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Human trafficking in the Afghan context

Caught between a rock and a hard place?

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Acronyms and abbreviations

AIHRC	Afghanistan Independent Human Rights Commission
ALP	Afghan Local Police
ANA	Afghan National Army
ANP	Afghan National Police
EU	European Union
GI-TOC	Global Initiative Against Transnational Organized Crime
IDP	Internally displaced person
ILO	International labour Organization
IMF	International Monetary Fund
IOM	International Organization for Migration
MOI	Ministry of Interior
MOD	Ministry of Defence
MoLSAMD	Ministry of Labour, Social Affairs, Martyrs and the Disabled
MRM	Monitoring and Reporting Mechanism
NATO	North Atlantic Treaty Organization
NDS	National Directorate of Security
NRM	National Referral Mechanism
OHCHR	Office of the High Commissioner for Human Rights
SOM	Smuggling of migrants
TCNs	Third country nationals
TIP	Trafficking in persons
UASC	Unaccompanied and separated children
UK	United Kingdom
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
US	United States

Summary

Decades of wars and internal conflicts have driven generations and millions of Afghan families into impoverishment, illiteracy, unemployment, and displacement, rendering them unable to provide for their household members, particularly children. Political instability and conflicts have increased human suffering and vulnerabilities, eroded community resilience, stripped people of legitimate and viable economic options, opportunities, and livelihoods, as well as amplifying (in several cases also creating new forms of) human trafficking activities and practices.

Drawing on existing academic and grey literatures, expert interviews and media reports, this paper first provides a brief overview of human trafficking situations, forms, their widespread reach and practices in the Afghan context before and after the Taliban's takeover in August 2021. Second, it discusses the potential implications and impact of various actors' policies, intentions and perspectives both on the humanitarian crises in Afghanistan, and on human trafficking in particular. It argues for prioritising humanitarian assistance, and recommends that stakeholders pursue a pragmatic approach to responses and negotiations that puts human lives at its centre, to prevent worsening the humanitarian crises, exacerbating vulnerability to human trafficking, and further loss of life.

Key points

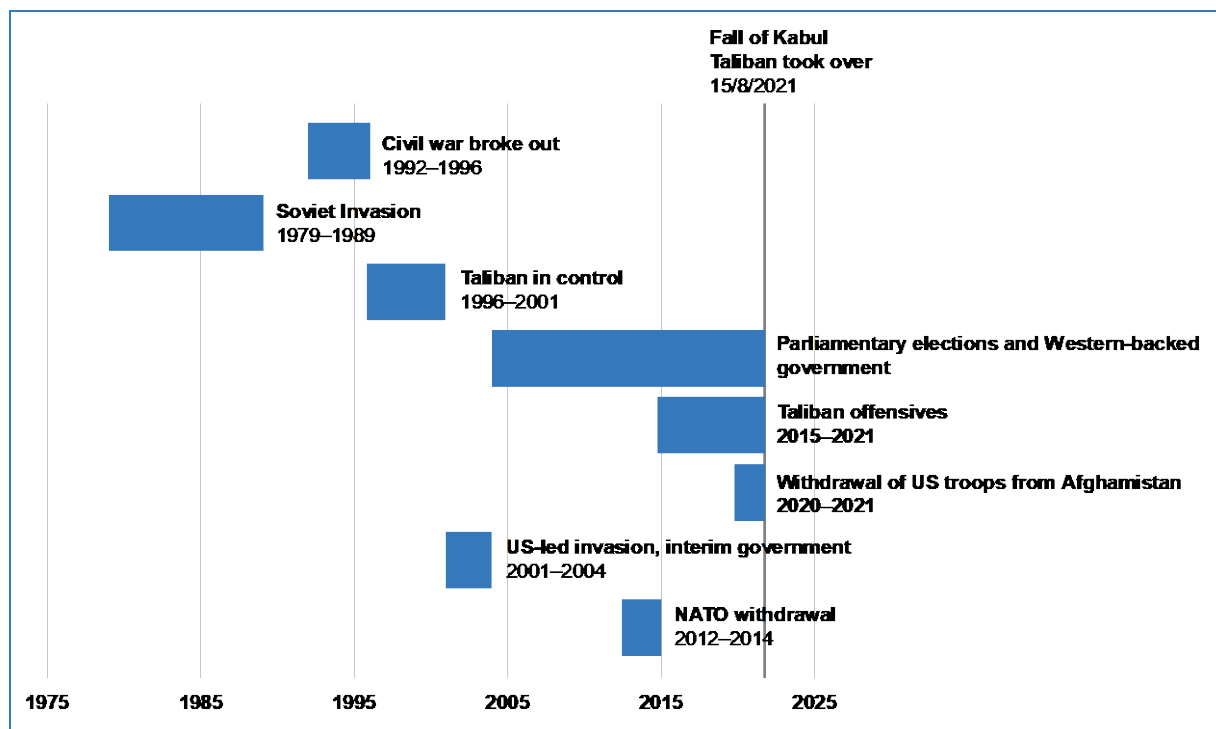
- Afghan women and children, particularly young boys and girls, account for the majority of human trafficking victims within and outside Afghanistan. The continuing humanitarian crises, coupled with widespread unemployment, worsening poverty, and limited opportunities to secure viable livelihoods or receive financial assistance have significantly heightened the susceptibility of Afghan women and children to trafficking. Proposed interventions should aim to provide women with accessible forms of (multipurpose) cash and in-kind assistance that can be used to meet their urgent needs.
- Political instability, deteriorating economic conditions, natural disasters, a global pandemic and the Taliban's recapture of Afghanistan have changed the dynamics of child protection: in many areas girls can no longer go to school, at the same time families encourage children, including boys, to leave school in order to work in carpet making, domestic service, truck driving, and in many cases, to engage in illicit activities and worst forms of child labour such as begging, poppy cultivation and harvesting, transnational drug smuggling, brick kilns, salt mining, and so on, in order to earn money.
- As the Taliban is re-establishing rule and control over the country, many basic government services—including legal and medical—have collapsed during the government transition and continued to remain underfunded.

- Humanitarian assistance is urgently needed to minimise food insecurity, improve access to clean water, and provide other forms of emergency aid. Principled humanitarian action should be the highest and most urgent priority.
- In considering sanctions on the Taliban regime, western countries should exempt any that could potentially delay or limit humanitarian assistance to the most vulnerable groups.
- External stakeholders, especially western countries and international organisations (for instance the United States, and members of the European Union) should pursue a pragmatic approach to their response and negotiations, centred on human rights and human lives, to prevent a worsening of the humanitarian crises, exacerbating vulnerability to human trafficking and further loss of human life.
- Solutions seeking to address the continuing humanitarian crises in the country and to support the population of Afghanistan should also include millions of Afghan migrants and refugees in the two largest host countries: Pakistan and Iran.
- There should be no forced return (refoulement) or deportation of the Afghan migrants and refugees, especially of those born outside Afghanistan.
- Civil society actors and humanitarian responders in the country need to remain alert to and be prepared to face any potential hostility and retaliation by the Taliban.

1. Introduction

Afghanistan has a long history of conflicts and power struggles, as shown in Figure 1. The timeline in the modern era dates from 1838, when the British forces invaded the country (BBC, 2019). Decades of wars and internal conflicts have driven generations of Afghans into impoverishment and unemployment. Millions of Afghans have been internally displaced or forced to flee the country, particularly since the 1979 Soviet invasion and occupation. At its peak, there were some 6 million Afghan refugees and 2 million internally displaced persons (IDPs) by the late 1980s during the Soviet occupation (Schmeidl, 2014).

Figure 1. Afghanistan—Timeline of Events



Source: The author, based on BBC (2019).

Uneducated, unemployed, impoverished, constantly on the move and fearing persecution, for generations, millions of Afghan families have been left fending for themselves and unable to provide for their children. Coupled with the lack of resources, infrastructure, institutional protection, support and legal mechanisms and framework, as well as weak, fragile and transitional governments owing to years of instability, Afghan women and children have been sold or otherwise forced into marriage, forced labour, and other human trafficking practices, including *bacha bazi*,¹ child soldiers, organ removal, forced criminality, as well as being used as child / female suicide

¹ '*Bacha bazi*', literally translated as 'boy play', also known as 'dancing boy', is an Afghan custom or common practice pursued by wealthy and powerful warlords and businessmen who exploit young boys (as young as 11 or 12) as 'tea boys', entertainers, dancers and sexual partners (Somade, 2017).

bombers. Non-Afghan nationals have also been reported to be trapped in human trafficking situations amidst the conflicts, invasions, and changes of government (Black, 2014).

Human trafficking in Afghanistan is similar to what occurs in other humanitarian and conflict-affected contexts, especially concerning the lack of or undermined state-level responses, the use of child soldiers, heightened vulnerabilities of refugees and internally displaced persons (IDPs), and the intensification of existing human trafficking practices. There are, however, factors and characteristics contributing to human trafficking which are specific to the Afghan context. These factors include the cultural and religious beliefs, values and practices which have led to the treatment of women and girls as inferior citizens and ‘commodities’, the use of impoverished, underage boys as *bacha bazi*, and of child soldiers and suicide bombers as weapons of war.

After almost two decades of the US-led invasion and western-backed Afghan government since October 2001, the Taliban swiftly captured Kabul on 15 August 2021 and regained control of the country amidst the withdrawal of the final US-led military presence. This has led to a mass exodus of Afghans and foreign nationals, putting thousands in danger not only of the Taliban’s persecution, but also of aggravated smuggling and trafficking risks, since many cannot afford the thousands of dollars in transport or smuggling fees (Goldbaum & Faizi, 2021), thus resorting to the ‘pay-as-you-go’ model. This form of smuggling significantly aggravates the situations facing migrants, which could lead to them falling victim to human trafficking (Reitano & Bird, 2018). Despite this, many still considered it necessary to leave the country, as one Afghan man indicated:

Trying to leave legally is costly, and if we go illegally it is dangerous. But right now the country is even more dangerous. (Goldbaum & Faizi, 2021)

As the Taliban is re-establishing control, seeking the legitimacy of its government, and regaining a major foothold in the country and region, western actors and the international community have reportedly been negotiating with and pressuring the Taliban to uphold human rights, especially those of women and girls, in their governance and administration practices (GI-TOC, interviews with regional experts on Afghanistan, February–March 2022). It remains to be seen whether the Taliban will accede to any such requests and demands in return for their regime’s recognition and international aid and support. What is clear, however, is that decades of conflict have significantly increased vulnerabilities, eroded community resilience, and amplified human trafficking activities and practices in the country and inflicted on the Afghan people. The longer these tensions and negotiations go on, coupled with pre-existing humanitarian crises—for example, the largest increase of hunger and famine in the country the UN has ever reported (Goldbaum & Faizi, 2021) and natural hazards (for instance, one of the most severe droughts in 30 years) before 15 August 2021—the more lives will be lost, with greater human suffering and even more refugees, IDPs, smuggling and trafficking victims.

Drawing on academic and grey literature, expert interviews and media reports, this paper first gives a brief overview of human trafficking situations, forms, their

widespread reach and practices in the Afghan context before and since the Taliban takeover in August 2021; and, second, discusses the potential implications and impact of various actors' policies, intentions and perspectives on both the humanitarian crises in the country, and Afghan human trafficking situations in particular.

2. Before the fall of Kabul in August 2021

In order to understand the contemporary dynamics of human trafficking in Afghanistan, it is important first to consider the country's long history of wars and conflicts, in addition to appreciating how local customs, cultural values, beliefs, and patriarchal social, political and economic systems interact and interweave with the dynamics of human trafficking.

Since the Taliban took control of Kabul on 15 August 2021, they have gained significant and broadly uncontested control of the country. How far their government will be able to prevent further internal and regional conflicts and wars remains to be seen. However, given that Afghanistan is now in a post-conflict transition, the paper reviews human trafficking in the periods before and since the Taliban takeover. Since there was limited data on human trafficking in Afghanistan before the 2001 US-led invasion and the establishment of a western-backed government, the paper specifically reviews the period between 2001 and 15 August 2021 with regard to the period before the Taliban takeover.

Trafficking in persons —a definition

Under article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (as known as the Palermo Protocol), trafficking in persons is defined as:

'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.' (United Nations, 2000a)

Note: Given their similarities, including the legal implications, the terms 'human trafficking' and 'trafficking in persons' are used interchangeably throughout this paper.

2.1. Afghanistan as a source, transit, and destination country for human trafficking

Afghanistan has primarily been a source, and to a lesser extent, destination and transit country for human trafficking, where evidence of exploitative and abusive practices targeting men, women, and children have been well documented albeit underreported (United States Department of State, 2021). As a country of origin, many impoverished Afghans fell victim to human trafficking either internally, due to financial hardship, traditional ‘custom’, the cultural values and beliefs of a conservative patriarchal system, or during and after their departure as refugees and migrants. In Iran and Pakistan, Afghan women were reportedly trafficked for the purposes of sexual exploitation, whereas cases of trafficked Afghan children have been linked to countries such as Iran, Oman, Pakistan and Saudi Arabia (International Organization for Migration, 2003).

As a country of transit for human trafficking, Iranian women and girls, aged between 12 and 20, were transported from the Sistan Baluchistan province in Iran to Quetta in Pakistan, transiting Kandahar in Afghanistan, for forced marriage and as ‘sex slaves’ (International Organization for Migration, 2003). Rampant corruption among border guards and officers, as well as minimal border security and management due to years of conflict and a fragile state, largely contributed to the prevalence of trafficking routes and transported victims across the Afghan borders.

Afghanistan was also reported to be a destination for foreign victims of trafficking, albeit to a much lesser extent: Iranian and Pakistani women were trafficked for sexual exploitation in southern Afghanistan, such as Kandahar (International Organization for Migration, 2003 p.41). Chinese, Thai and Philippine women, lured by false promises of work and employment opportunities, were trafficked and forced into brothels and sex work in Kabul (International Organization for Migration, 2008). Although the nature of trafficking in these cases remains unclear, its extent revealed ties to domestic and Chinese criminal networks. During the military presence of US-led allied countries in Afghanistan, thousands of migrant workers from Bangladesh, India, Nepal, Philippines, Sri Lanka, and Uganda were reported to have been trafficked and abused as workers in the construction, security, food and the services sectors for the US military and diplomatic missions in Afghanistan (American Civil Liberties Union, 2012).

2.2. High-risk and vulnerable groups

Afghanistan’s decades of conflicts and wars created a vacuum of governance, justice and enforcement on which traffickers and criminal groups could easily capitalise. Clearly, not everyone living in a conflict-affected area is equally affected and vulnerable to human trafficking. An individual’s vulnerability depends on many factors including gender, age, religion, ethnicity, the family background, economic and social class, physical and mental health, education level, past experience of violence and abusive situations—or a combination of these (Global Protection Cluster, 2020).

In Afghanistan, these individual factors were further exacerbated by the prevailing patriarchal system, cultural norms, and social attitudes that regard men as superior to women, as well as the power imbalances between influential warlords and wealthy businessmen compared to villagers and displaced persons. In this context, refugees, IDPs, women and children, as well as foreign migrants, were considered among the groups most vulnerable and susceptible to human trafficking.

2.2.1. Refugees and internally displaced persons (IDPs)

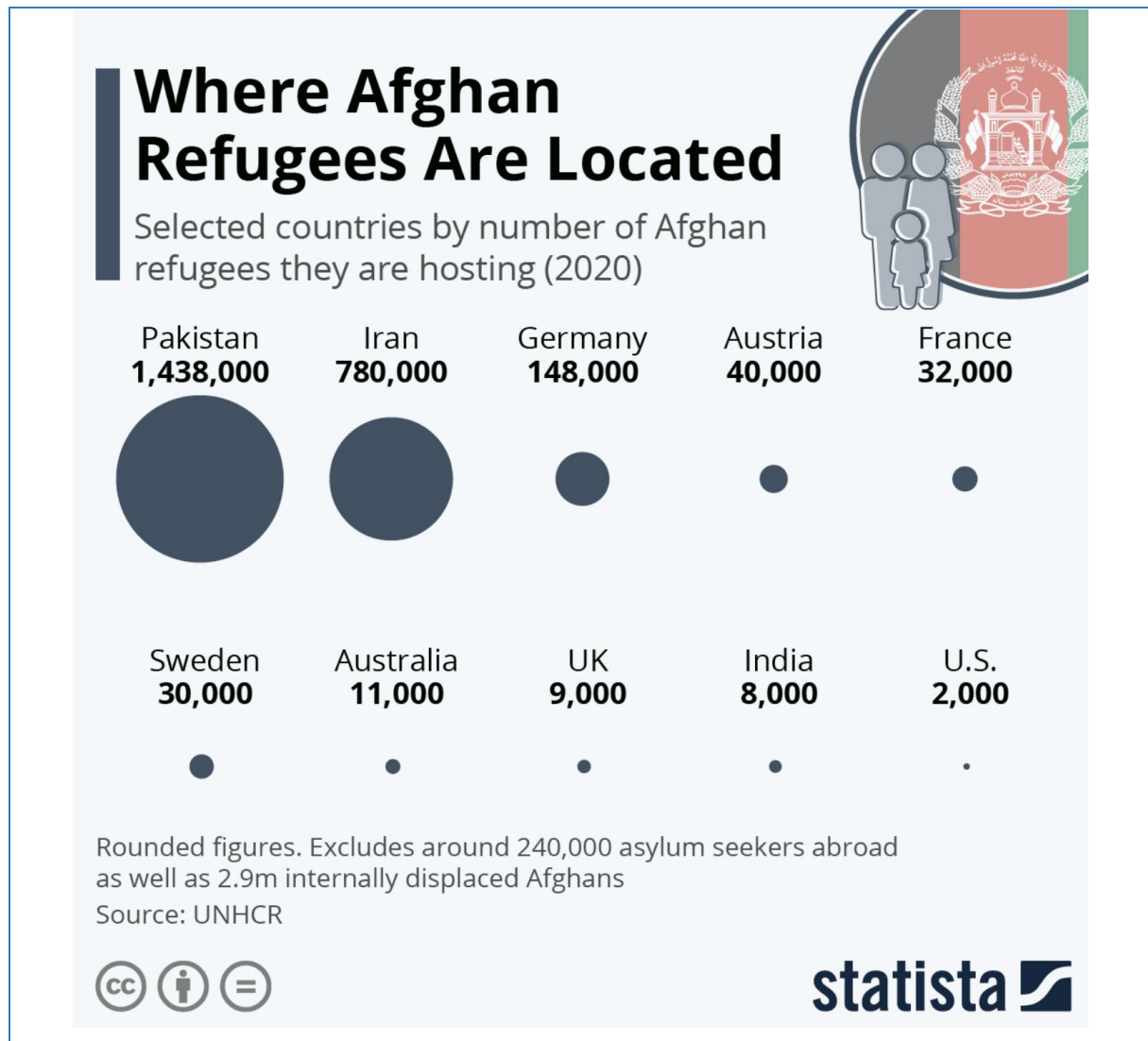
In 2021, Afghanistan had the world's third largest number of refugees and asylum seekers (approximately 2.8 million), after Syria (at 6.8 million) and Venezuela (at 5.4 million) (Reid, 2021). As shown in Table 1, the scale of internal and cross-border displacement of Afghans has been steadily rising since 2016 (UNHCR, 2022). In 2021, about 15% of Afghanistan's population, 6 million people (Worldometer, n.d.), were displaced internally and across borders. Over half of these were internally displaced persons (IDPs), who moved because were displaced within the country due to conflicts, political instability, risks of persecution, droughts, famine, and other natural disasters (UN High Commissioner for Refugees, n.d.).

Table 1. UNHCR data on Afghan refugees, asylum-seekers and IDPs, 2016–2021

Year	Refugees under UNHCR's mandate	Asylum-seekers	IDPs of concern to UNHCR	Other people of concern to UNHCR	Total
2016	2,501,447	369,072	1,797,551	114,221	4,782,291
2017	2,624,265	333,986	1,837,079	448,040	5,243,370
2018	2,681,267	310,107	2,106,893	489,859	5,588,126
2019	2,727,556	255,244	2,553,390	450,675	5,986,865
2020	2,594,826	238,791	2,886,317	87,499	5,807,433
2021	2,610,067	226,334	3,204,805	89,843	6,131,049

Source: Adapted from UN High Commissioner for Refugees (n.d.).

In Europe, Afghans accounted for the second largest number of asylum seekers after Syrians, even before August 2021 (Goldbaum & Akbary, 2022). According to UNHCR (2022), despite heated debates and an intense focus on the large number of Afghan refugees in Europe (compared to refugees from other countries), around 90% of the registered Afghan refugees were hosted by neighbouring Pakistan (1.4 million) and Iran (0.8 million).

Figure 2. Geographical distribution of Afghan refugees

Source: Reproduced from Buchholz (2021).

Although the vulnerability of IDPs and refugees to human trafficking depends on their stage of displacement (for instance, early-onset vs protracted displacement), and on local and individual contexts, in general, these are families and individuals who have lost their home, livelihoods, social contacts and circles (Amnesty International, 2020), and who are thus increasingly susceptible to negative forms of survival, and putting themselves at risk of trafficking (Inter-Agency Coordination Group against Trafficking in Persons, 2017). These risky strategies may include embarking on unsafe journeys, selling their organs or body (offering sexual services), agreeing to exploitative labour conditions, or in some cases, forcing their daughters or sons into marriage and/or being sexual partners of wealthy and powerful individuals as a means to acquire the financial means for the family's survival, and/or to offset the migration costs (Inter-Agency Coordination Group against Trafficking in Persons, 2017).

Due to the high number of Afghan refugees and asylum seekers, as well as their vulnerable and impoverished situations, many have been unable to secure legal migration channels and so resorted to smuggling and criminal networks for transport

and/or border crossings. Relying on people smugglers is highly risky and dangerous, especially the ‘travel now, pay later’, or ‘pay-as-you-go’ models, which are considered the ‘mass-transit bulk trade’ in the migrant-smuggling business (Reitano & Bird, 2018). These forms of payment, while enabling the refugees with little initial financial means to cross borders, could easily lead to their being placed in debt bondage or exploitative situation due to the accumulated debts to their smugglers and/or high interest rates demanded by loan sharks (United Nations Office on Drugs and Crime, 2019b).²

Differences between migrant smuggling and human trafficking

Although these are distinct crimes under the UNTOC and have different legal implications, trafficking in persons (TIP) and smuggling of migrants (SOM) are often aggregated and used interchangeably.

SOM is defined 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’ (United Nations, 2000a).

Although there are significant overlaps such as routes and criminal profiles, as well as when a smuggling case—especially under aggravating circumstances—develops into a trafficking situation, in principle, TIP is a crime against the victim of trafficking whereas SOM is considered a crime against the state (rather than against the smuggled migrant). Smuggling also entails crossing international borders whereas trafficking does not.

Table 2. Human trafficking vs. migrant smuggling

	Trafficking in persons (TIP)	Smuggling of migrants (SOM)
International border crossing	Unnecessary	Necessary
Purpose	Exploitation is the purpose element of TIP	Smugglers act to obtain a ‘financial or material benefit’ Profit is the purpose element of SOM
Consent	Consent is irrelevant if means have been used (and if the victim is a child)	Not an element. However, smuggled migrants generally consent to being smuggled
Exploitation	Yes	Not necessary. Where exploitation and abuse happen, the smuggling can constitute aggravated smuggling or in some cases, TIP
Victim	Victims of trafficking are recognised and protected as victims under the Protocol against TIP	Smuggled migrants are not recognised as victims under the Protocol against SOM— in many countries, they are even criminalised (the State is the victim)
Offender	Traffickers	Smugglers and irregular migrants

Source: Adapted from United Nations Office on Drugs and Crime (2019b).

² These are also considered as aggravating circumstances to migrant smuggling (United Nations Office on Drugs and Crime, 2019b).

In addition to aggravated smuggling, which can lead to trafficking situations, human trafficking can occur in any location and at any stage of displacement (Global Protection Cluster, 2020). Traffickers and criminal groups have reportedly approached refugees and IDPs in transit locations, (in)formal camps, and other displacement areas (Global Protection Cluster, 2020), to either (i) recruit them for criminal and conflict-related activities (such as drug trafficking and as child soldiers); (ii) offer false jobs or education opportunities (with initial human trafficking intentions); or (iii) advertise unsafe and risky transport and smuggling services (Inter-Agency Coordination Group against Trafficking in Persons, 2017). There have also been several reported cases where refugees and IDPs were kidnapped and tortured for ransom (MacGregor, 2019), or sold to traffickers by their smugglers for extortion (CBC News, 2002). An Afghan smuggler in Turkey admitted:

[There are many] being tricked during the journey, dropped off in the wrong city, held hostage for ransom money, or tortured. [I have] met migrants who, during earlier stages of the journey, had teeth removed for ransom or were abused in other ways. (Cookman & Caylak, 2021)

Given the minimal border management that often characterises conflicts, refugees and displaced people who are victims of trafficking are unlikely to be screened for victim identification when crossing international borders. Conversely, many face being criminalised or extorted by corrupt border guards and police for not having valid documentation (Harrison, 2021).

2.2.2. Women and children

The particular vulnerability of Afghan women and girls to being trafficked is deeply rooted in Afghan social practices, cultural values and traditional, patriarchal norms and beliefs, according to which women and girls are considered to be men's 'property':

[T]hey are father's child when born, brother's sister when grown up, husband's wife when married and son's mother when old. (International Organization for Migration, 2008)

Lacking agency and unable to make decisions regarding their own lives and fate, many Afghan women were treated as 'commodities' and forced into human trafficking and exploitative situations by their own fathers, husbands, or sons, or were abducted into sexual servitude and forced marriage by armed men (International Organization for Migration, 2003). As victims of trafficking, especially of sexual exploitation, Afghan women and girls are not only at heightened risk of gender-based violence (GBV), emotional and sexual abuse at the hands of their traffickers (Global Protection Cluster, 2020), but also in danger of being punished and criminalised for '*moral crimes*', or jailed, following the abuse and exploitation (Akbar, 2013). If they are 'lucky', they could resort to marrying their perpetrators to keep their family's '*honour*'; if not, as reported in many cases, some would be subjected to the Afghan '*honour killings*' carried out by male family members (Ahmadi & Bezhan, 2020).

A woman named Guldasta was raped by four armed men in Ghor Province of Afghanistan... (Therefore) Guldasta will forever be called 'dishonourable' (badnaam). Guldasta, *not her rapists*, will carry the title with her until she dies. Her husband and father will also be called 'dishonoured.' They will say, 'their honour has been raped,' because she is considered their property and not an individual with her own honour and pride. Once she is raped, her family has lost honour, too. As for the rapists, their honour will remain intact. (Akbar, 2013)

Afghan children are also among the most vulnerable to trafficking, especially when their family's adult men are away due to wars and conflicts. They are therefore at a greater risk of child labour, which extends to situations of forced, bonded and the worst forms of child labour. Reports of child exploitation in Afghanistan detail how children were forced to work, often in inhumane conditions, as domestic servants, beggars, drug mules, truck drivers, miners, and child soldiers (United States Department of State, 2021). Afghan child survivors of trafficking face heightened susceptibility to exploitation and re-victimisation.

Due to Afghan traditions and customs which prohibit women and girls from the performing arts and dancing in public, Afghan boys as young as nine to twelve years of age, particularly those from poor and marginalised communities and considered good looking, are targeted for recruitment as *bacha*, to dress up as girls and perform dances and entertainment at 'tea parties', as well as providing sexual services to powerful warlords, commanders, and wealthy men. Imam, who was 15 years old and had been a 'dancing boy' for four years in 2017, said the following in a documentary:

We have difficulties. We can't do anything. We have no choice apart from this. My family has very little money. I can't support them. I have to do this. (Healy, 2017)

2.2.3. *Third-country nationals (TCNs)*

In a normal setting, third-country nationals (TCNs) and migrant workers may already be particularly vulnerable, owing to linguistic barriers, cultural differences, lack of awareness of their legal rights, protections and local laws, discrimination, marginalisation, migration expenses, as well as fraudulent and unethical recruitment practices (David et al., 2019). The risks of discrimination and marginalisation also depend on the migrant's nationality, ethnicity, and their destination country. In the case of irregular migrants, they also face the risk of detention, deportation, and the lack of social support systems and access to the local legal and administrative systems.

TCNs in Afghanistan, especially migrant workers from countries such as Bangladesh, India and Nepal, or from neighbouring countries such as Iran and Pakistan, are at greater risk of trafficking because of their limited access to humanitarian assistance, social networks, and other support systems (Inter-Agency Coordination Group against Trafficking in Persons, 2017). Against a backdrop of civil wars and conflicts, some TCNs, while travelling to their workplace, were reportedly kidnapped and executed by insurgents, which was broadcast on television (American Civil Liberties Union, 2012).

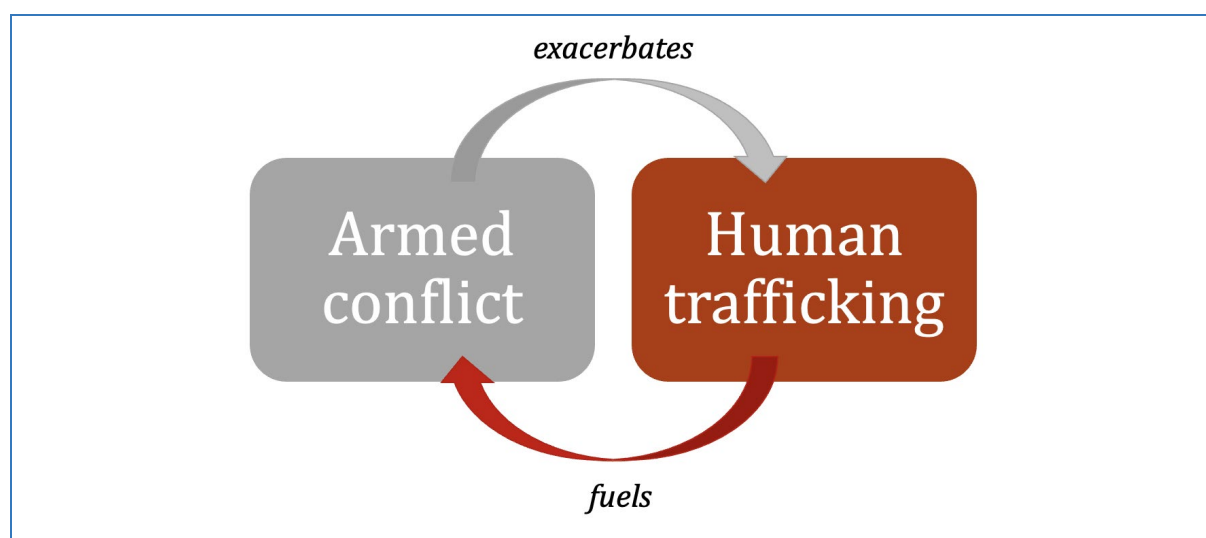
2.3. Dynamics of human trafficking in Afghanistan

2.3.1. *The conflict—dynamics of human trafficking*

The literature on human trafficking in a conflict-affected setting defines the most common forms of trafficking dynamics based on (i) the direction of movement and its proximity to a conflict zone (such as trafficking in persons fleeing conflicts, within, into and out of armed conflicts (see Reitano & Bird, 2019); (ii) the relevance of the contexts and the nature of trafficking to armed conflicts, for instance trafficking *directly* and *indirectly* related to armed conflict, where the former is often perpetrated by hostile actors and parties to the conflict, and the latter to individuals falling victim to TIP as a result of a conflict (such as people fleeing conflicts, IDPs, or communities close to a conflict area (see UNODC, 2018); (iii) the time period in relation to a conflict in which a TIP occurs, for example, trafficking during conflict and in post-conflict situations (OHCHR, n.d.); (iv) the supply/demand dynamics that are amplified and triggered by an armed conflict (supply: increase in the number of vulnerable children and IDPs; demand: child soldiers, organ trafficking, combatants and military service, and so on). These dimensions can be used in combination to generate a comprehensive overview of the dynamics of human trafficking and situations in a specific conflict setting.

The conflict and human trafficking—reinforcement dynamics

Figure 3. The conflict—dynamics of human trafficking

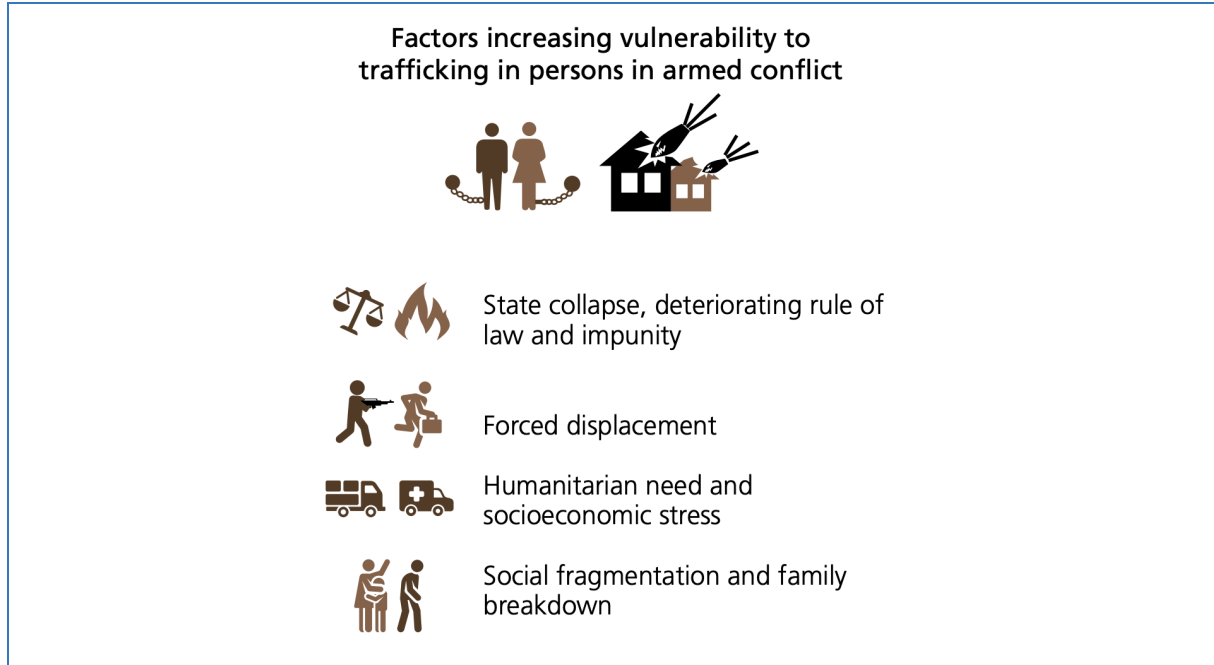


Source: The author.

Political instability and conflict settings create specific conditions in which human trafficking thrives, which include (i) a fragile or collapsed state, leading to the erosion of the rule of law, weak law enforcement and criminal justice capacity, lack of border management and respect for human rights, breakdown of domestic and state-led protection mechanisms, including social safety nets and anti-trafficking responses and support systems (Global Protection Cluster, 2020); (ii) large-scale forced displacement, thus increasing the number of vulnerable groups susceptible to trafficking; (iii) socioeconomic stress and humanitarian crises; and (iv) the rupture and fragmentation

of social and family ties, thus eroding familial and communal resilience to organised crime in general and to human trafficking in particular (United Nations Office on Drugs and Crime, 2018).

Figure 4. Factors increasing vulnerability to trafficking in a conflict



Source: Reproduced from United Nations Office on Drugs and Crime (2018b).

Specific human trafficking practices also amplify and enable the escalation of violence and war in an armed conflict—these include the use of women and children as weapons of war in the (forced) recruitment of child soldiers, abduction of women and girls who are then forced to marry commanders and combatants, or forced into sexual servitude for armed soldiers and insurgent groups, recruitment of adults to serve as combatants or to work for armed groups in construction, food service, mining, and as porters. In addition to trafficking victims directly exploited in conflict areas, many IDPs fleeing the war, both during and following conflict, have often fallen victim to trafficking—among which, forced marriage, trafficking for labour and sexual exploitation, as well as being extorted and trapped in detention camps are the most reported (United Nations Office on Drugs and Crime, 2018b).

Figure 5. Reported forms of human trafficking in conflict

Source: Reproduced from United Nations Office on Drugs and Crime (2018b).

In brief, armed conflicts have been found to (i) **exacerbate existing human trafficking dynamics** and trends (due to a multitude of factors including (a) a weakened state and widespread impunity, minimal enforcement and criminal justice capacity, breakdown of state-led protection mechanisms and (b) increased vulnerability arising from forced displacement, social fragmentation and family breakdown, humanitarian and economic crises); (ii) **amplify demand** for human trafficking (such as the demand for combatants, military-related and/or sexual services) and **increase supply** of vulnerable groups (see Reitano & Bird, 2019); and finally, in several cases, (iii) **create new forms of TIP** (for example, trafficking in children to act as child soldiers or suicide bombers, trafficking for sexual exploitation, occasionally by UN peacekeepers; see Inter-Agency Coordination Group against Trafficking in Persons, 2017 and Hoang, 2019).

2.3.2. Human trafficking trends and dynamics in the Afghan context

The majority of Afghan victims of human trafficking are women and children, who were subjected to internal trafficking rather than cross-border trafficking, although many cases remain undocumented and underreported for various reasons, including those of traditions and cultural customs. The most common forms of in-country trafficking are forced marriage and the sexual exploitation of women and children, especially boys with regard to the practice of *bacha bazi*, domestic servitude, sale of children, forced labour of children and adults (both of Afghan nationals and migrant workers), (forced) recruitment of adults and children into armed groups, and organ trafficking. Many Afghan refugees and migrants were subject to aggravated smuggling and TIP, either en route or in the destination country (such as Iran, Pakistan, Turkey, Saudi Arabia, or various member countries of the European Union), or both, especially when they took on risky and irregular migration pathways while fleeing the conflict (International Organization for Migration, 2003).

2.3.2.1. Forced marriage and sexual exploitation of women and children

Afghan women and children were frequently abducted and/or pushed into forced marriage and trafficking for sexual exploitation by their fathers, husbands, armed groups, military commanders, powerful warlords and wealthy businessmen, for various purposes (International Organization for Migration, 2003). Fathers and other family members generally decide when and to whom women and girls are married, regardless of their will and opinions. Many Afghan girls married before the age of 12 (Premack Sandler, 2010). Furthermore, according to a national survey conducted by UNICEF and the Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD), child marriage was alarmingly prevalent, with 42% of surveyed households reporting at least one case in 2018 (Government of the Islamic Republic of Afghanistan, 2018). Forced and child marriages are thus widespread throughout the country, leading to many women and girls (such as in the western province of Herat) were reported to have resorted to self-immolation to escape their husband and abusive marriage (Women's UN Report Network, 2017).

To better understand the extent of the sexual servitude and exploitation inflicted on Afghan women and girls, it is important to understand the institutional, legal and cultural factors constituting their 'rights' and 'morality'. In Afghanistan, any extra-marital sexual contact for women and girls is strictly banned and criminalised. Therefore, when an Afghan woman or girl is trafficked or sexually exploited, or tries to escape her abusive marriage, or just runs away with someone to whom she is not related (regardless of whether she had been previously abducted or kidnapped), she is considered to have committed a 'moral crime' 'equivalent to adultery or prostitution', and can face a jail sentence (International Organization for Migration, 2003).

Trafficked across the border from Pakistan with her 3-year-old son, Rukhma was handed to an Afghan who raped and abused her, then beat the toddler to death as she watched helplessly. He was jailed for 20 years for murder, but Rukhma ended up in prison, too. (Tang, 2008)

In Afghanistan, the acts of adultery, prostitution and running away are considered to be synonymous and are used interchangeably.

1. Abducted by insurgents, military and armed groups

One of the most commonly reported TIP forms for sexual exploitation during the 20 years between the US-led invasion and the Taliban's takeover was the abduction of women and children by the Taliban, insurgents, military and armed groups (United States Department of State, 2021). The Taliban fighters and forces reportedly abducted, kidnapped and sold women as sex slaves to fund its regime (UN Commission on the Status of Women, 2002). Many women were also abducted for forced marriage while trying to flee the Taliban and conflict areas.

The Taliban forces in an eastern province allegedly abducted a 13-year-old Uzbek girl. They initially tried to take the girl's mother – a widow – but her children surrounded her, and her daughter was taken instead. The girl was transported to another province in central–northern Afghanistan, where she was subjected to forced sexual contact for approximately two years. She didn't know if she was 'a woman or a girl' because she 'spent the night with a different man every night'. (International Organization for Migration, 2003)

During the two decades of western intervention and western-backed government, and despite the countless international efforts and pressure on the Afghan government to uphold the human rights of women and girls, Afghan women and girls were still regularly spotted being forcibly taken away by commanders, military and armed groups while going to school, doing grocery shopping or playing outside their home. Some of their male family members and relatives, while trying to fight or prevent the abduction, were reportedly beaten or even murdered (International Organization for Migration, 2003). Given the conservative and patriarchal Afghan institution of marriage, these women and girls, when forced to marry their abductors, then had no choice but to carry out their wifely duties, while being subjected to heightened domestic and sexual servitude on a daily basis (International Organization for Migration, 2003). Given the nature of their marriage, they also lacked the social and family ties and protection on which they could depend in a formal marriage.

There was reportedly a trend in the region of commanders taking girls or young women for 1-2 days for sexual servitude or forcibly marrying them, only to discard them after 2-3 weeks of 'marriage'. (International Organization for Migration, 2003)

In addition to women and girls, there were reports of boys, as young as 4 or 5 years old, being abducted and sexually assaulted by military commanders and armed groups in southern Afghanistan:

(The boys) were held overnight, and occasionally for up to 2-3 days. When they were released, there was evidence of rape, i.e. rectal bleeding. (International Organization for Migration, 2003, p.37)

Although homosexuality and paedophilia were prohibited under Afghan law, these acts of sexual abuse and interaction did not necessarily constitute adultery or premarital sexual relations. It was therefore widespread for powerful warlords and commanders to have young boys as their 'mistresses', whom they would bring along to parties and force to dance, as well as to perform sexual acts (International Organization for Migration, 2003).

2. Sold or forced into forced marriage and sexual slavery by male relatives

In addition to having their marriage decided by their parents, mostly fathers and/or other male relatives such as uncles and cousins, there were reports of Afghan women being forced to re-marry at the will and hand of their husbands, as the following media report suggests:

She was 12 years old when she married a 24-year-old man in Nangarhar, eastern Afghanistan. She lived with him for nine years and had four children. The husband, when getting bored of her because she was sick, sold her while she was two-month[s] pregnant, together with her two-year-old daughter, to his landlord who trafficked people to Arab countries for a living. Later, as her daughter was abducted, she was sold to another rich man who wanted a son in Mumand Dara. She had four children with him, but only one was a boy. The man became upset and handed her and her two youngest daughters to an Islamic religious leader, who sold her to another trafficker. The trafficker in turn sold her back to her first husband. The husband only noticed that he paid 60,000 Afghanis (about \$1,200) for the same woman he sold off years ago when he brought her back home (she was forced to wear a burqa and stayed quiet at all times). (IRIN News, 2007)

a) To repay a debt

Having complete power over their wives and daughters, it was reported that many Afghan men, especially those living in impoverished and desperate situations, resorted to selling their daughters in the form of an arranged marriage, as a means to pay off a debt (International Organization for Migration, 2008). In some cases, the father forced one of his daughters to marry his creditor. In other cases, they arranged his daughters' marriages to other men, who would in turn give him some money as the 'bride price' so he could pay off some of his debts.

The United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) reported cases where girls were forced to marry money lenders and creditors at IDP and refugee camps (United Nations High Commissioner for Refugees, 2003). Some creditors and loan sharks were also reported to have kidnapped and abducted women and girls when their male relatives' debts were outstanding.

A young Tajik girl, (about 12-16 years of age), was forced into a marriage with a Pashtun creditor for debt alleviation. Her father owed money to the man while living in an IDP camp in the West and could not pay back the debt. They negotiated and agreed to exchange the girl for releasing the debt. (International Organization for Migration, 2003)

The reported and estimated age range of women and girls forced to marry (or be engaged) for debt relief purposes were between four and 16 years of age. The majority of reported cases of forced and child marriage for this purpose were in Kandahar, Herat, Uruzgan, and Bamyan (United Nations High Commissioner for Refugees, 2003). In these cases, the women and girls were left with no choice but to be in domestic and sexual servitude, bound to their husbands for the rest of their life, whereas their fathers and husbands benefited from the marriage (the former released from a debt and the latter gaining a wife and domestic servant).

b) *As a means of dispute settlement*

For centuries, women and girls have been used as a means to settle disputes and restore 'lost honour' between families. When a murder is committed in the event of a feud, one of the daughters or sisters of the accused is demanded by the victim's family to restore the honour lost by the deceased male member. In some cases, the local jirga (an elder in the local council) would decide the fate of the accused or offender's female family members, usually by ordering them to marry an eligible male member in the victim's family. If the offender's daughters or sisters are too young, sometimes an additional girl is then demanded. If she is under ten years old, she will be kept as a domestic servant until she is ten, when she will be married. This practice, called '*Bad*' in Afghanistan and '*Swara*' or '*Vani*' in Pakistan, was reported to take place throughout Afghanistan, mostly in villages, and in Pashtun areas of Pakistan.

During the Taliban's rule (1996-2001), a father gave his 17-year-old daughter to a man to settle their dispute after his son killed the man's brother. The man took her back to his family who was taking refuge in Iran. After the fall of the Taliban, the man and his family came back to Afghanistan. However, the girl died en route due to the harsh conditions. He then came to her father's house and demanded another daughter instead. He threatened to start another dispute if he did not receive another daughter. (International Organization for Migration, 2008)

Although this traditional practice was initially rooted in the hope or idea that the families involved in a dispute would formally join forces with the girl's marriage, in reality, there is still a strong stigma to such marriages, which is called '*bad nikkah*'. The girls or women in a *bad nikkah* have to carry the burden and shame of the initial crime of her male relative for the rest of her life. In the victim's family into which she was forced to marry (though some girls were not even given legitimate marital status), she represents the crime, and is thus accorded the lowest status, treated as a criminal, as well as often being subjected to extreme physical and mental violence. Many of them, being unable to escape such forced marriage and/or withstand the perpetual abuse, reportedly committed self-immolation and other forms of suicide (International Organization for Migration, 2003).

An engaged young girl was kidnapped and forced into marriage by a local commander's relative. Given the pressure from the international community and local politicians, the *ulema* (a respected local elder) decided that (i) she was to be released and divorced from both men, and (ii) the commander's sister was to be given to the girl's family, while at the same time, (iii) her younger sister was to be given to the commander's family to settle the dispute. (International Organization for Migration, 2003)

During the western-backed government, and especially in urban areas, this traditional practice was condemned and banned, and government officials reported that it had to some extent been prevented (International Organization for Migration, 2003).

3. 'Bacha bazi'

Afghan children, particularly young boys from poor and marginalised communities, are subjected to sexual slavery by wealthy elites in the widespread practice of *bacha bazi* (Radio Free Europe, 2020; United States Department of State, 2021). The young boys, as young as nine, forced or acted as *bacha bazi*, sometimes also known as '*bacha bereesh*' (beardless boys), were often asked to dress up as girls and dance at celebrations or tea parties, especially in northern Afghanistan, to their 'male patrons' (Reuters, 2007). The male patrons comprised an assortment of powerful and wealthy local men, ranging from warlords, mujahideen commanders, businessmen, military officials, religious leaders and organised criminal groups (Somade, 2017). To many wealthy and powerful men, having a *bacha bazi* reinforced their social status and wealth, especially when the boy was good looking and a good dancer—it was 'a mark of prestige' and status symbol (Reuters, 2007).

Despite some western governments' attempts to eradicate the practice, it had only grown in popularity since the fall of the Taliban in early 2000s. In the 2021 TIP report by the US Department of State, the Afghan Local Police (ALP), Afghan National Army (ANA), Afghan National Police (ANP), and pro-government militias who received direct financial support from the state were said to be recruiting young boys for *bacha bazi* (United States Department of State, 2021). According to residents of the Parwan and Kapsia provinces in the north of Kabul:

It is quite common for local men, particularly military commanders, to take boys as young as 14 to wedding parties and other celebrations, to get them to dance and, in some cases, have sex with them (...) They use these boys as their slaves. (Hanayesh, 2003)

Figure 6. On the outskirts of Kandahar



Source: Credit: UNOCHA/Pierre Peron.

In northern Afghanistan, it was reported that community elders were the main *bacha bazi* traffickers, whereas police, military, checkpoint commanders and local government officials were their perpetrators in southern provinces, especially in Kandahar (United States Department of State, 2021). A film-maker in Kapisa said that armed men forced him to film their celebrations one night:

When I got there I saw a very nice-looking boy dancing. The party continued throughout the night and I had to film everything they did with that boy. What I witnessed were not the actions of human beings. After they finished they took the film cassette from me and let me go. (Hanayesh, 2003)

Since the criminal practice is overwhelmingly committed by powerful men, the perpetrators of *bacha bazi* can easily escape criminal proceedings and punishment by simply offering bribes or exploiting their relationships with law enforcement, prosecutors, and judges (United States Department of State, 2021).

4. Trafficking in foreign women and girls for sexual exploitation

Many women and girls from China, Iran, Pakistan, Philippines, Sri Lanka, and Tajikistan were reportedly subjected to trafficking for sexual exploitation, such as being sold to brothels or trapped as wives and 'sex slaves' of armed groups, commanders and fighters) in Afghanistan. They were lured to Afghanistan with promises of high-paid jobs as domestic workers, for instance, by traffickers disguised as legitimate labour brokers and/or working for recruiting agencies, and only realised that they had been trapped by traffickers when they arrived (United States Department of State, 2021).

2.3.2.2. Sale of children

Extreme poverty and lack of adequate child protection mechanisms reportedly led to the sale of Afghan children, especially girls and babies as young as four months by their destitute parents (IRIN, 2008). The cases of children from the Herat, Kunduz and Takhar provinces illustrate this recent trend and dynamics, especially when families have lost their livelihood or any other viable means of survival, due to decades of conflict, political instability, natural disasters, and humanitarian crises.

A displaced family in Shaydayee camp in Herat Province, in western Afghanistan, reportedly sold one of their twin four-month-old daughters for 2,000 Afghanis (US\$40) due to their inability to feed both babies. (IRIN, 2008)

The parents of a nine-month-old girl in northern Afghanistan's Kunduz Province sold their daughter for US\$20, (AIHRC) confirmed. In addition to being very poor, both parents suffered from walking disabilities. (IRIN, 2008)

In Takhar Province, another nine-month-old girl was sold for US\$240. (IRIN, 2008)

2.3.2.3. Forced labour and child labour

Across Afghanistan, practices of forced labour have effectively trapped families, especially young children, to work in dangerous conditions as widespread unemployment, rising food insecurity, and intensifying poverty limit any economic prospects (United States Department of State, 2021).

Throughout Afghanistan, children remain the primary victims of human trafficking. Up to a third of children of primary school age (from 7 to 12) were estimated to be involved in at least one form of child labour (International Organization for Migration, 2008). Furthermore, according to an assessment by the International Labour Organization (ILO) of child labour in Kabul:

... 92.5 percent of child labourers from 12 to 17 years of age work for more than 42 hours a week, and the majority are exposed to adverse working conditions: a polluted environment (73.3%), risks of injuries (60.1%), dangerous equipment (57.6%), direct sunlight (54.9%) and extreme temperatures and noise (51.4%), among others. (International Organization for Migration, 2008, pp. 22–23)

Reports have also shown the recruitment and large-scale abuses in the use of child labour across several industries and sectors, including carpet-weaving, farming, brick-laying and poppy cultivation (United States Department of State, 2021). Families engaged in opium poppy farming also sold their children to opium traffickers as debt payment (United States Department of State, 2021). In some cases, drug-addicted parents had forced their children into hazardous work and begging (United States Department of State, 2021). In other cases, NGO-run orphanages which were came under government oversight were also reported to have subjected the children to child trafficking (United States Department of State, 2021). In general, many trafficked Afghan children were forced to work in inhumane and exploitative conditions as domestic servants, beggars, drug mules, truck drivers, as well as in high-risk areas such as in conflicts and disputed territories to mine and extract coal and salt.

Figure 7. Child porters at the Pakistan–Afghan border in Kandahar



Abdulrasol is 11 years old. He works with his father and his brother, transporting passengers' belongings at the Pakistan–Afghan border in Kandahar. Several families, displaced from various cities, live with great difficulty near the border. Their children have to work hard to earn money and sleep on cold and dry floor. Credit: UNOCHA/Sayed Habib Bidel.

Afghanistan was one of the most dangerous places in the world to be a child.
(UNICEF, 2021)

Thousands of vulnerable Afghan adults and children, as well as migrant workers from Central and South Asian countries, were reportedly trapped into forms of bonded labour, a practice which hinges on coercing victims into debts which the traffickers then use to enforce the victim's continued compliance and labour. Although bonded labour forces adults and children to work in dangerous and unpredictable work environments, sometimes these were presented as one of the increasingly limited ways to generate income at a time of high unemployment, food insecurity and poverty (United States Department of State, 2020).

Finally, the US Department of State (2021) also documented cases where the Taliban had forced and abducted women and girls into labour: female victims of trafficking for sexual exploitation were charged with 'moral crimes', detained at their detention camps and forced into various combat-related roles and work.

2.3.2.4. (Forced) recruitment of adult and children into armed groups

It is recognised that conflicts and political instability fuel the demand for and supply of (forced) participation in armed groups, to which women and children are particularly vulnerable (United Nations Office on Drugs and Crime, 2018a). Reports have shown the

abduction and use of women and girls by the Taliban and insurgent groups as soldiers, cooks, porters, messengers, suicide bombers, and sex slaves (United States Department of State, 2021).

It is known that all armed groups recruit children in combat and conflict areas as a strategy to boost military capacity (United Nations Office on Drugs and Crime, 2018). In Afghanistan, both insurgent groups (the Taliban and the Islamic State in Khorasan Province), non-state armed groups and Afghan security forces under the western-backed government (including the ANA, ANP, ALP, and NDS), reportedly continued to recruit and use children from impoverished and rural areas in combat and non-combat roles with impunity (United States Department of State, 2021). In addition to the use of threats and pressure on local communities, the Taliban was specifically reported to have paid the children's families with cash or in-kind benefits (such as protection), in order to have them sent to its madrasas (Islamic schools) that provided military training and religious indoctrination (United States Department of State, 2021). Cases of children and female soldiers being used as suicide bombers, weapon transporters, spies, and camp guards were also recorded as having been committed by the Taliban and the Islamic State (United Nations Office on Drugs and Crime, 2018). Specifically, teenage boys from poor families throughout the country were reportedly abducted and offered as sex slaves to the Taliban commanders and fighters at militant camps as battle 'rewards'—after having been sexually abused, these boys were further forced to become suicide bombers and/or take part in terrorist attacks (McGirk & Plain, 2002; O'Leary, 2014).

2.3.2.5. Trafficking for organ removal

Trafficking for organ removal appears to have become a new form of trafficking in Afghanistan, against the backdrop of widespread poverty, constant conflicts, and the rise of private hospitals (Nossiter & Rahim, 2021). Media reports documented a significant rise in the illicit kidney enterprise in Herat, a city with seemingly unlimited fresh supplies of human organs. Here, the recipients could purchase a kidney at about \$3,500 (of which the broker could receive about \$80, the remaining is shared between the donor and the hospital / surgeon in charge), which was estimated to be only one-twentieth of the operational cost in the US (Nossiter & Rahim, 2021).

'In Afghanistan everything has a value, except human life,' said Dr. Mahdi Hadid, a member of Herat's provincial council. (Nossiter & Rahim, 2021)

There are various reasons why Afghan men and women are willing to sell their organs, especially kidneys—including hunger, poverty, outstanding debt, unaffordable marriage, and severely ill parents. Since most kidney donors can live with just one kidney, hundreds of desperate, impoverished, and indebted Afghans resorted to selling theirs, only to be left in an even more wretched state and with worsening health later on: many were reported to be in great pain, too weak to be able to work, and unable to afford any medication (Nossiter & Rahim, 2021).

'The people of Afghanistan sell their sons and daughters for money. How can you compare that to selling kidneys?' said Dr. Farid Ahmad Ejaz, a hospital physician. (Nossiter & Rahim, 2021)

Despite the significant medical risks and health deterioration after selling an organ, many Afghan men and women felt they had no other choice than selling their kidney for as little as \$1,500 (Al Jazeera, 2022), or about £2,800, as reported by a man in a displacement camp northeast of Herat (Farmer & Makoi, 2021).

'All of these men could have become robbers or taken up arms for money, but they didn't. What they had was their kidneys. They sold them for their families,' said Ebrahim Hakimi, a local elder. (Farmer & Makoi, 2021)

2.3.2.6. Aggravated smuggling and trafficking in Afghan refugees, migrants, and returnees

Given the dire situations and continuing conflicts, coupled with the economic crisis worsened by COVID-19 since 2020, an increasing number of Afghans have sought a new life and job opportunities overseas. Their main destinations included Iran, Pakistan, Greece, Turkey, the Gulf States and Europe. Capitalising on this need, many traffickers, disguised as labour intermediaries and recruiting agents, have offered them false employment in low-skilled sectors such as domestic work, construction, and agriculture. Once they arrive, many Afghan migrants and refugees were then threatened and forced into trafficking situations of labour and sexual exploitation (United States Department of State, 2021). Specifically, Afghan women and girls were reported to be exploited in sexual and domestic servitude in Iran, India, and Pakistan, whereas the men and boys were found to be trapped in forced and bonded labour in the construction and agricultural sectors in Greece, Turkey, the Gulf States, Iran, and Pakistan (United States Department of State, 2020).

There have also been reports showing the exploitation of Afghan children in criminal activities such as smuggling and the trafficking of drugs, fuel, and tobacco, and as street beggars and vendors, in Iran and by Iranian criminal groups. When caught, these children risked being detained, tortured, and extorted by the Iranian police (United States Department of State, 2021). Furthermore, Afghan children were also found to be coerced into fighting alongside the Shia militias in Syria by both the Iranian government and the Islamic Revolutionary Guards Corps.

Afghan migrants and refugees residing in Iran were also trafficked into Europe by criminal groups, who would then treat them as bonded labour (such as working in restaurants) and forced sex work, to pay off their smuggling debts (United States Department of State, 2021). Media reports also documented cases of Afghan boys being forced to become *bacha bazi* in Germany, Hungary, Macedonia, and Serbia (United States Department of State, 2019).

In addition to Afghan migrants and refugees being specifically targeted by traffickers overseas, the criminal groups were reportedly preying on the rising number of Afghan returnees or those who were increasingly deported from Iran, Pakistan, Turkey, and European countries during the last five years (Ferrie, 2018). For example, in 2019, Turkey deported about 24,000 Afghans, whereas in 2020 865,793 returnees were recorded, mostly undocumented Afghan migrant workers, from Pakistan and Iran. Many Afghan returnees were reported to be forced and trafficked for labour exploitation in

agriculture, brick kilns, and carpet weaving (United States Department of State, 2021). Against this backdrop, many NGOs and civil society actors, such as Amnesty International, issued public statements calling on European countries to stop deporting Afghan refugees and migrants back to the dire and life-threatening situations in Afghanistan (Amnesty International, 2018).

2.3.3. The complicity of the US military

In addition to the human rights violations and human trafficking practices perpetrated by non-state armed groups, insurgents, the Taliban, and the western-back government of the Islamic Republic of Afghanistan, there were reports of human trafficking cases to which the US military and the allied forces (in)directly contributed (American Civil Liberties Union, 2012; Goldstein, 2015).

While the US military was stationed in Afghanistan, its soldiers and personnel were allegedly instructed to ignore child sexual abuse, in particular the practice of *bacha bazi*, taking place directly on military and government compounds by their Afghan military or police personnel (Goldstein, 2015).

‘At night, we can hear them screaming, but we’re not allowed to do anything about it,’ the Marine’s father, Gregory Buckley Sr., recalled his son telling him before he was shot to death at the base in 2012. ‘My son said that his officers told him to look the other way because it’s their culture’. (Goldstein, 2015)

When asked about the US military policy on this matter, Col. Brian Tribus, spokesperson for the US command in Afghanistan, wrote in his response:

Generally, allegations of child sexual abuse by Afghan military or police personnel would be a matter of domestic Afghan criminal law. (Goldstein, 2015)

When some US soldiers took action, they were reportedly disciplined, dismissed from military service and sent back to the US (Goldstein, 2015). Many US officials and marines voiced their concerns about the US military arming and backing several Afghan commanders who reportedly sexually abused young boys.

‘The reason we were here is because we heard the terrible things the Taliban were doing to people, how they were taking away human rights,’ said Dan Quinn, a former Special Forces captain who beat up a U.S.-backed militia commander for keeping a boy chained to his bed as a sex slave. ‘But we were putting people into power who would do things that were worse than the Taliban did—that was something village elders voiced to me.’ (Goldstein, 2015)

In addition to its complicity in the frequent practice of *bacha bazi* by the Afghan police and commanders, the US government’s contractors were allegedly abusing tens of thousands of third-country nationals or low-skilled migrant workers, exploiting them in

services and work in support of US military and diplomatic missions in Iraq and Afghanistan (American Civil Liberties Union, 2012; Black, 2014). The majority of these migrant workers, also known as the ‘army behind the army’, were from countries across South Asia, Southeast Asia and the African continent, such as India, Nepal, the Philippines, and Uganda. They were forced to work for low wages (as little as \$150–275 per month, far less than the promised \$1,000), forbidden to leave or return home, and living and working in dangerous, unsanitary, and degrading conditions to provide essential services to the US military and diplomatic missions, which included construction, security, catering and food services. In addition to the low pay, many of these migrant workers were charged recruitment fees of between \$1,000 and 5,000, which led them to resort to loan sharks (with interest rates as high as 50% annually), placing them in a situation of debt bondage (American Civil Liberties Union, 2012; Black, 2014).

In many cases, the abused and exploited workers had been deceived about their working locations—such as Dubai, Kuwait, or other Gulf States—only to find that they would be working in a conflict-ridden Afghanistan (American Civil Liberties Union, 2012).

2.3.4. Impact of COVID-19

From 2020 to 2021, not only did the US and allied forces start to withdraw troops from Afghanistan, leaving pockets of power vacuums to be swiftly filled by the Taliban, thus creating political and social instability, chaos, and crises, but the Afghan population also faced the additional crisis caused by the COVID-19 pandemic, most notably in the economic and health sectors.

In countries like Afghanistan in which much of the economy is informal, the impact of the pandemic was hardest felt. Low-skilled workers in the informal economy have few social safety nets or labour and social protection, thus making them extremely vulnerable to human trafficking when they are facing dire financial and economic hardships (Wagner & Hoang, 2020). Furthermore, those who are diagnosed with COVID-19 might need medical treatment and so need any viable means (however risky) to help cover the additional expenses. This has created a golden opportunity for traffickers to exploit the people in need, especially regarding bonded labour and organ trafficking, which could provide victims with instant cash or debt relief.

The pandemic has also created more opportunities for human trafficking. On the one hand, there are more potential victims with the rise in the number of vulnerable people due to unemployment, increased medical costs and health issues (Amnesty International, 2020); and on the other there are more potential traffickers, as desperate people have been reportedly turned to illicit activities when there were no legitimate channels or support for them to earn their living or gain access to official loans and credit (Reitano & Shaw, 2020). At the same time, with the demand for cheaper and more informal labour, or for labour exploitation, the pandemic has reportedly exacerbated the vulnerabilities of existing victims (as many are further isolated and trapped with their abusers for a longer period of time), and also led to the re-victimisation of trafficking survivors, who now have little means to support themselves and reintegrate back into society (Wagner & Hoang, 2020).

Children who have become orphaned due to COVID-19 have also become more susceptible to being trafficked. In the case of Afghan migrants and refugees, many countries have implemented stricter border and security restrictions in an effort to contain the pandemic, thus leaving thousands of migrants in transit in limbo and significantly increasing their journey / migration costs (historically, migrant populations who have been left stranded en route are at greater risk of trafficking (Columb, 2019).

In brief, COVID-19 and the related health, socio-economic crises have significantly exacerbated the existing human trafficking trends and dynamics in Afghanistan and of Afghan refugees and migrants abroad.

2.4. Inadequate application of the traditional 5Ps state-centred responses in Afghanistan

2.4.1. *The traditional state-centred response framework*

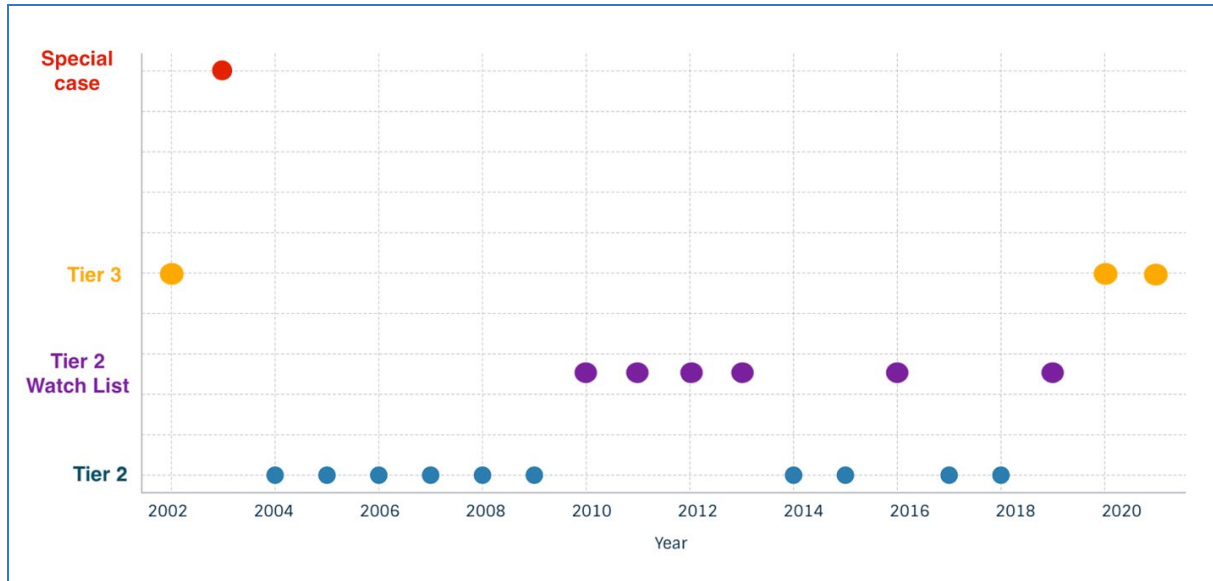
Government and international organisations such as the US Department of State and the UN specialised agencies have long applied the so-called 5Ps framework (policy, prevention, protection, prosecution, and partnership). Initially the framework had only 3Ps (prevention, protection, and prosecution), then 4Ps (including partnership), and now 5Ps (including policy) in addressing TIP, as well as in measuring the degree of effectiveness of stakeholders' (mainly governments') anti-human trafficking responses by (Reitano & Bird, 2018). Using this approach, the US Department of State has issued an annual TIP report since 2001, analysing a country's overall human trafficking profile, assessing its efforts and responses to the issue, based mainly on the 3Ps 'prosecution, protection, prevention', as well as assigning countries a ranking ranging from Tier 1 (most desirable), Tier 2 (watch list), Tier 3 (undesirable) and special cases (United States Department of State, 2021).

Table 3. Explanation of the US TIP tier rankings / placements

Tier	Meaning
Tier 1	Countries that fully comply with the Trafficking in Persons Act's minimum standards for the elimination of trafficking .
Tier 2	Countries that do not fully comply with the minimum standards but are making significant efforts to achieve compliance.
Tier 2 Watch List	Countries on Tier 2 require special scrutiny because of a high or significantly increasing number of victims; failure to provide evidence of increasing efforts to combat trafficking in persons; or an assessment as Tier 2 based on commitments to take action over the next year.
Tier 3	Countries that neither satisfy the minimum standards nor demonstrate a significant effort to come into compliance. Countries in this tier are subject to potential non-humanitarian and non-trade sanctions.

Source: Office to Monitor and Combat Trafficking in Persons (2005).

Afghanistan was first included in the US TIP annual report in 2002, where it was ranked at Tier 3. Over the next two decades, it was ranked ten times at Tier 2, six at Tier 2 Watch List, three times at Tier 3 and once placed in the 'Special case' in 2003 (see Figure 9).

Figure 8. Tier rankings of Afghanistan in the US TIP reports 2002–2021

Source: Adapted from US Department of State, 2002–2021 Trafficking in Persons Reports. Office of the Under Secretary for Global Affairs.

In 2021, Afghanistan was placed at Tier 3 for the second consecutive year. According to the report, this was mainly due to the government’s failure to make significant efforts to address and counter trafficking issues, including the continuity of *bacha bazi* practice reported on the government compounds, as well as the use and recruitment of child soldiers by the national police and military forces (United Nations Department of State, 2021). However, it is worth noting that, during the two reporting periods when Afghanistan was placed at Tier 3, the US started to withdraw its troops from the country, while at the same time the Taliban intensified their offensives. Against this backdrop, the former government of the Islamic Republic of Afghanistan was possibly facing many challenges other than human trafficking, which might explain its de-prioritising of its anti-human trafficking efforts.

The US 2021 TIP report reviewed the Islamic Republic of Afghanistan government’s responses to TIP based on the traditional ‘3 Ps’ framework as follows:

Prosecution

In an increasingly deteriorating security situation, the judiciary was reported to be ‘underfunded, understaffed, undertrained’, ineffective, as well as influenced and intimidated by corrupt officials and/or perpetrators. In addition to conflating human trafficking and migrant smuggling, many prosecutors and/or judges would reportedly enforce customary law, which often discriminated against female victims (United States Department of State, 2021).

The western-backed government’s anti-trafficking efforts were also reported to focus mostly on the *bacha bazi* cases, although only 16 suspects in 14 *bacha bazi-related* trafficking cases were investigated in 2019 (United States Department of State, 2021). Widespread official complicity and impunity and disregard for the rule of law regarding *bacha bazi* remained high, with many cases detailing the involvement and crimes

committed against boys by the ANP, ALP, and ANA, especially checkpoint commanders and police at the borders and on government compounds (United States Department of State, 2021). Furthermore, many *bacha bazi* victims reported sexual abuse, detainment and criminalisation by the police when attempting to report their cases.

In cases involving children younger than 12 years who were forcibly recruited by anti-government armed groups, the victims were reportedly arrested, detained, and prosecuted for terrorism-related crimes (United States Department of State, 2021).

Similarly, in cases which involved female victims of sexual exploitation, the trafficking victims were instead punished for their 'moral crimes': they were routinely arrested, detained, penalised, and sexually assaulted by the police and authorities when reporting the crimes. Several female trafficking victims were also unable to access the formal justice system due to the cultural norms preventing them from engaging with the male judicial officials. Over the last five years, Afghan prosecutors and judges allegedly pressed female trafficking victims for sexual favours in exchange for continuing investigations and prosecutions of their cases (United States Department of State, 2021). Given these significant risks of threats and reprisals, not only from the perpetrators but also from the authorities, many trafficking victims were advised against reporting the crimes to law enforcement or participating in trials.

Protection

In addition to the severe lack of shelters, the government's efforts to protect people from trafficking were largely inadequate: (i) adult male victims were not allowed at any government shelters; (ii) child trafficking victims were reportedly placed in orphanages, some of which subjected them to being re-trafficked; (iii) trafficked boys were sometimes placed in juvenile rehabilitation centres due to the lack of available shelters; and (iv) female victims were placed in prison when the authorities could not accommodate them in shelters.

Due to a lack of victim protection, family members and the Taliban murdered at least eight child sex trafficking victims, including some as young as 13 years old, for dishonour. (United States Department of State, 2021)

In general, it was mostly NGOs with international donor funding that often provided protection and care for victims, including some 27 women's shelters in 20 provinces in 2021, offering protection, legal, medical, and social support to abused and/or trafficked women and girls (United States Department of State, 2021).

Prevention

The government of the Islamic Republic of Afghanistan was reported to have made efforts to adopt anti-trafficking prevention plans in the past decade, albeit modest: these included the adoption of a prohibited child labour list of 29 occupations and working conditions, issuing a directive to enhance enforcement of the human trafficking law (United States Department of Labor, 2014), and especially the accession to the Palermo

Protocol on TIP in 2014 (United Nations, 2000b). However, implementation remained largely inadequate to prevent trafficking.

2.4.2. Is leaning on the traditional response framework and approaches adequate for Afghanistan?

The effectiveness of the 5Ps response framework is arguably inconclusive, even for non-conflict countries. In order for 5Ps to work, the state needs to be an inclusive and effective institution with well-functioning social and protection systems, in addition to having a close connection and collaboration with networks of civil society and law enforcement actors, as well as effective criminal justice systems (Reitano & Bird, 2019).

In conflict-affected areas in general and in Afghanistan in particular, the state has limited resources and capacity, along with inadequate prevention and support infrastructure, following years of political instability, economic crises, and wars. Therefore, the conventional 5Ps approach, which focuses on the state's role and responsibility to address human trafficking effectively—such as the inclusion and effective enforcement of human trafficking provisions in the national criminal code, focusing on policy and prosecution, the drafting and implementation of national action plans detailing the government's anti-human trafficking commitment and action plan (addressing all 5Ps), and the establishment of the national referral mechanisms providing operational procedures, guidelines and a cooperative framework through which the state and civil society can collaborate to protect and promote the human rights of trafficked persons (focusing on prevention, protection and partnership) (Reitano & Bird, 2019)—is considered to miss the mark in addressing human trafficking.

In addition to the government's inadequate structures and insufficient funds for anti-human trafficking efforts, Afghan traditional customs, cultural values, practices, and beliefs are also critical in reinforcing the cycles of violence, abuse and injustices inflicted on Afghan (and non-Afghan) women and girls in and outside the country. As stated earlier, many Afghan women and girls have been abducted and forced into sexual and domestic servitude, as well as forced and child marriage, owing to these cultural factors and patriarchal practices. When they attempted to seek help and justice, many others were further abused and re-victimised by the very authorities (predominantly men) who were supposed to support them (United States Department of State, 2021).

Given the very limited role the Afghan government could play (due to the lack of infrastructure and effective enforcement and criminal justice system, corrupt / complicit officials, and so on), coupled with a patriarchal system, discriminatory cultural beliefs and practices, and a male-dominated governing body, applying the western-designed, state-led 5Ps response framework to addressing TIP in the Afghan context would have drawn much-needed resources away from overwhelmed and overburdened civil society actors and humanitarian responders to the non-functioning and ineffective government bodies and programmes (Reitano & Bird, 2019).

Another widely advocated conventional anti-TIP approach includes the effective and timely identification of victims, which has the support of several international organisations, including the United Nations Office on Drugs and Crime (UNODC).

Mandated by the United Nations General Assembly, UNODC has published a global report on TIP every two years since 2012 (United Nations Office on Drugs and Crime, 2009), assessing the effectiveness of member states' anti-trafficking efforts based on their self-reported national trafficking statistics and records, such as numbers of victims, offenders, successful prosecutions and so on. However, effective TIP victim identification is unrealistic in the context of a defunct criminal justice system, insufficient enforcement, the corruption and complicity of officials, lack of grievance and protection mechanisms and infrastructure, and inadequate resources and efforts.

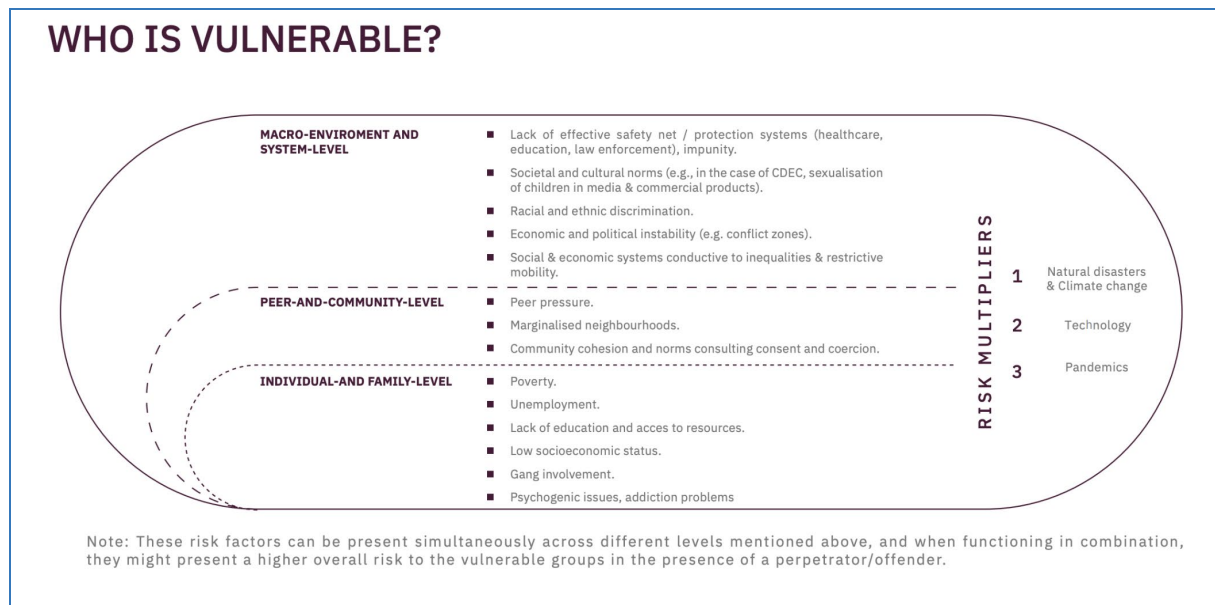
This lack of remedies is not surprising – responsibility under the Palermo Protocol falls primarily on states, whose ability to respond under conflict conditions is drastically reduced. (Reitano & Bird, 2019)

While Afghan trafficking victims were unable to access legal remedies and seek justice inside the country, similarly many trafficked Afghan migrants and refugees overseas were not given the protection and support to which their victim status entitled them—receiving countries (whether transit or destination countries) were reported to have deported them, regardless of their conditions and the dangers awaiting them back home, which were arguably the reasons for their initial migration and vulnerability to trafficking (Amnesty International, 2018).

3. After the fall of Kabul: Contemporary humanitarian and trafficking challenges

Studies on human trafficking have extensively covered its root causes and risk factors (Institute of Medicine et al., 2013; LeBaron et al., 2019), which could be generally grouped into three levels: (i) individual and family factors; (ii) peer-and community factors; and (iii) macro-environment and systemic factors.

Figure 9. Risk factors contributing to vulnerability to human trafficking



Source: Fundación Pasos Libres (2021).

Key factors leading to the risk of trafficking or vulnerabilities at the individual and family level include poverty, unemployment, lack of education and access to resources, lack of alternatives, low socioeconomic status, problems with mental health and addictions; whereas at the peer and community level, these include peer pressure, community cohesion and norms constituting consent and coercion (Fundación Pasos Libres, 2021). At the macro-environment and systemic level, economic and political instability are the most cited causes of risk (United Nations Office on Drugs and Crime, 2018), underlined by the lack of rule of law, impunity, inequality, limited protection for victims and survivors, systemic marginalisation and discrimination on the basis of gender, caste and ethnicity.

If certain people are considered to be lesser than others, they are more likely to face the poverty that facilitates their exploitation, and to be viewed by society and employers as more justifiably exploitable. (LeBaron et al., 2019)

In addition to these three levels of risk factors, natural disasters, COVID-19, extreme weather events, drought and water scarcity are considered as trafficking risk multipliers, exacerbating any pre-existing vulnerabilities.

At the fall of Kabul in August 2021, when the Taliban regained power and control over the country, ***all of the risk factors above***, coupled with the risk multipliers of natural disasters and a global pandemic, affected almost half of the Afghan population.

Afghanistan is facing what has been deemed the world's largest humanitarian crisis. Estimates indicate that approximately 18–23 million people—nearly half the population—are in desperate need of humanitarian assistance, facing widespread food insecurity and water shortages (UNICEF, 2021). Nearly 14 million Afghans are struggling to find food, while 8 million are experiencing levels of hunger that may soon amount to famine-like conditions, since they are unlikely to find even a single meal. Increasingly severe and historic incidence of drought has led to widespread water shortages, leaving some 9 million people with limited or no access to clean drinking water (UNAMA, 2021). The prospects of economic stability are clouded by political uncertainty, and some estimates indicate that a 13% increase in economic losses could plummet the country into universal poverty by mid-2022 (UNDP Afghanistan, 2021). This is taking place in the context of extraordinary levels of change, violence, and climate conditions that have displaced thousands of Afghans. Many of the conditions that have exacerbated the current crisis long pre-dated the Taliban's return to power.

3.1. Aggravating circumstances

3.1.1. Humanitarian crises, natural hazards, and the economy's collapse

Leading up to the events of 15 August 2021, Afghanistan grappled with increasingly severe climate conditions, as well as escalating levels of violence that led to civilian casualties and large-scale displacement. In the preceding years, a series of droughts—one of which was the worst the country had experienced in 30 years—led to widespread water shortages. Moreover, the country faced the highest levels of violence and civilian casualties ever recorded during the last quarter of 2020. Decades of conflict had already displaced 3 million Afghans, but in the seven months before the Taliban's return to power, an additional 600,000 Afghans were internally displaced (McGroarty, 2022). The escalating violence led to the destruction of critical water and agricultural infrastructure, which worsened existing food insecurity and water shortages. All of these conditions took place while the COVID-19 pandemic continued to spread throughout the country.

After the events of 15 August, Afghanistan's economy faced instability across a number of dimensions. Essentially cut off from international markets, the government's accounts were frozen. Foreign investments, aid, and external trade—a substantial source of Afghanistan's public expenditures—came to a standstill (UNDP Afghanistan, 2021). US sanctions blocked Afghanistan's central bank from approximately \$9.5 billion in assets frozen in US accounts (The Editorial Board, 2022). Despite concessions for humanitarian aid, political and economic uncertainty left the last 20 years of human development

gains hanging in the balance (in the period between 2000 and 2019, Afghanistan's human development index (HDI) rating rose from 0.350 to 0.511), amid worsening conditions that continued to cause unparalleled levels of humanitarian need. An estimated 60–75% of Afghanistan's budget had come from foreign aid (Select Committee on International Relations and Defence, 2021). Without these funds, state capacities were spread extremely thin, funding was depleted, and government workers were left unpaid, which led to the widespread deterioration of basic services. Teachers were not paid, markets were increasingly burdened, businesses began to shut down, and unemployment rose. There was scarce work available, while prices of food and fuel continued to rise. Afghans were increasingly unable to feed themselves and their families, leading to rising rates of malnutrition, particularly among children. Women and children, often the breadwinners after decades of conflict, were critically affected by the sharp rise of unemployment. Access to food, water, health services, and education, among other services, has fallen throughout the country and left an estimated 24 million Afghans in desperate need of humanitarian assistance.

3.1.2. Erosion of decades of human rights efforts and advocacy for the rights of women and girls

There had been considerable improvement in women's participation in Afghan society, politics and the economy since the fall of the Taliban administration in 2001, particularly in urban areas. Progress was, however, impeded by a range of factors including the security situation, the limited reach of the Afghan government into rural areas, the persistence of misogynist norms, unwillingness to enforce legislation protecting women, and a culture of impunity for cases of violence against women. Simply put, as the Taliban amassed territorial control, the rights of women and girls in those areas were steadily reversed (Select Committee on International Relations and Defence, 2021). Women increasingly became the victims of targeted violence and threats. The Taliban is systematically purging women from public roles, as increasing threats are levelled at female civil servants.

The country's education system, weakened by various socio-political developments, faces a drop in enrolments. Approximately 3.7 million children are not enrolled, over 60% of whom are girls (UNICEF Afghanistan, n.d.). The closure of multiple girls' schools in areas such as Ghazni and North Fayab exacerbated those figures further—2.2 million Afghan girls are out of school (Select Committee on International Relations and Defence, 2021). The Taliban has prohibited Afghan women and girls from attending any form of schooling beyond primary level and the outlook for improvement remains bleak. Pervasive social and traditional norms in Afghanistan, which normalised child marriage and virginity tests, heightened women's vulnerability to exploitation and harm. Access to justice systems is heavily constrained. Many women are unaware of their rights to seek legal recourse and are forced to endure 'local justice' instead. Extra-marital sex is considered sinful for women, and in some cases, rape victims are reportedly forced to marry their abusers to maintain their family's 'honour' (International Organization for Migration, 2003). In this regard, tradition, religion, and cultural values are increasingly used to justify restrictions on women's participation in society.

Figure 10. Schools got burned down



Fasl-e-Bolan, Hilmand province. Afghanistan. October 2021.

Seven-year-old Mohibulla. When asked if he goes to school, he replied: 'How can I go to school? It burned during the fighting'. Credit: UNOCHA/Pierre Peron.

3.1.3. Increased numbers of refugees and IDPs and their trafficking risks and vulnerabilities

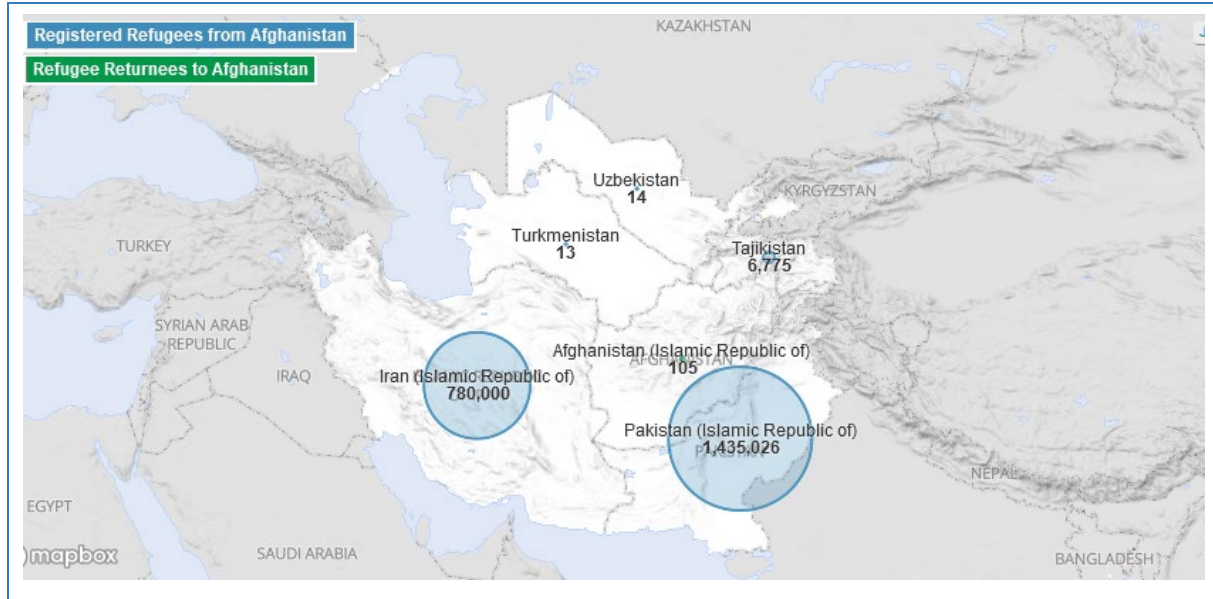
Increased numbers of refugees and IDPs

In recent years, the number of conflict-driven displacements has steadily increased and grown in scope, with greater displacement taking place both within and seeking to leave Afghanistan. According to the United Nations High Commissioner for Refugees (UNHCR), Afghans were the world's second largest group of refugees in 2021. There are currently 2,221,828 registered Afghan refugees residing in neighbouring countries, of whom 2 million are registered in Iran and Pakistan (USA for UNHCR, n.d.). Half a year after the Taliban's takeover, an additional 700,000 Afghans are internally displaced, adding to the existing 3 million displaced by decades-long conflict. Forced returns are taking place on an unprecedented scale, with Pakistan and Iran sending thousands of Afghans back to the country daily. The circumstances surrounding entry and repatriation in terms of who can cross the border or face forced removal remain unclear (Rowell, 2022).

Iran and Pakistan host approximately 95% of all Afghan refugees (Amnesty International, 2020), but their outlook remains uncertain as forced returns continue to take place. Repatriated refugees arrive in communities reeling from poverty and scarcity. The combination of deteriorating economic and socio-political conditions

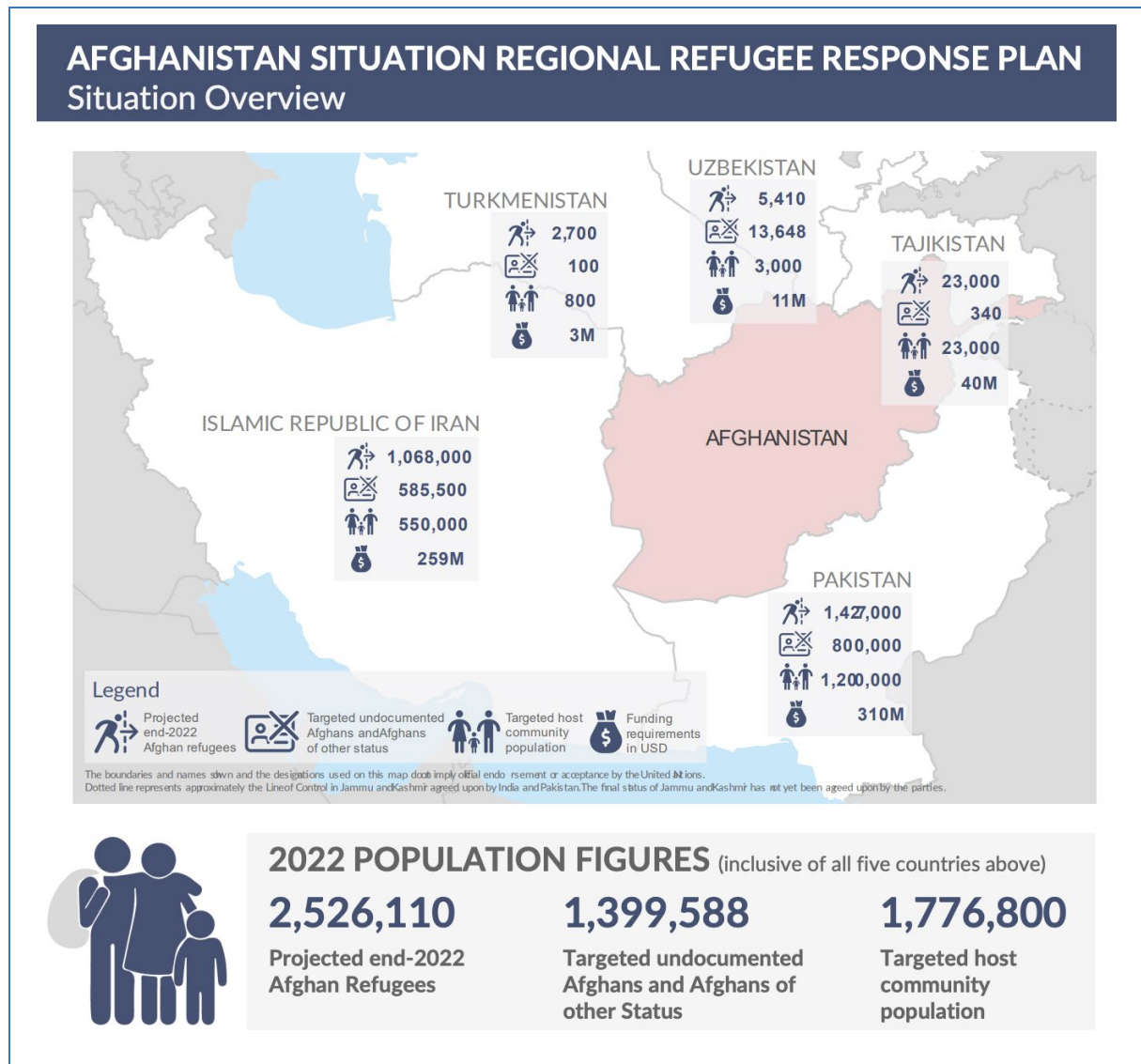
heighten the vulnerability of refugees, particularly to situations of bonded labour, displacement, and exploitation by criminal networks (UK Parliamentary Committees, 2018). Throughout the country, forcibly displaced or internally displaced persons (IDP) face increased difficulties in finding employment, housing, and basic services such as healthcare, food, and clean drinking water. Relegated to overcrowded, poverty-stricken camps, internally displaced women, girls, and children (particularly those with disabilities) are unable to access clean water or healthcare services as the pandemic continues.

Figure 11. Registered Number of Afghan Refugees in Bordering Countries



Source: UNHCR, August 2021, <https://data2.unhcr.org/en/situations/afghanistan>

Figure 12. Regional Overview of Afghan Refugee Population



Source: Reproduced from UNHCR, January 2022, <https://data2.unhcr.org/en/documents/details/90521>.

Heightened trafficking risks of refugees overseas

As the number of Afghans seeking refuge increased in the period leading up to and following the Taliban’s return to power, neighbouring countries were overwhelmed with an influx of arrivals at their borders (Casalicchio, 2021). The mass exodus has skewed patterns of migration and displacement, rendering previous predictions based on seasonal trends and conflict dynamics obsolete. Unexpected closures along shared borders with Pakistan and Uzbekistan pose additional obstacles to refugees seeking safe haven. The growing number of forced returns from neighbouring countries—20,000 daily cases in the months after the Taliban takeover—and the unclear circumstances surrounding entry and repatriation, heighten the risk of exploitation and trafficking for Afghans seeking refuge.

After the Taliban recapture of Afghanistan

Large-scale instability has propelled irregular migration from Afghanistan. Afghans have fled the country in fear of persecution following the Taliban regime's return to power, and an increasing number have sought entry to European countries. Among these Afghan refugees, a large percentage are women and girls. The Taliban's oppressive practices towards women reignited risks of forced marriage and exploitation, and caused them to seek safety abroad. Asylum seekers attempting to reach Europe follow three main routes—through Turkey where they can continue into Eastern Europe or cross the Mediterranean into Italy. Alternatively, refugees travel through Libya, crossing the Mediterranean to reach Italy (Casalicchio, 2021). Despite the risks and dangers posed by irregular migration, refugees fearing forced removals and persecution are using a number of methods to reach countries like the UK and Germany. The extent of crime and complicity is often blurry in circumstances of irregular migration. Some have attempted to cross European land borders in vehicles or freight containers and drivers may or may not be aware of their presence. Others manoeuvre boats and flimsy inflatable dinghies across the English Channel in hopes of gaining entry.

Smugglers network

The profile of human traffickers and migrant smugglers may range from organised criminals to ordinary, and often vulnerable, people spotting an opportunity for quick money (Shen, 2016). The way this takes place and the methods used to cross borders depend largely on the refugees' financial resources. Once smugglers are identified, they set the costs and charge asylum seekers before using land or sea routes to get them into the destination country. The market is not monopolised by one or two large-scale criminal organisations, but by networks of individual groups connecting migrants—often through established contacts—at different sections of the journey. The network appears to be interconnected but the range of groups is widely dispersed. This complicates countries' ability to stem irregular migration flows and protect victims, as it requires coordination with transit countries to identify cases of trafficking before victims arrive in the destination countries. The greatest risk for migrants' exploitation in the destination countries. Traffickers may confiscate their identity documents, limiting opportunities to escape, using the risk of deportation (Cookman & Caylak, 2021). Following the announced withdrawal of US (and allied countries') military and diplomatic presence in Afghanistan, some 500 to 2,000 Afghans attempted to enter Iran daily, often in hope of crossing the country's eastern border to reach Turkey. The large-scale migration created lucrative opportunities for traffickers and smugglers, who reportedly moved Afghans from Iran onto Turkey across a chain of cities, through a loosely connected network (Cookman & Caylak, 2021).

3.1.4. Challenges to civil society responses

Even before the Taliban's takeover in August 2021, the small number of civil society actors, NGOs, and humanitarian responders were reportedly overwhelmed, overburdened, hugely under-resourced, under-funded (Lindner, 2010), and constantly under security, violence and even death threats in the country. For instance, ten staff members of a UK-US charity were reportedly killed by gunmen in June 2021 (Rahim & Ives, 2021).

As the US and allied countries withdrew their troops and the Taliban gradually took over the entire country, financial institutions and banks in the country were forced to close down and freeze their assets, making it difficult for NGOs to pay their staff and cover operating expenses (Charny & Jackson, 2021). International organisations and UN agencies were said to have been able to use agents to transfer cash into the country, but local and national NGOs did not fare as well, since all or most of their bank accounts and funds were in Afghanistan (Charny & Jackson, 2021). Having no access to cash and banking has reportedly affected civil society's capacity to respond to the population's humanitarian needs, threatening a huge disruption to the delivery of basic services against the backdrop of one of the largest humanitarian crises worldwide (Charny & Jackson, 2021).

Fearing for the safety and lives of their own staff members, many foreign NGOs were obliged to evacuate their staff and halt their operations. However, this may have risked reinforcing the distorted view held by many Afghans, that 'Western NGOs were the tools of the U.S. military', regardless of their political and religious standpoints, and subsequently making it harder for those international NGOs that remained to gain local people's acceptance (McLaren, 2021).

Amidst the continuing humanitarian crises, deteriorating economic conditions, natural disasters, and COVID-19, coupled with political instability and successive transitional governments, the lives of millions of Afghans now depend on the few remaining organisations and humanitarian responders in the country. In turn, how these NGOs and civil society actors can continue to operate will depend on their negotiation and collaboration with the Taliban and how they choose to regulate, collaborate, or prohibit NGOs and humanitarian activities and programmes in Afghanistan (Moore, 2021).

Some organisations were said to be better placed than others in gaining Taliban's approval: given their linkages with the western actors and forces, international organisations, especially those having worked closely with the US or allied military forces or the former government, might find it harder to secure Taliban's acceptance than their regional and local counterparts (McLaren, 2021). Similarly, organisations rooted in Sunni Islam would be better able to negotiate and collaborate with the Taliban.

Besides their previous connections and ties with different political groups and actors, NGOs' core services and programmes also matter: the Taliban was reported to have welcomed humanitarian responders who delivered shelter and non-food items, whereas those previously supporting girls' education, and/or working on GBV and delivering contraceptives are likely to be viewed with scepticism or rejected (McLaren, 2021). In a similar vein, supplies of medical aid were reportedly welcomed, whereas anything related to female genital mutilation/cutting would be prohibited (McLaren, 2021). It is generally recommended that civil society organisations (CSOs) and humanitarian responders should clearly communicate their goals, activities and programmes with the local Taliban officials and communities in advance.

In addition to Afghanistan-based NGOs facing increased challenges and risks, NGOs supporting Afghans outside the country, albeit to a much lesser extent, are also reportedly facing an increased demand for support and aid from the Afghan migrants and refugees fleeing the country and risk of Taliban's persecution (Casalicchio, 2021).

Learning from the past?

In the face of uncertainty, looking back to when the Taliban was previously in power (1996–2001), and how they interacted with civil society, might help NGOs be better prepared to negotiate and work with them.

Under the Taliban’s previous rule, women were strictly forbidden to work and leave the home unless necessary—which included working for domestic and/or international organisations (Moore, 2021). In order to work, NGOs had to go through several layers of registration with significant delays and considerable scope for corruption due to the vague decision-making process. Furthermore, first-time applicants also needed to ‘deposit 30 million Afghani at a designated bank “as a guarantee” (Moore, 2021). This was the equivalent of \$6,315 in 2000, and nearly \$350,000 in 2021 when the local currency was worth more. Formerly active NGOs wishing to continue operations were reportedly asked for 10 million Afghani (Moore, 2021)—such large deposit requirements would pose a significant challenge, particularly for local and smaller NGOs.

NGOs back then were also considered as a government instrument rather than an independent entity, and faced significant constraints on their activities—most notably being required to work only on ‘*humanitarian and economic assistance aspects*’ (thus excluding some development and human rights activities), as well as to ‘*respect the religious beliefs and national and cultural traditions*’ of the Afghan people and to ‘*not perform any activities against the country’s national interest*’ (thus preventing any activities that might criticise the Taliban, their policy and governance; see Moore, 2021). In general, the Taliban’s regulations governing NGOs were defined both narrowly and ambiguously.

3.2. The Taliban’s responses—new (or old) dynamics?

3.2.1. Lucrative border business

Since August 2021 when the Taliban took Kabul, and subsequently the whole Afghanistan, the country’s humanitarian crises have continued to worsen: deteriorating economic conditions, intensifying poverty, life-threatening hunger have all become widespread. Thousands of Afghans, in dire situations and desperate need of basic survival services, were reportedly attempting to cross the borders with Iran and Pakistan every day (Goldbaum & Akbary, 2022). Taking advantage of their exodus, as well as of the lucrative smuggling enterprise, some local Taliban officials, especially commanders at checkpoints, have apparently started to collect new taxes—for instance, each car heading to Pakistan would now have to pay about 1,000 Afghanis (roughly \$10) to Taliban officials at terminals (Goldbaum & Akbary, 2022). The Taliban also reportedly taxed the border towns’ and cities’ main migration routes widely used by smugglers, such as through the Zaranj desert and over the border fence into Iran (Goldbaum & Akbary, 2022). However, these taxes and the Taliban’s piecemeal attempts to crack down on smuggling routes have had no effect on the smugglers and their smuggling business—if anything, they only led them to put up their fees, adapting to a different (and often more dangerous) routes for the thousands of destitute and desperate Afghan

migrants and refugees, which in turn significantly increased their risks of human trafficking and aggravated smuggling (Goldbaum & Akbary, 2022).

3.2.2. Attacks on civil society

Given the dire situations of roughly half of the Afghan population, the international community was hoping for a more collaborative and accommodating Taliban who would be willing to cooperate with NGOs and international organisations to deliver urgent humanitarian aid. The Taliban was, however, reported to have gone back on their word regarding upholding the country's civil and women's rights (Vishak, 2021). According to the Office of the High Commissioner for Human Rights (OHCHR), the Taliban (i) was allegedly carrying out house to house searches for former officials and civilians who had worked with the US military and companies; (ii) reportedly attacked and threatened UN personnel; and (iii) raided offices and compounds of NGOs and civil society groups (Vishak, 2021).

These recent attacks on civil society groups and international agencies suggest that expecting a 'new' and more progressive Taliban-led government might have been just wishful thinking. Civil society actors and humanitarian responders in the country therefore need to stay alert and be prepared to face potential hostility.

3.2.3. New (or old) dynamics?

The Taliban-led government is not a new one (Select Committee on International Relations and Defence, 2021); and has started to implement or bring back many of its earlier ideologies, cultural and governing practices, such as prohibiting women and girls from higher education and access to criminal justice systems.

Over the past three weeks (after the Taliban took over Kabul), women have instead been progressively excluded from the public sphere. In many areas, they are prohibited from appearing in public spaces without a male chaperone. In numerous professional sectors, women face increasing restrictions. (Michelle Bachelet, UN High Commissioner for Human Rights, in Vishak, 2021)

Given the various reports of the Taliban's human trafficking practices over the past 20 years, such as the use of *bacha bazi*, the abduction (and sale) of women and girls and children for (i) domestic and sexual servitude and forced marriage to boost Taliban fighters' morale and/or to attract new followers; (ii) funding operations and paying military-related costs; and (iii) being used as child soldiers, it is therefore to be expected that, under the Taliban's rule, current human rights violations and human trafficking practices will continue and in many cases, be amplified in the name of preserving traditional values and cultural norms. Furthermore, some practices which were, to some extent, prohibited under the previous western-backed government, such as the forced marriage of women and girls as means of debt relief and dispute settlement, may well return.

There have also been reports of new dynamics and exploitation under Taliban's rule. Opium poppy production and mineral deposits, well-known income sources for the Taliban, significantly depend on the use of forced or exploitative labour of unskilled and semi-skilled workers in harsh and hazardous conditions (Lauder, 2021). Mohammad Yaqoob (the eldest son of Mohammed Omar, the founder of the Taliban, and current member of the 12-person council set up to steer Afghanistan) was reported to envisage the strategic use of the mining operations and drug production to secure financial independence for the Taliban. While Afghans will potentially return and be attracted to the employment opportunities arising from increased poppy production cycles (for which demand is expected to rise given the fewer restrictions under the Taliban's governance), it has been claimed that ethnic minority groups in China, especially Uyghurs, will be forced to cross the Wakhan Corridor to work in Afghan-Chinese-owned mines, to meet the region's mining operation and production goals (Lauder, 2021).

4. Caught between a rock and a hard place?

4.1. Which and whose priorities?

Since August 2021, the Taliban has gained broadly uncontested control of Afghanistan. To date, there has been no serious attempt to form an Afghan government in exile (Trofimov, 2021). Given this, international actors and stakeholders now face an urgent question of whether to recognise the Taliban government as representing the state of Afghanistan.

Looking back at the 1996–2001 period when the Taliban first ruled the country, only a handful of governments, including Pakistan, Saudi Arabia and the United Arab Emirates recognised their regime (Trofimov, 2021). History seems to be repeating itself when many western countries are declining to give diplomatic recognition to the legitimacy of the Taliban regime, such as Canada and France (Reuters, 2021).

Canada has no plans to recognize the Taliban as the Government of Afghanistan, they have taken over and replaced a duly elected democratic government by force. (Justin Trudeau, Canada's prime minister; Reuters, 2021)

Or they are cautiously approaching the matter, such as Australia:

We make no premature commitments to engage with an Afghan administration that is Taliban led. (Marise Payne, Australia's Minister for Foreign Affairs; Payne, 2021)

For the Taliban, the priorities are now to gain international and diplomatic recognition of the regime's legitimacy, achieve economic and financial independence, and reinstate their rules, ideologies, and cultural practices in all aspects of governance and life in the country. The Taliban has been reportedly guarding most of the western embassies which were closed down after 15 August, in hope of the west's recognition (Trofimov, 2021). Other issues, such as upholding the rights of women and girls, current and ongoing humanitarian crises, widespread human trafficking and human smuggling practices, are arguably not at the top of their agenda. On the contrary, there is a possibility that the Taliban would resort to tactically capitalising on these issues as a shield and/or leverage, as well as to put pressure on the west and international community in order to gain legitimacy and recognition for their regime, especially when they are up against the wall.

The western countries, especially the US, and international organisations such as the UN and the EU and its member states, reportedly continued to condemn and criticise the Taliban's rule on grounds of the unconstitutional means by overthrowing the government, as well as their lack of inclusivity and respect for the rights of women and

girls. However, the country's current political instability and life-threatening humanitarian crises were arguably considered to be partly due to the two decades of missteps by the US-led Western 'intervention' in Afghanistan.

'The collapse of Afghanistan is not the result of things that happened just in the last year or a couple of years. They're the result of 20 years of missteps in how the West has run its war in Afghanistan.' (Emma Graham-Harrison, senior international affairs correspondent, *The Guardian*, in Burke, 2021)

Meanwhile, millions of Afghans are facing extreme poverty and hunger, acute financial hardships and limited livelihoods and outlook. The international community, especially civil society groups and NGOs, are desperately running against the clock to secure and deliver humanitarian aid for those in need amidst the political transition, ambiguity, and Taliban's stricter rule.

Against the backdrop of diplomatic tensions between the Taliban and the west, and the desperation of humanitarian responders and international community, Russia and China are reportedly viewed as the main beneficiaries in terms of exerting their power and spheres of political influence in the country and region—both have publicly voiced their friendly and open attitude towards the new regime (Fischer et al., 2021).

4.2. Policy and diplomatic challenges

4.2.1. A long and bumpy road

In relation to issues related to human rights in general and human trafficking in particular, the new Taliban government is likely to pose significant challenges regarding the state response and systemic protection infrastructures and mechanisms. Most importantly, the Taliban ideology centres around patriarchal beliefs and practices, as well as the importance of family rules and structure. This, coupled with the recently enforced ban on women and girls' higher education, is bad news in terms of the country's 'traditional' and cultural practices of forced and child marriage, as it normalises the exploitation committed by a family member (in most cases, the victim's father, brother, husband, and other male relatives; see United States Department of State, 2021). Under Taliban rule, the institution of marriage will most likely be stricter, putting female victims of trafficking, rape, kidnapping, and abduction at higher risk of being criminalised by the state, along with cultural sanctions and 'honour' killings.

As the Taliban is currently occupied with re-establishing their rule and control over the country, human trafficking is arguably not among their top priorities and concerns. This is likely to result in hugely reduced prevention efforts and victim identification, as well as in the state capacity and response framework, including the now-obsolete national action plans and national referral mechanisms. Furthermore, under their previous rule, the Taliban reportedly followed contradictory practices: they publicly stoned women and girls to death for committing 'moral crimes', while at the same time secretly kidnapping village women and girls to give to their soldiers as prizes, wives, or sex slaves (McGirk & Plain, 2002; Human Trafficking Search, 2014).

In relation to diplomatic challenges, millions of Afghans are now caught in limbo as various actors and interest groups are making their plans regardless of the Afghan people's opinions and life-threatening conditions. It is therefore imperative that the western allies should recognise earlier mistakes and adopt a more pragmatic approach, especially in prioritising recovery plans, actions, and directing resources to relieve Afghanistan's humanitarian crises.

'One mistake that the West has made over the last 20 years has been to see the Taliban as a rather small collection of fanatics rather than a group that represents *one strand of genuine opinion in Afghanistan*, and particularly one strand of Pashtun opinion.' (Sir Richard Stagg; Select Committee on International Relations and Defence, 2021)

The current hesitation and political tensions between the de facto Taliban-led government and the west, in particular the US, EU, and international organisations such as IMF and the World Bank, serve only to delay the urgent and much-needed humanitarian aid and support for the Afghan people. The international community should also bear in mind that, if they are completely isolated and feel they are up against the wall, the Taliban might resort to more extreme measures such as leveraging human trafficking and humanitarian crises, further engaging with international, regional organised criminal networks and extremist groups. This would be likely to result in not only in the loss of western influence and leverage in the country and region, but more importantly, the increased suffering of the Afghan population, greater vulnerability to trafficking, and exacerbated humanitarian crises.

Last but not least, any diplomatic negotiations and evaluation of collaboration, peace and security, or to address the need for humanitarian relief, should take into account the perspectives and situations of the two largest hosts of Afghan refugees—Pakistan and Iran—as well as the situations and conditions of hundreds of thousands of Afghan refugees and migrants currently living there (Select Committee on International Relations and Defence, 2021).

Iran and Pakistan are currently hosting approximately 90% of all Afghan refugees (United Nations High Commissioner for Refugees, 2022), whose outlook remains uncertain as repeated threats of mass forced returns were used to threaten the Afghan government and directly pressure the refugees into leaving. Decades of war, poverty, and unemployment have eroded Afghanistan's capacities and rendered the country incapable of providing safe or sustainable forms of return to displaced Afghans. These limitations extend to the state's ability to effectively reintegrate repatriated Afghan refugees from Iran, Pakistan, Turkey, or European countries (Select Committee on International Relations and Defence, 2021). Moreover, the use of 'return' in this context overlooks situations of decades-long displacement, which poses significant challenges for those born outside Afghanistan (in April 2018, a young Afghan man who was forcibly returned from Germany committed suicide in a hotel room in Kabul; another returnee was injured in a large-scale attack in Kabul (Select Committee on International Relations and Defence, 2021). Repatriated refugees arrived in communities reeling from conflict, poverty, and resource scarcity, which further heightened their vulnerability to situations

of bonded labour, displacement, and exploitation by criminal networks (UK Parliamentary Committees, 2018).

4.2.2. Repercussions of a pragmatic approach

Given the dire economic situation and the humanitarian crises in Afghanistan, many experts and commentators have advocated a pragmatic approach, centred on human rights and human security principles, and specifically to prioritise giving more support, funding, and resources for humanitarian relief (Sakhi, 2021; South China Morning Post Editorial, 2021). Such an approach might entail the return of trade, financial services, humanitarian aid, as well as bilateral and/or multilateral diplomatic relations with the Taliban. In view of the current economic, social, and political situations and conditions of Afghanistan, coupled with the Taliban's complicated relationship with the west, no multilateral solution will be without repercussions.

Since the Taliban's resumption of power, the US has frozen approximately \$9.5 billion of the previous Afghan government's reserves (kept in the Afghan central bank 'Da Afghanistan Bank') in US banks (Mohsin, 2021; The News International, 2021). At the same time, the World Bank suspended four aid projects in Afghanistan which were worth about \$600 million (Kimball, 2022; Shalal & Landay, 2022), just shortly after the International Monetary Fund (IMF) blocked the country from accessing emergency currency reserves of \$460 million (Rappeport, 2021). These actions have further exacerbated the country's dire economic and humanitarian situation, as Afghan citizens were unable to withdraw their money from the national bank. Humanitarian responders and NGOs were also unable to withdraw cash and/or receive the necessary funding to provide aid and humanitarian relief. In this impasse, civil society actors, the UN Secretary General Antonio Guterres, as well as several diplomats and politicians, such as Pakistan's former Minister of Interior Sheikh Rasheed Ahmad, have issued statements and organised press conferences urging Washington, the World Bank and IMF to release frozen Afghan funds, as well as to increase humanitarian funding for the country (Pajhwork Afghan News, 2021; The News International, 2021; France 24, 2022).

To date, the US has remained silent on these matters, refusing to unfreeze assets which, Washington argues, could fall into the Taliban government's hands, especially after the Taliban announced that it would not allow girls to attend secondary school (Mohsin, 2021; Shalal & Landay, 2022). In addition to the long and complicated history between the US and the Taliban, the refusal of Washington and several western countries and international organisations to follow such a pragmatic approach ironically has its roots in their firm belief in the principles of human rights, with which the Taliban is proven to be not complying (Vishak, 2021). It is possible that some of the trade-offs of such pragmatic approaches would mean (i) recognising the current Taliban-led government (albeit indirectly, such as by releasing frozen assets); (ii) legitimising the Taliban's governance among the Afghan population (albeit indirectly, such as allowing more humanitarian aid); as well as (iii) a temporary compromise with the Taliban's ideologies, cultural and social values and beliefs which disregard, or even prohibit in several respects, the human rights of Afghan women and girls, and sidestep gender-specific health and education policies. If this is done, especially given the current conflict-affected, impoverished, fragmented, and fragile state of Afghanistan, it might subsequently prove much harder to negotiate and persuade a strengthened and more

financially independent Taliban-led government to respect these values, rights, and progressive policies. Similarly, when harmful traditional and cultural practices such as *bacha bazi* are accepted and/or tolerated at the early stages of a new government, even greater efforts would be needed later to properly address and prevent them.

Even so, introducing any new cultural values, beliefs, and perspectives always takes time and needs to be pursued with care and diligence. Any attempt to rush things would risk backfiring and meet with stronger local resistance and disapproval. The US, NATO, and their allies have reportedly made mistakes since their 'intervention' 20 years ago (Burke, 2021; Select Committee on International Relations and Defence, 2021). By deprioritising the dire economic and humanitarian crises in Afghanistan, their argument for upholding the rights of women and girls, including to higher education, as well as its position on persistently pressuring the Taliban to become an inclusive governing authority, might end up in vain if millions of women and girls are currently dying of starvation. This is by all means no easy task. However, if we are to uphold the principles human rights centred on the respect for human life, then the path to follow is to prioritise the humanitarian aid that is urgently needed by nearly half of Afghanistan's population.

5. Conclusion

Afghanistan has suffered decades of wars and internal conflicts, which have driven several generations and millions of Afghans into impoverishment, illiteracy, unemployment, and displacement, rendering them unable to provide for their families and children. Coupled with the political instability, lack of infrastructure, institutional protection, support and legal mechanisms and frameworks, as well as successive weak, fragile, and transitional governments, the Afghan people, especially women and children, have thus been denied legitimate and viable economic options, opportunities, and livelihoods. In such conditions, and given the ample supply and demand, human trafficking thrives.

In addition to the usual practices, human trafficking in Afghanistan is similar to what happens in other humanitarian and conflict contexts, especially concerning undermined or absent state-led responses, the use of child soldiers, women and girls as weapons of war, heightened vulnerability of refugees and IDPs, and exacerbated forms of existing human trafficking, such as forced and child marriage, forced labour, organ trafficking, and forced criminality, as well as those specific to the Afghan context, including the practice of *bacha bazi*.

As recent events unfolded in Afghanistan, especially with the departure of US and allied troops, severe natural disasters, and the Taliban's swift takeover of Kabul in August 2021, exacerbated economic and humanitarian crises, leading to new diplomatic and policy challenges: nearly half of the population desperately need humanitarian assistance due to widespread food insecurity and water shortages, while the west has frozen its national bank's assets and reluctantly delivered humanitarian aid and financial support, for fear of legitimising the Taliban's rule and/or of compromising their ideologies, cultural practices and beliefs. Furthermore, there has been a mass exodus of Afghan refugees and displaced people trying to flee the country, especially those most at risk under Taliban rule: persecuted groups (such as the Hazaras), human rights advocates, those with ties to the former government or western powers (having previously worked for western governments, embassies, and military groups, such as interpreters or security guards, or for international organisations), and LGBTIQ+. Despite their heightened dangers and risks of persecution, many western countries have reportedly been reluctant to give support and/or grant them refugee status and the right to remain (Dixson & Hussein, 2022). Iran and Pakistan, the two largest host countries of Afghan migrants and refugees, have also repeatedly threatened them with mass deportation (Select Committee on International Relations and Defence, 2021).

Just six months since the fall of Kabul, Russia invaded Ukraine on 24 February 2022, which has arguably pushed Afghanistan's humanitarian crises and challenging situations further down the international agenda. The stark contrast of how western countries urgently responded to the needs of the Ukrainian refugees fleeing the war, compared to their Afghan counterparts, painted an unfortunate picture of *selective compassion*, which reflects the way that countries prioritise and differentiate the suffering of different peoples (Dixson & Hussein, 2022). This also shows that the main challenges

arguably do not lie in the lack of infrastructure or logistical obstacles, but rather in the relevant actors' lack of political will.

Finally, given Afghanistan's dire economic situation and humanitarian crises (among the world's largest), as well as Afghans' heightened vulnerability to human trafficking and aggravated migrant smuggling, especially women and girls, the longer the west is reluctant to follow a pragmatic, human rights-centred approach—placing human lives at its centre, thus prioritising humanitarian aid over diplomatic and political tensions, and over the differences in ideologies and cultural values and practices—the more lives will be lost, with greater human suffering, and more Afghan refugees, IDPs, and victims of smuggling and trafficking.

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