

STATUS OF MIGRATION & HUMAN TRAFFICKING IN AFGHANISTAN



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Due to protracted armed violence, food insecurity, natural disasters and the constant power struggle between the Taliban and other political forces in the country, the movement of people from Afghanistan to other countries in the past few decades has mostly been in the form of refugees and asylum seekers. United Nations High Commissioners for Refugees (UNHCR) have recorded a total of 1,356,640 registered Afghan refugees by June 2024.¹ Whereas the Government of Pakistan has estimated a total of 2.4 million Afghan refugees with some form of legal document.² The takeover of power by the Taliban in August 2021³ has further worsened the political environment, economic growth and democratic stability in Afghanistan, forcing people to migrate from the country. Internal Displacement Monitoring Centre (IDMC)⁴ states that decades of violence in Afghanistan have left millions of people, including Internally Displaced Persons (IDPs), with significant humanitarian needs. Afghanistan is recorded as the third-largest origin country in the world, with about 5.7 million refugees in 2022 (4,187,000 IDPs by conflict and violence and 1,50,2000 IDPs by disaster).⁵ The majority of them have fled to the neighbouring countries of Pakistan and Iran, whilst also many migrated to Turkey, Western Europe, USA and Canada. USA, Germany, Egypt, Spain, and Canada saw registration by 169,600 Afghans for the new individual asylum application.

Since the Taliban takeover, the number of refugees per year has been more than doubled. Many host countries like Pakistan and Iran executed deportation plans to control the number of undocumented migrants in their territories. Between 15 September 2023 and 21 July 2024, a total of 669,900 Afghans have returned to Afghanistan.⁶ Despite Afghanistan being recognised as a country with smuggling routes and being a hotspot for human trafficking and labour trafficking,⁷ it lacks credible data that shows the exact numbers as well as the deeper dynamics of migration and trafficking incidents.

Human trafficking and unsafe migration: Some triggering actors

Decades-long armed violence and a ground for geopolitical wars, terrorist attacks and a breeding ground for terrorists, the rise of violent extremism, the presence of de-facto power and political instability are the core reasons behind the influx of cross-border and transnational migration of Afghan people. Extreme weather conditions and climate hazards in the country have also forced thousands of Afghans to migrate from rural to urban areas and to other countries with the use of both regular and irregular channels of migration. Stagnated economy,⁸ increased food insecurity,⁹ and the loss of livelihood opportunities¹⁰ as a byproduct of protracted violence and extreme weather events have often increased the risk of

1 <https://data.unhcr.org/en/country/pak>

2 [https://www.aljazeera.com/news/2024/7/10/pakistan-says-registered-afghan-refugees-can-stay-for-one-more-year#:~:text=According%20to%20the%20government%2C%20Pakistan,Afghan%20Citizenship%20Card%20\(ACC\).](https://www.aljazeera.com/news/2024/7/10/pakistan-says-registered-afghan-refugees-can-stay-for-one-more-year#:~:text=According%20to%20the%20government%2C%20Pakistan,Afghan%20Citizenship%20Card%20(ACC).)

3 Who are the Taliban and how did they take over Afghanistan so swiftly? | CNN

4 Home | IDMC - Internal Displacement Monitoring Centre ([internal-displacement.org](https://www.internal-displacement.org))

5 IDMC-GRID-2024-Global-Report-on-Internal-Displacement.pdf

6 Operational Update - July 2024.pdf

7 Afghanistan renews commitment to address human trafficking and migrant smugglingboard ([unodc.org](https://www.unodc.org))

8 Afghanistan-Development-Update-April-2024.pdf ([worldbank.org](https://www.worldbank.org))

9 DESA-World-Social-Report_2024_31July.pdf ([un.org](https://www.un.org))

10 Afghanistan-Welfare-Monitoring-Survey-3.pdf ([worldbank.org](https://www.worldbank.org))

exploitation by traffickers, charging a high cost to cross the Afghan border.¹¹ Additionally, enforcement of exclusionary and discriminatory policies including a ban on women's freedom of movement, attending secondary schools and universities, employment, and long-distance road trips and flights without a male chaperone have forced women to flee the country with the help of smugglers.¹² Likewise, unaccompanied Afghan children, especially boys moving across borders in search of work are found to be particularly vulnerable to human trafficking.¹³ This is further exacerbated by the lack of effective mechanisms and measures to manage safe migration channels and prevent the exploitation of vulnerable populations.

Internally, the prevalence of customary practices such as 'Bacha Bazi' (a practice in which men exploit boys for social and sexual entertainment) has forced hundreds of children to serve as sex slaves and be used for forced labour. The recruitment of children as soldiers has also forced them to serve within militant groups active in the country.

Legal and Policy Frameworks to Combat Human Trafficking and Facilitate Safe Migration

Afghanistan has adopted the following laws and policies for combating human trafficking and managing migration.

- ❑ The **Penal Code 2017**¹⁴ is a core trafficking policy, which criminalizes sex trafficking and labor trafficking, including bacha bazi. It has prescribed penalties of five to 10 years imprisonment for trafficking crimes involving adult male victims and 10 to 16 years imprisonment if the victim is a woman or child or exploited in bacha bazi.
- ❑ The **Labour Law 2007**¹⁵ prohibits forced labour and foreign citizens from working in Afghanistan.
- ❑ **The Regulations for Sending Afghan Workers Abroad 2005**¹⁶ facilitates labour migration for foreign employment abroad. Under this Act, the status, rights and obligations of the employer authorities are specified.
- ❑ The **National Labour Migration Policy 2018**¹⁷ transforms the existing largely informal and irregular migration movements into a well-governed formal labour migration system based on international norms and incorporating legislative and regulatory reforms, bilateral, regional and international cooperation and imparting appropriate skills and competencies to potential migrant workers.
- ❑ The **Comprehensive Migration Policy (CMP)**¹⁸ prioritizes the safe reintegration of returnees, the promotion of regular migration, and the prevention of irregular migration.

11 GLMM - Gulf Labour Markets, Migration and Population (grc.net)

12 Number of women escaping Afghanistan soars, despite risks of detention or death (cnn.com)

13 RAM3 COAR.rdl (unicef.org)

14 NATLEX - Afghanistan - Penal Code, 2017. (ilo.org)

15 Afghanistan: Labour Law (2007) | Refworld

16 ه ب ن ا غ ف ا ن ا ر گ ر ا ک م ا ز ع ا ر ر ق م (ilo.org)

17 NLMS English-2.pdf (molisa.gov.af)

18 CF_Afghanistan-v.4.pdf (diasporaforddevelopment.eu)

- ❑ **Statutes on the Employment for Foreign Citizens by Afghan Organizations**¹⁹ facilitate foreign workers' migration in Afghanistan. It includes the provisions related to work permits, work contracts and labour rights.

Institutional mechanisms to combat human trafficking and manage migration

Afghanistan has set up different institutional bodies to support its efforts in combating human trafficking and unsafe migration. For instance, the Ministry of Interior²⁰ is mainly responsible for anti-trafficking efforts in the country. Child Protection Unit, established under the Afghan National Police²¹ and the National Child Protection Committee (NCPC) aims to prevent the recruitment of child soldiers as well as preventing the Bacha Bazi practices. Likewise, the Afghanistan Network in Combating Trafficking in Persons (ANCTIP) is another dedicated institution working for the victims of human trafficking.

The Ministry of Labour and Social Affairs, Martyrs and Disabled (MoLSAMD)²² is at the forefront with a key role in managing labour administration, facilitating skill improvement, job opportunities and the welfare of the workforce. However, this ministry functions largely with a national scope. Likewise, the Ministry of Refugees and Repatriation (MoRR)²³ is chiefly responsible for addressing issues related to returnee refugees, reintegration and IDP management. Whereas the Ministry of Public Health (MoPH) oversees medical checks and health certifications for migrant workers as required by the destination countries. The Ministry of Foreign Affairs is responsible for establishing bilateral and multilateral relations with migrant host countries and deals with cross-border issues that arise from outgoing migration or returnee Afghan people.

Gaps in policies and practice

Like many other South Asian nations, the anti-trafficking policy of Afghanistan also does not comply with international standards, in particular, the definition of trafficking stated in the Penal Code 2017 does not align with the Palermo Protocol.

As can be observed from the above explanations some dedicated institutions are addressing the problems associated with human trafficking even if they are more focused on internal matters. However, there are no dedicated institutions that govern the foreign labour migration of Afghan people. This may be due to the limited number of Afghan migrants abroad or the internal political dynamics which has prevented Afghanistan from establishing a proper institutional structure in this regard. Interestingly, Afghanistan is perhaps the only country in South Asia with a dedicated ministry to deal with refugee issues, and this clearly demonstrates the fact that unsafe migration and human trafficking dynamics in this country should mostly be viewed from the refugee and displacement lens.

19 translation-Regulation_on_Recruitment_of_Foreigners_in_Afghanistan_Institutions_EN.pdf (kakaradvocates.com)

20 Home | AfGOV (moi.gov.af)

21 Human Trafficking in Afghanistan - The Borgen Project

22 About the Ministry | AfGOV (molssa.gov.af)

23 Home | MORR

The Afghan government's efforts towards addressing the internal as well as cross-border labour trafficking and sex trafficking as well as the protection of trafficking victims are not adequate.²⁴ Poor functioning of anti-trafficking mechanisms, rampant corruption among the border guards and officers,²⁵ and the lack of service-oriented initiatives focusing on both migrants and trafficking survivors are some instances which show the weak functioning of the government to address this issue in meaningful ways. Despite of high number of Afghan refugees spread around the world, the Afghan government seems less effective in establishing an effective diplomatic relationship with refugee host countries through which it could take some initiatives to protect its citizens in the host countries from trafficking and forced labour.²⁶

Recommendations

- ❑ Review and amend the existing anti-trafficking and labour migration policies with increased focus being paid to the internal, cross-border, and transnational migration and trafficking dimensions.
- ❑ Put efforts into signing the new Memorandum of Understanding (MOUs) with bordering countries, in particular with Pakistan and Iran, for preventing cross-border trafficking, repatriation of trafficking survivors, and extending protection support in the refugee camps of both countries.
- ❑ Make sincere efforts to gather data relating to trafficking incidents, Afghanis working abroad as labour migrants, and women and children trafficked from Afghan refugee camps in Pakistan, Iran and other countries.
- ❑ Special efforts should be made to prevent child trafficking for forced labour, forced marriage, and commercial sex, and also joining violent extremist groups. Cross-border trafficking of unaccompanied and other Afghan children should also be prevented through strong policy and institutional response, along with bilateral collaboration with neighbouring countries such as Pakistan and Iran.
- ❑ Outlawing the use of children for sexual slavery (bacha bazi) in the ranks of the Taliban, including at the local level.
- ❑ Build a dedicated institution for migration governance with a clear mandate of preventing human trafficking and irregular migration of all kinds
- ❑ Develop a comprehensive national action plan with the incorporation of preventive and curative initiatives, including some concrete provisions for the prosecution of perpetrators and protection efforts.
- ❑ Dedicate human and financial resources to enhance victim care, which also includes gender-friendly shelter homes for all trafficking victims, including adult male victims, foreign victims, victims exploited abroad, and victims intercepted in border areas.

24 www.state.gov/reports/2024-trafficking-in-persons-report/

25 LSE Press

26 Afghanistan: "They don't treat us like humans": Unlawful returns of Afghans from Turkey and Iran - Amnesty International

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