the law enforcement side, training among others police, border police and key departments in the Ministry of Interior. Discussions with UNICEF and IOM in Kabul, 2007.

<sup>6</sup> Discussions in Kabul, Herat and Jalalabad with relevant government authorities, NGOs and international organizations, 2007.

<sup>7</sup> Situation Analysis of Vulnerable Groups of Children in Three Border Areas: Islam Qala, Zaranj and Torkham, Lise Bendiksen, UNICEF Afghanistan 2008 (Unpublished). The Afghanistan Research and Evaluation Unit (AREU) has published several studies on labor migration to Iran and Pakistan, see [www.areu.org.af](http://www.areu.org.af).

<sup>8</sup> The exact number of children varies in different reports. This is from the National Plan of Action on Trafficking, Ministry of Labour, Social Affairs, Disabled and Martyrs (MoLSADM), 2004.

<sup>9</sup> MoLSADM/UNICEF database on deported children 2003.



remained in the care of family or relatives. In addition, that they received salaries for their work and could send money home suggests that they were not subjected to forced labor.<sup>10</sup> Most likely the children were **smuggled** (see below), and some family-based network existed connecting Baghlan province with Saudi Arabia. Such movement patterns have been noted especially during the Taliban years.<sup>11</sup>

#### EXAMPLE 2:

In 2003, police in Takhar province reportedly 'rescued' over 100 children from kidnapping/trafficking throughout the year, again suggesting large scale and organized child trafficking in Afghanistan.<sup>12</sup> There is not much information about these cases, except a small UNICEF assessment of one of the incidents where the police intercepted 17 boys in late 2003. All the children were from Badakshan province, all were adolescents (six were actually 18 and above). They were traveling with six adults who came from the same districts in Badakshan as the boys. The children stated they were traveling to Iran, expecting to gain 'huge amounts of money'.<sup>13</sup> In another document it says that 'the boys were lured out with the permission of their families'.<sup>14</sup> A third report refers to 85 cases from Takhar police in 2003, and says that police interviews uncovered a well-established network of smugglers in Kunduz, Kabul and Iran, and that the children cross the border with their smugglers in Nimruz province. The same report, without any evidence, speculates that 'although there is a lack of information on what happens to the boys in Iran, officials have stated the belief that they may be used for forced prostitution or organ removal.'<sup>15</sup>

None of the sources give information that can establish that these children were victims of trafficking. When the sources are put together, a more complete picture emerges where it looks quite clear that the children were going to be **smuggled** (see below) to Iran for work. This would explain the promise of future moneymaking, the approval from families, the travel with adults from the same place of origin, and the route through Nimruz (known as the crossing point for illegal migrants). There is no evidence of exploitation. No exploitation before police interception was documented, and potential future exploitation in Iran had of course not occurred yet. There are no records of investigations of the intent of the adults traveling with the children. Had they picked up the children for the purpose of exploitation? The subjective statement of some officials (located almost as far from Iran as one can be in Afghanistan) on this point is typical in that it lacks any evidence and in this case also falls far outside the known or plausible trends. In the end, it is impossible to know if these boys would have been free to seek work once they arrived in Iran or if they would have been exploited. They cannot be considered trafficking cases.

These incidents with Baghlan children deported from Saudi Arabia and Badakshan boys traveling to Iran were taken together as evidence of large-scale child trafficking out of Afghanistan, with the North and Northeast as the hardest hit areas. Concerns were raised

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<sup>10</sup> Work by children below the minimum age of admission to employment is considered exploitation (see ILO Convention 138, articles 2 and 7). Hence some of these children were exploited. Such labor exploitation is not necessarily a recognised form of exploitation under the trafficking definition. See below for a discussion on this.

<sup>11</sup> Child Trafficking in Afghanistan, UNICEF 2004; Trafficking in Persons: An Analysis of Afghanistan, IOM 2003.

<sup>12</sup> Assessment on Child Trafficking in North and Northeast Afghanistan, UNICEF 2003. The 2004 National Plan of Action on Child Trafficking says the number is 171.

<sup>13</sup> Child Trafficking Report in Takhar Province, UNICEF Kunduz Office, 16 November 2003.

<sup>14</sup> National Plan of Action on Trafficking, Ministry of Labour, Social Affairs, Disabled and Martyrs (MoLSADM) 2004.

<sup>15</sup> Trafficking in Persons: An Analysis of Afghanistan, IOM 2003.

about 'trafficking networks' and children and families 'lured by promises.'<sup>16</sup> In Baghlan a Committee Confronting Child Trafficking was set up since it was found that there was a very poor understanding of trafficking in the province – which incidentally suggests those in more central areas were at the time no clearer on the issue. UNICEF followed up with a Situation Analysis on Child Trafficking in 2004 where Badakshan and Baghlan were two of four provinces selected for the study. IOM did a similar countrywide analysis the same year. To this day these incidents are referred to as indicative of trafficking trends in Afghanistan.<sup>17</sup>

### How is smuggling different from trafficking?

In both the cases above, the children appear to be smuggled. Human smuggling means to facilitate the movement of people from one country to another by illegal means. It enables migrants to illegally enter into another country without passport or visa. Smuggling is recognized internationally as a crime separate from trafficking.<sup>18</sup> **The key difference between smuggling and trafficking is that the smuggled person is not exploited at the destination.** The relation between smuggler and child ends once the child has arrived and paid for the service. Smuggling is also different in that it only occurs across international borders, whereas trafficking does not necessarily involve crossing any border. Smuggling can turn into trafficking if the smuggled person is deprived of freedom and exploited.

### What if the child has to pay for the smuggling after arrival?

In many cases of smuggling the child or his family will not have enough money to pay for the service up front. Often an arrangement is then made where the child is to pay the remainder or the entire fee a while after arrival, after having worked long enough to earn the required money. **In itself, this is just post payment and does not mean there has to be exploitation involved.** If, however, the child is deprived of freedom, subjected to forced labor (see below) or other exploitation, then the case has gone from smuggling to trafficking. Because a child owing money is in a vulnerable position towards the smuggler, he is at **risk** of trafficking, but not necessarily going to become victim of trafficking.

### What if the smuggled child is exploited in the host country?

Smuggling followed by exploitation is not necessarily trafficking. In the definition of trafficking, there is an important linkage: acquisition/movement **for the purpose of** exploitation. If a child is smuggled, later finds a job on his own and ends up exploited by his employer, the smuggling plus exploitation does not make a trafficking case. The two processes are unrelated; he was not smuggled for the purpose of exploitation.

A child being smuggled and who is subsequently never 'released,' either kept or given away into an exploitative situation, is trafficked. Control was gained over the child in Afghanistan for the purpose of exploitation.

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<sup>16</sup> National Plan of Action on Trafficking, Ministry of Labour, Social Affairs, Disabled and Martyrs (MoLSADM) 2004; Follow up on the Deported Children to Baghlan Province, Mission Report 23-29 January 2004; Assessment on Child Trafficking in North and Northeast Afghanistan, UNICEF 2003; Child Trafficking Report in Takhar Province, UNICEF Kunduz Office, 16 November 2003.

<sup>17</sup> Discussions with UNICEF, MoLSADM/DoLSADM and others in Afghanistan 2007. In the early stages of the work on this analysis, many development workers suggested focusing on the North and Northeast with reference to these incidents.

<sup>18</sup> Protocol against the Smuggling of Migrants by Land, Sea, and Air, supplementing the United Nations Convention against Transnational Organised Crime. Entered into force in January 2004, 112 state parties to date. Afghanistan is not one of them. See [www.unodc.org](http://www.unodc.org).

Afghan children being exploited in another country may be victims of domestic trafficking in that country. It is unrelated to the travel from Afghanistan. Someone in the host country gained control over the child for the purpose of exploitation. Children who are living abroad without their families are vulnerable and at risk for trafficking within and out of the new country.

In sum, all Afghan children who are victims of exploitation in other countries are not trafficked. The appropriate description of their situation may be children in bonded labor, forced labor, children sexually exploited and so on. Among those who actually are trafficked, some are trafficked from Afghanistan, others may be trafficked internally in the host country without any relation to their original travel from Afghanistan.

## 2. 'Children working under difficult circumstances are trafficked'

This misconception rests on the belief that there are some forms of child work that are of such an exploitative character that it reflects trafficking. It is used to argue that certain situations must fall under the trafficking definition – as if only this label is strong enough or can explain why children would be in that situation. The two most common circumstances thought of as trafficking based on the work situation is children working abroad (without their families) and children doing illegal or hazardous work.<sup>19</sup>

### Children working abroad

This mainly concerns the same group that was discussed above; children migrating for work. However the justification for the trafficking label is not that the children travel out of Afghanistan on their own (the misconception discussed above), it is the belief that working conditions abroad for Afghans in general and children in particular are abhorrent and exploitative and hence the children must be victims of trafficking.

For example, in one report 15 children working abroad were considered trafficking victims, and the form of exploitation was 'child labor' in that country. They went with the help of smugglers, and the 'exploitation occurs in the destination by smuggler, employer or relative.'<sup>20</sup> It appears as if it is not necessary to go into more detail – that it suffices to know the children were on their own and working under difficult circumstances in another country.

Illegal migrants are likely to endure poorer working conditions than those with legal residency in a country – but this does not mean they are all trafficked. **There is no basis for assuming that all migrant children are exploited by their employers** - many experience working conditions that cause them to want to stay and others to come.

### Children doing illegal or hazardous work

This misconception rests on the idea that children doing hazardous or illegal work are trafficked. For example, in the 2004 Situation Analysis on Child Trafficking by UNICEF, three of 27 cases of trafficking were adolescent boys working on the Eastern border with Pakistan 'smuggling illicit goods'. They were defined as trafficked due to the hazardous (and international?) nature of their work.

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<sup>19</sup> Discussions with government authorities and development organizations in Kabul, Herat and Jalalabad 2007.

<sup>20</sup> Child Trafficking in Afghanistan, UNICEF 2004. It is later mentioned that the parents 'accepted that their children had been mistreated, demanded to work very hard, during long hours, while receiving less money than agreed or no money at all, as well as being physically abused'. This generic statement is the only 'evidence' for 15 cases.

Internationally, children used for drug trafficking or production or doing 'hazardous work' (work that is harmful to the health, safety and morals of children) are considered to be in the 'worst forms of child labor.'<sup>21</sup> However, all children engaged in the worst forms of child labor are not trafficked. Again there needs to be acquisition of a child for the purpose of exploitation. If the child is free to leave, and there are no elements of forced labor present, the child is not trafficked. To by default consider children doing worst forms of child labor trafficked is wrong, and confuses the needs of this group with those of children who are really trafficked.

### **Is child labor exploitation under the trafficking protocol?**

This question often comes up in discussions on the two topics above. Some argue that all child labor can be considered forced labor, and thus fulfills the second part of the trafficking definition. The position is often presented as 'children are exploited to improve the economic status of the family.'<sup>22</sup>

Child labor is **not** synonymous with forced labor, which is mentioned in the trafficking definition as a form of exploitation. Child labor – in simple terms – means that the child is regularly working in a manner that is harmful to his/her physical and mental development. What determines 'harmful' depends on individual conditions such as the age of the child, the type of work and hours of work.<sup>23</sup> Forced labor is when a child of any age is **doing work under coercion** – through for example the deprivation of liberty, withholding of wages, confiscation of identity documents, threat of punishment and slavery-like practices such as debt bondage.<sup>24</sup> Hence although the word 'exploitation' may often be used to describe child labor, it is not among the forms of exploitation recognised in the trafficking protocol.

Among all the thousands of Afghan children working abroad or within the country, not all would fall under the child labor category. Their respective age and the nature of their work has to be considered. The evolving capacity of children to make decisions about their work and movement should not be ignored, especially among the many working adolescents over the minimum legal age of employment. Among child laborers **and** working adolescents **some** will be in a situation of forced labor. Among these again, some may be trafficking victims, but not all.

### **3. 'Kidnapped children are trafficked'**

Kidnapping is not uncommon in Afghanistan. Kidnapping or abduction involves forcibly taking control of another person and moving him or her to a new location. In Afghanistan, kidnapping cases are often referred to as trafficking cases – the two labels are used interchangeably. Some are aware that they are different, and offer kidnapping numbers as a second best estimate of trafficking incidence, which also fuels the confusion. In Herat in 2007, local authorities were aware of two recent trafficking-related cases. Both were in fact

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<sup>21</sup> See ILO Convention 182, article 3, c and d.

<sup>22</sup> Assessment on Child Trafficking in North and Northeast Afghanistan, UNICEF 2003.

<sup>23</sup> For example, UNICEF considers the following as child labor: Ages 5-11: At least one hour of economic work or 28 hours of domestic work per week. Ages 12-14: At least 14 hours of economic work or 28 hours of domestic work per week. Ages 15-17: At least 43 hours of economic or domestic work per week.

<sup>24</sup> Revised Guidelines Regarding Initial Reports to be submitted by State Parties under Article 12, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, adopted by the Committee on the Rights of the Child at its 43<sup>rd</sup> Session, 29 September 2006. UN document CRC/C/OPSC/2.

kidnapping for ransom of sons of wealthy businessmen. Children are also kidnapped for political ransom, to force a desired outcome in a dispute.<sup>25</sup>

Kidnapping for economic or political ransom is **not** trafficking. It fulfils the first requirement for trafficking, the acquisition of a person, but the exploitation feature is lacking. The purpose of the kidnapping is extortion of those close to the child – either for money or a desired action.

**Kidnapping for the purpose of exploiting the child is trafficking.** Then both requirements for the trafficking act are present: acquisition and exploitation of the child. Below are some illustrative cases from recent years.<sup>26</sup>

- Kidnapping for sexual exploitation: In 2007, a 14 year old boy was kidnapped by border police in Eastern Afghanistan and held captive for sexual servitude. This would be exploitation under the trafficking definition either under 'other forms of sexual exploitation,' slavery, or servitude. The boy managed to escape, and the case was referred to the Child Protection Action Network in the province.<sup>27</sup> Several cases of this have been recorded in the past, generally only of boys. Cases of sexual exploitation of girls will often be kept secret due to the shame it brings on the family and the risk of rejection or even harm to the girl by her family.<sup>28</sup>
- Kidnapping for forced labor: In 2005, a boy in Kabul went along with a man who offered him work in Kapisa province. Once there, he was kept confined and forced to work in a private home. He later managed to escape.<sup>29</sup> Instances similar to this have been recorded in previous years, where children are kidnapped for forced labor within the country and for forced labor in Pakistan.<sup>30</sup>

#### **The concept of kidnapping is sometimes used quite loosely**

Sometimes 'kidnapping' is used about incidents where adults are intercepted traveling with children they are not related to, with no regard to whether the children have actually been abducted or not. For example, in 2003 six adult 'kidnappers' were arrested in Takhar province traveling with 17 adolescent boys (this incident is also referred to above). Both kidnappers and boys were from the same districts in Badakshan, a province in the most Eastern part of Afghanistan and they were reportedly going to Iran. It seems unlikely that six adults could keep 17 adolescent boys (six of them were actually 18 and above) forcibly confined during such a long travel, and interviews with the children and family suggest the families were aware that the children left, and that the children were going to Iran to work and earn money.<sup>31</sup> This is not kidnapping – the children were not removed or held by force.

#### **Most cases of trafficking may not involve kidnapping**

In terms of trafficking, it is important to remember that kidnapping as a method for acquisition is rather more difficult and risky than getting someone to come along willingly by promising

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<sup>25</sup> Discussions with DoLSA and AIHRC Kabul and Herat 2007.

<sup>26</sup> See also Trafficking in Persons: An Analysis of Afghanistan, IOM 2003 for earlier cases. AIHRC has data on kidnappings of children, but the numbers are not publicly available.

<sup>27</sup> Discussions with UNICEF Afghanistan 2007.

<sup>28</sup> Child Trafficking in Afghanistan, UNICEF 2004.

<sup>29</sup> Discussions with AIHRC in Kabul 2007.

<sup>30</sup> Child Trafficking in Afghanistan, UNICEF 2004.

<sup>31</sup> Child Trafficking Report in Takhar Province, UNICEF Kunduz Office, 16 November 2003; Trafficking in Persons: An Analysis of Afghanistan, IOM 2003.

them something, for example a well paid job. Kidnapping involves the risk of being seen or identified at the time of abduction and later during travel, while having to keep that person under control and unable to make contact with other people. Although kidnapping is perhaps rather common in Afghanistan compared to many other countries, focusing on this when discussing trafficking keeps leading to the false representation of all kidnapping cases as trafficking. It is better to again keep the focus on acquisition for the purpose of exploitation, and recognize that kidnapping as a form of acquisition may be more relevant in Afghanistan than in many other countries.

#### 4. Can marriage be a vehicle for trafficking?

A typical wedding in Afghanistan involves a bride who is still a child. The legal age of marriage for girls is 16, or 15 at her father's discretion, however marriages are rarely registered. Customary practices approve marriages of children under 15 - one study found that marriage of girls down to the age of 10 was not uncommon.<sup>32</sup> Suffice to say that in most cases brides are still children.

In Afghanistan it is common for the groom to pay a bride price to his wife's family; amounts from a few hundred to several thousand USD have been reported.<sup>33</sup> A daughter can thus be a significant one-time financial asset to her family: 'The strategic value of daughters in terms of overall debt management is systematically acknowledged; expected bride prices are part of debt repayment strategies and enter into "calculations".'<sup>34</sup> As a result, girls may end up married or engaged at a very early age, releasing the bride price that may sustain her family's living for years to come – at the time when they need it, with less concern for her age or future with the proposed groom.<sup>35</sup>

#### Forced marriage and its variations

Forced marriage is when a person is married without his or her free and full consent.<sup>36</sup> This is a fact of life for many if not most Afghan girls and women. Though most common in rural areas, the practice cuts across social, ethnic, religious, tribal and economic divisions of Afghan society, and some have estimated that between 60 to 80 per cent of marriages are forced.<sup>37</sup> The bride price is generally negotiated between the two families.

In some cases **girls are given away to settle family debt**. A family unable to pay their debt may give a daughter as a 'free' bride in exchange for the debt to be reduced or cancelled. The girl may be given to the creditor (for him or one of his sons to marry) or to someone else, but in any case her bride price is applied to the debt. In addition to pressure from the creditor the local council can be involved in making the decision to give away the girl. There is very little information about how common these marriages are, but exchange marriages for debt

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<sup>32</sup> Study on Child Marriage in Afghanistan, Medica Mondial, 2004. The youngest girls were seven at the time of marriage.

<sup>33</sup> Finding the Money: Informal Credit Practices in Rural Afghanistan, Floortje Klijn and Adam Pain, AREU 2007; Trafficking in Persons: An Analysis of Afghanistan, IOM 2003.

<sup>34</sup> Finding the Money: Informal Credit Practices in Rural Afghanistan, Floortje Klijn and Adam Pain, AREU 2007. The quote is from page 9.

<sup>35</sup> The Opium Brides of Afghanistan, Newsweek April 7 2008. Trafficking in Persons: An Analysis of Afghanistan, IOM 2003.

<sup>36</sup> Forced Marriage of the Girl Child, Report of the Secretary General, UN document number E/CN/6/2008/4. Hence it differs from arranged marriage, where parties consent to third party assistance.

<sup>37</sup> Afghanistan Independent Human Rights Commission, <http://www.aihrc.org.af/womenrights.htm>.

settlements are reported all over the country. To free the family from debt, a father may promise a girl's hand in marriage while she is still a toddler.<sup>38</sup>

In some cases **girls are given away to settle a dispute**. As retribution to the other party in the conflict, a man can give a daughter 'for free' - losing the bride price. For example if a son has killed a member of another family, his sister may be offered in marriage to settle the feud.<sup>39</sup> Local councils are often involved in the decision-making. Girls married off in this manner may have a particularly low status in their new family. Some will not even be married, but function as a wife in terms of sexual relations and domestic labor, while denied the legitimacy of marriage. There is very little information about how common these exchange marriages for settlement of dispute are, some suggest they are most common in Pashtun areas.<sup>40</sup>

In some cases, **girls are kidnapped for marriage**, circumventing the need for her family's consent and the bride price. In some cases the groom may later approach the family and inform where the girl is, most likely with little risk to losing his wife due to the marriage being consummated and the shame taking her back would bring on the family.<sup>41</sup>

A forced marriage may also turn out to be a **false marriage**. In Afghanistan this expression is often used about cases where the girl is kept as a temporary wife, forced into prostitution, and/or given or sold to someone else. There have been some reports of wealthy Pakistani Pashtuns tempting families in Pashtun areas of Afghanistan to give their daughters away for a hefty bride price – and the girls being sold or forced into prostitution.<sup>42</sup> There is generally very little information available on cases of false marriages. Possibly many are never discovered, and those who are may prove too challenging for the families to take on considering the cultural norms for female status and behavior.

Sometimes a girl is exchanged for the bride price, but the buyer does not intend to marry her but rather to pass her on with her value intact. The family may be aware of this, so it is not a false marriage, but rather a **'trade marriage'** or similar. For example, in one case a taxi driver hit and killed a boy, and the boy's family demanded compensation. The taxi driver bought an 11-year-old girl for USD 5,000 from an acquaintance and gave her to the family.<sup>43</sup> The bride price institution combined with families living in dire poverty can lead to such a market where families initially only trade, not marry, their daughters for the bride price.

### [How do these practices relate to trafficking?](#)

There is no doubt that any forced marriage is a grave human rights violation.<sup>44</sup> But is it trafficking? The bride-price custom means that girls in effect are turned into commodities: They can be exchanged for money or honor. This, combined with a marriage being forced,

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<sup>38</sup> Trafficking in Persons: An Analysis of Afghanistan, IOM 2003. The Opium Brides of Afghanistan, Newsweek April 7 2008. The girl is not necessarily handed over at such a young age, and may move to her new family as household staff before she is married.

<sup>39</sup> (In)humane exchange, Alisa Tang, Bangkok Post July 17 2007.

<sup>40</sup> Trafficking in Persons: An Analysis of Afghanistan, IOM 2003; (In)humane exchange, Alisa Tang, Bangkok Post 17 July 2007.

<sup>41</sup> Trafficking in Persons: An Analysis of Afghanistan, IOM 2003.

<sup>42</sup> Child Trafficking in Afghanistan, UNICEF 2004.

<sup>43</sup> Afghan Women' Network office in Jalalabad, quoted in (In)humane exchange, Alisa Tang, Bangkok Post 17 July 2007.

<sup>44</sup> The right to marry only with one's free and full consent is reflected in the Universal Declaration of Human Rights and in a number of subsequent international human rights treaties.

resembles in many ways the core of a trafficking case – that a person loses freedom and is forced into exploitation.

Forced marriage in exchange for money has been internationally defined as a practice similar to slavery.<sup>45</sup> Slavery is mentioned in the trafficking protocol as a form of exploitation. But what about the acquisition, and the ‘for the purpose of’ linkage? One could argue that the agreement on the marriage is the acquisition. But there is no ‘trafficker’ – the only agents are the bride’s family and the groom side. Can parents be said to ‘traffic’ their own child? Or can the groom be said to traffic her when he plans to live with her? Certainly most families on both the groom and bride’s side would not see the transaction as an acquisition for the purpose of exploiting the girl. These are difficult questions with few clear answers, but it does not appear useful to label all forced marriages as trafficking. This does not reduce the seriousness of the human rights abuse that these girls are subject to – just that other labels such as exploited or enslaved are more appropriate and precise than trafficked.

Some argue that while regular forced marriages for cash are not trafficking, exchange marriage for settlement of debt or dispute is trafficking.<sup>46</sup> However it is not clear exactly how they are different. The girl is exchanged based on her value in cash, the only difference is that the family does not receive the money, they receive honor or debt reduction, the latter is the same as receiving money. If exchange marriages are considered trafficking, a proper debate is needed on whether and how this is different from regular forced marriages for bride price.

False marriages appear as clear trafficking cases. The girl is acquired for the purpose of exploitation. Kidnapping for marriage also seems to fit under the trafficking definition – if forced marriage is accepted as a practice similar to slavery. Trade marriages also seem to be close to the trafficking definition, as here the control of the family over the destiny of the girl is lost.

#### [A note on gender in the trafficking context in Afghanistan](#)

Due to finding many more cases of trafficking in boys than of girls, some have suggested that Afghanistan is one of the few countries in the world where boys appear to be the more common victim.<sup>47</sup> As has been noted above in the section on kidnapping, cases involving sexual exploitation of girls are much less likely to be divulged than those involving boys. But is this all that can explain why there are few cases of girl trafficking?

The section above on forced marriage is not about labeling traditional practices as trafficking, but about recognizing that in order to ‘see’ cases of trafficking in girls, it is necessary to look within these practices. It highlights that currently more cases of boys may be identified simply because it is mostly arenas where boys move that are being included. They can migrate for work, they can move more freely outside the house, and so they are more likely victims of kidnapping and smuggling that could lead to trafficking. Girls on the other hand, while much more protected from kidnapping and smuggling, **can be bought** through the institution of marriage. Those who are looking to ‘acquire’ a girl may simply marry her. If a person with ill intentions knows that he can sell the girl or earn enough money off her to cover the bride price he has paid and earn him a profit, **posing as a groom is a way of acquiring a girl that is**

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<sup>45</sup> Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.

<sup>46</sup> Trafficking in Persons Report 2008, US Department of State; Trafficking in Persons: An Analysis of Afghanistan, IOM 2003.

<sup>47</sup> Child Trafficking in Afghanistan, UNICEF 2004.



**perfectly legal.** If girls are kidnapped, it is also most likely for marriage. It is necessary to start unpacking the marriage practice to get a proper view of trafficking in Afghanistan - much more study is required of the trade in girls under the umbrella of marriage.

What then sets Afghanistan apart from other countries when it comes to trafficking trends is perhaps not that trafficking in boys is 'more common', but that it is a country where the forms of acquisition in girls and boys are quite markedly different. Both girls and boys are vulnerable to trafficking, but in different ways.

### **What can be learned from this**

Many of the misconceptions discussed above have persisted now for about half a decade in Afghanistan. They remain key obstacles to any proper debate on the trafficking situation in the country, and have also likely prevented well-targeted and founded interventions to counter trafficking. A major lesson must be that it costs to be rash about trafficking.

Requirements to evidence have been very slight. Although it is difficult to get evidence of trafficking, this does not mean it is appropriate to resort to personal judgment or hypothesizing. Doing so can lead to a host of loose ends, shifting or confusing the focus of debate and interventions.

Trafficking has been seen as linked to several specific situations, such as for example children migrating on their own, or children working in the worst forms of child labor. Trafficking is not signified by a particular feature such as those, but by the presence of a process, a chain of events (acquisition for the purpose of exploitation). Exactly how these events look will change from case to case.

Seeing trafficking as a chain of events will benefit both the larger vulnerable groups that are now often included as 'trafficked' and the real victims of trafficking. Applying the label trafficking to broader groups of children only reduces the capacity to support and protect them. If all migrant children are thought to be trafficked it becomes irrelevant to look at the reasons why they migrate and how they cope with it – which are key issues to consider for interventions to reduce the need for children to migrate and protect those who must. Losing the focus on particular circumstances as 'trafficking' is also needed in order to be able to continually expand or adapt counter trafficking programs as new trends emerge. So far, domestic trafficking and trafficking in girls are suffering from being somewhat outside the established 'forms of trafficking.'

### III. INCIDENCE: RECORDING AND USING DATA

Statements on trafficking tend to say that trafficking is ‘on the rise’ or a ‘significant problem’ or an ‘increasing concern’ in the given country. There is no reason to contest the seriousness of any single case of trafficking, but when it comes to its prevalence, it is necessary to ask: How do they know that?

Obviously, trafficking is not something that can be surveyed. Whether there is a law against it or not, trafficking is about exploitation, and parts of the act of trafficking will usually be punishable under some law in most countries. Trafficking is an underground activity, and the only data possible to achieve are individual case records either from law enforcement or civil society organizations.<sup>48</sup>

#### 1. Data from law enforcement

There is no anti-trafficking law yet in Afghanistan. The Government started work on a draft bill in 2006 scheduled to be finalized in 2007, but in early 2008 it is still being reviewed and revised.<sup>49</sup> Once such a law is adopted and implemented, there will be data on cases that can be monitored for trends, and hopefully all cases adjudicated will then be registered centrally and by the same authority. At the moment however, trafficking cases are very difficult to identify and are recorded in different units of the judicial system.

##### Ministry of Interior data on kidnapping and other crimes against children

A trafficking case (whether or not it is recognized as such by investigators) will often be prosecuted based on some feature of the case that is established in the current criminal code. Such crimes could be for example kidnapping, running away from home, adultery and prostitution.

Crimes involving minors, either as perpetrators or victims, are investigated by a special unit in the Criminal Investigation Department (CID) in the Ministry of Interior. The exact name or translation of the unit seems to vary; in Kabul the English translation is ‘Crimes related to minors and protection of children department’, some also refer to it as ‘Child protection department’ or similar.<sup>50</sup> This unit also exists at provincial level within the provincial CID.<sup>51</sup> The central unit in Kabul receives reports of cases from all provinces and thus has data on ‘trafficking-related’ trends such as kidnapping, running away from home and prostitution.<sup>52</sup>

These numbers are not publicly available or shared among relevant organizations. They are however quoted by various Ministries and some organizations in an ad hoc manner, typically in trafficking related settings. It is important to be clear however, that these are not numbers on trafficking, only on other crimes as noted above. While investigators in CID are aware of

<sup>48</sup> Based on such data, some generate estimates of the unknown ‘real’ number of trafficking cases.

<sup>49</sup> For an analysis of current legislation and the development of an anti-trafficking bill, see Report of the Review of Laws to Combat Trafficking of Human Beings, Sapana Malla, UNICEF Afghanistan 2008 (unpublished).

<sup>50</sup> It is also called ‘Protection and Assessment of Children and Youth’ (Balkh province), and ‘Crimes related to minors’ (Jawzjan province). Correspondence with UNICEF Zonal Office 2007.

<sup>51</sup> CID extends down to District level, but then it is often just one person, hence there is no separate crimes related to minors section or staff at district level. Correspondence with UNICEF Zonal Office 2007.

<sup>52</sup> Some suggest that the majority of cases involving children will not go to this department, but be grouped with crimes of adults under other departments of the CID due to corruption and the greater possibility for bribery. Hence the data from the MoI may not adequately reflect the real number of cases. Correspondence with UNICEF Zonal Office December 2007.

the issue of trafficking, and may recognize evidence that suggests a case is trafficking, this is not recorded and the case goes to court as for example a kidnapping case. Hence there is currently no way of knowing what proportion of the MoI cases actually is trafficking.<sup>53</sup>

### Presidential decree on kidnapping and trafficking

In 2004 a presidential decree was issued on kidnapping and trafficking in children.<sup>54</sup> This decree makes trafficking illegal but does not define what it means by ‘trafficking’. The decree also includes kidnapping, which was already criminalized in the penal code. With the decree, law enforcement and court can take action on trafficking of children and define it with the court interpretation. The decree focuses on a certain kind of kidnapping or trafficking cases, namely those committed by criminal and organized groups at the international level. These are ‘crimes against national and international security of the country’ and cases are prosecuted by the ‘court for crimes against national and international security’.<sup>55</sup>

Several hundred cases have been registered annually (see Table 1), though the court does not have any separation between trafficking and kidnapping cases. It is also possible that cases of smuggling are included, since these also involve security and organized crime issues.<sup>56</sup> The Attorney General’s office suggests that approximately 35 per cent of the victims are girls, and about 25 per cent of cases are related to sexual exploitation.<sup>57</sup> It would seem that at least a quarter thus could be trafficking cases (since they presumably were kidnapping in addition to sexual exploitation), however the data has not been available for review.

**Table 1. Number of cases under presidential decree 2004-06<sup>58</sup>**

Year	2004	2005	2006
No of cases	246	373	320

As seen above, it is currently not possible to get any data on number of trafficking cases from the judicial system in Afghanistan. Cases are ‘hidden’ both in the records of the Ministry of Interior and the records of the presidential decree. Interesting work could be done with both, in terms of reviewing data and case information to see if there is a possibility of getting a sense for the proportion of trafficking cases or cases with a trafficking possibility. Needless to say, however, this would in no way reduce the need for a proper, separate, clearly defined anti-trafficking law.

<sup>53</sup> Discussion with Crimes Related to Minors Section of CID in MoI in Kabul 2007. At that time the section was considering possible ways of starting to record, informally, trafficking cases in the system.

<sup>54</sup> Presidential Decree of Islamic Transitional Government of Afghanistan on the intensification of the campaign against kidnapping and trafficking of children. Official Gazette 03.04.2004, Decree number 47.

<sup>55</sup> This is also referred to as the Office of the Public Prosecutor for National Security. This is a separate court of the National Directorate of Security (NDS), a unit that falls directly under the President and is outside the Ministry of Interior and its police and court system.

<sup>56</sup> Discussions with NDS in 2007 suggested that both smuggling and trafficking cases were under their jurisdiction and the data on cases was not disaggregated. Hence it may be that smuggling is adjudicated under the same decree.

<sup>57</sup> Discussions with UNICEF Afghanistan 2007.

<sup>58</sup> Numbers from NDS , Kabul. The years are according to the Afghan calendar, from March 2004 to March 2006.

## 2. Information from non-government sources

A second source of information about trafficking cases is with domestic and international development organizations. Below is an overview of some of the key players whose field of work intersects with the trafficking issue.<sup>59</sup>

The United Nations Office on Drugs and Crime (**UNODC**) has been active in supporting the development of a new anti-trafficking bill and has close working relationships with border police through their work on countering drug trafficking. They do not however record or deal directly with individual cases.

The International Organization for Migration (**IOM**) published a situation analysis on trafficking in 2004, and has been working on the trafficking issue particularly through law enforcement training and supporting the drafting of the new anti-trafficking bill. A new updated situation analysis on trafficking is to be published in 2008. IOM has worked closely with CID of the Ministry of Interior on individual case support and shelter; it is not clear how or whether trafficking cases are separated from kidnapping, exploitation and other cases.

The United Nations High Commissioner for Refugees (**UNHCR**) supports the Ministry of Refugees and Repatriation in monitoring the return of Afghans. They have a strong presence especially along the Western border to Iran and are monitoring deportations of unaccompanied children, most of whom are labor migrants who have been smuggled into Iran. Through interviews with these children UNHCR has identified alarming conditions surrounding the smuggling of minors to Iran, including cases of trafficking.

The United Nations Children's Fund (**UNICEF**) has so far only had ad hoc data on trafficking, for example in connection with studies or particular incidents involving groups of children.<sup>60</sup> In 2007 however, following reinvigoration of the Child Protection Action Networks (CPAN) in 11 provinces (where organizations and government authorities active in child rights issues meet to discuss issues and refer cases) a structured reporting format has been set up. In the first two reports covering May to October 2007 two cases of trafficking were reported to provincial CPANs.

The United Nations Assistance Mission in Afghanistan (**UNAMA**) has a broad field presence, and do receive reports of trafficking. Information seems to be shared with other organizations in the province on an ad hoc basis. There is no accumulated data available at the central level.

The Afghan Independent Human Rights Commission (**AIHRC**) receives complaints from individuals of human rights abuses including trafficking. There is a Child Rights Unit and a separate Monitoring and Investigation Unit that keeps records of cases. Most of their 'trafficking-related' data is about children reported missing or kidnapped. These numbers are not publicly available or shared among organizations.<sup>61</sup> In 2004, a study was done on 20 such cases, finding that only eight of them ended in a verdict. The study is not available in

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<sup>59</sup> Based on discussions with staff from all the mentioned organizations in Kabul 2007.

<sup>60</sup> See Child Trafficking in Afghanistan, UNICEF 2004; Follow up on the Deported Children to Baghlan Province, Mission Report 23-29 January 2004; Assessment on Child Trafficking in North and Northeast Afghanistan, UNICEF 2003; Child Trafficking Report in Takhar Province, UNICEF Kunduz Office, 16 November 2003.

<sup>61</sup> The majority of the kidnapping cases are for money or tribal disagreements; only 5-6 cases from recent years were identified as involving exploitation. Discussions with AIHRC, Kabul 2007.

English, and it is not clear whether it provides information to determine if any of the 20 cases were trafficking cases.<sup>62</sup>

### **So, what is really known about the incidence of trafficking?**

In sum, there is currently no source for reliable trafficking information in Afghanistan. Various organizations and government authorities have ad hoc encounters with cases (that are often poorly identified), and do not systematically share their data with each other at local or central levels.

As a result, there is a lot of misinformation in circulation. In its 2006 Trafficking in Persons report, the US State Department stated that 'The Afghan Independent Human Rights Commission reported 150 cases of child trafficking this year, though many suspect the actual level of trafficking is higher.'<sup>63</sup> According to AIHRC, not only did they never have 150 cases, but as seen above they also do not have a system in place to identify trafficking cases in the first place.<sup>64</sup>

Similarly, a UNICEF assessment in Takhar province found that UNAMA documented 106 cases of children missing, kidnapped or trafficked, while the police reported rescuing over 100 children from kidnapping/trafficking the same year (in another report IOM refers to 85 minors intercepted by police in Takhar). There was no way to find out to what extent the records from the two parties overlapped: 'It is not known whether the police and UNAMA are reporting the same cases or not because reporting was not standardized/coordinated among partners.'<sup>65</sup>

Organizations may access different groups of trafficking victims: for example UNHCR is more likely to encounter trafficking victims among children smuggled across the border, whereas AIHRC seems likely to keep a better track on children kidnapped for exploitation. There are of course many I/NGOs in various provinces that will also come across individual cases.

**Improved identification, reporting and sharing of cases is sorely needed to avoid overlapping reports and confusion around what the numbers really are.** There are often several coordination meetings or structures at the provincial level, but still sharing is poor. There is also no system for how to move information to the central level in such a manner that all organizations are aware if they are reporting the same number. Improved sharing at central level in Kabul is also needed, to coordinate statements and reports, as well as the long term planning and coordination of interventions. A Committee to Counter Child Trafficking was set up in 2004 under the leadership of the Ministry of Labour, Social Affairs, Disabled and Martyrs (MoLSADM) however it has since long been inactive.

### **A note on data**

There is no excuse for the confusing and poor reporting on trafficking cases in Afghanistan. It needs to be improved. Such data, even if cases are properly identified and reported, will of course not reflect the true number of trafficking cases. That is an impossible goal and not their purpose. The key purpose of good trafficking information is to allow some monitoring of trends in forms of acquisition and exploitation - which will tell which groups of children may

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<sup>62</sup> This may be the same as an unidentified 2004 study referred to on the AIHRC website as being on 'how the judicial system handles cases of trafficking.' Discussions with AIHRC, Kabul 2007.

<sup>63</sup> Trafficking in Persons Report 2006, US State Department.

<sup>64</sup> Discussion with AIHRC, Kabul 2007.

<sup>65</sup> Assessment on Child Trafficking in North and Northeast Afghanistan, UNICEF 2003.

be most vulnerable and inform interventions. There needs to be a basis for what is said and planned about trafficking, and this is why better information is desperately needed.

The power of ad hoc surveys and studies to do this is limited. They often differ in the type of cases they focus on, and which geographic areas they cover. Each one will give a small piece of the puzzle, and they are not always comparable. National studies have also been done, they are costly, and tend to identify very few cases.<sup>66</sup> With only a handful of cases, it is very difficult to design well based interventions.<sup>67</sup> They also have little local or government involvement, and so will not be effective in improving local capacity to identify cases, refer and protect the children. Finally such studies generally do not provide for any individual follow up, and ethical issues may arise as children might need protection and support after sharing their story.

If ad hoc studies are made, they should be based on the rolling reporting of cases, as tools to get better information on a particular issue or geographic area. An issue that has not been covered much in existing studies on trafficking in Afghanistan is how referral, support and protection of trafficked children functions (or does not function). If the need or desire is to 'uncover cases' the study should be dropped in favor of supporting improved case recording systems in the country.

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<sup>66</sup> See for example *Trafficking in Persons: An Analysis of Afghanistan*, IOM 2003. Discussions in Kabul with research teams currently doing similar analyses confirmed that it remains very difficult to identify even a single case.

<sup>67</sup> The *Child Trafficking in Afghanistan* study by UNICEF In 2004 covered four provinces and found 29 cases (though really only about 11 of them or so appear certain trafficking cases).

## IV. INTERVENTIONS

Interventions on trafficking in Afghanistan have so far been limited and ad hoc. The initial surge of interventions came in 2003 following the Saudi and Takhar incidences (as discussed above, these were not necessarily trafficking cases). UNICEF and IOM both published situation analyses in 2004, and in the same year the Committee to Counter Child Trafficking headed by MoLSADM (see above) was established and immediately developed a National Plan of Action (NPA) on Trafficking.

The Committee was short-lived, however, and oversight and implementation of the Plan was lost. Instead, agencies and organizations generated their own interventions in response to perceived needs. These interventions were designed in an environment where, as seen above, both the understanding of trafficking and the information about trafficking was poor. Some of the key interventions are discussed below, with suggestions for how they can be tweaked to better suit the situation – even without waiting for an improvement in trafficking understanding and information.

### 1. Raising awareness among children and their families

Awareness campaigns are popular as tools to prevent trafficking. This was also one of the first reactions to the incidents in 2003. The 2004 UNICEF Situation Analysis was done to inform a mass campaign about trafficking (the campaign was never implemented).<sup>68</sup> Other organisations have developed posters for distribution to schools and other relevant institutions that are still in use, listing dangerous situations for children and their parents to be aware of. Recently an international organisation developed child-friendly materials for awareness on trafficking, though their translation suggests a strong focus on kidnapping (the danger of strangers in the village), making it most relevant for prevention of kidnapping (and the proportion of trafficking cases that start with kidnapping).<sup>69</sup>

Although the data on trafficking is limited, there is enough information to better target such mass campaigns. For the thousands of adolescent boys leaving their families each year to migrate for work either within or outside the country, notions of trafficking being a risk in the home community when it is infiltrated by strangers will not help. It is necessary to get away from this misconception that has haunted the trafficking debate in Afghanistan for so long. Trafficking must be presented with more accuracy – that it entails acquisition and exploitation – and that a child is vulnerable to this in the home community, in public areas, at work, at school, after having safely migrated for work with a trusted uncle – anywhere where they may be ‘recruited.’ Awareness of trafficking among children and families needs to focus equally on kidnapping, the risks of irregular migration and separated children in employment, as well as false and ill-intentioned marriages.

At the same time, awareness must be treated as a limited tool to prevent trafficking. Children can be educated about kidnapping (which in fact probably most children in Afghanistan already are, considering that kidnapping is not that uncommon), but their power to actually prevent it from happening is limited. Parents and adolescents can be educated about the

<sup>68</sup> The 2007 US State Department Trafficking in Persons Report says that UNICEF and MoLSADM in 2006/07 ‘conducted a broad public awareness campaign to educate the public on the dangers of trafficking and resources for assistance.’ This is not correct. The only ‘awareness campaign’ by UNICEF/MoLSADM was the capacity building training in 2004 mentioned earlier in the paper. Discussions with UNICEF Afghanistan, Kabul 2007.

<sup>69</sup> Review of materials and discussions with several organizations in Kabul 2007.

risks of separated children and vulnerability to trafficking (for example in connection with migration for work within or outside the country), but this will not do much to change their need to find work. Many will therefore still go, and so awareness about the risk of trafficking should go hand in hand with awareness on safe migration.

Prevention of trafficking must be seen in a much broader light, it is about changing the factors that put children in these high-risk situations. It involves community level change on issues such as forced marriage, the conditions under which young boys are sent away from home to work, improving local opportunities for income. Currently there is very little connection between such projects and so-called 'anti-trafficking projects.' These two camps need to be coordinated and connected, so that those running social change programs see their work also from a prevention of trafficking angle, and those running anti-trafficking projects coordinate with those running programs that are much broader in the fields of poverty alleviation and social change.

## 2. Shelter for victims

A natural response to the initial cases of mass deportations of children was to provide emergency shelter awaiting family reunification. It is true that facilities for children in need of immediate assistance and protection are far from adequate in Afghanistan, though things have changed somewhat since 2003 with the large number of organizations active in the country.

Establishing shelters specifically for trafficking victims is still often proposed as a trafficking intervention. One international organisation is currently building such a shelter in Kabul and several other organizations have been approached by donors to do the same.<sup>70</sup> Due to the issues discussed so far in this paper there is no reliable information suggesting that there is a need for separate facilities for this group.

First, it is necessary to see what the needs are, how are trafficking cases occurring in different provinces currently handled? Are existing shelter facilities for children in need of protection able to absorb this group? Can their current services be supported to enable handling of trafficking victims? The needs of other groups of vulnerable or exploited children are very similar to those of trafficking victims; shelter and food, protection, counseling, support for family reunification and so on. As long as there is no clear indication of any overflow in the support system for exploited or abused children it does not seem warranted to build separate facilities.

The poor state of the current system for supporting and protecting children in need (they are often placed in orphanages or even detention due to lack of a proper place) just further underlines the need to improve regular facilities for exploited or abused children rather than building new ones. It would seem completely unwarranted and unethical to create new and separate facilities for the much smaller group of children that will be victims of trafficking. There is a need to support locally, at the provincial level, so that children remain close to their place of origin, making eventual reintegration more likely. This further underlines the need to have shared services, since the number of trafficking cases will be even fewer at this level. Shelters in large urban areas, especially if equipped with services such as education and vocational training facilities, will make it very difficult and unlikely that rural children will ever return home to their families (whether they are trafficking victims or not).

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<sup>70</sup> Discussions with several organizations, Kabul 2007.



### 3. Reintegrating trafficking victims

There is no body of experience on reintegrating trafficking victims in Afghanistan, very little has been documented. Different organizations will have their own experience from dealing with individual cases. 'Reintegration' projects are plentiful, but deal with many different groups of children, such as children affected or displaced by war, children returning from exile abroad, children deported and so on. Sometimes they are mixed together - UNICEF supported a reintegration project in Baghlan province in 2005-06 following the deportations of children from Saudi Arabia that also targeted children affected by war in the area. Reintegration projects often focus on literacy classes and vocational training, and programs like these are run all over the country by various organizations and the government.

Most will report numbers on graduates rather than numbers of graduates who either transfer to regular schools or are able to make a living off their new skills. It is therefore difficult to get an appreciation for the success of these courses in reintegrating children. There is however growing awareness and concern regarding the need to properly assess the success of such programs, which should be supported from a trafficking perspective as well.

In a country where the education system is poor, families are living in extreme poverty, there is widespread unemployment, enrolling in a vocational training class is in itself a very attractive prospect for a young person. They are given training, sometimes even some allowance for attending, and food. Proper evaluations of reintegration projects are needed to ensure that these services are not offered without well and functioning connections to local markets.<sup>71</sup>

Protection of trafficking victims is a big issue internationally, in Afghanistan it has two sides: The victim may need protection not just from the traffickers, but also from his/her family, due to the shame the child brings on the family by being associated with the incident. This is particularly so if the case involves sexual abuse or exploitation, and if the victim is a girl. The need to work closely with communities and families of victims to enable reintegration of sexually exploited children is nothing new, but the consequences are more severe in Afghanistan than most countries, and the capacity likely much lower. There needs to be a build up of body of work and experience in how to tackle this issue, which is currently ongoing by organizations working with domestic violence and abused children. Their experience is highly relevant for designing or supporting counseling and family reintegration of trafficking victims. Here too, there needs to be more coordination and linkage between an existing body of work and experience, and the 'anti-trafficking' people and projects.

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<sup>71</sup> Visits to orphanages, shelters, juvenile rehabilitation facilities in two border areas in 2007 revealed that most were running some form of vocational training. All but one had very poor relations with local markets and were not able to sell their products - the children were learning skills that had no proven market value.



## V. POOR UNDERSTANDING, INFORMATION AND ACTION

The three parts of this paper are connected: The poor understanding of trafficking leads to poor information about trafficking, and together they lead to interventions that are ill-equipped to do much about trafficking.

There is no common understanding of trafficking in Afghanistan, despite several rounds of training and capacity building. The label trafficking is like a fruit basket; one person speaks of apples while the other speaks of oranges. There is an urgent need to ensure that trafficking is better understood, among international organizations, I/NGOs and government authorities.

There are no reliable data on trafficking in Afghanistan. Cases are not well identified and recorded. A better common understanding is key to getting better information, combined with some prudence in being specific and clear when using and quoting data. The current lack of coordination needs to be replaced by frequent and efficient sharing of information so that a picture of the larger situation can start to develop.

Interventions are limited in their scope, and far too general in their implementation. Even with the current information on trafficking, there is enough knowledge to design smarter and better-targeted interventions. Interventions must be based on fact and analysis, and with a view to sustainability so that existing structures are used to the greatest extent possible. Narrow anti-trafficking interventions must also be linked to broader relevant programs in social change and poverty alleviation to improve their strategic importance and eventual impact.

The three elements of understanding, information and interventions need to move from being ad hoc and subjective to being systematic, evidence-based and transparent. Only then will it be possible to develop strategic and shared goals on child trafficking in Afghanistan, ensuring that all actors pull in the same direction.