



**Assessment on Human Trafficking  
and HIV/AIDS Status**

# **In Afghanistan**

**Research Report**

**Year: 2006**

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Research Report

Year: 2006

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Requested by:

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## Chapter One

# Introduction

### 1. Report Summary

More than two decades of war and fighting in Afghanistan have caused many casualties in the different areas of life for Afghan people. Moving towards democracy and development is still full of risks and problems. Afghanistan is one of poorest countries in the world where the vital factors of growth and development need more care and attention. Today, Afghanistan is totally dependent on foreign assistance.

*Below are some indicators for Afghanistan:*

**Location:** Central Asia surrounded by Iran, Pakistan, China, Tajikistan, Turkmenistan, and Uzbekistan.

**Type of the government:** Islamic Republic

**Languages:** Pashto and Dari and more than 30 local languages and accents

**Administrative division:** 34 provinces

**Presidential elections:** held on 9 October, 2004 and his Excellency Hamid Karzai was elected as first president of Afghanistan for 5- year-term

**Parliamentary elections:** parliamentary elections held in September, 2005 and as a result Afghan parliament was elected which has two houses (upper house or Meshrano Jirga and lower house or Wolasi Jirga)

**Legislative system-** national assembly is the legislative force of Afghanistan

**Judiciary system:** according to the constitution, supreme council of judiciary comprising nine members which is the highest judicial organ and heads central, provincial, and district courts.

**National entities:** Independent Human Rights Commission which is an independent organ established according to the Constitution to promote, protect, and monitor human rights in the country.

*Specific factors:*

Population- more than 21.8 million

Annual population growth- 1.9%

Population distribution- 40.7 people per square kilometers

Internally displaced person- 2 million

Urban population- 20%

Average life expectancy- 44.5 years

Proportion of women- 50%

Access to health services- one doctor and 5 nurses for each one thousand people

Afghan refugees- 8 million

**Location:**

Afghanistan in terms of territory is among the middle-size countries with an area of 6, 52,225 square kilometers. Afghanistan is a mountainous country in which one third of the total area covered in mountains.

**Population:**

Since 1979 no census of the population has been undertaken in the country and while two decades of war and disorder has disrupted the life



and livelihoods of its population. According to surveys undertaken the civil war took the life of more than 1.5 million people and forced more than 8 million to leave the country and migrate to neighboring and other countries around the world. On the basis of available figures and information, the total population of Afghanistan including Kochis, refugees and returnees is estimated at around 21.8 million people.

A high rate of population growth is one of the key variables of economic development. The population of Afghanistan in 1979 was 21.8 million people showing a twofold increase since 1979 (the last census undertaken in the country). The high fertility i.e. 6.8% (high rate of live births for each woman) is due to different factors including the traditional preference for having large families, since children are considered as a source of capital within the family.

War has played a large contributing role in the destruction of the capacity of reproductive health centers; it has also played a role in the belief of divine decree and destiny which marks a trend for having more children in order to compensate for war casualties in the family.

As a whole, the population of Afghanistan is divided into two groups: the economically active and the economically inactive. All people between 15 and 60 with the ability to work are considered to be economically active. On the basis of this principle, from the total estimated population (21.8 million) in 2002 around 11 million people have the ability to work.

At present, there are no official figures available in terms of the numbers of unemployment in Afghanistan. But in spite of that an assessment done on the economically active population refers that around 80% of active population are engaged in the agricultural sector; 2% in industry and the remaining section is engaged in the field of service delivery. In the agricultural sector, 30% are women and 70% men.

Afghanistan is faced with a high rate of unemployment among the younger generation. Unskilled young people are estimated at around 3 million increasing annually by 300,000. Evidence also shows a high rate of underemployment in rural areas as well as an increase in the unemployment rate in urban areas.

### **Education:**

After the civil war in 1979, the education sector showed good progress for enrolment in primary, middle, and secondary schools. From a total of 4 million children between the ages of 7 and 12, around 3 million have entered formal and informal educational institutions showing a 15% increase if we compare the figures with the time of the Taliban regime. However it must be noted that this figure does not include the serious dropout rate affecting the schooling cycle of children..

Today, the situation of schools is of great concern, because many of the teachers are not properly qualified and many of the schools lack proper learning materials and textbooks. The majority of children due to family problems, employment, marriage, illnesses, poverty, and other reasons cannot attend their classes. Although a large number of children enroll themselves in school, but the quality of teaching in the schools remains low and materials and teaching aids inadequate.

A recent joint survey, undertaken by Ministry of Education and UNICEF shows that since July 2002 about 2,976,002 Afghan children have been enrolled. The number of girls enrolled is 887,942 making up 30% of enrolled children. The largest number of student enrolment (40%) is seen in the central provinces.

Equality in the number of males and females enrolled does not exist except for Kabul in which 45% of students are females. Southern provinces have the most visible gender disparity in enrolment with only 10% of the students in these provinces being made up by girls.

Out of a total of 74,602 teachers only 20,508 are females and which only 17% of all teachers are. Female teachers in the southern provinces make up only 10% against 90% male teachers while in central provinces the percentage of female teachers is 32% against 68% male teachers. In Kabul city 65% of teachers are female and 35% are male teachers and this percentage is partly due to urban life and the existence of large number of female schools.

There are 7027 educational institutions out of which 4783 schools are formal and 2244 informal.

**Children's situation:**

Children are one of the most vulnerable social groups in Afghanistan being exposed to various risks including physical, psychological and sexual abuse, child labor, crime and drugs. Although, girl children are included in all the categories affected they are considered amongst the most vulnerable due to traditional and cultural perceptions and practices.

Although statistics and figures have been reported about school children; accurate disaggregated information in terms of the above-mentioned groups of children are not readily available.

In terms of vulnerability child workers are exposed to multiple threats. A report published by the Afghan Independent Human Rights Commission on the situation of child workers noted some that child workers working for successive hours (between 6 and 9 and some times for up to 12 hours). There are no safeguards to prevent them from threats such as sexual abuse, trafficking, abduction, addiction to narcotics etc.. Furthermore, the report notes that the age of these child workers is between 6 and 18 and in some cases as low as 4 and 5 years.

Children in conflict with the law are kept in one-third of the country in Correctional Centers with low standards and conditions with little hope for rehabilitation. Children in these centers have no access to quality education and are not provided with rehabilitation mainstreaming or reintegration services back to the family and community. Moreover most of the children who have committed crimes and are being detained in the provinces are not being kept in Correction Centers but instead are kept in ordinary prisons, having a particularly detrimental affect on girls. Young girls violating the law are usually kept in women's prisons and detention houses, since the corrections centers in the provinces are mostly for boys.

Surveys done by UNODC and Ministry of Counter-Narcotics show that children addicted to narcotics constitute significant percentage of total drug users. They have no access to treatment and usually become part of the networks which are involved in production and importation of the narcotics.

As a result of the direct and indirect effects of the war and other problems such as poverty and lack of awareness, Afghanistan has a large number of children with disability. There are no accurate figures about

the exact number of disabled in the country; these children have no access to social security or other services.

### **The situation of women:**

Women rights are afforded in almost all of the international covenants and conventions ratified by Afghanistan, such as the International Covenant on Economic, Social, and Cultural Rights (ICCPR), the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Universal Declaration of Human Rights.. Article 22 of the Afghan Constitution [give date, which one?] forbids any kind of discrimination or privilege between Afghan citizens and states that Afghan citizens, both men and women, have equal obligations and responsibilities before the law. However, in spite of all these conventions and laws, there are various political, social and cultural problems faced by women in Afghanistan..

Lack of access for women and girls to education is one of the major problems facing the majority the female population. According to a report published by the Independent Human Rights Commission *Afghanistan the number of girls school is less than the half of the boy's school and even in the provinces such as Zabul, this ratio is 3% to 97%, while the population of school age girls and boys( 6-18 years old) is almost the same.*<sup>1</sup>

Access to health services is another major problem for Afghan women. Lack of health facilities in the country affects mainly women and the primary reasons for this include are a result of traditional beliefs and the shortage of health centers and facilities, poverty and economic weakness, lack of self-sufficiency and non-involvement of women in issues related to their own health, undervaluation of their health by their families, violence within the families resulting from the patriarchal structure of society and the low literacy of women.

In addition to women's problems in the areas of health and education, there are more subtle but nonetheless serious problems such as forced marriages, domestic violence, rape, sexual harassment and keeping women from work and political activity.

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<sup>1</sup> [www.aihrc.org.af](http://www.aihrc.org.af)

Afghan women face domestic violence in the cities as well as remotest rural areas of the country. Research undertaken by the Afghan Independent Human Rights Commission on domestic violence against women,<sup>1</sup> shows that 50% of women in addition to facing other types of violence are repeatedly beaten. while only 10% of these women have mentioned that they have no economic problems. Domestic violence not only causes serious physical and psychological harm to women but also has the more grave and negative consequences of self-immolation, suicide, flight from home, murder, trafficking, prostitution and addiction to narcotics

### **Health situations:**

Access to health, nutrition and safe and clean water is widely regarded as a principal human right. Nonetheless, this right is inaccessible for the majority of Afghan people. Good health is also directly related to the economic development of a country. But access to health care, nutrition and safe water continues to be one of the serious problems in Afghanistan at present. All health indicators including life expectancy, access to health care, immunization, nutrition and figures in terms of deaths rate show that Afghanistan has the highest death rate in the Central Asian region. Infant mortality is 165 per1000 births and maternal mortality rate is 820 per 1000.

Moreover, death resulting from pregnancy complications, disease, respiratory acute disease, diarrhea and malnutrition are some of the main contributing factors to the high rate of mortality in the country.

In 2004, Afghanistan was ranked 191 of countries which had signed up to the Millennium Development Goals. Combating HIV/AIDS and promoting gender equality are among the MDG goals.

By signing and ratifying most of the international conventions and treaties in terms of the prevention of human trafficking and membership in SARRC, Afghanistan has assumed, responsibility in combating these two phenomena.

Regardless of the lack of accurate figures and information in terms of the number of people being trafficked it is obvious that Afghanistan

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<sup>1</sup> [www.aihrc.org.af](http://www.aihrc.org.af)

presents extremely favorable factors for the spread of human trafficking and consequently HIV/AIDS. There are concerns about the contributing factors such as emigration, return of many Afghans back home, the increased number of drug addicts, in particular those using needles, poverty, lack of access to economic and health opportunities and lack of secure borders with neighboring countries have all meant an increase in human trafficking, in particular women and children.

Furthermore, there are no accurate information in terms of human trafficking cases, HIV, and the method of dealing with it from the viewpoint of policy, laws, and ways of prevention. The scope of researches in this regard in Afghanistan is very limited and the reports so far prepared have not gone to the depth of these issues.

#### **Present situation in terms of HIV/AIDS in Afghanistan:**

Afghanistan has registered 67 HIV cases. This figure is much lower than the figures provided for Pakistan, and Iran in which there have been registered 74000 and 14000 cases of HIV positive respectively.

But according to Dr. Zalmi Ahmadzada is in charge of HIV/AIDS control section in the Ministry of Health and with regard to the existence of the favoring factors, the real figure of those who suffer from HIV, is considered to be much higher. Since diagnosis at present is only possible when a person refers himself or herself to a health center to donate blood or when blood is tested.

#### **Present situation of human trafficking:**

In terms of human trafficking, Afghanistan has been recognized as an origin, transit, and destination country and different examples in all three forms have been registered. Little has yet been done so far in this regard. Although some work has been done in relation to combating trafficking of children this remains unsatisfactory. Legal shortages and faults in terms of a clear definition of human trafficking, the lack of resources and means for prosecution of such cases, the lack of awareness of relevant organs in the field combating human trafficking are amongst the main problems contributing to a lack of reliable information on human trafficking in Afghanistan.

## **2. Method of preparing report:**

Since the purpose of this report was to do a rapid assessment of the situation in regards of HIV/AIDS and Human Trafficking, so the method used was mainly to review the existing information, reports and also interview with the officials from the relevant Government, UN and NGOs community.

Firstly on the basis of contacts with the Ministry of Health a list of organizations working in this field was prepared. Contacts have been made by the above mentioned organization and relevant materials were collected. Interviews were also conducted.

In the next phase, the report was drafted and the draft shared with the various stakeholders involved in the cases of human trafficking and HIV/AIDS. Finally, taking the comments received into consideration the report was revised and finalized. After which the report was sent for translation.

## Chapter two

# Findings of the report

### **Section One- overall image of HIV/AIDS and human trafficking in Afghanistan:**

#### **1. Overall image of the phenomenon of HIV/AIDS in Afghanistan:**

*" The increasing spread of HIV/AIDS will threaten more the poor population of Afghanistan, unless more attention is paid to this issue."( BBC correspondent in Afghanistan)*

*"We have 67 registered cases in our clinics while approximately more than 1200 to 1500 people are infected with this disease." ( Ghulam Sarwar from the Ministry of Health)*

*"Acknowledging the reality that the spreading of HIV/AIDS is so fast, it is worth mentioning that the return of refugees and more traffic through the borders which are not controlled and the increasing demand for refugee workers are amongst the main reasons for the spread (World Health Organization).*

*"The low level of knowledge of people about this disease and the methods of prevention is also contributing to the spread of the disease."(Ministry of Health staff)*

*"The number of those who are infected with HIV/AIDS is increasing day by day. More cases of HIV/AIDS have been reported in the last two months. No countrywide survey has been conducted to determine the number of those infected by the disease, so the accurate number of victims is unknown so far"-Head of HIV/AIDS prevention in the Ministry*



*of Health of Afghanistan in an interview with the Voice of America*(Radio voice of America)

With regards to quotes above, we might conclude that there are many contributing reasons and factors in Afghanistan which can be identified, but in practice, sufficient means and resources are not available to find the scope of this problem.

Afghanistan as one of the least developed countries in the world and has recently emerged from a prolonged conflict which is continuing to some extent. The fact that its social and economic infrastructure now lie in tatters means that problems such as poverty, emigration, return of refugees, poor health services, illiteracy, use of narcotics by injection are all contributing to the spread HIV/AIDS. Some of these factors contributing to HIV/AIDS are discussed below:

- 25 years of conflict and war have created economic problems at national and local levels and as a result of this all means and systems by which to deliver services to the people have been weakened and it is difficult to strengthen them. The total dismantling of the education system limited access to education for millions of people and this have resulted in of the low levels of literacy and education we see today.
- Poverty resulting from continuous war has also limited full and healthy nutrition which, in turn, has had a detrimental effect on the life and health of Afghans.
- Many people have immigrated to different countries around the world as a result of war and have engaged in unprotected sexual relations.
- Different traditions and customs in Afghanistan also can also be regarded as contributing factors. Such as multiple marriages of some men, early marriages when the resistance of their bodies is lower, are some problems which mostly threaten women in relation to HIV/IDS.
- Traditional treatment for diseases such as circumcision of children in unhealthy conditions people with no training has also contributed to the spread of the virus.
- After so many years of war and the reconstruction process of the country has begun attracting foreign nationals who arrive without medical checkups or controls and this can be another contributing factor in the spread of the virus..

- Lack of awareness of health workers in terms of diseases communication and unsanitary use of surgical appliances is another threat and factor.
- Long borders with neighboring countries when there are no strict and standardized border control systems.
- The figures, provided by Ministry of Counter Narcotics, show that there are more than 920,000 addicts in the country, the majority of whom are between 18 and 40. The numbers using syringes are estimated at around 50,000 of the total number of addicts. Blood tests of 338 syringe users shows that only 12 persons or 3.55% of them were been affected with the HIV virus. Therefore sharing of needles is another contributing factor in the communication of the disease.
- A research report published by UNODC in relation to drug use shows that the number of those using heroin is raising. This research has registered the number of heroin addicts at about 7015 people out of which 400 are using needles.

#### **Statistics and characteristics of those affected with HIV:**

There is no systematic way for diagnosing of HIV/AIDS positive cases. The two most usual methods include blood testing through blood banks and the voluntary way of donating blood for testing. On the basis of data received from the Blood Bank, blood testing systems for HIV/AIDS started in 1989. Since then 67 cases of positive HIV/AIDS have been identified out of a total of 125832 cases tested.. The table below suggests that 37 people who were tested positive for HIV/AIDS had been living inside the country while the rest were out of the country (returnees and refugees in Iran, Saudi Arabia, Pakistan, and Dubai); 35 cases of HIV were reported by the Central Blood Bank while the others were reported from Ningrahar, Hirat, Balkh, Jawzjan, and Kunduz provinces.

Number of HIV positive cases	number of tested cases	Test venue	Year
1	Unknown	Central Bank of Blood	1989
1	//	//	1994
1	6844	//	2000
6	6691	//	2001
1	11586	//	2002
2	964	Marzare-Shrif	2002
6	10674	Kabul- Central Bank of Blood	2003
1	3629	Ningrahar	2003
10	10514	Ø`Ø§ Kabul- Central Bank of Blood	2004
13	3535	Ningrahar	2004
1	Unknown	Kandahar	2004
1	1264	Jawzjan	2004
7	7684	Kabul- Central Bank of Blood	2005
9	2145	Ningrahar	2005
1	2185	Hirat	2005
3	1867	Kandahar	2005
3	826	Kunduz	2005
<b>67</b>	<b>125832</b>		<b>Total</b>

Also, most of the victims of this disease in terms of marital status are married (73%) and in terms of sex 71% are female and 29% are male. In terms of economic status most of the affected (65%) are poor and their monthly income has been less than 5000 Afs.

Also, 12 cases out of 67 cases belonged to the users of narcotics by injection.

## 2. . Overall image of human trafficking in Afghanistan:

Afghanistan has been recognized as an origin, transit, and destination country in terms of trafficking of women and children carried out for the purposes of economic and sexual exploitation. Children are trafficked to Iran, Pakistan, and Saudi Arabia for the purpose of labor and sexual exploitation. These children are often trafficked with the agreement of their parents since they are told that their children will have more and better opportunities for work and education (particularly religious education) abroad.

More than 300 Afghan children, who had been trafficked for different reasons to Saudi Arabia were returned to Afghanistan in 2004. Abducted women and girls are forced into marriage by warlords or taken to other countries for the purpose of sexual exploitation. Women and girls are also internally trafficked within Afghanistan or are given by their family to another under the system of *Bad* in order to settle internal disputes or pay debts. Boys are also trafficked within the country and mostly are used for sexual and economical exploitation. According to some reports, Iranian women are mostly trafficked to Pakistan through Afghanistan.

Taking into consideration the limited available resources in Afghanistan to fight against human trafficking, the activities undertaken in 1382 (2003/04) in terms of child trafficking has been considerable.

Afghanistan as yet does not meet minimum international standards in fighting against human trafficking, but it has had some achievements in this field.

There are no laws against human trafficking in Afghanistan, but some steps have been taken in this regard for strengthening the legal system. At present the judicial system in Afghanistan implements a combination of Sharia and codified laws, but customs and traditions also play a strong role within the overall judicial system.. Human traffickers can be tried under various articles of law for abduction, adultery, forced labor but are not prosecuted under laws on human trafficking because Afghanistan lacks such domestic laws.

In September, 2003 police in the Takhar province stopped a bus carrying 50 children from Badakhshan, one of north-eastern provinces of the country In many cases the traffickers of children have been arrested

and the children have been rescued. However the lack of a systematic and informed approach in relation to cases of human trafficking means that accurate information about the incidents of human trafficking is thoroughly lacking in Afghanistan at present.

Human trafficking is a relatively new phenomenon in Afghanistan and has become a more prominent issue since the Afghan Independent Human Rights Commission expressed its concern about disappearance cases and incidents of abduction and trafficking of children in 2003. Although the reported incidents of abduction and child trafficking has decreased, the 2005 figures are nonetheless of great concern. During 2005 there were at least 127 incidents of child abduction and 46 incidents of women abduction registered with the police department out of which 72 children and 25 women are still missing and thought to be trafficked. Moreover, only 35 people accused of human trafficking have been arrested, while 106 people accused of human trafficking have never been detained.<sup>1</sup>

One of the commonest forms of human trafficking in Afghanistan is forced and early marriage. This issue is widespread and of great concern but at present is not treated with the gravity it requires due to the fact that these practices are considered by many to form part of the customs and traditions of Afghanistan.

According to a report published in March 2005, child abduction and trafficking is actually on the increase across the country. Most common form of that is sexual abuse, and forced labor.<sup>2</sup>

Contributing factors in the spread human trafficking can be seen in increasingly in the number of children working on the streets, the number of early marriages and polygamy. These children are in turn more vulnerable to trafficking and being affected by HIV/AIDS.

In spite of this it is still very difficult to present actual figures of incidents of abduction and human trafficking in Afghanistan since the above-mentioned systems and mechanisms are not able to meet the needs of the country in this field.

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<sup>1</sup> Data in the crime control department of MoI, Afghanistan

<sup>2</sup> Report documents poverty and social misery in Afghanistan, By Joanne Laurier, 2 March 2005

Some specific initiatives have been undertaken by the Government, NGOs, and the UN in an effort to combat human trafficking especially of women and child trafficking. However the combating human trafficking is still not a government priority.

In relation to women the existence of cultural traditions, lack of information, lack of mechanisms to follow up and find the victims, makes them particularly vulnerable. Because of the fact that incidents of missing women are seldom reported and because of perceptions of disgrace and dishonor, families are reluctant to follow and find a woman or a girl who gone missing and the government in most cases consider this to be a family issue and therefore outside their scope of responsibility.

Taking all these issues into consideration, we can note again that Afghanistan has been recognized as an origin, transit, and destination country for trafficking. Moreover, different internal cases of human trafficking especially child trafficking are seen in Afghanistan which are described in more detail as follows:

#### **Internal human trafficking:**

On the basis of available information and studies over the past several years<sup>1</sup> various cases of human trafficking have been recorded. These cases can be categorized as follows:

1. Exploitation for the purposes of prostitution;
2. Exploitation for labor;
3. Servitudes
4. Slavery and similar practices.

These categories are discussed in more detail below:

#### **Exploitation for prostitution:**

Exploitation for prostitution is a matter of forced exploitation. Although there is no specific definition for prostitution laid down in the Afghan legal system any sexual contact beyond the circle of marriage is illegal and the proportion of punishment depends on the marital status of both

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<sup>1</sup> Statistical Annual, issue number 26, 2002

sides. This aside, many instances of prostitution are being witnessed at present in Afghanistan. However access to those involved is extremely difficult. Information published in Reality magazine in 1384 shows at least 71 reported incidents of prostitution registered in Kabul city. On the basis of reports from the General Attorney's Office prostitution makes up 53.38% of all crimes committed by women during the year.<sup>1</sup>

### **Slavery and practices similar to slavery:**

Marriage is expressing the expression of consent between two people with the purpose of forming a family and leading a joint life<sup>2</sup>. In Afghanistan this is usually decided by the parents. However researches carried out by various authorities, in certain instances some marriages are merely marriages on the surface with signs of slavery and practices similar to slavery appearing upon closer investigation. For more clarification on this issue some examples are given as follows:

#### 1. Kidnapping for the purpose of forced marriage:

More than a hundred complaints have been received by the Afghan Independent Human Rights Commission between January and May, 2006. As one of the monitoring and investigation unit staff of the Commission noted: most of the incidents are related to forced engagements and marriages often committed by local warlords and commanders.

The Afghan Penal Code in this regard does not recognize abduction for the purpose of marriage as a punishable crime.<sup>3</sup>

#### 2. Giving in *Bad*( exchange of a woman for dispute resolution):

Exchange of women for feuds settlement or debt relief occurs on a large scale in Afghanistan. Comprehensive research has been carried out by the Women and Children Legal Rights Foundation with almost 500 cases registered out of which 16 were in relation to debt settlement. Debt settlement is used to resolve feuds amongst tribes and even between families with girls given from the aggressor families to the plaintiff

<sup>1</sup> draft national strategy plan for fighting against HIV/AIDS

<sup>2</sup> women's Political participation: Kabul, Women and Children Legal Research Foundation(WCLRF,2003)

<sup>3</sup> Bad a Painful Sedative( Kabul, WCLRF, 2003)

families. For example when a brother or father of a girl murders a person, in order to resolve the dispute peacefully a girl from the murderer's family is given in marriage to one of the members of murdered person's family.<sup>1</sup> In cases when a debtor is unable to pay his debt to the creditor the tribal jirga may decide in favor of *Bad*<sup>2</sup> in order to resolve the dispute.

### **Afghanistan source country:**

Organizations that have undertaken research on Afghanistan, Iran, and Pakistan have documented much evidence in relation to forced prostitution and human trafficking.

#### *1. Forced prostitution:*

There are detailed reports on the situation of women kidnapped by militants and women sold for purposes of sexual exploitation in Pakistan. According to some of the reports, girls are purchased in Afghanistan and taken to Pakistan<sup>3</sup>

#### *2. Forced labor:*

There are some reports citing boys kidnapped from northern Afghanistan (or sent for labor by their families).

According to one report, 316 Afghan children living in Saudi Arabia were detained by the authorities and returned to Afghanistan. According to the same report, these children had been trafficked to Oman and Pakistan. The children were returned as a result of mutual cooperation between Saudi Arabian and Afghan authorities and with the help of United Nation Children's Fund.<sup>4</sup> (UNICEF)

### **Afghanistan as a transit country:**

Only two incidents of trafficking have been reported in this regard.

According to some reports, Iranian women had been trafficked to Pakistan, Iran, and Pakistan through Afghanistan because of the large

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<sup>1</sup> human Trafficking: Kabul, IOM, 2004

<sup>2</sup> Penal Code of Afghanistan

<sup>3</sup> IOM report on human trafficking

<sup>4</sup>



borders shared between these countries. According to these reports, women are first taken to Kandahar province and from there transported to Quetta in Pakistan.

### **Afghanistan as a destination country:**

There is little data or information in terms of human trafficking to Afghanistan as a destination country, but incidents in 2004-2005 do outline instances of. A number of 83 Chinese women between the age of 25 and 30 years old had been trafficked for the purposes of prostitution to Afghanistan.<sup>1</sup> "There have also been cases of women and girls trafficked from Pakistan to Afghanistan.

### **Factors contributing to human trafficking**

There are certain factors in Afghanistan which facilitate human trafficking which share similarities with other countries in the region. These factors are described as follows:

#### 1. The Poverty factor:

Poverty is one of main contributing factors in human trafficking poor economy contributing to trafficking in poorer families. These cases are described below:

##### A. forced marriages

As outlined above some poorer and more vulnerable families marry their daughters to rich and influential people without the girls consent in order to sustain other members of their families. This act is not only against Sharia and codified laws, but may also be considered a form of human trafficking.

##### B. Labor

Some families force their young children to work in order to get financial resources and in most instances the children are sent abroad to

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<sup>1</sup> Strathdee Stefanie et al. (2003), "HIV Knowledge and Risk Behaviors among Pakistani and Afghani Drugs Users in Quetta, Pakistan". Journal of Acquired Immune Deficiency Syndromes. April 2003

work. Usually, they are sent by illegal ways, and traffickers take them to foreign especially neighboring countries.

C. sexual exploitation:

Families with no young males to work and where conditions for other members of the families are not favorable to work are attracted to the sexual exploitation market. Though this issue is one the most sensitive issues in Afghanistan, nonetheless there are reports among people that such exploitation does occur. To sum up then, one of the main factors for women and child trafficking in Afghanistan is poverty.

2. Lack of awareness

The majority people in Afghanistan are illiterate or have low literacy and this makes them severely vulnerable. As far can be seen, many of the families who have trafficked their children are illiterate and have sent their children with traffickers in order for the children to work without thinking about their future. In some illiterate families it has been noted that their children have been trafficked up to two and three times.<sup>1</sup>

3. Insecurity:

Terrorism, crimes, the existence of armed irresponsible groups and poppy cultivation are the main threats to security in Afghanistan. The borders of Afghanistan are poorly policed and thus porous to trafficking.. The borders with Pakistan are of particular concern since the fighting between Taliban/Al-Qaeda and international coalition forces has increased and there is no control over the borders. Lawlessness along the border increases instability in the region. Recent reports show that Taliban and Al-Qaeda armed groups have been active on both sides of the border in the recent months and there are reports of the existence of criminals and traffickers along the southern borders. Besides the existence of Taliban an Al-Qaeda, some local commanders may also be active in the region trying to regain their previous power and social status. Insecurity therefore and the relative weakness of the government in some border areas of the country have paved the way for traffickers to be particularly active in the region.

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<sup>1</sup> UNDCP (2000), Community Drug Profile #3. "A comparative study of Afghan street heroin addicts in Peshawar and Quetta".

#### 4. lack of legislation:

The Penal Code of Afghanistan has 523 articles out of which only 7 articles (418-425) relate to abduction and in terms of human trafficking there is absolutely no mention whatsoever. Human trafficking cases are prosecuted under the abduction code which means that many traffickers act with relative impunity.

#### 5. Borders

Afghanistan shares borders with six countries ( Iran, Pakistan, China, Tajikistan, Uzbekistan, and Turkmenistan). There are 11 crossing points: Shir Khan in Kunduz with Tajikistan, Eshkashem, in Badakhshan with Tajikistan, Hairatan, in Balkh with Uzbekistan, Torghondi, in Hirat with Turkmenistan, Aquna in Faryab province with Turkmenistan, Aikhanam, in Takhar with Tajikistan, Islam Qala in Hirat with Iran, Zar Balkh in Nemroz with Iran, Spin Boldak in Kandahar with Pakistan, Ghulam Khan in Khost with Pakistan, and Torkham in Ningrahar with Pakistan. Most traffickers crossing the border do so without visa or other legal documentation due generally to widespread corruption on both sides of the borders.

## Section Two

### **Current laws and policies in terms of HIV/ AIDS and Human Trafficking in Afghanistan**

As mentioned above, phenomena such as human trafficking and HIV virus are relatively new issues in Afghanistan. Due to war and general instability the country has been unable to enact certain laws to combat trafficking. Some work has been done in terms of policy making laws require amendment to create a more sophisticated government system. Legislation gaps are thus widespread regardless of the recent conflict and this now needs to be addressed

#### **1. Laws and policies in terms of human trafficking:**

Human trafficking in Afghanistan is related to other problems predominant in the country. Although there is no quick-fix solution to fighting human trafficking there are ways to begin dealing with the problem in Afghanistan and this first step is that of recognizing that the problem exists..

A report published by IOM in 2003 requests the Afghan government to sign the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and to take necessary steps towards designing and approving new laws against human trafficking. These laws should recognize abduction for the purpose of forced marriage, sexual and material exploitation as a criminal act and therefore punishable. The government should prosecute those responsible for *Bad* or the exchange of women and girls for feud settlement.

Afghanistan in theory has taken some preliminary steps in combating human trafficking by signing a number of international treaties and conventions. The following are the documents which can be helpful in

relation to the prevention of human trafficking. The table below shows whether Afghanistan status in regard to the relevant treaties.

Status of Afghanistan	Name of protocol in terms of human trafficking	#
Not yet ratified	Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)	1
Signed on May 21, 1985	UN protocol in terms of forbidding human trafficking and exploitation of others for prostitution, 1945[Imm not sure about this one, maybe check the reference again]	2
Ratified on March 28, 1994	Convention on the Rights of the Child1990	3
Ratified on September 19, 2002	The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (Sex Trafficking OP(2000)	4
Not yet ratified	The OP on the Involvement of Children in Armed Conflict (Child Soldiers OP).(2000)	5
Not yet ratified	Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (1999)	6
Ratified on May 16, 1963	Abolition of Forced Labor Convention, 1957	7
Signed on August 16, 1954	Slavery Convention (1927)	8
Not yet signed	Complementary convention about human rights of all immigrant labor and their family members, 2003[Imm not sure of the exact wording of this one]	9
Signed on March 6,	Convention of Elimination of all forms of Discrimination Against Women(CEDAW)	10

2003		
Not yet signed	Optional protocol complementary to the convention of elimination of all forms of discrimination against women, 2000	11

**National law:**

The national laws of Afghanistan contain some articles in the penal code relating to abduction. As mentioned above since human trafficking is a relatively recent phenomenon in Afghanistan, the laws have no specific articles yet referring to the issue. Articles related to abduction are provided for in the Penal Code Chapter VII (Articles 418-425) of Afghan as follows:

Rape: article 429 of Penal Code provides as follows:

1. A person who rapes by force, threat, or deceit another person, whether that person(victim) is male or female or attempts to rape, he will be sentenced to long imprisonment not more than seven years.
2. If the victim has not completed 18 years, or the perpetrator is included in paragraph 2 of article 427, the perpetrator will be sentenced to long imprisonment not more than 10 years.

Adultery: article 429 of Penal Code provides in this regard as follows:

1. A person who commits adultery with a female or sodomy with a male will be sentenced, according to the circumstances, to long imprisonment.
2. The perpetration of the act of the above paragraph is considered aggravating circumstance in one of the following cases:
  - a. if the victim is not 18 years old;
  - b. when the perpetrator is a close relative of the victim to third degree;
  - c. when the perpetrator is the trainer, teacher, or servant of the victim or has some kind of influence or power upon him/her;
  - d. when the victim is a married woman;
  - e. when the virginity of the victim has been eliminated as a result of the activity;

f. if two or more persons have helped each other to defeat him/her or have committed the crime one after another.

Forced labor:

The penal Code of the country in terms of forced labor (article 516) provides as follows:

Person who uses or exploits the working force of the people by deceit or sells it or deals his/ her labor to any foreign sides will be sentenced to long imprisonment and must pay compensation for the damage.

Forced labor and economic exploitation are provided for in the Civil Code under

Article 1529 and provides as follows:

Job contract is a contract through which one of parties becomes committed to do some work for the other party and in return will receive remuneration.

The Civil Code of Afghanistan has some explanations in terms of labor, employer, and job contract in articles 1529 to 1553 but has no mention regarding age and sex of the workers in any of the 24 articles.

Afghan Labor Law, reviewed after the fall of Taliban regime, has some explanations regarding employment age. In article 13 of this law one of requirements of employment specifies that:

1. *the employee should be well- qualified and citizen of Islamic Republic of Afghanistan;*
2. *completion of 18 years for permanent and contractual employees in the fields of heavy industries;*
3. *completion of 15 years for permanent and contractual employees in the fields of light industries;*
4. *Completion of 14 years for the trainees.*

Article 15 of this law has some exceptions in terms of determination of working age:

*In special cases, with the consent of legal representative, a teenager who has completed his/ her 14 years age, can be hired as a contractual employee and if s/he has completed his/her 13 years age, can be employed as a trainee. Teenager, who is employed as a contractual employee according to this article, is not allowed to work independently. The relevant department is bound to train him/her in a specialized field.*

Also, it should be mentioned that after long and successive efforts since 2003, work has started on the drafting of a new law on the trafficking of children's labor, the contents of which are as yet unavailable.

### **Decrees:**

Along with the spread of human trafficking since 2003 taking into account lack of legislation in terms of addressing the matter a number of decrees have been issued by the

President with a view to combating the phenomenon of child trafficking.

The first decree was in relation to the establishment of a high ranking committee composed of representatives of government departments, NGOs, UN agencies, and national entities in which heads or deputies of these departments and organizations participated and reported about their activities and performances to the President. (**since participation of all government ministries and international organizations is more effective and useful to combat abduction of children( abduction of children, teenagers), so a high-ranking committee composed of the representatives of these organizations should be established and this committee will report to the President** The main participating departments and organizations include: Ministry of Labor and Social Affairs, Ministry of Interior, Ministry of Justice, Ministry of Haj and Religious Affairs, Ministry of Women's Affairs, Ministry of Foreign Affairs, Independent Human Rights Commission, UNAMA, UNICEF, UNCHR, SAVE THE CHILDREN and others.

The second decree was in relation to the method of prosecution of cases of child abduction and trafficking. To prevent time wastage and to enable immediate investigations, all cases of child abduction and trafficking should be referred to the Special Attorney's Office and a special court for internal and external security. Article two of this decree provides as



follows: **child abduction and trafficking cases which are committed by international organized criminals, should be considered as crimes against internal and external security of the country and the investigation of these cases should be handed over to the special court of crimes against internal and external security.**

#### **National action plan to combat child trafficking:**

This plan is one of the most important and credible working documents which has been drafted during 2003 and 2004 as a result of hard work and efforts. This plan has identified programs and activities for the government, UN agencies, and NGOs in combating child trafficking in the coming five years. Determining goals in this plan has been done in accordance with the strategic plan for South Asia.

This plan has different pillar of activities as following:

- a. Legislation;
- b. Awareness raising;
- c. Support of the victims;
- d. Prevention of child trafficking;
- e. Return, mainstreaming and reintegration; and
- f. Recovery.

Moreover, each of the above pillars has specific goals. For example, some of them are as follows:

1. Support and protection:
  - i. Officially recognizing that all persons, less than 18 year, are children.
  - ii. Develop and implement an appropriate legal framework in accordance with the Child Rights Convention (CRC) and Convention of Elimination of all forms of Discrimination against Women (CEDAW).
  - iii. Signing optional protocol for Child Rights Convention (CRC) on sale of children and signing the conventions related to the International Labor Organization (ILO).
2. Prevention:
  - i. Reforming laws and presenting a comprehensive definition of child trafficking to prosecute cases of child trafficking.

- ii. Holding professional and specialized trainings for teenagers
- iii. Creation of economic protection networks locally for economic empowerment of children.

3. Mainstreaming and Recovery:

- i. Mainstreaming of victims of child trafficking in their families, children trafficked into Afghanistan from other countries. These children should be transferred and reintegrated with their families as soon as possible.
- ii. Creation and strengthening of local support systems.
- iii. Prepare and implement comprehensive plans for monitoring the mainstreaming and reintegration of children with their families.
- iv. Paving way and opportunities for physical and psychological treatment of victim children.

4. Coordination, Cooperation and Capacity building:

- i. Holding trainings for department and relevant staff in supporting children.
- ii. Establishment of committees and networks to combat child trafficking at provincial and community level.
- iii. Seeking cooperation of all strata of society including private sector, clerics and others.

5. Participation and Cooperation:

- i. Build capacities of the children themselves for understanding the reasons and factors of sexual exploitation and ways to prevent it.
- ii. Raising awareness of society in terms of children's rights and their responsibilities for supporting children.
- iii. Preparing informational materials in simple and accessible language.

**Defects and short comings in the laws and policies relevant to human trafficking:**

The lack of a specific law defining human trafficking and determination of the responsibilities of the relevant departments are two of the biggest gaps in relation to child trafficking in Afghanistan. Whatever has been done so far in Afghanistan in terms of combating human trafficking is

confined to the problem of child trafficking, while nothing has been done in terms of the trafficking of women and other members of society.

The shortage in this field which is not only related to human trafficking but should be viewed as part of an overall gap in the Afghan legislature system is that many of the laws are old and obsolete. The last efforts made to draft new laws was in 1916 in which core laws such as the Penal Code, Civil Code, Labor Code, and other laws were drafted. Since then more than 30 years later there has still been no effort to amend or review these laws. Efforts have been underway in the recent years in terms of drafting some new laws but are still insufficient and overall have not been planned as part of an organized and comprehensive system.

Another vital point to note is that since there is no complete definition of human trafficking in national law, the judicial authorities end up prosecuting the accused of human trafficking on the basis of articles related to abduction.

Finally no rehabilitation and treatment program exists for the victims of human trafficking in Afghanistan.

### **Favorable factors for the spread of HIV/AIDS in Afghanistan:**

Afghanistan is a country with a low registration of HIV incidents but has extremely favorable conditions for the spread of HIV. The reasons include:

war and conflict in the last two decades; poor economy; poor social and political situation of women; displacement of a large number people; limited resources for access to health and social services; narcotics trafficking; use of narcotics by injection; and unsafe methods for blood transfusion. These factors combined have caused the responsible authorities to express their concern about the incidence of the disease and ways to prevent its spread. Some of the factors are discussed as follows:

1. Narcotics: Afghanistan is one of largest producers of narcotics in the world. Misuse of narcotics takes place mostly in the areas in which poppy is cultivated. There are no accurate figures about the number of Afghans using narcotics by injection. A report from Gardez city shows more than a hundred cases of narcotics use by injection. Recent research by Johans Hepkin Blombarg from the public health institute undertaken

in relation to narcotics addicts most exposed to the threat of infection with HIV in Afghanistan and Pakistan, shows that only 16% of the users knew in advance about HIV.<sup>1</sup> All addicted Afghans have never used condoms during their sexual relations. A report published by UNDCP<sup>2</sup> regarding street addicts in the cities of Peshawar and Quetta notes that the incidence of syringe use among drug users has been increasing. Although about 6.3% of interviewees used needles for taking narcotics, about 43% of them have been shared needles with each syringe being used by 4-6 people on average<sup>3</sup>. A recent report published by UNODC in Kabul city says that use of narcotics has been spreading in the cities. This research also found that at least 7015 heroine addicts are in Kabul city out of which 400 addicts are taking narcotics using injection.

The same UNODC report identifies 920,000 drug users in Afghanistan out of which 15% are heroine users by injection. Research carried out in neighboring countries like Tajikistan, Iran, and Pakistan show that those most affected by HIV/AIDS are people who taking drugs by injection. This trend is also possible in Afghanistan and the high number of those affected by HIV/AIDS in neighboring countries is also cause for considerable concern owing to the long scarcely policed borders shared with neighboring countries.

2. Sexual exploitation market: evidence shows that there a sexual exploitation market exists in Afghanistan for the purpose of increasing one's income. Two recent studies give information in this regard. A study undertaken in four districts of Kabul city by ORA International Study,<sup>4</sup> show that the level of awareness among 126 people involved in this field of HIV and its prevention less than 1%.

3. Unsettled population: (*refugees, internally displaced people, lorry drivers, and immigrant workers*): refugees and internally displaced persons are specifically among the people who are more vulnerable to HIV/ AIDS for a number of reasons including experiencing rape, violence, lack of access to more information and low awareness. More than 5 million afghan refugees are living in different countries. About two million Afghan refugees are in Pakistan and are considered

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<sup>1</sup>Statistics unknown due to social repression. Ron Synovitz. 11 July 2002. [www.reliefweb.int](http://www.reliefweb.int)

<sup>2</sup> April 2005 Ora International

<sup>3</sup> IOM Press briefing notes 9 July 02. [www.reliefweb.int](http://www.reliefweb.int)

<sup>4</sup> Blood transfusion service in Afghanistan.WHO Kabul note given during mission meeting. 23 June 03.

particularly vulnerable to the HIV virus. According to the IOM<sup>1</sup> approximately 440,000 internally displaced people are living inside Afghanistan in camps and the Ministry of Refugees and Returnees has announced that around 1.2 million refugees and 300,000 internally displaced have returned to the country and their homes. Although UNHCR states that camps have been provided with mobile health clinics, at present these clinics do not deliver health services in terms of HIV. In relation to other at-risk groups experience in the spread of HIV shows that the incidence along the highways for drivers is high. At present about 2000 drivers of international companies and 60,000 internal drivers are mobile on highways in Afghanistan. But figures in relation to infection rates are unavailable. It is estimated that approximately 1,000,000 people leave Afghanistan annually to find work in neighboring countries with most living in the cities and localities in which they are more likely to be affected with HIV. Some workers actually arrive Afghanistan from different countries for work as yet no accurate information or figures about this category are available and they are not checked on medically in relation to HIV infection rates.

4. Blood transformation: below standard methods of blood transfusion and old equipments for this purpose is of great concern in relation to control of HIV. Approximately half of the present hospitals in the country (44 hospitals) are not testing blood for before surgical operations. The WHO<sup>2</sup> reports that there is no document in relation to blood testing for the purpose of prevention and transfer of communicable diseases in Afghanistan. In Afghanistan the total number of centers in which HIV is tested is 19 with most in extremely bad condition in terms of access to HIV testing equipments. Some NGOs are however helping in terms of blood tests for HIV.

5. Using condoms and raising awareness levels about HIV: according to MICS report, the percentage of condom use among married women in the southeast of the country is around 2%. Condoms are available in all clinics, drugstores, and even main street shops.

6. Gender, social, and economic analysis: more than two decades of conflict in Afghanistan, continuous draught in the last three years along with violence against women in Afghanistan has had a negative impact on women's health. According to a survey by UNDP in 1996 Afghanistan is 169 in terms of human development among 175 countries. And due to

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<sup>1</sup> Discrimination against women and girls in Afghanistan. Economic and Social Council 4-15 March 2002. Report of the Secretary General

lack of figures the situation of Afghanistan has not been reflected in many reports. There is limited information and figures in terms of health in Afghanistan but some startling figures do exist in relation to the high mortality rate of women. These are due mainly to malnutrition, successive pregnancies without necessary care or medical assistance during and after birth and lack of access to information and services.. The Afghanistan ECOSOC<sup>1</sup> report published in March 2002 provides information in paragraph 21 regarding the incidence of rape, forced marriage, sexual exploitation and violence against women. Internal fighting and conflict and the existence of armed groups in the country caused the abduction of women and young girls by warlords. Gathering of information in this regard is difficult since due to cultural sensitivities, families are not prepared to provide information. This said in most of the reports, 54% of girls were married before the age of 18.

## **2. Laws and policies addressing HIV/AIDS in Afghanistan:**

There are no specific laws regarding HIV in Afghanistan. Since this is a sensitive issue the government with the assistance of some stakeholders has designed a number of policies. The government of Afghanistan according to its international commitments is obliged to combat HIV/AIDS. One of the main strategies in terms of fighting HIV/AIDS is the National Strategy for Fighting HIV/AIDS in the next five years which was drafted in 2006. It should be mentioned that this strategy was approved in 2003 but was subjected to review because of some faults and shortages and the revised strategy was then prepared for approval. Since this strategy includes a number of important ideas in terms of practical mechanisms for fighting HIV, its goals and activities will be reviewed below:

### **Goals:**

#### **The main goals specified in this strategy are as follows:**

- a. Strengthening the process of gathering of strategic information for preparation of guideline in designing plans and their implementation.
- b. Getting political commitment and support towards fighting against HIV/AIDS and other sexually-transmitted diseases.

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<sup>1</sup> Independent Human Rights Commission report in terms of women's status in Afghanistan

- c. Ensuring coordination among all relevant sectors and building their capacity in combating HIV/AIDS.
- d. Increasing public awareness levels in terms of prevention and control of HIV/AIDS and sexually-transmitted diseases with special attention to vulnerable groups.
- e. Ensuring access of vulnerable groups to prevention, treatment and care services.

**Main activities:**

**Main planned activities in the strategy are as follows:**

1. Conducting annual surveys in terms of vulnerable groups and groups exposed to threat.
2. Providing material resources for the implementation of the strategy.
3. Holding quarterly consultation meetings with the participation of concerned individuals and involved entities at all levels.
4. Preparation and implementation of annual joint plans with the participation of all relevant sectors.
5. Incorporating all activities against HIV/ AIDS in all development programs.
6. Providing the victims of this disease, in particular children, with legal and social services.
7. Preparing national guidelines for laboratory services in relation to HIV/ AIDS.
8. Training of laboratory staff and provision of technical assistance in implementation of national guidelines.
9. Creation of linking network between laboratories.
10. Cooperation with religious scholars in fighting against HIV/AIDS
11. Facilitating and encouraging people for voluntary tests in terms of HIV/AIDS.
12. Mother and child care and prevention of disease communication from mother to the child which includes pregnancy phase care including the use of appropriate medicines, child- birth care, and breast-feeding care and care of mothers affected with HIV/AIDS.
13. Creation of mechanisms for blood transfusion including extension of use of blood bank, emphasis on choosing healthy donors for blood, strengthening blood transfusion and testing all blood used for transfusion.



14. Supporting the unsettled population and raising awareness in relation to preventive of HIV/AIDS for afghan workers going work abroad, special tests on workers coming to Afghanistan for work and provision of resources to support this group.

15. Supporting the following vulnerable groups:

- Support and care of people with disability by promoting their access to care, treatment, and awareness;
- Support children in the fields of prevention and treatment through surveying the situation of street children and child labor, paying attention to the elimination of discrimination against children, raising awareness of children in relation to HIV/AIDS.
- Support and care of women through comprehensive studies for understanding authorities, structures, and entities which can support women, increasing awareness of women in terms of this disease, increasing men's awareness in terms of their responsibilities TO women, prepare and implement laws in terms of supporting women.
- Support youth through creating of a supportive environment for, developing professional skills of youth and holding trainings for them in terms of HIV/AIDS and strengthening informal and traditional structures which can support youth.
- Care and support for prisoners.
- Care, support and awareness rising for truck drivers.

**Faults and shortages in the laws and policies in terms of HIV/AIDS:**

The main faults and shortages of policies in the fight against HIV/AIDS in Afghanistan are as follows:

1. Urgent need for an increase in political support for fighting HIV/AIDS.
2. Lack of national policies for fighting HIV/AIDS and existence of faults and shortages in the other government policies. Since other government policies and working programs have not paid attention to this problem there is therefore a need to revise all current government policies in order to gain the necessary support for to counter the problem of HIV/AIDS in all relevant sectors.
3. Lack of information systems providing information on infection rates and the contributing factors.



4. Civil society institutions and private sector participation and cooperation in fighting against HIV/AIDS is extremely weak..

5. Lack of mechanisms for treatment and care of victims of HIV/AIDS in.

6. Increasing number of refugees and internally displaced people with urgent needs in terms of fighting HIV/AIDS.

**3. Link between laws in terms of human trafficking and HIV/AIDS:**

Since there are no specific laws in terms of human trafficking in Afghanistan and no laws in relation to HIV/AIDS, consequently, there has been no link in joint treatment with regard to these two problems so far. The current laws concentrate solely on abduction and the decrees and policies issued and designed thereafter have not yet mentioned specifically the problem of HIV/AIDS. Current policies in terms of HIV/AIDS have not mentioned human trafficking and its victims. But these plans do mention refugees, displaced and immigrant workers as potential victim of HIV/AIDS at the same time the report refer to the vulnerable situation of women and children under certain circumstances which can be presumed as indirect links with the victims of trafficking.

### Section Three

## Current mechanisms in fighting against HIV/AIDS

Though in terms of legislation there are overall faults and shortages for fighting against human trafficking and HIV/AIDS, but in terms of execution mechanisms activities have been undertaken. These mechanisms are implemented by the government in some cases, but in most cases though government is on the top, but mostly dependent on technical and financial resources coming from out of the government. These mechanisms are mainly in the form of establishment committees for cooperation and division of tasks and most of the activities are implemented from this axis and return back to the same axis. Usually, key ministries of the government head the committees and one of organizations which deliver most of technical and financial support, will form the secretariat of these committees. These mechanisms are as follows:

### **1. Current mechanisms in combating HIV/AIDS in the government:**

Different strategies of risk reduction have been designed for fighting against HIV/AIDS, some of which are listed below:

1. Strategies in terms of HIV/AIDS affection have been designed by the Ministry of Counter Narcotics.
2. National strategy and policy of the Ministry of Public Health for 2004- 2007 have been developed having specific goals in terms of fighting against HIV/AIDS.
3. Ministry of Youth in its 2006 work plan has included a part under the title of role of youth in fighting against HIV/AIDS
4. Trainings for school teachers and training book for teachers in terms of HIV/AIDS has been drafted.
5. Ministry of Public Health has included control of HIV/AIDS incidents in its programs of primary health assistance.
6. Ministry of Public Health has established health centers having sections for HIV/AIDS, in some of the provinces there are information

centers for out of school youth. There are general training programs for primary schools included in these programs.

7. Ministry of Public Health has undertaken a comprehensive plan for strengthening access to safe blood transfusion. Under this plan, about 20,000 packages of equipment for blood transfusion and testing of HIV/AIDS to blood banks have been distributed.

8. Ministry of Public Health has completed a draft of national guidelines for voluntary blood testing of people for HIV/AIDS and trainings will be held in different parts of the country.

9. Ministry of Public Health has published posters and placards having different messages regarding HIV/AIDS across the country. These messages have been in written and video format and have been presented in simple and accessible language.

10. Meetings have been held with the participation of regional and international stakeholders and experiences and opinions have been exchanged in terms of ways of diagnosing HIV/AIDS and also funding for programs to combat HIV/AIDS has been discussed.

11. Conferences and seminars have been held for health personal of the Ministry of Public Health on issues of identification and communication of the virus,, prevention, symptoms and treatment.

12. A fully equipped laboratory has been established in Kabul for diagnosing incidents of HIV/AIDS some other laboratories have been equipped in the provinces such as Hirat and Ningrahar.

13. Awareness programs on the basis of joint work and cooperation between Ministries of Public Health and Youth and awareness programs for youth have been undertaken in most of the provinces with the assistance of UN agencies.

## **2. Role of NGOs and civil society institutions in fighting against HIV/AIDS:**

As mentioned before ,civil society organizations and NGOs have undertaken some specific activities in fighting against HIV/AIDS, but because of a number of factors 1)not being in priority in Afghan society 2) lack of specialized necessary awareness programs in fighting against the disease and 3) lack of awareness in terms of severity and seriousness of the issue the number of organizations working in this field has been few with most activities only in their preliminary period and most of

these activities have been for awareness raising of the public. Some of the organizations working in this field are as follows:

1. **Orphan Refugee of Afghanistan International(ORA):**

This organization is preparing and publishing posters and brochures on the subject of HIV/AIDS. It has been working only in Kabul city so far and has been mostly involved with medical personnel both men and women by holding workshops on HIV/AIDS. This organization has also undertaken a survey regarding the more vulnerable groups in relation to infection.

2. **Action Aid:** this organization has undertaken some researches examining the rate of HIV/AIDS infection among vulnerable groups in society including lorry drivers, addicts, immigrant workers and returnees in four cities of the country.

3. **World Food Program (WFP):** has undertaken some training and awareness programs for lorry drivers.

4. **Red Cross Association (IFRC):** undertaking programs for treatment of sexually- transmitted diseases.

5. **Organization of AMI:** has been providing testing packages of HIV/AIDS for Miawand hospital and training laboratories staff.

6. **Khatiz Organization for Rehabilitation(KOR):** this organization is active in the field of fighting against HIV in the following programs:

- a. Equipment of library;
- b. Printing brochures and posters;
- c. Holding trainings for school students in Kabul city.

7. **Development Assistance and Medical for Afghan Nation Rehabilitation (DARMAN):** this organization has been undertaking some training programs in terms of awareness of HIV/AIDS in some of the hospitals and clinics of the Kabul city.

Most of the NGO activities have been focused solely on Kabul city largely ignoring the other provinces. Many of these activities have been in the form of short-term unsustainable projects.

3. **Role of private sector in fighting against HIV/AIDS:** since the level of public awareness in terms of this issue is quite low, there has

been no public reaction to the problem so far.. The private sector also has not played any active role in this area.

4. **Role of scholars in fighting against HIV/AIDS:** Taking into consideration the key role of religion in a country like Afghanistan, the role of the clergy and religious scholars in fighting HIV/AIDS can and should be more active and positive. For this purpose, a department has been established in the Ministry of Haj and Religious Affairs which has been undertaking some advocacy and public awareness programs in term of HIV/AIDS in accordance with Sharia rules and laws. Some mosque imams have been trained for undertaking awareness activities in the mosques.

5. **Role of UN agencies in fighting against HIV/AIDS:** UN is very active and has been doing alot in this regard. Some of agencies active in this field include the following:

- **UNDP:**

UNDP has undertaken different activities in terms of fighting against HIV/AIDS. UNDP has had an active role in the establishment of a HIV/AIDS department in the Ministry of Public Health and building the capacity and professional knowledge. A number of advisors have been recruited for capacity development of the staff of this department. UNDP has also been assisting this department in equipping its offices and facilities.

- **UNICEF:**

UNICEF as a responsible agency for children within the UN system has a key role in implementing programs for fighting against HIV/AIDS. The related activities include assistance in establishing a Department for combating HIV/AIDS in the Ministry of Public Health. It has held trainings for imams regarding the subject and has incorporated information regarding this disease under the subject of social behavior in the educational curriculum of the Ministry of Education. It has held trainings for the staff of the Department responsible for fighting against HIV/AIDS in the Health Ministry in Kabul and in other provinces.

- **UNFPA:**

The activities undertaken by this agency include awareness programs through trainings and publishing posters, support and advocacy campaigns for youth with the assistance of UNICEF, Ministry of Youth and Ministry of Public Health.

#### **6- Defects and faults in the mechanisms of fighting against HIV/AIDS:**

Lack of comprehensive and complete laws; since the disease of HIV/AIDS is new in Afghanistan current mechanisms for fighting it have had some defects and shortcomings. One of the main defects in the current mechanisms of fighting against HIV/AIDS is the focus on Kabul city to the detriment of other parts of the country. An example of this is the lack of HIV/AIDS diagnostic centers in other parts of the country.

In comparison to the threats the public is faced with the activities for developing and raising the level of public knowledge and awareness has been surprisingly limited.

On the whole we can say that in spite of the efforts undertaken thus far, HIV/AIDS has still not been recognized as a priority issue. There is still no mechanism in place which can foresee or approximate figures for those affected by the disease.

Similarly psychological treatment for the small number of victims diagnosed has not been possible. The victims of this disease or at least those who are suspected as victims do not dare refer themselves to health centers for checkups or testing due to the stigma attached to HIV/AIDS.

Although trainings for health staff were undertaken they are insufficient in relation to the potential extent of the problem. Health personnel of department of control and combating of HIV/AIDS in the Ministry of Public Health have only been trained in Tehran for 15 days.

Workshops held by some agencies and organizations for the purpose of identification of communication risks have been confined to Kabul city and a few major provinces such as Hirat, Mazar, and Ningrahar.

## Section four

### Current mechanisms in fighting against human trafficking

As was mentioned before combating human trafficking so far has been limited to combating child trafficking and has not covered many other aspects of it. Some works have been newly started to combating trafficking of women, as yet no specific or sustainable mechanisms are in place. A number of activities and mechanisms are underway in terms of combating women and child trafficking. These are as follows:

#### 1. **Role of the government in combating human trafficking:**

- *participation in the dialogue and regional workshops:*

Officials of the ministries of Women's Affairs, Interior, Haj and Religious Affairs, Foreign Affairs, Justice and other relevant departments participate in different training programs in terms of fighting against women and child trafficking. Although these workshops and meetings are not particularly coordinated they have to some extent been helpful in promoting and raising the level of awareness of these ministries and departments.

One of the most important meetings held was the regional session in the workshop of capacity building for fighting against human trafficking which held in April 2003 in Almaty, Kazakhstan. This workshop was mostly aimed at cooperation between neighboring countries on cross-border combating of human trafficking in which the representatives of Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, Kazakhstan, and Russia all participated. At the end of this conference, a protocol was approved and signed for cooperation in seeking procedures and ways of fighting against human trafficking.

*Establishment of inter-ministerial commission:*

This commission has been established to review the situation of human trafficking in Afghanistan and pursues the following objectives:

1. Drafting new legislation for human trafficking
2. Monitoring national and international approaches in fighting against human trafficking.

The members of this commission are composed of representatives from the Ministries of Defense, Interior, Foreign Affairs, Justice, Borders and Tribal Affairs, and General Directorate of National Security. The commission have not conducted regular meetings and after a while it was dismissed.<sup>1</sup>

*- Establishment of office for combating trafficking in MoI:*

Within organizational structure, a new office has been established in the Ministry of Interior in 1385 for fighting against organized crimes including human trafficking.

- *Establishment of commission for fighting child trafficking:*

This commission is comprised of the representatives of government ministries such as Labor and Social Affairs, Interior, Justice, Foreign Affairs, Haj and Religious Affairs, Information and Culture, and Youth, and UN agencies (UNICEF, UNHCR, UNAMA) and NGOs such as Foundation of Support Children's Rights, IOM, and Afghan Independent Human Rights Commission .The specific aim of this commission is to fight against child trafficking. This commission, established on presidential decree in 2003 was able to draft a national action plan for fighting child trafficking during that year and was approved in mid 2004 by cabinet. This commission has been meeting on a monthly basis and the responsible agencies and organizations report their activities and performance on implementation of then national action plan; new plans and programs are reviewed and it has tried to have necessary coordination during the implementation of the national action plan.

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<sup>1</sup>



## **2. programs for prevention, support, rehabilitation, return, and reintegration:**

Members of the commission for fighting child trafficking have been undertaking the following activities according to their tasks and responsibilities specified in the national action plan:

### *-programs in terms of prevention of child trafficking:*

To prevent child trafficking, some activities has been undertaken which has included trainings of police, in particular highway and border police, training of imams , and training of the public. These activities have been carried out in coordination with all relevant departments and organizations with the result that all related individuals have been familiarized with this phenomenon and the ways of addressing it across the country. Publishing of data, posters, and guidelines for support and protection of children from traffickers are among the programs which have been done mainly by the Afghan Independent Human Rights Commission.

### *-Support and protection of trafficked victims:*

A provisional center for support and protection of children who have been victims of human trafficking has been established in Kabul by the Ministry of Labor and Social Affairs with the assistance of UNICEF and Afghan Independent Human Rights Commission. Children are staying in this center for one month and even more in some cases to find their parents and relatives. Of course to avoid their re- trafficking the centre is extremely careful in the identification of relatives and parents. The children are then transferred to their residences by representatives of the Ministry of Labor and Social Affairs and the Afghan Independent Human Rights Commission. local security forces, elders and influential people of the locality are informed on the return of the child, the parents give written agreement not to send their children with traffickers again. These efforts for support and protection of victims of child trafficking are in no way sophisticated enough to include longer-term support and assistance. Trafficked women are supported by being given shelter in safe houses.

- *Recovery, return and reintegration:*

For safe return of the children that have been trafficked for economic reasons, different activities have been taken into account. These activities include initiatives for informing families of the children about the risks of child trafficking and also include activities for recovery. It means that children receive vocational trainings in the region by NGOs providing alternatives to going abroad for economic reasons.

### **3. The role of civil society organizations and NGOs in fighting against trafficking in persons:**

Civil society organizations as active elements have always played an important role in the fight against women and child trafficking. The following are some of the activities in brief:

- **Afghan Women Skills Development Center (AWSDC):** this center provides women, including women who have been the victims of human trafficking, with necessary facilities for residence. It has been implementing different programs for development of their skills and economic self-sufficiency and reintegration with their families with the help of Ministry of Women's Affairs.
- **Women and Children Legal Research Foundation (WCLRF):** this foundation is implementing research and advocacy programs in terms of harmful traditions and customs such as *Bad*. One of the research projects undertaken called *Bad, a Painful Sedative* reflects the life situation of a group of women victims of human trafficking and explains way of informing responsible officials about the phenomenon.
- **ALTAI CONSULTING:** this center has undertaken research on child trafficking in Afghanistan.

### **4. Role of religious leaders in fighting against human trafficking:**

Religious leaders play a vital role in fighting against trafficking in persons. For this reason the Ministry of Haj and Religious Affairs is one of stakeholders in the national strategy that has been prepared by the government, UN and Afghan Independent Human Rights Commission aimed at fighting human trafficking. This ministry was able to inform parents of the risks of abuse of children during Friday prayer and other prayer times. This ministry was able of introduce the topic of abduction

and child trafficking from the viewpoint of the holy religion of Islam. Some of the mosque imams took part in trainings on child trafficking.

### **5. Role of national institutions in fighting against human trafficking:**

The Afghan Independent Human Rights Commission has been established as a national entity according to the Constitution to promote, support and monitor human rights in the country. It has played a key role in fighting against child trafficking. The main activities carried out by this commission are as follows:

1. The Afghan Independent Human Rights Commission was the first authority which presented evidence in terms of the existence of abduction and human trafficking through its investigations into child disappearances and subsequently broadcast this information through the media.
2. Holding a country-wide conference for national and provincial officials of the Ministry of Interior with the participation of more than a hundred officials from the ministry of justice, judicial organs such as General Attorney Office and courts as well as representatives from the ministries of Women's Affairs, Labor and Social Affairs and representatives of UN agencies including UNICEF, Save the Children of Sweden, Save the Children of Great Britain, and some journalists and correspondents in terms of sensitivity of the issue and the urgent need to combat the phenomenon which has since led to the establishment of a competent committee by Presidential decree to fight child trafficking.
3. Launching awareness and advocacy programs through publishing brochures, posters, support guidelines for children and families, holding roundtables through radio and television.
4. Active participation in designing national plan for fighting child trafficking under the leadership of Ministry of Labor and Social Affairs.
5. Participation in the meetings and working committees on child trafficking.<sup>1</sup>
6. Undertaking research about the criminal justice procedures applied to cases of child trafficking
7. Monitoring the process of reintegration of trafficked children.

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## **6. Role of UN and other international organizations in fighting against human trafficking:**

As mentioned before, some of the UN agencies have been active in this regard including UNAMA, UNHCR, and UNICEF. The International Organization of Migration (IOM) has also been very active in the area.:

1. UNHCR, UNICEF, and UNAMA have contributed to the planning of activities on child trafficking.

2. UNICEF has played a key role in establishing a provisional center for child victims, funding programs for the Ministry of Labor and Social Affairs for fighting against child trafficking.. UNICEF has undertaken the preparation of a national action plan and has implemented research programs about cases of child trafficking.

3. IOM: International Organization of Migration in Afghanistan has had an important role in investigating human trafficking incidents. This organization has undertaken different programs in the areas of publishing status reports in terms of human trafficking in Afghanistan, trainings for capacity building of relevant staff, delivery of direct support to the victims of human trafficking. These activities are as follows:

i. Preparing research reports about human trafficking in 2003 and 2006.

ii. Training of embassies and consulates and Afghan staff in terms of identification of human trafficking incidents and their role in rescuing and support of the victims of human trafficking.

iii. Direct support to trafficked victims through:

a. Providing them with accommodation;

b. Providing them with funding for return to their homes;

c. Providing them with resources and facilities in their original place of residence.

4. Launching advocacy and awareness campaigns regarding the impact of human trafficking.

5. Informing the activists of women's rights through holding workshops for MOWA staff.

6. Drafting a law in collaboration with the Ministry of Justice for fighting against human trafficking with the Ministry of Justice.

### **7. Defects and shortcomings of current mechanisms for combating human trafficking:**

Current mechanisms in fighting human trafficking are not complete for many reasons and Afghanistan as mentioned before is only beginning to recognize trafficking as a problem. The defects and shortcomings of these mechanisms are categorized as follows:

- There is no specific definition of human trafficking under Afghan law and this creates problems and obstacles in the practical implementation of policies and plans to fight trafficking.
- Efforts have been confined so far to the issues of child trafficking while the larger problem of human trafficking has been largely ignored.
- Implementation of practical mechanisms for combating child trafficking is mostly dependent on financial resources of UN agencies and other donors.
- Current faults and shortcomings in the legislation and judicial systems of Afghanistan have had negative impact on the fight against human trafficking.

## Section Five

# Initiatives in terms of giving priority to programs for combating human trafficking and HIV/AIDS

### 1. Initiatives in terms of prioritizing programs for fighting the phenomenon of human trafficking:

One of the most important initiatives has been the role played by the media which has enabled Afghanistan see child trafficking as a priority issue. Pressure from media on the government following information given to them by the Independent Human Rights Commission has obliged the government to be more active regarding the phenomenon of child trafficking.

Moreover, experience has shown that joint initiatives between government and NGOs and donors which have clear duties and responsibilities are effective in combating immediate problems.

### 2. Initiatives to give priority for programs of combating HIV/AIDS:

Initiative by the Ministry of Foreign Affairs in terms of holding trainings for embassies and staff in neighboring and regional countries is one of the positive initiatives in this regard.

In terms of giving priority to programs for fighting HIV/AIDS, holding consultations and cooperation between countries and encouraging advocacy programs in this regard is extremely important.. Also, giving role to religious leaders in fighting against HIV can be considered among very good initiatives.

It has to be acknowledged that much work needs to be done in terms of fighting AIDS and human trafficking and it needs more time and effort to place these issues as priority programs within government.

### **3. Initiatives in terms of support for victims of HIV/AIDS and Human Trafficking:**

In relation to support for victims of human trafficking, one positive initiative has been the promotion of regional cooperation on the basis of which agencies and organizations working in the area such as International Organization for Migration (IOM), diplomatic entities and UN agencies have supported the victims on both sides of the border and have cooperated well with UNICEF.

However in terms of victim support for HIV/AIDS little has been done so far, and since these victims have been not identified properly there is little to support them.

## Chapter three

### Conclusion and recommendations:

#### Conclusions

Taking into account the contents of this report, it can be concluded that human trafficking and the epidemic of HIV/AIDS are amongst the problems which have recently begun to threaten Afghanistan. Afghanistan is in a post-conflict situation and has many shortcomings in fighting these problems.

HIV/AIDS and human trafficking have close relationship with each other, so that one of them has caused the latter one [the link is not clear throughout!]. And mainly human trafficking incidents lead directly or indirectly to infection of sexually-transmitted diseases such as HIV/AIDS.

Afghan law is old and is not capable of providing legal support for its citizens including support against human trafficking..

Judicial systems of the country are not accessible to all people and it lacks human capacity to take necessary steps to implement laws to deal with the problem.

Access to health in Afghanistan even after reconstruction efforts for many years remains a problem. Resources and opportunities for diagnoses, prevention and treatment of deadly diseases such as HIV/AIDS are not available due to lack of means, equipment, professional personnel and physical facilities.

Ignorance among the ordinary people of the risks resulting from human trafficking (especially women and children) and their ignorance of preventative to measures to fight HIV/AIDS and other sexually-transmitted diseases have been recognized as a problem.



Women have been one of the most vulnerable groups in Afghan society. Harmful traditions and customs (forced marriages, early marriages, giving in "Bad"), discrimination and prejudice against women have caused women to be exposed to the threat of trafficking and HIV/AIDS.

Children as vulnerable citizens are unable to defend themselves or take appropriate decisions and for this reason are more exposed to the threat of trafficking and also infection of HIV/AIDS. Sexual exploitation from children, marriage of minors, sending children abroad for different purposes illegally puts them at risk.

Poverty as a common denominator in all these problems has a direct impact on vulnerable groups of society and can put them at risk of infection from HIV/AIDS and also trafficking.

In spite of overall awareness of the existence of risks and threats of HIV/AIDS infection and the risk of human trafficking, preventive measures and activities are very few in comparison with the degree of risk and the importance of this issue.

Less attention has been paid to the most important issue of supporting the victims of HIV/AIDS and human trafficking. And in most cases these victims have remained without any support and as a result they have become more vulnerable.

In all programs in terms of fighting against HIV/AIDS and human trafficking there is neither coordination nor coherence.

### **Recommendations:**

- i. Recommendations in terms of fighting against HIV/AIDS:
  1. Effective public awareness programs in terms of prevention and treatment, and ways of addressing it. These programs should be implemented by government and other relevant entities with the help of local influential people like religious scholars, elders, and professional cadres such as doctors.
  2. Equipping and improving facilities needed for diagnosis and treatment of this disease across the country.
  3. Attention should be paid to the elimination or at least reduction of contributing factors for HIV infection. And all appropriate ways for

securing resources and equipment should be sought in urban and rural areas.

4. Youth should have access to employment opportunities and thus decrease the risk of infection from this disease.

5. Specific mechanisms should be set up at all borders and airports for strict control and supervision and thus prevent the infection of this disease inside the country.

6. Systems and mechanisms of public health should be strengthened for delivery of preventive and supervisory services to the victims of HIV/AIDS on the basis of gender sensitivity to all vulnerable groups.

7. Voluntary testing programs of HIV/AIDS should be extended countrywide.

8. Specific and effective strategies for launching justice pleading and awareness strengthening are needed and it is necessary that media should be informed.

9. Participation of women, youth, and victims of the HIV/AIDS should be strengthened in justice, awareness and other programs.

10. Comprehensive support and cooperation for help for victims of HIV/AIDS is necessary in this regard.

11. All preventive and supervisory measures should be planned and implemented with regard to religious and cultural sensitivities of the country.

12. Vulnerable situation of women in society should be taken into account and ensure that they should not be deprived of preventive and supervisory measures as a result of discrimination.

13. Full participation of all people plays a significant role in the success of fighting against HIV/AIDS.

14. Strengthening and building capacities of Afghans can accelerate and strengthen the fight against HIV/AIDS.

15. Victims of HIV/AIDS should take part in all processes of planning, prevention design implementation and supervision of all strategies.

16. Victims of HIV/AIDS, their families, relatives, and friends should not be treated in a discriminatory fashion.

17. Socio-economic programs should take into account the impacts of these programs on victims of this disease.

ii. **Recommendations in terms of fighting against human trafficking**

1. First of all it is necessary to include human trafficking as an organized crime in the laws specifying a legal sanction.

2. Effective programs should be designed and implemented for the awareness of the public in relation to trafficking and HIV. The help of influential local people such as religious scholars, elders, and professional cadres like police, social workers, non-government organizations, government, and other stakeholders should be used.

3. Specific programs should be designed and implemented for the reduction of women and children's vulnerability.

4. Measures and activities should be undertaken for reduction and elimination of contributing factors in this regard.

5. Comprehensive support should be provided to the victims of human trafficking including legal prosecution of the accused, reintegration and rehabilitation of the victims and their safety.

***Annex one:***

***List of agencies and organizations which have been contacted:***

1. Ministry of Interior;
2. Ministry of Counter Narcotics;
3. Ministry of Labor and Social Affairs;
4. Ministry of Public Health;
5. National Security Attorney General Department;
6. Central Statistics Office;
7. Independent Human Rights Commission, institutions and entities of civil **society**;
8. UNICEF
9. WHO
10. WORLD BANK
11. ILO
12. UNFPA
13. UNDP
14. UNCHR
15. IOM
16. ALTAI CONSULTING
17. UNODC
18. WCLRF
19. AWSDC
20. ORA
21. KOR
22. DARMAN

***Annex 2:***

***list of references and sources:***

1. Muhebullah Rahmate, Afghanistan Geography, Kabul, 1999
2. human Trafficking: Kabul, IOM, 2004
3. Bad a Painful Sedative( Kabul, WCLRF, 2003)
4. women's Political participation: Kabul, Women and Children Legal Research Foundation(WCLRF,2003)
5. statistical Annual, 24 issue, 2002
6. Statistical Annual, issue number 26, 2002
7. draft national strategy plan for fighting against HIV/AIDS
8. National Action Plan for combating human trafficking
9. Independent Human Rights Commission report in terms of women's status in Afghanistan
10. Civil Code of Afghanistan.
11. Penal Code of Afghanistan
12. IOM report on human trafficking

***Electronic Sites:***

1. <http://www.youandaids.org/Asia%20Pacific%20at%20a%20Glance/Afghanistan/index>

2. [WWW.news.independent.co.uk](http://WWW.news.independent.co.uk)

3. <http://www.csmonitor.com/2003/1017/p08s02-wosc.html>

4. [www.ipsnews.net](http://www.ipsnews.net)

5. [www.unicef.org](http://www.unicef.org)

6. [www.aihrc.org.af](http://www.aihrc.org.af)

<sup>1</sup> kochies are called nomad people as well, who do not have a permanent residence in a place and traveling around the country in the search of green and warm areas and normally they live under tents,

<sup>2</sup> Human rights situation report by AIHRC

<sup>3</sup> Statistics of Central Blood Bank

- <sup>4</sup> Data in the Crime Control Department of MOI, Afghanistan
- <sup>5</sup> Report documents poverty and social misery in Afghanistan ,by Joanne Laurier, March 2, 2005
- <sup>6</sup> Mohamad Ashraf Rasuli, marriage or holy contract, Peshawar, 1376, page 29
- <sup>7</sup> Magazine of Reality, issue 11, publishing organ of Women & Children's Rights Research Foundation
- <sup>8</sup> For more information refer to Penal Code of Afghanistan, Kabul, Ministry of Justice, 1355, article 425
- <sup>9</sup> For more information refer to Afghanistan Penal Code, Kabul, Ministry of Justice, 1355, article 425
- <sup>10</sup> Bad , painful sedative( foundation of research for women and children's rights, 1383), page 14
- <sup>11</sup> *Ibid* page 4
- <sup>12</sup> Human trafficking,( Kabul, International Organization for Migration, 2004), page 68
- <sup>13</sup> Najibullah Babrakzai, the same date
- <sup>14</sup>Mr. Yatina and Ms. Sandra from Human Trafficking unit - IOM, interview of April 2, 2006
- <sup>15</sup>Interview with Najibullah Babrakzai, Head of Child Rights Section in the Human Rights Commission,
- <sup>16</sup> Strathdee Steffanie et al. (2003), "*HIV Knowlege and Risk Behaviors among Pakistani and Afghani Drugs Users in Quetta, Pakistan*". Journal of Acquired Immune Deficiency Syndromes. April 2003
- <sup>17</sup> UNDCP (2000), Community Drug Profile #3. "*A comparative study of Afghan street heroin addicts in Peshawar and Quetta*".

<sup>18</sup> April 2005 ORA International

<sup>19</sup> IOM Press briefing notes 9 July 02. [www.reliefweb.int](http://www.reliefweb.int)

<sup>20</sup> Blood transfusion service in Afghanistan. WHO Kabul note given during mission meeting. 23 June 03.

<sup>21</sup> Discrimination against women and girls in Afghanistan, Economic and Social Council 4-15 March 2002. Report of the Secretary General

<sup>22</sup> Afghan Independent Human Rights Commission, way of treating of citizens' rights protection organs in terms of cases of child trafficking,



## *History of the Foundation*

Women and Children Legal Research Foundation as a research institution in the field of women and child rights was formed in 2002 by number of women lawyers in Kabul. The first incentives of the formation of Foundation were discussions taken place inside and outside Afghanistan about women and children. In these discussions, the customs and traditions were considered as the manifestation of infringement background from the women and child rights. In a war-torn country mostly relying on tribal traditions of Afghanistan, a small number of people supported the grievance and suffering of women and children under the name of customs and traditions.

This issue impelled the founders of the Foundation to voluntarily undertake collection of some data and information to approve at first the existing of unhappy and catastrophic customs and traditions and then outline the duty and responsibility of different governmental organs and legal institutions which are involved in one way or another into this issue.

Actually, this institution was established to resist against the injustice and obstacles deserves attention and support in short and long terms perspective and closely related to women and children; prepare the means and pave the way for human rights champions to use them as valid documents and references for the identification of negative customs and traditions which can prevent women and children development.

### **The followings are some of the Foundation publication:**

- Bad painful sedative in Afghanistan (Research)
- Women political participation in Afghanistan (Research)
- Impact of traditional practices on women in Afghanistan (Conference)
- A look into the way of children naming in Afghanistan (Research)
- Polygamy in Afghanistan (Research)
- Women economic independence in Afghanistan (Research)
- A glance on cases of running away from house in Afghanistan (Research)
- Bad violence against women in Afghanistan (Research)
- Access to right to identity and registration of births in Afghanistan (Research)
- Extravagant expenses in weddings (Research)
- Studying impact of proverbs against women in Afghanistan (Research)
- Lack access of girls to school (Poster)
- Physical violence against women in Afghanistan (Poster)
- Jurmana - Advocacy film about reform of Bad in Afghan Society
- Bad (Radio Drama)
- Lack access of girls to school (Two types of Poster and Spot)
- Early marriages (Poster and Spot)
- Legal and research magazine "Waqeyat" (reality)
- Local song clip, reflects violence against women in Afghanistan