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# FACTOR OF HUMAN TRAFFICKING AND ILLEGAL MIGRATION IN AFGHANISTAN

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## Acknowledgement

HRRAC is pleased to share the results of its 26<sup>th</sup> research on the factors of human trafficking and illegal migration in Afghanistan both from Afghans and experts' perspectives. Human trafficking in Afghanistan is taking place inside the country with intensity. Girls, women and vulnerable families' children are being trafficked into major cities inside and outside of Afghanistan. It is observed that there are not enough shelters to provide protection to the victims in Afghanistan. Moreover, there is little or no awareness regarding human trafficking and about the consequences of illegal migration to general public.

This research identified that there is a strong link between domestic violence and human trafficking in Afghanistan. HRRAC, as recommended by the report, asking the government to revise the law regarding anti-human trafficking, and ratify and enforce the Elimination of Violence against Women Law.

I am thankful for the survey team who assisted me in collecting data along border and insecure communities. They deserve special thanks and appreciation for their efforts.

The project is funded under the ACEP program of Counterpart International. I cordially appreciate their support to HRRAC for this important research and advocacy project.

Attaullah Khan

Author of the Report & Executive Director

Human Rights Research and Advocacy Consortium



## Acronyms

ACEP	Afghan Civic Engagement Program
CTiP	Counter Trafficking in Persons
CRSDO	Creating Resources for Sustainable Development
CSO	Civil Society Organization
HRRAC	Human Rights Research and Advocacy Consortium
IOM	International office of Migration
INGO	International non-governmental Organization
ISIS	Islamic State in Iraq and Syria
MoRR	Ministry of Refugees and Repatriation
NUG	National Unity Government
NGO	Non-governmental Organization





## I: Research Objective

The prolonged conflict in Afghanistan has created many social and economic problems, one of which is human trafficking. The protracted conflict has made the people of Afghanistan, especially children and women extremely vulnerable to trafficking and forced and willing migration. The conflict has squeezed the circle of social and economic functions in society, which results in fleeing the society either willingly or being trafficked by smugglers. Protracted conflict and the continues loss of lives and livelihoods, economic instability, corruption, deteriorated insecurity, common and culturally acceptable and appreciable violence against women, widespread poverty that pushes children to work in order to augment their family income, internal displacement and shared border with six countries are among the elements that fuel human trafficking in Afghanistan. As conflict and lack of peace is one of the major factors of human trafficking that this research has focused on, therefore community support in peace building and buy out from the authorities is necessary for combating human trafficking. The objective of this research is to assess local government and communities' response to human trafficking in Kabul, and communities located close to borders. This report will shed light on the role of community in peace building and perception that cross border communities have about human trafficking which facilitate the support of cross border trafficking networks.

The recommendations of this report aim at working on mitigating strategies on the sides of community, government and international actors to the challenges faced while restricting the space for traffickers legally.

This report departs from the premise that those who are smuggled for labor, sexual or any other purpose are not only trafficked. Instead, it takes a holistic and contextual approach and considers “migrations at the hands of agents” to other countries are trafficked and are being exploited on their way to destination. Migrants can be easily criminalized in new societies and challenging environments. It takes holistic approach for the analysis to ensure that findings shed light over the complex dynamics that frame how people prefer to leave behind their communities and accept being exploited morally, physically as well as economically.

The research follows the argument of Global Alliance against Trafficking in Women (GAATW)<sup>1</sup> that trafficking only exists where the use of force or deception is present. To that, I add minor's involvement in insurgency, war and the use of pupils in suicide bombing. To successfully end human trafficking in Afghanistan, identities of people need to be electronically registered, and the authorities should be informed within 24 hours of any loss of a child or woman from home. Moreover, repatriation of refugees from neighboring countries and those who are illegally migrated to the west but their cases are not approved must be facilitated. Moreover, law enforcement agencies need to be trained to differentiate and identify the trafficked and traffickers at border areas and on police check posts.

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<sup>1</sup> Usman UM, European Scientific Journal June 2014 edition vol.10, No.17 ISSN: 1857 – 7881 (Print) e - ISSN 1857- 7431



## II. Methodology

### *a. Research Framework*

The research framework is based on a hybrid approach based on secondary and primary sources. These included desk-based and field surveys, direct observations, participatory research with focus groups, key informant interviews, and survey and questionnaires carried out with community members, government officials, Civil society organizations officials, activists, and victims. I supervised the data collection team in Kabul, Khost and Nangarhar. The team was composed of male and female surveyors in order to collect information and grasp a gender-balanced view. The team was trained on research methodology including questionnaires, conducting of focus groups and collection of case studies.

As always, fieldwork in Afghanistan is full of challenges and HRRAC's field team encountered many challenges during data collection. The most relevant challenge is that the survey team was not able to interview a large sample of victims due to cultural constraints. Furthermore, female staff of the survey team was able to collect gender-disaggregated data. However, the security situation in rural communities in Nangarhar and Khost provinces could have compromised the answers being received by surveyors.

The survey team was instructed to maintain a balance by including both rural and urban residents in its focus group discussions. In Afghanistan, extra-marital sex is a cultural and legal taboo and cannot be detected easily. Trafficking of women can solely happen for sex, which was covered, however. Apart from sexual exploitation of women and children, Afghanistan is experiencing trafficking for labor, insurgency, begging, ransom, and in its worst and other forms.

HRRAC follows the definition of U.N. Office on Drugs and Crime (2000) Protocol, which create worldwide consistency and consensus on the issue of human trafficking. The protocol put forth an internationally agreed upon definition of human trafficking, defined as “the recruitment, transportation, transfer, harboring 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”<sup>2</sup>.

Though trafficking-in-Persons is a vast area and includes different topics and issues i.e. it may be inside country, and across the border which includes exploitation such as sexual, forced labor and forced detention. This research focuses on inside and cross border human trafficking, illegal migration and its factors. To identify its causes, I sampled 30 border communities of Nangarhar, Khost, as well as Kabul as urban center and Capital Province.

Limitations of the Research: due to limited scope in terms of time and resources, the research is only limited to the aforementioned regions and data collection from the people of these areas.

A deep understanding of the motivations to support trafficking networks is needed as means to develop advocacy strategies and awareness raising campaigns to influence the perceptions that facilitate trafficking countrywide.

### *b. Research Sites*

The research is conducted in 6 sites in Kabul, Nangarhar, and Khost Provinces. The sites were chosen because of their geographical location covering up both central and border provinces' communities. Through this way,

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<sup>2</sup> <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

research findings can shed light over how local dynamics and the nature of conflict contribute to the cause of human trafficking inside and across the borders.

**Kabul:** in Kabul, the research was conducted in two spots, in the city and suburban localities. Three focus group discussions were conducted, one with men and two focus groups were participated solely by women. Victims including trafficked women for sexual purposes and boys for insurgency were also interviewed.

Province	Male/ Female		Community elders	Trafficking victims	Gov. officials	Total
Kabul	22	12	4	2	2	34

The focus groups participants identified the causes of human trafficking as imposed war<sup>3</sup> on Afghans, poverty, drugs, corruption, insecurity and unemployment. One of the participants mentioned that “if all people know the rules and regulations of Quran regarding peace and security which says (والصلح خير) (peace is better), then peace is possible”.

**Nangarhar:** in Nangarhar, the surveys for the research were conducted in the city, and in the rural districts of Kama, Rodad, Chapriar and Momandara. Focus groups were facilitated with participants from men and women and key informants interviews were conducted. Victims and their families were also identified and interviewed.

Province	Individuals	Community elders	Gov. officials	Trafficking victims	Total
Nangarhar	18	5	3	2	18

The focus groups discussed the causes of human trafficking in Afghanistan and how to overcome it. The major reasons of human trafficking in Nangarhar are economic problems, insecurity, threat, fighting and unemployment.

*Atal one of the victims, who went to UK, London, and spent about seven years, returned back to Afghanistan in Aug-2010, said that he would never go again abroad the country illegally because of hardships and exploitation of smugglers on the way to Europe. He appreciated the society of Afghanistan and said “I am very happy here, I can meet my family, friends, relatives and my parents all time without any problem and I can earn enough money which cover my daily needs and I will never advise my friends and family member to go Europe illegally because they will face many problems and risk along the way and with the smugglers. He said that he had very hard time during*

<sup>3</sup> HRRAC FGD Kabul



*the journey as he lost his friend. Food was not available and were eating leaves in the wild and stayed for long time sleepless, walked by feet day and night, he said.<sup>4</sup>*

**Khost:** as Khost was very important for this research because of its remoteness from the center and because of its close vicinity and location on the border areas. I supervised two focus group discussions, one with men and one with women separately. The survey team was able to interview key informants such as government officials, victims, and CSOs officials. In Khost, data was also collected through questionnaires.

Province	Individuals	Community elders	Trafficking victims	Gov. officials	Total
Khost	18	5	3	5	33

Interviews with 33 individuals conducted with communities’ elders, victims, civil society activists and government officials, including human smuggling cases and one was human smuggling leading to human trafficking. Two Police officers were interviewed at provincial police department. One was police prosecutor and the other was police biometric officer. Both are in charge of registering the cases of trafficking. Three officials were interviewed at Khost local government departments.

An illegal migrant to Europe told upon his return *“life in Greece is not worth illegally quitting Afghanistan”*. He added that if he is granted money to go again he would not go. He told he was previously working in Kabul with foreign troops as a truck driver and earning US\$1,000 per month. Now he is jobless and he has to support his joint family of AFS 20,000 per month, but still, he is happy to be in Afghanistan, he said.<sup>5</sup>

*The Police officers told that the government of Afghanistan and police can’t access remote areas because of conflict and war over there. The officials are confined to their offices in provincial capitals. They further added that children use in conflict and war especially those trafficked from Madrassas, religious schools, should be identified and stopped from being used in war. The Prosecutors told that human trafficking and migrant smuggling cases are as important for them as drug trafficking and other crimes.<sup>6</sup>*

<sup>4</sup> HRRAC staff interview for data collection

<sup>5</sup> HRRAC staff interview for research

<sup>6</sup> HRRAC team. HRRAC interview for research “Visit to provincial police department”, district Mathon, khost”

The community elders, individual respondents and trafficking victims were eager to receive trainings and workshops regarding human trafficking, conflict resolution, business and vocational trainings. They suggested that unemployment as the cause for illegal migration. Government and non-governmental organizations should start development projects to end conflict and illegal migration for employment. The victims of illegal migration told they are suffering from economic instability and lack of work.



Khost: Police department, HRRAC official interview for research



Khost: Male participants FGD Khost



Khost: Female participants FGD

In Khost, the ratio of education was high and 65 % children in both districts of Matoon and Mandazai were attending schools. Some children and especially girls were not going to school but were studying in Madrassas. Most of Madrassas are unregistered and not following government curriculum, if any. Women are working separately than male and wanted to grow domestic businesses like designing, animal rearing and fisheries. At cities females are also doing jobs in national and international non-governmental organizations.<sup>7</sup>

<sup>7</sup> HRRAC staff interview for research province wide/ HRRAC research analysis



### III. Human Trafficking in Afghanistan: Context Analysis

Due to conflict, chronic poverty, illiteracy and unawareness, there seems to be a strong potential for trafficking for exploitation in some of the most conservative areas of Afghanistan in future. In a report by Tolo News quoting Ministry of Refugees Repatriation official “in a country where 40% of its citizens are jobless, there would [definitely] be high human trafficking, insecurity and unemployment have forced our citizens to flee the country.”<sup>8</sup> There are many factors that make the population of Afghanistan extremely vulnerable to conflict and as a result to trafficking. Prolonged conflict and the subsequent loss of lives and livelihoods, economic instability, deteriorating insecurity, corruption, the common occurrence of violence against women, widespread poverty that pushes children to work in order to augment their family income, and mass population displacement are among the elements that put vulnerable population at extremely high risk. Other characteristics specific to Afghanistan create an environment that favorably facilitate the process of trafficking. These include sharing borders with six countries and lack of effective border management, weakening of law and order, racketeers who freely cross borders to traffic or smuggle people, and the high production of opium which further increases the pressure to traffic people to smuggle narcotics.<sup>8</sup>

According to a report on CTiP by States Department published in June 2016, internal trafficking victims are termed as more prevalent than transnational trafficking.<sup>9</sup> The report further states that Afghan trafficking victims are mostly children who end up in carpet making and brick factories, begging, poppy cultivation, trans boundary drug smuggling and assistant truck drivers. The report quotes the United Nations report and claim that insurgent groups forcibly recruit and use children as suicide bombers. Young boys travelling unaccompanied are vulnerable to trafficking and deception. The report mentions orphanages are places where boys and girls can easily be victimized. While conducting field research, I also realized the fact that religious *Madrassas (schools)*, as a major source for children trafficking and their subsequent use in insurgency. Similarly, Afghans children studying in neighboring countries’ *Madrassas* are coerced to fight back against Afghan government<sup>10</sup>, and in Iran, Afghan refugee children are banded to fight on their behalf in regional conflicts. Media reported that Taliban use unaccompanied and smuggled boys in fighting against the government and infiltrate them with local government institutions as cooks or drivers<sup>11</sup>.

There is a frequent movement of traffickers between Pakistan and Afghanistan. In winters they stay in Pakistan while in summer they use Afghanistan as spot for smuggling women from Pakistan. During survey for this research, it was identified that women smuggled from Pakistan into Afghanistan under the pretense of high income, who ended up in shelters. Shelters can be a good place for counseling and treatment of victims but more recently

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<sup>8</sup> International Organization for Migration, “Trafficking in Persons in Afghanistan,” Field Survey Report, ([https://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/afghanistan/iom\\_report\\_trafficking\\_afghanistan.pdf](https://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/afghanistan/iom_report_trafficking_afghanistan.pdf), June 2008), 29 Feb. 2016.

<sup>9</sup> Department, United States. "Trafficking in Persons." 20 June 2014. [refworld.org](http://www.refworld.org). 1 september 2016  
<[www.refworld.org/docid/53aaba347a.html](http://www.refworld.org/docid/53aaba347a.html)>. "Trafficking in Persons Report- Afghanistan." 2014.

<sup>10</sup> HRRAC data collection from Nangarhar and Khost

<sup>11</sup> <http://www.khaama.com/child-soldiers-a-tool-to-sustain-power-in-the-afghan-war-1689>



The government has closed down several shelters in Kabul. One of the shelters I visited was given to a local NGO, CRSDO, but was closed due to lack of funding<sup>12</sup>. More recently, victims received at security check posts are depended on the mercy of security officials. As the government has doubled the sentence for punishing human traffickers and victims, children turned victims are in most cases also penalized at courts.

Children and women are at special risk of being trafficked. According to the Afghanistan Independent Human Rights Commission (AIHRC), as pointed out by IRIN news, “[women and children] are exploited both inside and outside the country for forced labor, prostitution, drug selling and many more illegal activities.” According to a report on trafficking issued by the AIHRC, most victims are women and children who lack parental care, live in poverty, or are forced into early marriages. At special risk were girls who had been married before reaching the legal age of marriage. About 81 percent of women trafficked were forcefully married before the age of 18 and up to 50 percent were under 15. About 29 percent of victims were forced into marriage after being raped, kidnapped, harassed, or exposed to violence.<sup>13</sup> Thus, in a context where many of the factors that drive trafficking including increasing insecurity, loss of livelihood, and displacement are worsening, it is critical to shed light on the dynamics of conflict and cross border trafficking. There is a strong link between conflict and trafficking. There are evidences that youth were trafficked to regional conflicts, to Kashmir, to Syria and even to Yemen. Over [50 % of Afghan population](#) is under 18 years old who can easily be deceived for the armed groups<sup>14</sup>. Young people in Afghanistan have been used in the protracted conflict in the form of armed opposition groups, militia groups, criminal gangs and extremist groups. Despite stereotypes of the manipulation of young men by warlords, politicians and extremist groups, there is a need to look at the factors behind young men joining armed opposition groups or being trafficked, to look at the non-material incentives, or they find quick access to income, resources, protection or social status. In Afghanistan, youth role in development and reconstruction is underestimated while in conflict they are either drawn as perpetrators or victims’ of violence. Young men are assumed to be the primary perpetrators while young women the primary victim of conflicts.

This research report has also collected recommendations for the government from trafficking victims, migrant victims, community elders, government officials and individuals to reduce factors of human trafficking and migrant smuggling. This report collect data on trends, risks and journeys of illegal immigration. This is for the fact that the parliament must ratify the revised draft law and differentiate between smuggling and human trafficking. As stated by the UNODC report on Trafficking-in-Persons in Afghanistan addressed to Afghan parliamentarians and IOM report on trafficking in Afghanistan, there is no enough lexicon in Pashto and Dari languages to differentiate between trafficking, trafficking-in-persons and migrant smuggling. The IOM has collected data on kidnapping, migrant smuggling and human trafficking as they are not differentiated in Afghanistan context. Both phenomena are stated in the United Nations Convention against Transnational Organized Crime in separate protocols. One is Protocol to prevent human trafficking and the other protocol is against migrant smuggling. In most cases, migrant smuggling is considered a cross border human trafficking as well. The UN has given three

<sup>12</sup> HRRAC interviews with directors of CSO’s for research

<sup>13</sup> Irin News, “Urgent need to tackle human trafficking,” News, Human Rights, (<http://www.irinnews.org/report/93318/afghanistan-urgent-need-tackle-human-trafficking>, 25 July, 2011), 29 Feb. 2016.

<sup>14</sup> <http://www.unicef.org/childalert/afghanistan/map.php>

differences but cases of migrant smuggling can constitute cross border human trafficking and always ends in exploitation but initial consent is involved in migrant smuggling. Consent is manufactured in human trafficking by fraud at the start but it is not involved for the sake of exploitation. This consent in both cases cannot save the traffickers and smugglers from punishments. Both are discussed in separate protocols and both are punishable. (UNODC, 2008, p. 14)<sup>15</sup>

The United Nations states in its report “*Appropriate legal Responses to combating trafficking in persons in Afghanistan*” that Afghan parliamentarians as well as others should distinguish between cross border human trafficking and migrant smuggling cases in order to devise laws and punishments. Both are illegal and both are included in transnational organized crime under article 3.

Human trafficking in this research is not only limited to cross border human trafficking and migrant smuggling cases but inside Afghanistan, trafficking is prevalent. Women contribute less to migrant smuggling cases but they are exploited due to cross border human trafficking. They are actively included in the research to regard their views and make the research gender responsive because no one can ignore more than half population of the country.

This research focuses on cross border human trafficking and migrant smuggling in 30 cross border communities of Nangarhar, Khost and Kabul. This research is exploring the factors and drivers of cross border human trafficking in 30 border communities of Nangarhar, Khost and Kabul and recommending ways to eliminate it. The provinces and communities selected for this research is due to the fact that either these communities are located near border or to what extent they are prone to Kabul relatively.

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<sup>15</sup> UNODC. [Appropriate legal Responses to combating Trafficking in persons in Afghanistan](#). Manual For Parliamentarians Of Afghanistan. Austria: United Nations Office On Drugs and Crime, 2008.



#### IV. Factors of Trafficking and Illegal Migration in Afghan Society

Human trafficking can be internal as well as external. In Afghanistan the ratio of internal trafficking is more in the last 15 years compared to external trafficking. According to a report by AIHRC, 62% of women and children are trafficked inside the country and 38 % outside the country<sup>16</sup>. There are cases in which trafficking for sex to Afghanistan from Pakistan and China have been made. This was due to high income for traffickers in Afghanistan.

However, the cross border human trafficking, refugees and migrant smuggling cases are due to different drivers. At the time of writing this research report, Afghanistan ranks first in refugees due to prolong war and instability in the country. Most people have migrated due to constant wars and are living as refugees in other countries. This has created a business for some to smuggle and traffic Afghans to other countries for various purposes. This trend has increased recently.

**Political Instability:** It is on the top of the list leading to cross border human trafficking directly along with the lack of peace and weak governance. During data collection, the question that if peace prevails then the people will still go illegally to foreign countries was asked from respondents, and the answer received was no.

The main factor in Afghanistan that fuel cross border human trafficking is political instability, which is interrelated with conflict. So it is evident that cross border human trafficking is due to instability and political uncertainty, otherwise no one is going to take the life-risking journey.<sup>17</sup>

**Poverty:** Widespread Poverty makes people vulnerable to trafficking. Poor people, mostly from Nangarhar and Khost, are voluntarily being trafficked and willingly migrated illegally to Iran, Turkey, and Europe and to Australia. Similarly, children are forced to work hard in bazaars, in brick making factories and as cleaners and assistant drivers. These make them prone and vulnerable to exploitation and trafficking. In many cases, they are used in smuggling drugs, opium and hashish to other parts of the country and outside from Afghanistan.

**Lack of Awareness of People about Risks:** People of remote areas are unaware about different problems and risks associated with child labor. They are unaware of trafficking and cannot raise their voice against trafficking. Some who are aware, are in fear that their voice will not count. Many victims are unaware of their rights and the counter trafficking laws to fight for their rights and seek assistance. The police are also unaware and they have the lack of resources and capacity to help the victims. Cross border human trafficking is full of risks. Scores of migrants in search of better life have either lost their lives or ended in sexual trafficking. According to a report, there were many victims from Afghanistan involved in sex trafficking in Greece<sup>18</sup>. They were not intended to do that but due to traffickers, agents and lack of resources, they were persuaded to go for it. Cases of containers have been evidenced in which people died of suffocation. On electronic media one can see pictures and videos of people

<sup>16</sup> [www.aihrc.org.af/researchreport/trafficking](http://www.aihrc.org.af/researchreport/trafficking)

<sup>17</sup> HRRAC research data collection in Nangarhar, Khost and Kabul.

<sup>18</sup> <http://gvnet.com/humantrafficking/Greece-2.htm>



dying in oceans and journeying in small boats. They climb high mountains and other deadly ways to reach their destination. Sometimes there are whole families going on illegal journeys and many have lost their lives.

**Deprivation:** Many people feel themselves deprived and in order to make themselves economically stable they go on illegal migration or voluntary trafficking. Deprivation of children and other family members also account for it. The CRSDO, a local non-governmental organization, which once run a shelter house in Kabul told that lack of parental care and the deprivation of children at the hands of step mothers is the major cause of child trafficking. Mr. Sher Khan Sahak, the director of the NGO, mentioned an example of a child returned from his home once again to shelter upon maternal care deprivation<sup>19</sup>.

If seen on the higher level in Afghanistan, there is no equitable and sustainable development and job distribution. Some provinces and districts are deprived of recovery and development. This paves the way for conflict and trafficking.<sup>20</sup> People of conflict ridden areas feel themselves deprived from different facilities and services.

**Family and Domestic Violence:** Many trafficking cases of women occur due to family and domestic violence. The victim cannot escape the violence, and if she tries, she goes into the hands of traffickers. More than half of the victims in shelters are domestically violated and suffers from social, moral and family support.

**Weak Governance, Narcotics and Corruption:** In Afghanistan, due to conflict in nearly all the provinces, the government, especially interior ministry and the police departments have weak presence in remote areas. They can't go and fetch criminals. Most of the victims do not approach government and police authorities because they know that the system will not give them justice ultimately.<sup>21</sup> In many cases, the victims themselves were sentenced to prison. In many cases, the criminals are released soon after they are caught and this has discouraged the victims. Beside trafficked children being used in insurgency, they are a good medium for drugs trafficking. Afghanistan produce 80 percent of the world opium and hashish and these are being trafficked outside Afghanistan. the fact that young boys and children are not being searched and inspected by Police, traffickers addict them first and then are used as carriers across the borders.

**Lack of Legal Framework:** In Afghanistan there is no legal framework regarding human smuggling. Human trafficking law exists but to minimum enforcement. The police and prosecutors have problems tracking trafficking cases. Some of the clauses in the law are not aligned with UNODC protocol on counter trafficking.<sup>22</sup>

**In Search of Free Life:** Some of the victims of human trafficking are in search of free life. Deprivation at home, forced marriages and less exposure to outer world and leisure persuade their minds to experience free life. In smuggling and migration, almost 90 percent of youth are motivated by free life outside their homes, towns and countries.

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<sup>19</sup> HRRAC Staff interview

<sup>20</sup> HRRAC staff interviews in Nangarhar and Khost

<sup>21</sup> HRRAC staff visit to Nangarhar and Khost/ HRRAC research record

<sup>22</sup> UNODC. Appropriate legal Responses to combating Trafficking in persons in Afghanistan. Manual For Parliamentarians Of Afghanistan. Austria: United Nations Office On Drugs and Crime, 2008.



**Cross Border Human Trafficking and Militancy:** Children in Afghanistan and outside in refugee camps are easily mobilized for militancy. The *Madrassas* in Afghanistan and Pakistan are places where students are kept away from families for months and where some end up in receiving militancy trainings. They are openly trained and then sent for attacks on foreign troops and for fighting. Several cases have been noted regarding children being trafficked for war. If they do not fight back in Afghanistan they are threatened to prison or death.

**Human trafficking and Cultural Traits:** Unfortunately, due to conflict, the Afghan culture also disrupted. It has grasped many traits, which were not before. The culture is not flexible to accommodate modern life style. The forced marriage are widespread in Afghanistan and in cross border communities of Pakistan. Early child marriages are also widespread in the border communities of Afghanistan and Pakistan. Debt bondage is very common and forcing girls to marry in debt bondage is a type of slavery. Kidnapping and abduction due to militancy is widespread in cross border communities. Mostly in case studies mentioned by IOM and United Nations report to Afghan Parliamentarians, women are divorced and sold in cross border communities against their own will<sup>23</sup>. Many women have witnessed physical and sexual violence. There are case studies on solving disputes by giving girls to one party. There are cases where a married woman/widow are sold without the consent of the victim.<sup>24</sup> With the influx and influence of mainstream and social media, victims fight back and leave their homes, communities and the country in order to escape the hardship. Most of them unfortunately end up at the hands of traffickers and smugglers

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<sup>23</sup> IOM. Trafficking in persons in Afghanistan. Field Survey Report. Kabul: IOM, 2008.

<sup>24</sup> HRRAC research data collection report

## V. Laws and Policies Enforcement

In cross border human trafficking the consent of the victim is manufactured through deceit and fraud and it is mainly for exploitative purposes. Once trafficked, forced labor is taken from the victim beside other exploitations. While migrant smuggling involves the consent of the victim but exploitation of the victim starts during the journey or after arrival. Mostly the exploitation ends when the migrants arrive in destination countries. Migrants are also prone to dangerous journeys, forced labor and even death. Migrants pay for their travel to illegally go to another country while in cross border human trafficking purposes, the victims are taken by force or by fraud. In cross border human trafficking cases, the traffickers can legally also take a person into another country. Migrant smuggling is across the borders while human trafficking is inside country as well as across the border and cross the border.<sup>25</sup>

As stated by the UNODC report on trafficking in persons in Afghanistan addressed to Afghan parliamentarians and IOM report on trafficking in Afghanistan, there is no enough lexicon in Pashto and Dari languages to differentiate between trafficking, trafficking in persons and migrant smuggling. The three differences distinguished by United Nations report to Afghanistan Parliamentarians and four differences distinguished by UNODC are as follows

**Consent:** in cross border human trafficking the consent of the trafficking victim is not included for exploitation. The victim is taken by fraud or given some news of employment etc. In migrant smuggling cases, consent of the migrant is involved and he/she usually pays the smuggler for the journey. But later on, their exploitation starts during the journey. This consent can save the smuggler during investigation a little.

**Exploitation:** migrant smuggling ends when the migrants reached to destination countries. If there exploitation exists on the way, it ends also with the destination. While human trafficking, after the journey further exploits the life of victims for material gains like forced labor, low wages, sexual exploitation, slavery etc.

**Trans-nationality:** human trafficking can be inside the country or across the border while migrant smuggling is transnational. Cross border human trafficking can use the migrant smuggling ways or legal ways to go to other countries.

**Source of Profits:** according to UNODC, in migrant smuggling cases, profit is derived from transportation, and facilitation of illegal entry of a person into another state. While in trafficking cases profits are derived from exploitation of victims. Sometimes there is no difference between smugglers and traffickers and smugglers also start looting and doing fraud with migrants.

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<sup>25</sup>[United Nations Office On Drugs and Crime. n.d. 19 2016 <www.unodc.org/unodc/en/migrant smuggling / what is migrant smuggling.html>.](http://www.unodc.org/unodc/en/migrant_smuggling/what_is_migrant_smuggling.html)



**Enforcement of Law and Preventive Measures:** in 2008 the government of Afghanistan enacted a law to prohibit national ANSF from enlisting underage boys, supplementing existing policies at both the interior and defense ministries prohibiting the recruitment of minors into governmental armed forces; however, the government did not proactively inform officials of such provisions and relied instead on recruiters at the interior and defense ministries to identify underage applicants.<sup>26</sup>

The report on human trafficking assessed the 2008 Law Countering Abduction and Human Trafficking/Smuggling is insufficient<sup>27</sup>, because it partially prohibits many but not all forms of human trafficking. The law defines sex trafficking of a child only when coercion is used. The law prescribes between eight and 15 years' imprisonment for persons convicted of some forms of labor trafficking and prescribes penalties of up to life imprisonment for those convicted of some forms of sex trafficking. However, the government of Afghanistan is not yet a party to United Nations protocol of Migrant smuggling but preserves the UN protocols on human trafficking.

The research found that most of the government officials are unaware of existing laws against human trafficking and from the policies of government in this regard. Despite the law to cease prosecution of victims, victims are constantly be penalized for crimes committed as a result of being subjected to human trafficking, which is unfair. According to the report by the State Department "authorities sometimes treated male and female victims as criminals simply for being un-chaperoned or for having committed moral crimes; officials continued to arrest, imprison, or otherwise punish female victims for prostitution or adultery, without regard to whether they had been subjected to forced prostitution, or for escaping from husbands who forced them into prostitution. Officials sometimes placed male and female victims who could not be accommodated in shelters in prisons".

The report further adds that the government encouraged victims to participate in investigations; however, it did not provide adequate support, security, or protective services for victims to safely do so without supplemental trauma. During data collection, more than ten trafficking victims interviewed in whom no one has been helped by government or international organization.<sup>28</sup>

The government maintained inadequate efforts to protect victims, failing to protect and prevent children from sexual exploitation and recruitment and use by the armed forces and continuing the widespread penalization of victims.

This concern is also raised by the States Department report that the government did not develop or employ systematic procedures for the identification of victims and their subsequent referral to protective services. The government, particularly authorities from the Ministry of Labor and Social Affairs, Martyrs, and the Disabled (MOLSAMD) and the Ministry of Women's Affairs, in practice referred victims to NGOs-run shelters.

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<sup>26</sup> Department, United States. "Trafficking in Persons." 20 June 2014. [refworld.org](http://refworld.org). 1 september 2016

<[www.refworld.org/docid/53aaba347a.html](http://www.refworld.org/docid/53aaba347a.html)>. "Trafficking in Persons Report- Afghanistan." 2014.

<sup>27</sup> "UNODC." 2008. [UNODC](http://www.unodc.org). Law on the Campaign Against Abduction and Human Trafficking Official gazette no 952( 2008/1387). 2 9 2016 <[www.unodc.org](http://www.unodc.org)>.

<sup>28</sup> HRRAC research interviews in Nangarhar, Khost and Kabul

All short-term shelters, previously owned by the government, remained closed due to lack of resources. MOLSAMD provided registration, referral, and social services for trafficking victims, including receiving victims repatriated to Afghanistan from other countries. NGOs operated women's protection shelters in 20 provinces that provided protection, legal, and social services to female victims of violence, which were available to victims of trafficking.

**Poor Border Management:** Afghanistan has shared borders with six countries, which makes it difficult to reduce factor of cross border human trafficking and migrant smuggling. It increases cross border human trafficking cases into and from these countries and the countries associated with these six countries and the countries surrounding till it becomes transnational. It is also difficult for the government of Afghanistan to manage the long borders of Afghanistan in such a threatening situations. In an interview with a police officer, he added that the borders are not well guarded, and this contribute to increase in human and drugs trafficking.<sup>29</sup>

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<sup>29</sup> HRRAC research data collection from Nangarhar, Khost and Kabul



## VI. Research Findings

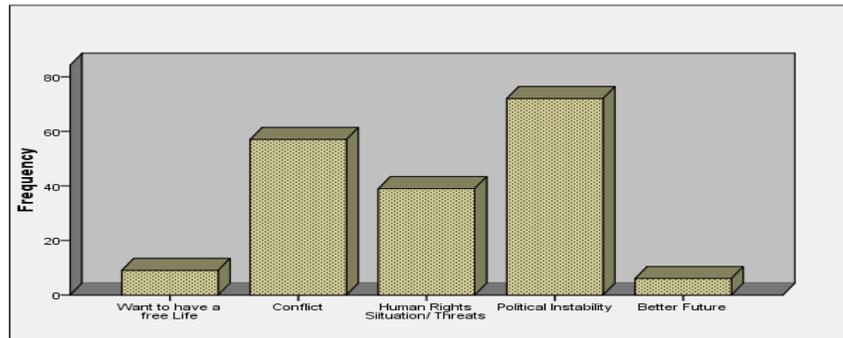
**Drivers of Human Trafficking and Illegal Migration:** When the respondents were asked to say their opinion on the drivers that fuel human trafficking and illegal migration in cross border communities, 9 respondents were of the view that one of the major reasons for young people to opt for illegal migration is the strict and closed social life here in Afghanistan. In order to dwell a free life, they opt to migrate to Europe and other western destinations without caring for a proper procedure thus falls into the hands of traffickers. 57 respondents were of the view that ongoing conflict and an increase in its intensity across Afghanistan also fuels human trafficking and paves the way for illegal migration. 39 respondents were of the view that continuous human rights violations and threats to women and youth also is a fueling factor of human trafficking in Afghanistan. 72 respondents were of the view that continuous political instability and rifts in the National Unity Government (NUG) has deteriorated economic stability leading to ever rising unemployment which is the main reason for trafficking and illegal migration across the border to neighboring countries and the gulf. Only 6 respondents were of the view that the educated and members of families with relatively better economic status fall in the hand of traffickers and human smugglers as they seek better future in the west and other countries.

Table1: Fueling Factors of Human Trafficking and Illegal Migration

Factors	Frequency	Percent	Valid Percent	Cumulative Percent
Want to Live a Free Life in West	9	4.9	4.9	4.9
Conflict in Afghanistan	57	31.1	31.1	36.1
Human rights situation/ Threats	39	21.3	21.3	57.4
Livelihood/ Political Instability	72	39.3	39.3	96.7
Better Future	6	3.3	3.3	100.0
Total	183	100.0	100.0	



**Fueling Factors Of Illegal Migration and Trafficking**



**Awareness whether Human Trafficking is Taking Place in your Community?**

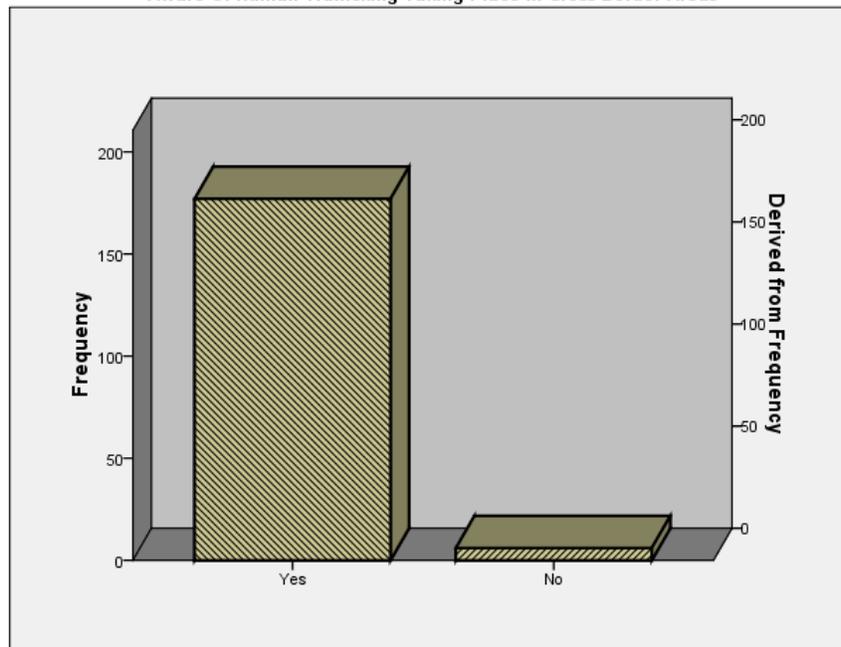
When the respondents were asked if they were aware of human trafficking and illegal migration happening in their areas, 177 persons replied that yes they are aware that this is indeed a big problem and they are aware that it is happening in their communities. 6 individuals replied that based on their own information, there is no evidence of human trafficking happening in their area.

Table 2. Awareness Of Human Trafficking Happening in your Area

Response	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	177	96.7	96.7	96.7
No	6	3.3	3.3	100.0
Total	183	100.0	100.0	



**Aware Of Human Trafficking Taking Place in Cross Border Areas**



### **Why is Human Trafficking and Illegal Migration Tolerated in Cross Border Communities?**

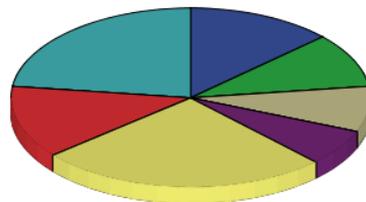
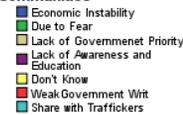
When the respondents were asked about the reasons of prevalence of human trafficking, illegal migration and the ease at which it is happening, 24 respondents replied that human trafficking is prevalent because of economic instability of the families, 18 respondents believed that human traffickers and smugglers are no ordinary people, they have strong backing and are quite influential and people fear to report them. Another 15 members were of the view that trafficking and illegal migration is prevalent because of lack of government will and it is not at all on the priority list of the government. 24 respondents were of the view that even if the government has the will to curb trafficking, but as a result of weak government writ on its borders and countryside, it can't stop or reduce trafficking incidents. 42 respondents claimed that government authorities from the ministry of interior have strong relationships with the traffickers and they get their due share from the traffickers and that's one reason that trafficking is prevalent and there is hardly any case of government busting any trafficker. 48 respondents said they don't know much about the reasons of trafficking prevalence in their areas.



Table3: Reasons of Prevalence of Human Trafficking and Illegal Migration?

	Frequency	Percent	Valid Percent	Cumulative Percent
Economic Instability	24	13.1	13.1	13.1
Fear of Traffickers	18	9.8	9.8	23.0
Lack of Government Priority	15	8.2	8.2	31.1
Lack of Awareness/ Education	12	6.6	6.6	37.7
Don't Know	48	26.2	26.2	63.9
Weak Government Writ	24	13.1	13.1	77.0
Share with Traffickers	42	23.0	23.0	100.0
Total	183	100.0	100.0	

Human Trafficking and Illegal Migration tolerated in Cross Border Communities



### Who is Mostly Affected by Trafficking and Illegal Migration?

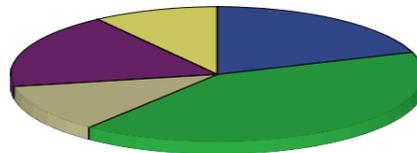
When asked about their opinion on who they think are the greatest victims of human trafficking, 48 respondents replied that they think children of their areas face greatest threat of trafficking. 75 respondents replied that they think young boys are highly affected, 21 respondents said that females are at the greatest risk. 15 respondents replied that middle age groups are at the greatest risk of trafficking and illegal migration. 24 respondents were of the view that trafficking can affect any age group and is not a threat or challenge to any particular age group.



Table4: Most Affected Individuals from Human Trafficking and Migration

	Frequency	Percent	Valid Percent	Cumulative Percent
Children	48	26.2	26.2	26.2
Young Boys	75	41.0	41.0	67.2
Young Girls	21	11.5	11.5	78.7
Middle Age	15	8.2	8.2	86.9
All Age Groups	24	13.2	13.2	100.0
Total	183	100.0	100.0	

Who is Mostly Affected by Trafficking and Illegal Migration



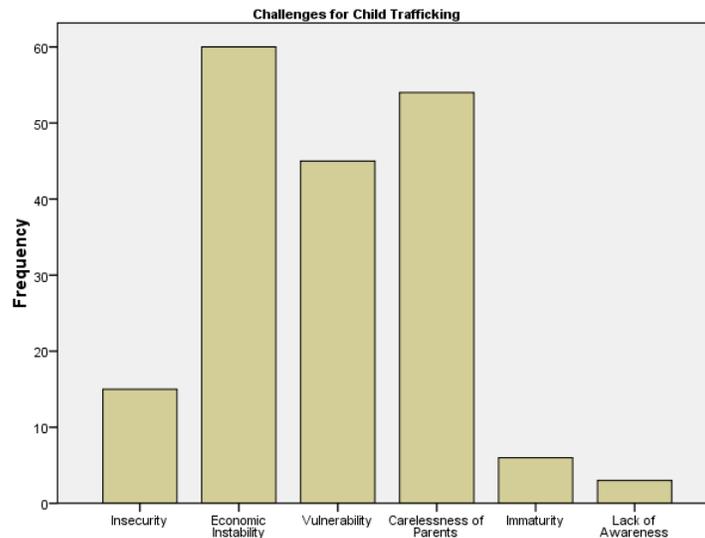
### What are the Challenges in Stopping Child Trafficking?

When asked about their views of the challenges prevalent in reducing and stopping child trafficking, 15 respondents were of the view that the predominant insecurity is the top most challenge, 60 respondents were of the view that poor economic conditions of the families is the greatest challenge. 45 respondents replied that children are more vulnerable and therefore there is greater chance for them to be trafficked. 54 respondents were of the view that since parents don't look after their children the way it should be, domestic violence, bad treatment and negligence is a great challenge in children falling into the hands of traffickers. 6 respondents were of the view that because of their immaturity, they fall easily in the persuasion of the traffickers and start believing them and thus being trafficked. 3 individuals replied that most children that are trafficked are often those who are out of school and this is one of the reasons they are easily trafficked.



Table5: Challenges in Child Trafficking?

	Frequency	Percent	Valid Percent	Cumulative Percent
Insecurity	15	8.2	8.2	8.2
Economic Instability	60	32.8	32.8	41.0
Vulnerability	45	24.6	24.6	65.6
Carelessness of the Parents	54	29.5	29.5	95.1
Immaturity	6	3.3	3.3	98.4
Lack of Awareness	3	1.6	1.6	100.0
Total	183	100.0	100.0	



### How are the Trafficked Victims Treated by the Society after Their Return?

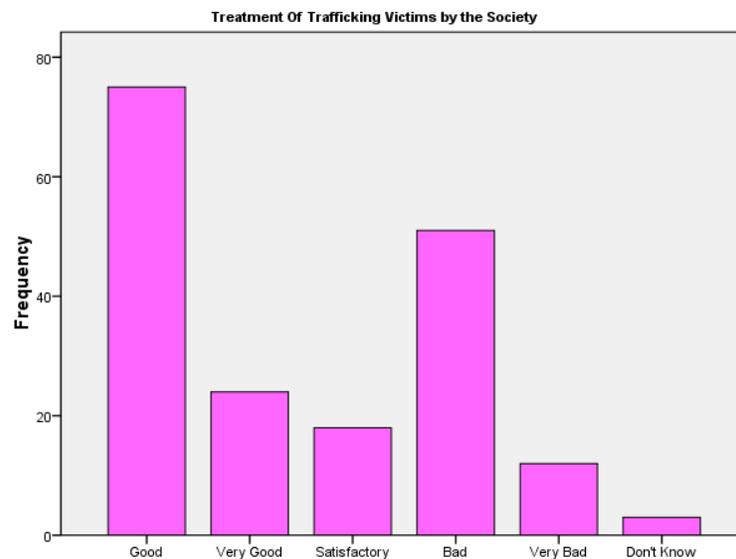
When asked about their opinion on how the trafficked victims after their reintegration with the family and society, are treated by the families and the society as a whole. 75 respondents were on the view that they are treated fairly well and are supported by the families and society to reintegrate back into their societies. 24 person replied that the treatment of the society is normally very good and supportive, while 18 responded that the treatment of families and society overall is satisfactory. 51 respondents replied that the treatment of victims by families and society is



bad, especially if the victim is a young girl. Young girls fleeing from their homes due to domestic violence are often associated with stigmas and the girl is seldom accepted back by the society. 3 individuals said they don't have much information of the treatment of the families and society.

Table 6: Trafficking Victims Treated in the Society after their Return

	Frequency	Percent	Valid Percent	Cumulative Percent
Good	75	41.0	41.0	41.0
Very Good	24	13.1	13.1	54.1
Satisfactory	18	9.8	9.8	63.9
Bad	51	27.9	27.9	91.8
Very Bad	12	6.6	6.6	98.4
Don't Know	3	1.6	1.6	100.0
Total	183	100.0	100.0	



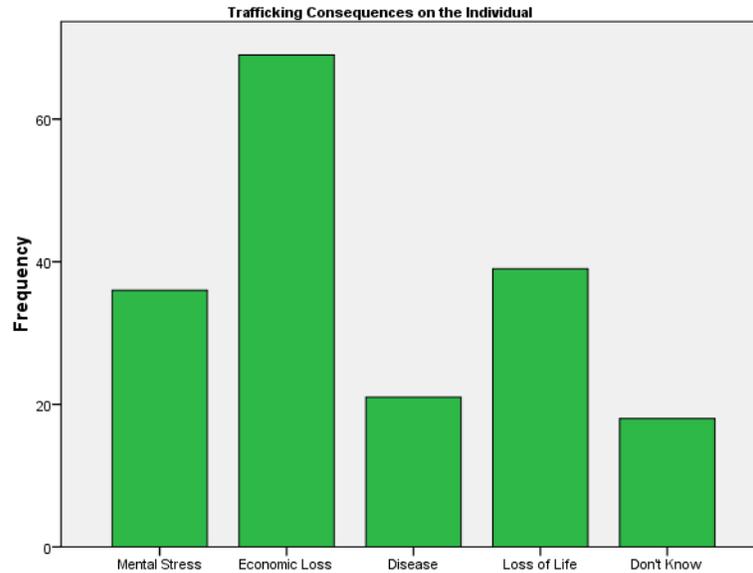


### Personal Consequences on the Individual

When asked about the consequences of human trafficking and illegal migration on the individual, 36 respondents were of the view that the victim normally has a mental stress and depression, 69 respondents responded that they bear economic loss, 21 respondents responded that often they fall prey to various infectious diseases, 39 respondents said there is a potential risk of death associated with human trafficking. 18 respondents said they don't have much information about the personal consequences of trafficking on the individual.

Table 7: Effects of Trafficking on the Individual

	Frequency	Percent	Valid Percent	Cumulative Percent
Mental Stress	36	19.7	19.7	19.7
Economic Loss	69	37.7	37.7	57.4
Infectious Diseases	21	11.5	11.5	68.9
Loss of Life	39	21.3	21.3	90.2
Don't Know	18	9.8	9.8	100.0
Total	183	100.0	100.0	



### Which Industry is Involved in Human Trafficking and Illegal Migration?

When asked if they had any idea about which Industry or people are involved in illegal migration and trafficking, 12 respondents replied that it is the warlords and mafias, 24 replied that the traffickers are mostly transitional smugglers, 30 respondents claimed that some travel agencies are also involved, 30 individuals also claimed that some police officers are also involved in illegal migration and facilitate trafficking. 75 individuals said they do not have much information as who is involved in the process.

**Table 8: Industry/People are Involved in Illegal migration and Human Trafficking**

	Frequency	Percent	Valid Percent	Cumulative Percent
Mafia/Warlords	24	13.1	13.1	13.1
Transitional Smugglers	24	13.1	13.1	26.2
Travel Agencies	30	16.4	16.4	42.6
Corrupt Police Officers	30	16.4	16.4	59.0
Don't Know	75	41.0	41.0	100.0
Total	183	100.0	100.0	



**Do you want to Receive Awareness Trainings on the Subject?**

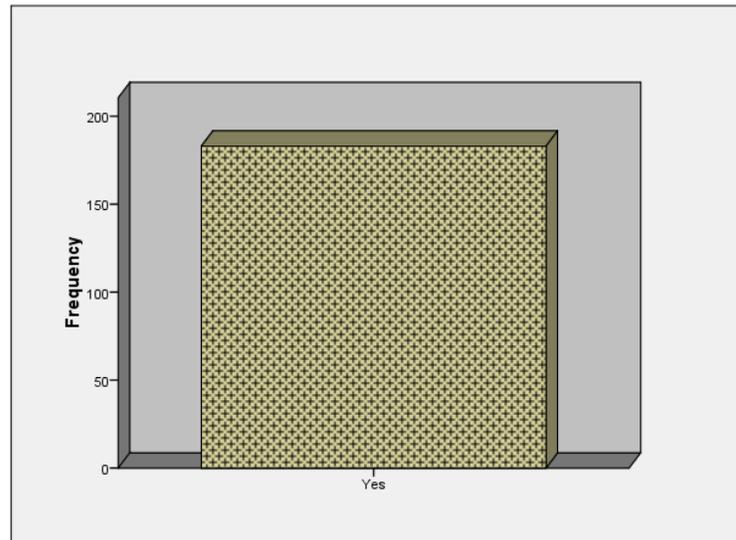
When the respondents were asked if they would like to receive some trainings and awareness raising sessions on the subject, 183 of them said yes they want more information on this subject and we will appreciate any such activity.

Table 9: Receive Trainings on Topics Relating to Human Trafficking and Illegal Migration

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	183	100.0	100.0	100.0
No	0	0.00	0.00	



Receive Trainings on Cross Border Trafficking Issue



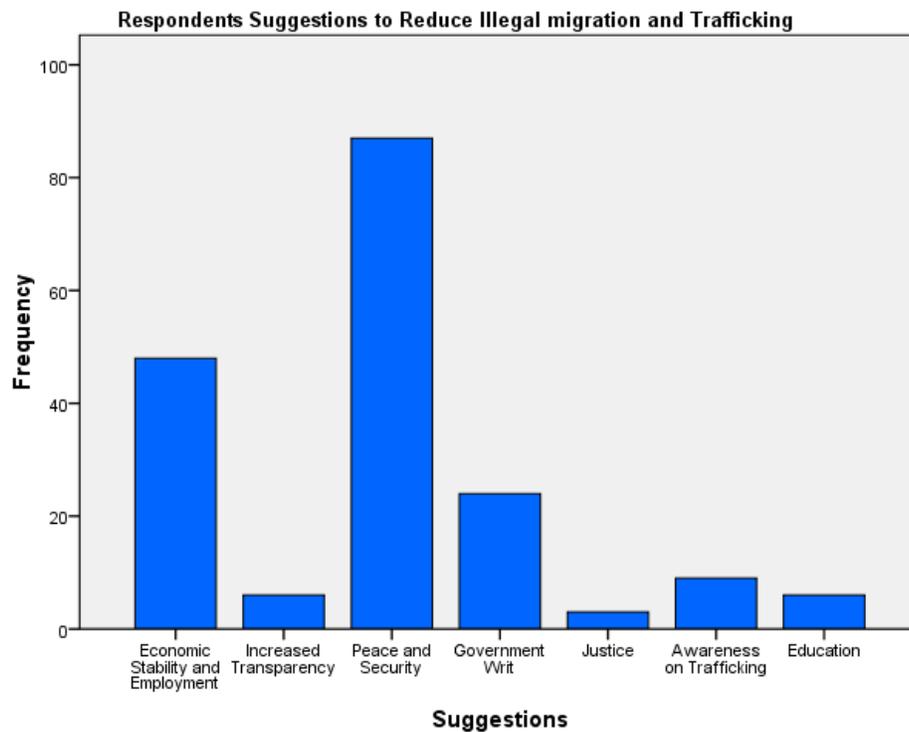
### Suggestions for Reducing Human Trafficking and Illegal Migration?

When asked about their opinion on how to reduce human trafficking and illegal migration, 48 respondents were of the view that government should create job opportunities for the youth. 6 respondents said government should dismiss corrupt elements from their ranks and increase transparency in hiring and recruitment. 87 respondents replied that government should step up their security measures around the borders and rural areas as the hiding places of traffickers and smugglers diminishes. 24 respondents said government should have stronger writ on the rural areas as area controlled by armed opposition groups are hiding places for traffickers and smugglers. 3 respondents said government should improve judicial system and 6 respondents said the government should raise awareness about the issue as greater awareness about the risks will help in reducing the incidents of trafficking.



Table 10: Suggestions for the Government to Reduce Illegal migration and Trafficking?

	Frequency	Percent	Valid Percent	Cumulative Percent
Economic Stability and Employment	48	26.2	26.2	26.2
Eliminate Corruption	6	3.3	3.3	29.5
Peace and Security	87	47.5	47.5	77.0
Government Writ	24	13.1	13.1	90.2
Justice	3	1.6	1.6	91.8
Awareness Raising on Trafficking and Illegal Migration	9	4.9	4.9	96.7
Increased Education	6	3.3	3.3	100.0
Total	183	100.0	100.0	





## **Case Studies**

*A child from a madrassa in Pakistan, was captured by police in Kabul before proceeding to attack. The child was later on released by the government knowing that it is the case of human trafficking especially child trafficking used in war. The child was then sent to CRSDO run shelter home in Kabul. The child at night was not feeling well. He was having pains and was in distress and obsessive. After the doctor checkup examination at the shelter, the results revealed that he was given some medico substance in order to affect his mindset while blowing himself. The child had been trained how to dressed with suicide jacket and was told that when you become close to police officers, touch the two wires and then you will be in paradise but fortunately he was arrested before the explosion. After treatment, the boy was successfully returned to their parents.*

*2. At Achin Nangarhar the conflict of ISIS is in severe mode and has taken the lives of many people. In Achin Nangarhar and Konar Provinces, the ISIS authorities have closed schools and have turned these schools into training centers for children, giving them military trainings. Mr. Niaz, a middle aged man migrated to Jalalabad for the future of his son because at village the militants were forcefully taking children from families for training to fight war and learn the tactics to care for weaponry and drugs across the borders.*



## VII. Conclusion and Recommendations

Though trafficking in persons is a vast area and includes different topics and issues i.e. it may be inside country, and across the border and includes exploitation such as sexual, forced labor and forced detention but the related research focused on inside and cross border human trafficking and migrant smuggling and its factors. In this research, 30 border communities of Nangarhar, Khost, and Kabul were sampled along with 183 respondents. It identifies the reasons behind trafficking and illegal migration and the root causes of this issue are considered conflict and economic instability which can be concluded as:

Most of the respondents were of the view that political instability is a major factor that compels people, particularly youth, to leave the country and fall prey at traffickers' hands.

Most of the respondents that were interviewed claimed that trafficking is taking place in Afghanistan and are aware of that and that young boys are mostly affected by trafficking.

Majority of the respondents were of the view that the main challenge to preventing child trafficking is poverty and weak economic status of the family. And that these families cannot afford the daily expenses of their children whom are ultimately send to Madrassas to get free food and religious education.

Majority respondents vowed that boys after being trafficked are welcomed back in society. However, girls and women are not allowed to reintegrate. That is the main reason girls and women after being trafficked are not willing to go back homes.

Almost all of the respondents requested that knowledge about trafficking needs to be disseminated publicly through media and schools, and public places. Most of them are willing to attend further information sessions, if facilitated. The respondents are willing to participate in trainings aimed at understanding the reducing factors of cross border human trafficking, trainings increasing capacity building in conflict resolution and vocational and income generation trainings.

**Recommendations:** a deep and thorough understanding of the motivations to support trafficking networks is needed as means to develop advocacy strategies and awareness raising campaigns to influence the perceptions that facilitate trafficking country wide.

The recommendations of this research and subsequent advocacy based on this research is significant for people, national NGO's, international NGO's and government of Afghanistan to know about the factors of cross border human trafficking and migrant smuggling in Afghanistan and devise counter efforts.

This research also sought recommendations from respondents for the government of Afghanistan, CSO's, NGO's and international organizations to reduce factors of human trafficking in border communities and in Kabul. This research has found that the lack of sustainable peace increases unemployment and thus fuels cross border human trafficking and migrant smuggling.



## Recommendations for Government of Afghanistan

- The respondents are recommending government to have a better law and order situation in the country. The police department at Khost added that they could not access human trafficking and migrant smuggling cases due to worse law and order situation. They further added that *Madrassa* children are used in suicide attacks from within the country and from across the border.
- The Parliament of Afghanistan must ratify the Elimination of Violence against Women Law in order to avoid early age marriages of girls and end domestic violence.
- The government must further align the 2008 law on anti-trafficking with that of UNODC protocols and speed up its amendment process.
- The government must provide trainings to police and particularly border police on border management with regards to the identification and follow up of trafficking cases.
- The government must re-open shelters closed due to the excuse of lack funding or provide an alternative to that at the vicinities of police departments.
- Afghanistan must accede to or should be a party to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.
- The government, particularly the Ministry of Refugees and Repatriation (MoRR) should strictly consider the reintegration policy and follow on meaningful reintegration of girls in their families and societies
- The government must be diligently investigate the cases in order to make sure that victims are not penalized for offenses committed being subject to trafficking.
- It should also be notified by the government to people that any loss of a child, girl, or women or men must be reported to concerned authorities of the government within 24 hours.
- The government must speed up the initiation of electronic identities to Afghans.
- Strictly enforce the prohibition of child labor, child service in armed forces, particularly ALP, and in private militias.
- The government must enact law to prohibit boy's sex slavery (*bacha bazi*).
- Government, particularly the Ministry of Education, must register privately run orphanages and *Madrassas* and ensure that formal education is provided to them.
- The government should benefit from UNODC trust fund for victims.
- The government must train its diplomats in dealing with trafficking cases, repatriation and illegal migration dispatched in other countries.
- The government must speed up the respectable repatriation of Afghan refugees in neighboring and other countries which contribute to trafficking and illegal cross border movements.
- The government must initiate a dialogue process at community level on the sides of CDCs, and Citizens Charter Program on conflict resolutions and peaceful co-existence.

## Recommendations for NGO/ INGO's

- NGOs/INGOs must advocate for the enacting of laws protecting children from all kind of exploitation happening society.



- NGOs and INGOs must advocate from a single forum for child rights and for peaceful reintegration of girls and women in society after trafficking.
- NGOs and INGOs must raise awareness in rural areas regarding human trafficking and the menace associated with it.



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