



USAID
FROM THE AMERICAN PEOPLE



IOM
UN MIGRATION

COUNTERING TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS TRAINING MANUAL – AFGHANISTAN



First edition January 2018

In the Name of Allah

Foreword

The High Commission to Combat Trafficking in Persons and Smuggling of Migrants started functioning in 2011 under the chairmanship of Minister of justice to combat trafficking in persons and crimes pertaining to smuggling of migrants as well as to ensure coordination amongst relevant authorities. Meanwhile, the provincial commissions to combat trafficking in persons and smuggling of migrants chaired by provincial governors, established in 2014.

To achieve its goals in the area of observance of human rights, particularly to combat against crimes of human trafficking and smuggling of migrants, to give awareness, to build capacity of relevant institutions and to provide support to the victims of trafficking, the High Commission to Combat Trafficking in Persons and Smuggling of Migrants has undertaken a series of activities, such as designing and implementing various plans to combat trafficking in persons and smuggling of migrants, supporting victims, particularly women, children and smuggled migrants.

As far as the inclusion of human trafficking as a criminal offense in Afghanistan legislation is a new phenomenon, and the lack of awareness amongst the general public and even amongst the institutions involved, has prepared the opportunity for human traffickers to misuse and exploit vulnerable people.

On the other hand, the Reports of International Institutions and Human Rights Organizations, indicates that Afghanistan is a source, transit and destination country for this crime. That is why, as a first step, it is important that the awareness of relevant institutions are enhanced through various training programs so that they are able to properly identify and support the victims of trafficking. Likewise, people should be informed of possible betrayals by smugglers so that they don't become a victim. To achieve this, the commission has contributed in the drafting and processing of the law on combatting trafficking and smuggling of migrants which is of immense importance, and considers implementation of programs and enhancing awareness, a major duty of the high commission, so the development of this training manual on Trafficking in Persons can be a positive step towards awareness and eventually an effective way to combat this phenomenon.

At the end, I would like to extend my sincere gratitude to the technical committee on combat against trafficking in persons and smuggling migrants as well as the International Organization for Migration (IOM) for preparing this training manual.

Dr. Abdul Basir Anwar

Minister of Justice

And Head of the High Commission to Combat Trafficking in Persons and Smuggling of Migrants



Foreword

Human trafficking is an enormous international challenge. Traffickers exploit more than 20 million victims each year, destroying families and communities around the globe. Due to the nature and complexity of the crime, effective anti-trafficking law enforcement is challenging; however, the first step in addressing human trafficking is through increased education and awareness.

This Training Manual on Trafficking in Persons, funded by the United States Agency for International Development (USAID), addresses the difficulties in prosecuting traffickers and protecting victims and explores potential trafficking prevention methods. The manual will be a tool to build the capacity of Afghan officials and other stakeholders to identify, refer, and assist victims of trafficking; and ultimately will serve as a practical guide for law enforcement officials working on trafficking in persons. Human trafficking is as old as humankind, but it is our hope that this century is the last century for human enslavement.



Herbert Smith

Mission Director

USAID Afghanistan

Acknowledgement

This training manual was developed to build the capacity of key Afghan law enforcement officials including border police and security forces, members of the high-level TIP Commission, representatives of NGOs specializing on trafficking in persons, shelter managers, community leaders (such as heads of Shuras), and religious imams. This manual will help stakeholders to understand the issues, laws and context related to trafficking in persons in the context of Afghanistan. Ideally, it will increase stakeholders' capacity in identifying human trafficking cases in accordance with international and national legal frameworks and practices, and improve the response and reference of identified cases. The manual is one component of a larger programmatic response to strengthen Afghanistan's response to human trafficking.

Appreciation goes to Ms. Denise Lassar from the IOM regional office for South Eastern Europe, Eastern Europe and Central Asia (SEEECA) in Vienna who helped develop this manual with support of the Combatting Human Trafficking in Persons (CTIP) team of IOM Afghanistan. Thanks to Mr. Jonathan Martens of the IOM Regional Office for Asia and the Pacific in Bangkok and to Mr. Sacha Chan Kam of SEEECA for their technical inputs. IOM would also like to thank Hagar International Afghanistan, particularly Ms. Fatema Ahmadi, Mr. Hamid Sarwary and Mr. Rohullah Ahmadi for their valuable contribution and inputs.

This is the first counter trafficking manual specifically tailored to the Afghan context, and I hope it will be the foundation of a longer term capacity building strategy.

This training manual was made possible through the support of the Gender Office of the U.S. Agency for International Development (USAID) Afghanistan; under the terms of Award No. AID-306-IO-16-00001.



Laurence Hart

Special Envoy and Chief of Mission

IOM Afghanistan

Disclaimer:

The opinions expressed in this manual are those of author(s) and do not necessarily reflect the views of the U.S. Agency for International Development.

© 2018 the Government of Islamic Republic of Afghanistan and International Organization for Migration (IOM).

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, recording or otherwise without prior written permission from the Government of Islamic Republic of Afghanistan and International Organization for Migration (IOM).

Table of Contents

INTRODUCTION.....	6
CHAPTER 1 UNDERSTANDING TRAFFICKING IN PERSONS	8
CHAPTER 2 VICTIM IDENTIFICATION.....	19
CHAPTER 3 COOPERATION AND REFERRALS.....	25
CHAPTER 4 RESPONSE AND ASSISTANCE	27
ANNEXES.....	30
GLOSSARY	47
ACRONYMS AND ABBREVIATIONS	47

Countering Trafficking in Persons and Smuggling of Migrants Training Manual

Introduction

Background

National and international stakeholders responding to human trafficking in Afghanistan, including the Afghan High Commission to Combat Trafficking in Persons and Smuggling of Migrants (henceforth the High Commission on TIP) widely acknowledged, through various meetings, seminars, community interactions, that there is a lack of training material to build the conceptual and response capacity of national stakeholders to identify, refer and assist victims of trafficking (VoTs). The 2016 US Department of State Trafficking in Persons (TIP) Report noted that Afghanistan does not fully comply with the minimum standards to respond to the needs of VoTs; victim protection efforts remained inadequate and law enforcement and judicial officials continued to have limited understanding of human trafficking. Furthermore, it stated that the government did not develop or employ systematic procedures for the identification and referral of victims to protective services, although it is making significant efforts to do so.

Various studies conducted by IOM in Afghanistan since 2004, and most recent studies in 2014 and 2016 with the Research Group Samuel Hall, pointed out that NGOs who provided protection services for VoTs suffer from poor capacity and low expertise in TIP, citing lack of clear understanding among key NGOs coordinating services on different roles and responsibilities, a consequence of the absence of appropriate training materials which would build the capacity of NGOs and law enforcement agencies alike. This absence results in gaps on identification and non-referral for services.

There have been a number of trainings in trafficking in persons conducted in the past to build conceptual and institutional capacities of the key officials by NGOs and their international development partners; however, lack of clear understanding on human trafficking, the concepts and complexity associated with this phenomenon remain the same. This raises a question about quality, content and approaches of such trainings to respond to the issue in the context of Afghanistan's diverse social fabric, gendered cultural practices, fragile institutional mechanisms and absence of rule of law. Also, these trainings are often conducted without coordination among relevant stakeholder and thus training manuals, curriculums and support materials are largely found to overlap in terms of contents, contradict in terms of terminology used, and unable to address the emerging trends of phenomenon. There has also been a realization among relevant key international and national stakeholders that training curriculums, methods and approaches need to be reviewed and brought in line with latest national developments.

Target audience

Afghan law enforcement agencies such as border police, relevant members of NDS (National Directorate of Security), immigration officials, High-Level TIP Commission and NGOs specializing on trafficking in persons, shelter managers, community leaders such as *shuras*, religious imams, university lecturers.

Training manual objectives

This training manual aims to fill some of the abovementioned knowledge gaps by building the capacity of the above mentioned Afghan stakeholders to understand the issue, laws and context of trafficking in persons, and be able to identify human trafficking cases in accordance with international and national practices and laws, and to respond to and refer identified cases accordingly. The manual should be seen as one component of a larger programmatic response to strengthen Afghanistan's capacity to respond to trafficking in person's cases.

The specific learning objectives of the target audience are the following:

- Be conversant with the international definition of trafficking in persons and related terminology;
- Be aware of the difference between trafficking in persons and human smuggling and kidnapping;
- Be familiar with the key principles of interviewing and identifying a victim of trafficking;
- Have an understanding of relevant stakeholders and service providers, and their roles and responsibilities in identification and service provision.

Chapter I Understanding Trafficking in Persons

Afghan context

Trafficking in persons (referred to as *Qachaq-e-Ensān* in Dari / *Da Ensān Qachaq* in Pashto) is a human rights violation of the affected person. It has a long history within and from Afghanistan for various purposes and is an extremely sensitive issue, linked with the migration cycle, poverty, social exclusion, gender, work, money, power and violence. The problem remains extremely prevalent internally, cross border and beyond, and Afghanistan is a country of origin, transit and destination for its own citizens and those from neighboring nations. While Afghanistan's social and cultural features are diverse and complex, socio-cultural affinities with its regional neighbors inform societal perceptions of men, women and children. Lack of public awareness on how such socio-cultural perceptions perpetuate the trafficking cycle and related violence is a key challenge that the Afghan government and civil society including media sectors have been encountering.

As highlighted in the U.S. State Department Trafficking in Persons Report 2016, Afghanistan is a source, transit and destination country for men, women, and children subjected to forced labor and sexual exploitation. Internal Trafficking is more prevalent than transnational; and the majority of Afghan trafficking victims are women and children. While women are subjected to sexual and non-sexual nature of exploitation, children are largely trafficked to work in carpet weaving and brick factories, domestic servitude, *bacha bazi* (dancing boys) and for forced begging. Furthermore, in recent years IOM has observed a steady increase in young females being trafficked to Afghanistan from neighboring countries such as Pakistan. As elsewhere, in Afghanistan too, traffickers and their agents normally use violence and force and withholding of travel documents to coerce men, women and children into trafficking for sexual exploitation and forced labor, but also through other means such as threats, deception, kidnapping, sale by economically desperate family member and through emotional abuse.

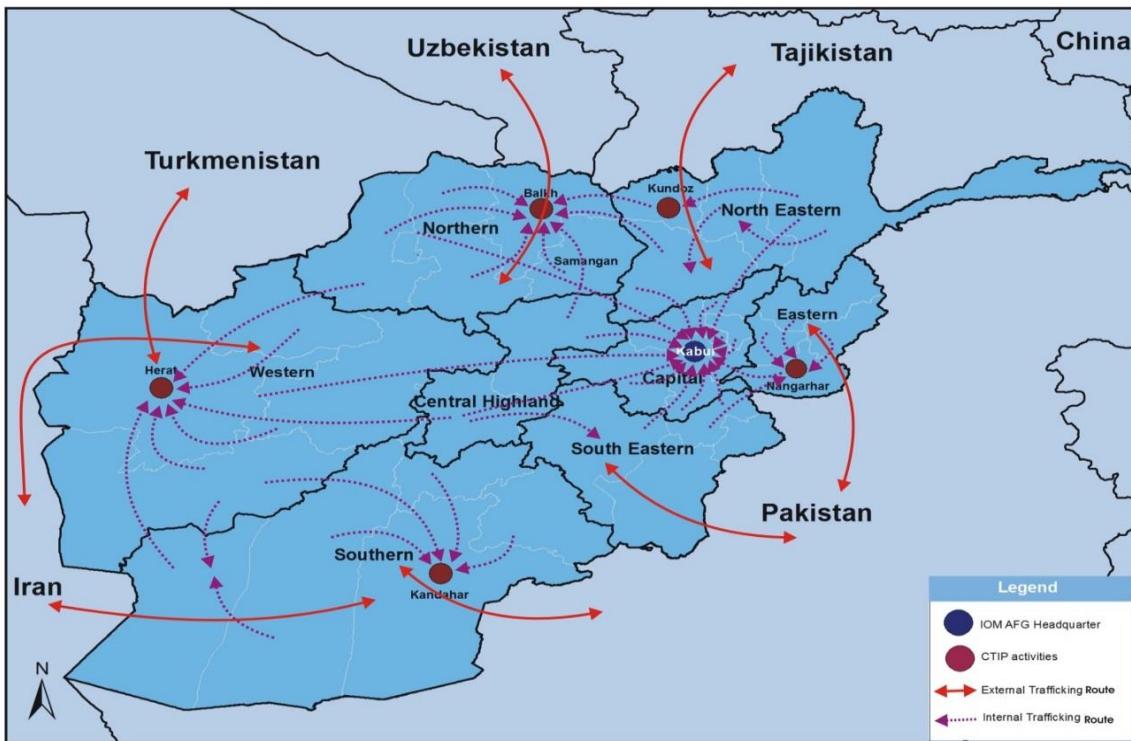
Causes, trends and forms

I. Definition

Trafficking in Persons: To recruit, transfer, transport, harbor or receive a person for the purpose of exploitation, using the following means:

- threat or use of force, or other types of coercion,
- abduction,
- deceit,
- abuse of power,
- abuse of vulnerability or need,
- Giving or receiving of payment or benefit to gain the consent of the victim or a person having control over the victim.¹

¹ Article 3, Item (1) The Law to Combat Trafficking in Persons and Smuggling of Migrants.



The US State Department TIP report 2016 revealed that a large number of Afghan trafficking **victims are children** who end up being trafficked for both labor and sexual exploitation, mainly in carpet weaving and brick making factories, domestic servitude and other slave-like conditions, sexual slaves, forced begging, poppy cultivation, and transnational drug smuggling. In addition, an IOM study² indicates that the practice of bonded labor is still very prevalent, whereby customs allow families to force mainly women and children to work as a means to pay off a family debt or to settle social disputes and cultural grievances, sometimes for multiple generations.

With regards to **international trafficking**, Afghan women and girls are subjected to trafficking for sexual exploitation and domestic servitude primarily in Pakistan, Iran, and India including through forced marriages to either locals or to Afghans living abroad. Afghan boys and men are subjected to forced labor and debt bondage in agriculture and construction, primarily in Iran, Pakistan, Greece, Turkey, Saudi Arabia and the Gulf states. Some Afghan boys are subjected to sex trafficking in Greece after paying high fees to be smuggled into the country. Men, women, and children often pay intermediaries to assist them in finding employment, primarily in Iran, Pakistan, India, Europe, or North America; some of these intermediaries end up trafficking Afghans for the purpose of forced labor. In terms of cross border flow to neighboring countries, while Pakistan is still a major destination for both labor and sexual exploitation, trafficking to Iran occurs mainly for the purpose of labor exploitation of men.

Traditionally, sexual and labor exploitation are still the predominant forms of trafficking **within Afghanistan**, but trafficking for organ removal, forced begging, training as suicide bomber, forced

² IOM/Samuel Hall study of human trafficking, "Old Practice, New Chains – Modern slavery in Afghanistan" (2013), <http://www.iom.int/files/live/sites/iom/files/Country/docs/IOM-Afghanistan-CT-Report-2014.pdf>

surrogacy, *bacha bazi* (dancing boys), *bad dadan* (exchange of daughter/sister to settle family disputes) and forced marriages are **emerging forms of trafficking** prevalent throughout the country. A recent research suggests that around 60% of all trafficking cases happen within the country's borders³.

As elsewhere, trafficking of Afghans is closely linked with its economic circumstances, socio-cultural practices including gender discriminations, power dynamics of different groups and armed insurgents, and political instability which are interconnected in a complex way. This complexity, and in particular the two evolving parallel political systems in Afghanistan have increasingly posed a challenge for Afghan stakeholders in recent years in terms of responding to trafficking: On the one hand, the country is advancing with political transformation along with reforming economic and relevant social welfare provisions such as education system, labor policies and gender framework, benefiting mostly urban based populations; while on the other hand, Afghanistan's large sections of rural/remote society (around 73% of the country's population is believed to live in rural provinces according to World Bank figures) still rely on traditional practices and local court rulings for decision making, based on their social and cultural practices. The developing state legal frameworks are thus less significant to local leaders holding high socio-cultural profiles and who are in key decision making positions, and therefore the international and national legal framework have little impact in rural areas of the country. The contradictions between new generations with hopes and dreams to shape their livelihoods find their domestic spaces shrinking and also unmatched with their life aspirations, and they are therefore prone to take risks of exploring life abroad without having access to safe migration information. Large sections of Afghans, mainly in rural areas, are unaware about the social and economic implications that political changes may bring to their lives. This reality creates an environment of heightened vulnerability and increased exposure of Afghan youth to being trafficked, and poses a challenge to the response to human trafficking.

Key drivers of trafficking in persons in Afghanistan:

- i) Economic situation: Afghanistan is one of the lowest human development index holding countries in the world, which indicates slow economic growth thus limited opportunities for its labor force, compared with an increasing young generation. Shrinking employment opportunities in the local labor market due to a weakening economy forces more than a third of Afghans to live below the national poverty line of \$1 per day, and a similar proportion of the population are food insecure. Uncertain economic outlook largely due to the prolonged conflict and about 40 percent unemployment means a bleak outlook for young Afghans entering the workforce. Many low income Afghans are forced to support their livelihoods by borrowing money from local moneylenders or employers, thereby accumulating debt, and employ risky migration strategies or acceptance of precarious employment offers through informal channels to repay the loan, which contributes to the vulnerabilities to trafficking. An IOM study⁴ highlighted that many young Afghans, mainly men, also borrow money to pay agents, particularly human smugglers, to leave the country in the search of a better life and economic opportunities in Saudi Arabia or Europe, and many consequently fall into the trafficking trap. In most cases moneylenders do not charge interest directly as making profit from a loan is considered against Islam, but money given in advance is being used as means of controlling

³ USAID and Counterpart International, "Factor of Human Trafficking and Illegal Migration in Afghanistan", 2016

⁴ *Ibid.*

the victims and imposing exploitative labor terms. This often begins a cycle of debt that is then transferred between generations or among family members, and frequently “resolved” through debt bondage and labor exploitation of family members. While internally displaced person (IDP) is particularly common from rural to urban centers, cross border and beyond migration through risky and unsafe channels is also on the rise among Afghan youth, largely thanks to the increased use of social networks and migration facilitating agencies that are mostly part of smuggling networks.

ii) Socio-cultural practices: Afghanistan's cultural diversity is rich; however, misinterpretation and prevalence of harmful practices contribute to a range of discriminations, particularly when it comes to gender perspective and attitude towards women. Gender based discrimination in Afghanistan is one of the greatest challenges for development in general, and gender equality and women's empowerment in particular. Women in general are perceived as liability to Afghan society, and female members are expected to be guarding the family's honor by following cultural practices. Investing in a girl child and woman, such as in her education, is not a priority for most families, preventing women from enjoying opportunities of education or participating in the workforce, shaping and having a say in their futures, and contributing to the family's income. This is particularly prevalent in rural areas, where women spend most of their lives inside the home fulfilling domestic and a wife's chores. Although the Afghan Government recognized early and child marriage as a violation of fundamental rights, various studies show that forced and child marriage, domestic violence and sexual harassment are some of the key features Afghan women encounter, and which they are confronted with on a regular basis. Oftentimes forced or early marriage is being used as a strategy to traffic a girl child and force her into sexual exploitation and prostitution by her husband to make money. Many women, including war widows, are subjected to trafficking when they try to escape domestic violence, gender discrimination within the family, or try to leave the house in search of livelihoods and independence. In many cases of sexual exploitation and forced prostitution, the concept of consent by the victim is not taken into account, and a majority of women victims are criminalized for having participated in *zina* (sexual relations outside the marriage), including forced prostitution. Remote Afghan society still practice *bacha bazi*, *badal* and *bad dadan* which can be seen as cultural forms of trafficking, forcing women and children (girls and boys) into sexual exploitation and slavery-like lives.

iii) Political context: Conflict-induced displacement disrupts livelihood strategies and social networks in a way that leaves households vulnerable to TIP and other forms of exploitation. Afghanistan's prolonged conflict has been contributing to trafficking in several folds. The large numbers of displaced communities are more vulnerable to trafficking than others, mainly because they cannot rely on social networks or traditional ways of income generating activities such as farming. Young boys and men are often kidnapped and forcibly recruited by various groups of insurgents to fight and become suicide bombers, while other young men fall into the trafficking nexus while fleeing conflict and searching for safety and livelihood away from home. War widows and orphans are a highly vulnerable group without a family serving as a safety network, and are being targeted by traffickers and lured into labor and sexual exploitation in large cities within Afghanistan and across the border in neighboring countries in South and Central Asia and the Middle East. The prolonged conflict of over 40 years, with changing military and political powers among actors in heightened insecurity, has led to weak governance, and as a consequence the government and national police have very weak presence in some provinces, or no access at all in remote areas, and are therefore not able to enforce trafficking related laws. In recent years, there has been an increasing flow of Afghan returnees from neighboring countries, such as Iran and Pakistan, but also

from Europe, who are confronted with lack of job opportunities back at home and poor security, thereby becoming vulnerable to exploitation and abuse.

Legal framework

II. International legal framework and regional legal instruments

There are several international legal instruments and other tools that define trafficking in men, women and children, and that were developed to protect persons from being trafficked. The key international instrument referred to in the trafficking context is below:

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (“Palermo Protocol”) (2000) – supplementary to the UN Convention against Transnational Organized Crime (UNTOCC)

In 2000, the UN adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (also known as the Palermo Protocol) as a supplement to the United Nations Convention against Transnational Organized Crime, which had been adopted earlier in the same year. The Palermo Protocol defined trafficking in persons, recognized it as a crime and criminalized it. This represented the first effort to foster a common understanding on the concept and process of trafficking in persons, as well as on the means necessary to combat it. With the aim of harmonizing different domestic definitions and national criminal legislations on the offence of trafficking in persons, the Palermo Protocol seeks to achieve a twofold objective:

- Facilitating the investigation, prosecution and international cooperation in cases of trafficking in persons.
- Protecting and assisting victims of trafficking in persons and ensuring full respect of their human rights.

The Palermo Protocol is the first international legally binding instrument with an agreed definition of trafficking in persons, which is:

Article 3, paragraph (a) of the Palermo Protocol defines trafficking in Persons as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

This definition has several aspects that reflect the reality of modern-day trafficking: It recognizes all forms of trafficking and includes sexual exploitation, forced labor, servitude, slavery-like practices and slavery, each of which are defined in international law. It does not require that the victim cross an internationally recognized border, taking into account that persons are also being trafficked internally from one region to another within the borders of one country.

Afghanistan acceded to the Palermo Protocol in 2014⁵

Additional international legal instruments and status in Afghanistan:

⁵ Accession refers to the agreement by the Afghan Government to be legally bound to the Protocol and its terms, without having signed it previously. Accession happens after a legal instrument comes into force, and has the same legal effect as ratification.

UN Convention on the Rights of the Child (1989) - Ratification 1994:
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>;

Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000) - Accession 2002:
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>;

Optional Protocol to the United Nations Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000) - Accession 2003:
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>;

Convention on the Elimination of all Forms of Discrimination against Women 1981 - Accession 2003:
<http://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>;

ILO Forced Labour Convention (1930) – Not ratified:
http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029;

ILO Worst Forms of Child Labour Convention (1999) – Accession 2010:
<http://www.ilo.org/ipec/facts/ILOconventionsonchildlabour/lang--en/index.htm>

Regional instruments on trafficking:

SAARC Convention

The South Asian Association for Regional Cooperation (SAARC), of which Afghanistan is a member since 2007, has also devised a definition for trafficking in the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002). The definition of trafficking in persons under this convention is limited to trafficking for the purpose of prostitution and sexual exploitation of women and children, and reads:

“Trafficking means the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking.”

III. National legal framework

The Constitution of the Islamic Republic of Afghanistan 2004 offered a framework to formulate relevant laws to respond to human trafficking. Constitutional commitment to observe the international conventions is articulated in Article (7) under the nature of State, Chapter One, which points out the government's responsibilities in acceding to the Palermo Protocol and the United Nations Convention on Smuggling of Migrants and the United Nations Convention against Internationally Organized Crime, and it should be noted that Afghanistan has joined both of these instruments (in 2014 To the Palermo Protocol and in 2016 to the Smuggling of Migrants Protocol). and Article (27) under fundamental rights section of Chapter Two suggests also a basis for the creation of a law in this context, which High Commission have developed a New Law to combat trafficking in persons and human smuggling and was enacted in 2017, and these issues have been criminalized and the law is currently in force in Afghanistan.

Law to Combat Trafficking in Persons and Smuggling of Migrants, 2017

Under this Law, the term trafficking follows the same definition as the Palermo Protocol, including the exclusion of means for child trafficking incidents⁶. When defining purpose of exploitation, the Law follows the key forms of exploitation set out in the Palermo Protocol, with the noticeable addition of *bacha bazi*. In trafficking cases linked to abduction and kidnapping, the Law foresees additional punishment as per the Penal Code on abduction and kidnapping. In terms of victim rights and compensation, the Law defines that compensation is foreseen in case of loss through conviction of the perpetrator, although it is not detailed whether this compensation is related to financial loss only, or what mechanisms are in place if the perpetrator is not in a position to pay the amount. There is an Article on immunity from criminal prosecution of trafficking victims, the issue, which victims of human trafficking are exempt from prosecution is mentioned in article 23 of this law.

Institutional mechanism

In terms of institutional mechanism to operationalize existing and new legal provisions, Afghanistan established a high profile office, the High Commission to Combat Trafficking in Persons and Smuggling of Migrants (henceforth the High Commission on TIP), which is based within the Ministry of Justice which serves as its Secretariat. The High Commission on TIP is represented by a number of Ministries and key offices of Afghan authorities and reaches regional and local levels through Provincial Commissions, and is supported by a Technical Committee which facilitates implementation of the High Commission on TIP's mandate. The High Commission on TIP is chaired by the Minister of Justice and constitutes the following members:

- Ministry of Interior (MoI)
- Attorney General Office (AGO)
- Supreme Court
- Ministry of Foreign Affairs (MoFA)
- Ministry of Labor, Social Affairs, Martyrs and Disabled (MoLSAMD)
- Ministry of Haj and Religious Affairs (MoHRA)
- Ministry of Education (MoE)
- Ministry of Women's Affairs (MoWA)
- Ministry of Refugees and Repartitions (MoRR)
- Ministry of Public Health (MoPH)
- Ministry of Information and Culture (MoIC)
- National Directorate of Security (NDS)
- Afghanistan Independent Human Rights Commission (AIHRC)
- Lawyers' Association of Afghanistan (LAoA)
- Afghanistan Independent Bar Association (AIBA)
- Civil Society Organizations selected by the High Commission

Other relevant Laws for the prevention of trafficking in persons:

Law on Elimination of Violence against Women (EVAW), 2009

⁶ For the full version of the law in Pashto and Dari: http://moj.gov.af/Content/files/OfficialGazette/01201/OG_01244.pdf

This Law has the objective to protect women who are victims of violence and prevent violence against women, including the girl child. It outlines the prohibition of violence against women including forced prostitution, *bad dadan*, forced and underage marriage, and forced labor.

For the purpose of effectively combating violence and establishing coordination among the governmental, non-governmental institutions and relevant organizations, the EVAW High Commission was established under the presidency of the Minister of Women Affairs, and is composed of other relevant Ministries.

Labor Code, 2007

The Labor Code regulates all aspects of labor regulations and workers' rights, including protection and safety of workers, and clearly outlines the prohibition of compulsory work.

Key concepts of trafficking in persons

Based on the definition of trafficking found in the Palermo Protocol, trafficking in persons consists of three elements which need to be present to constitute the crime of trafficking in persons:

The Act - **what** is done; The Means – **how** it is done; The Purpose – **why** it is done

ACT	MEANS	PURPOSE
<ul style="list-style-type: none">• Recruitment• Transportation• Transfer• Harboring/Receipt	<ul style="list-style-type: none">• Threat/use of force• Coercion• Abduction• Fraud• Deception• Abuse of power or situation of vulnerability• Receiving of payments/benefits	<ul style="list-style-type: none">• Exploitation, including; Sexual exploitation, Forced labor or services, Slavery/practices similar to slavery, Forced Begging , Organ/tissue removal, Armed conflicts, Forced criminality and other types of exploitation

From the point of view of determining if the crime of trafficking has been committed in a specific case, it is important to note that once any of the above mentioned means is employed for the purpose of exploiting somebody's labor or services, the potentially original consent of the trafficked person becomes irrelevant. For instance, even though the exploited person consented to migrate and to work illegally, the person could not possibly consent to exploitation, abuse, forced labor, slavery or servitude. Also, consent to work as a prostitute abroad does not constitute consent to exploitation, servitude, violence and abuse. In the national context of Afghanistan, the issue of consent vs. coercion is of particular importance with regards to female trafficking victims, as they are often criminalized and consequently detained and imprisoned for actions they committed as a result of their trafficking experience. It is common for a woman who is accused of *zina* to be arrested and imprisoned without further investigation of whether she consented to the accused activities (which is mostly not the case, as mentioned above no individual can consent to abuse and exploitation), or rather whether she was coerced into the situation through deceit, force, threats or other means. Frequently, women who are trafficked through marriage into forced prostitution or sexual slavery

are criminalized and re-victimized through prison terms, and their status and rights as victims of trafficking are not acknowledged by law enforcement, prosecutors, and the society as a whole.

With regards to child trafficking, here the key notion is that consent of a child is *never* relevant, and to identify trafficking of children cases *no means* are needed. In other words, even if a child is not threatened, no force is used against him or her, and s/he is not coerced, abducted or deceived, a child cannot give consent to the act of trafficking for the purpose of exploitation. A child consent of is not valid from law perspective. It should be noted that only *one* factor of *each* of the three elements outlined above is needed to constitute the crime of trafficking.

Difference between trafficking in persons and human smuggling

The Protocol against the Smuggling of Migrants by Sea, Air and land, Supplementing the United Nations Convention Against Transnational Organized Crime, defines human smuggling as the "*procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.*" This definition therefore focuses on the fact that smuggling is for a financial profit only, and that it must involve an irregular international border crossing.

The Afghan Law to Combat Trafficking in Persons and Smuggling of Migrants defines smuggling in very similar terms to the UN Protocol: "*To procure with the intent to obtain financial or material benefit from the illegal entry of a foreign citizen or stateless person into the country, or providing the means for an Afghan citizen, foreign national or stateless person to travel to another country without official travel documents or with forged documents.*"

Although the UN Protocols make clear distinction between the crimes of trafficking in persons and human smuggling, it is often difficult to distinguish between the two crimes as lines might be blurred, and closely inter-linked in the Afghan context. In order to distinguish between human and smuggling of migrants it is important to keep the following in mind when assessing the case:

- Trafficking in persons entails gaining financial profit from the exploitation of other people. It is therefore a violation of the rights of the individual, and a **crime against the individual**.
- Smuggling of persons entails the facilitation of an illegal border crossing and is therefore a violation of the integrity of the State. Smuggling is a **crime against the State**.
- Key difference is that in trafficking, the profit comes from the exploitation of the individual, whereas in smuggling, the profit comes from the paid smuggling fees.
- According to the Afghan's law, in human trafficking cross border is not certain and it can be carried out within the borders of the country, while in the smuggling of migrants, crossing borders is a definite requirement.
- In smuggling of migrants is no a legal means. In human trafficking, traffickers may use legal means such as passports.
- In human trafficking, the goal is to exploit the victim, while smuggling of immigrants does not intend to exploit as defined by law.

While smuggled migrants are not victims per se, they often suffer from abuse at the hands of the smuggler and are vulnerable to being exploited and abused. In some cases, after willingly being smuggled across the borders, migrants may later be tricked or coerced into exploitative and abusive situations and thus become victims of human trafficking.

Trafficking and Smuggling: Similarities and Differences



Design by [shinzo](#), copyright IOM 2004

Difference between trafficking in persons and kidnapping

The definition of kidnapping is “*the crime of unlawfully seizing and carrying away a person without their consent by force or fraud, or seizing and detaining a person against his or her will with intent to carry that person away at a later time*”. This definition highlights two essential components: i) taking the person away happens unlawfully, and ii) without the person’s consent. It does not necessarily happen for the purpose of exploitation such as with trafficking, but rather most commonly for the purpose of financial extortion such as asking for ransom; or only to impose harm. Similarly, to smuggling, kidnapping does not have the same legal basis or practice as trafficking in persons, however, they may be closely inter-linked in the national context, as kidnapped persons are sometimes highly vulnerable to exploitation and abuse, and may end up being trafficked.

There is a growing tendency in Afghanistan among criminal and terrorist groups to resort to kidnapping mainly for the purpose of financial extortion. However, there have also been cases of kidnapping of nationals for the continued use of exploitation, ultimately leading to a kidnapped person being trafficked. Trafficking cases involving kidnapping should be looked at carefully to determine whether the specific elements of human trafficking crimes (act, means and purpose) are exist for exploitation or not. If existed then it can be described as crime of human trafficking.

Consequences of trafficking

The experience of having been trafficked can have detrimental and long lasting consequences on the victim of trafficking. However, research shows that the crime of trafficking also has severe negative

and destabilizing consequences on the individual's family, the wider community and the society as a whole. The main consequences on the victim of trafficking can be divided into the following sectors:

- ❖ Social and economic status
 - Social stigma and isolation
 - Marginalization
 - Lack of economic opportunities
 - Threat of re-victimization
- ❖ Mental health
 - Depression, including Post-Traumatic Stress Disorder (PTSD)
 - Anxiety
 - Suicidal tendencies, in severe cases leading to loss of life
 - Lack of trust and ability to maintain relationships with others
- ❖ Physical health
 - Chronic illnesses, such as respiratory disease, organ damage from labor or physical assault and abuse
 - Sexual diseases such as HIV, gynecological infections
 - Enforced substance abuse
- ❖ Physical and legal security and safety
 - Fear of arrest and deportation
 - Lack of safe and stable accommodation
 - Fear of revenge at the hands of the trafficker

For child victims of trafficking, these consequences are very likely to be exacerbated, and can lead to irreversible damage to a child's emotional, physical and intellectual development and severe impact on their social behavioral skills.

Consequences on the community and society may include: growth and diversification of organized crime networks; de-stabilization of existing sex and labor markets and loss of revenue (as traffickers and trafficked persons don't pay tax); growth of corruption; devaluation of national standards on human rights; redirecting of scarce resources to preventing and responding to trafficking, pursuing and prosecuting traffickers, funding victim assistance; destabilization of family structures.

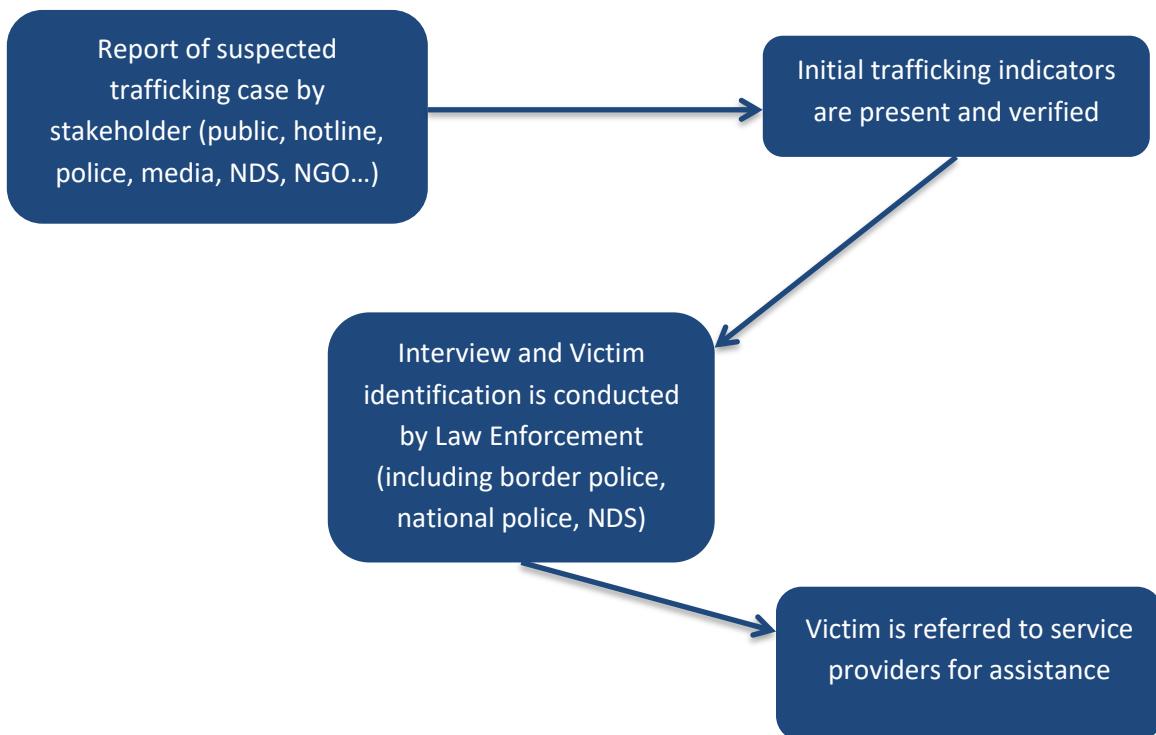
Chapter 2 Victim Identification

Who conducts identification?

Precise and careful identification of a presumed victim of trafficking is necessary to protect the victim's physical safety and rights and ensure that they receive access to vital services. Any individual can come into contact with a victim of trafficking in their daily lives, whether at work or in their social environment or another setting. This can be a regular citizen, a medical health worker, a social worker, but also police, community leaders, mosque imams, members of civil society organizations, as well as law enforcement agencies. The suspicion of trafficking can occur at any time, with preliminary identification for suspected cases usually done by a specialized NGO, INGO, UN agency (such as IOM), or a trained community leader. After preliminary identification, the individual should then be referred to the relevant law enforcement agencies for official identification and accordance of victim status. In Afghanistan, official identification of a victim of trafficking and accordance of victim status is only done by MoI and NDS, whose staff should be trained in and aware of the complex nature and psychological dynamics of the trafficking phenomena. Increasing awareness of stakeholders, communities, and the public alike is essential, as it is easy to miss out on something that no one is looking for.

Stages of identification

Generally, there are two parts of the identification process: a) assessing the presence of common trafficking indicators before an interview takes place, and b) conducting an interview with the individual with questions that focus on the existence of all three elements of trafficking. Although at the time of writing this manual no official national identification and referral mechanism exists, the below chart outlines the best practice flow of identification and referral of a victim of trafficking, to be considered and institutionalized by the Afghan High Commission on TIP.



I. Limitations of victim identification

During the process of victim identification, interviewers may encounter challenges that hamper their ability to conduct a thorough identification procedure and correctly identify whether a crime is indeed a trafficking case or not. Especially during initial assessment interviews, presumed victims may have good reasons to feel reluctant to share details of their experience with law enforcement or other authorities, and resist in cooperating. Some may fear arrest and re-victimization, such as female victims of trafficking who were sexually exploited and forced into prostitution by their husband or another family member, others may be reluctant to discuss their case due to fear of social stigmatization and cultural barriers. Authorities should be aware of the various reasons and be patient and non-judgmental in their approach to victims. Continued trust-building and patience are often essential to uncovering all necessary details and conducting an identification interview.

Common reasons for refusing cooperation with the interviewer:

- Lack of knowledge and interviewing skills by the interviewer: Only trained and specialized personnel, who are aware of the psychological dynamics of the trafficking phenomenon, should conduct the interview with the presumed victim, to ensure that no harm is done.
- Lack of awareness of their rights by the victim: Victims may not be aware of their rights, and therefore not know that they are victims of a crime.
- Fear of trafficker: The victim may fear the trafficker and possible reprisals against them and their families, especially if they have already experienced abuse and continued threats against them.
- Loyalty or affection to trafficker: The victim may have developed an emotional relationship or other type of attachment to their trafficker as a survival strategy, which is commonly referred to as the Stockholm-Syndrome, and which in no way indicates that the victim is a willing participant in their situation. This emotional attachment is formed as a result of unequal power dynamics between the trafficker and the victim and often long periods of time luring the victim into their situation and grooming them into submission.
- Lack of trust in authorities: During the course of being trafficked, victims often have their trust in people severely violated, and are suspicious of any offer of help by authorities and service providers. Victims are also often lied to by their traffickers about the consequences of seeking help, and they may have been conditioned to fear authorities.
- Memory loss: Due to trauma or other causes such as substance abuse, victims may not be able to remember all of the details of what happened to them. They may try to make up details, or change them throughout the interview, to fill in blanks. This should not be interpreted as uncooperativeness by the victim.
- Language problem: In some cases, the victim may speak another language than the interviewer, and an interpreter's assistance needs to be relied on. In some cases, the victim may not trust the interpreter, or some details are lost or misunderstood during translation.
- Cultural barriers: In Afghanistan, it is common for a female victim of trafficking for the purpose of sexual exploitation to be seen as a criminal herself. She may be re-victimized or arrested and imprisoned, and as result female victims are often reluctant to share their trafficking experience.

II. General indicators

- Person is afraid of revealing their immigration status
- Person is distrustful of the authorities
- Person has false or no identity or travel documents
- Person appears to have an escort with them, who acts as a “spokesman” or “guide”
- Person is reluctant to speak and seeks “approval” (through eye contact) from escort
- Person appears to have visible physical injuries or scars, such as cuts, bruises or burns
- Person exhibits submissive behavior
- Person shows signs of emotional distress and psychological problems, such as depression, anxiety, self-inflicted injuries or is suicidal
- Person acts as if they were instructed by someone else
- Person comes from a place known to be a source of human trafficking
- Person is unable to leave their work environment and shows signs that movement is being controlled
- Person is unfamiliar with their work or home address
- Person receives little or no payment, or has no access to earnings
- Person has no control over working conditions, works excessive hours, and has little or no time off
- Person has limited or no social interactions, and limited or no communication with family

In addition to above indicators, in cases of child trafficking the following may be observed:

- Shyness.
- No eye contact, looking down.
- Seems withdrawn.
- Attempts to be as small as it possible.
- Frightened.
- Cannot speak freely.
- Looking detached from other group members/accompanying adults.
- Tries to make eye contact with the person who ignores him/her.
- Does not eat with the rest of the “family”.
- Bears no physical resemblance with accompanying adults.
- When asked, does not know much about purpose of travel, destination, etc.
- Has no contact with parents or guardian.
- Behaves in a way untypical for a child his/her age.
- Has no access to education, no time for playing, and no contact with children of the same age.
- There is presence of child-sized clothing typically worn for doing manual or sex work.
- Have physical impairments that appear to be the result of mutilation (for forced begging cases).

It is important to note that observing above mentioned indicators are not conclusive proof that this is a trafficking case, there are always exceptions to indicators, and no single indicator provides a definite answer. Rather, the presence of indicators should be considered collectively and assessed together with other information.

III. The interview process

- (1) *The pre-interview phase:* Before starting the interview, consent from the individual needs to be obtained, preferably in written format. A safe and comfortable interview space should be provided where the interviewer and the presumed victim can build the necessary rapport to conduct the interview in a trustful and open setting. This may mean providing a female interviewer if needed, offering water, and ensuring that there are no unnecessary interruptions during the interview. During this phase, it is also important to explain the purpose and structure of the interview, as well as providing information on confidentiality and sharing information with third parties with the presumed victim.
- (2) *The interview phase:* At this stage, all crucial information about the trafficking incident is collected, in most cases by using an interview form. It is important that the interviewer allows the presumed victim to give a full account of the occurrence, and to tell the story in detail and in a way that the presumed victim is comfortable with. The interview should also explain the possible options for referral and assistance to the individual to allow them to make an informed decision on next steps. In some cases, it may be necessary to explain that a referral to law enforcement is required by law if indeed the case is determined to be a trafficking case.
- (3) *Post-interview phase:* Once all relevant information about the trafficking case is made, the interviewer explains options for future referrals and assistance. The presumed victim should have enough time to make an informed decision on next steps regarding their future. No promises should be made that cannot be kept, and it is important to manage the victim's expectations regarding possible prosecution, compensation, and assistance options. At this stage, it is also crucial to discuss follow-up with the identified victim. Once the interview has ended, it is the interviewer's responsibility to follow-up on agreed referrals to service providers.

A victim-centered approach

A victim-centered approach means putting the victim and their rights and needs at the center of the identification process, may this be while collecting evidence, during the interview process, or the determination of suitable and necessary service providers for assisting the victim of trafficking. The goal is to listen to the victim and have their views, opinions and preferences heard and taken into account rather than taking decisions on behalf of the victim of trafficking. There are a number of internationally accepted guidelines and principles which should be at the forefront during the entire pre- during and post- identification process. Some of the key principles, regardless of who the trafficking victim is, include:

- Place the victim and his or her **rights at the center**
- **Do no harm** (to the victim or to endanger the further investigation)
- Ensure **safety, confidentiality, protection and right to privacy**
- Ask questions in a **sensitive and sensible manner**
- Listen **actively and responsively**
- Ensure **non-discrimination**
- Consider any **preconceptions or prejudices**
- Encourage **self-determination and participation**
- Believe, **do not judge**
- Maintain **professionalism**

- Reassure the victim they are **not to blame**
- Don't make promises you cannot keep

Special considerations for minors

It is important to underline that victims of trafficking under 18 years of age must be treated as children and in accordance with the UN Convention of the Rights of the Child. Child victims are entitled to special protection measures, both as victims and as children, in accordance with their special rights and needs. In all actions concerning child victims, whether undertaken by police, courts, administrative authorities or legislative bodies, or NGOs, the **best interest of the child** must be the primary consideration. As soon as a trafficked person is identified as being under 18 years of age, a legal guardian should immediately be appointed who must act in the best interest of the child and in accordance with the child welfare authorities of Afghanistan independently from the immigration or police authorities. In addition to the general interviewing principles detailed above, a few child-specific guidelines should be taken into account when interviewing a presumed child victim of trafficking:

- Only specialized staff trained in the specific needs and rights of children should question child victims. Wherever possible, child victims should be questioned by staff of the same sex.
- Find out as much as possible about the child's case prior to the interview and make clear and friendly introductions (talking about something the child is familiar with helps to establish a rapport).
- Create a space that is safe and comfortable for conversation (include toys, books, games, etc., to help build a rapport, depending on the child's age).
- Dedicate adequate time for discussions and do not rush.
- Keep the atmosphere simple and informal (e.g., do not assume an air of interrogation or press for responses, do not sit at a desk opposite from the child but rather in an informal setting at the same height).
- Use appropriate and child-friendly language (pick up terms the child uses).
- Explain things in a manner the child can easily comprehend adapted to the child's age, development and mental capacity (use visual aids wherever possible).
- Begin with open-ended questions, allowing the child to give her/his own account. Avoid leading questions, e.g., "Did the person abuse you?" and use more open questions, such as, "What did the person do?"
- Do not pursue and press for details when there are signs that the child has told all s/he knows. However, also bear in mind that children will leave information out if the right question is not asked, and will give the answer they believe the interviewer wants to hear.
- Interviews of minors should take place in the presence of a parent or guardian. In cases where this is not possible, due to a parent not being present or in case there is suspected or known family involvement in the trafficking experience, there should be a guardian, psychologist or social worker present.
- Close the interview in ways that reassures the child that she/he has done well, and that you will be available whenever she/he needs to talk again.

Role of law enforcement agencies

The role of law enforcement agencies such as police and border guards is complex: Not only do they hold the mandate to investigate trafficking in persons crimes and produce evidence to be used in

later stages of prosecution, but they also conduct preliminary identification of victims of trafficking, ensure efficient referral to protection service providers, and uphold the security of the victim of trafficking during the process after identification including criminal proceedings. While this mandate is complex in nature, and the key mandate of the law enforcement bodies is to investigate suspected crimes including trafficking in persons and prosecute criminals, it is also the responsibility of law enforcement to safeguard the protection and physical security of victims of trafficking. In particular, law enforcement should ensure that victims are not criminalized for their actions which were a consequence of the trafficking experience, are not re-victimized during the assistance and investigation phase, and prevent re-trafficking and placing the victim and their family at risk of retaliation.

Chapter 3 Cooperation and Referrals

Stakeholders & the importance of a referral mechanism

Actors involved in the response to trafficking cases can generally be divided into the following categories: Government bodies, Law enforcement, civil society, international organizations and others. All actors have their mandate, role and responsibility in the prevention, protection of victims and prosecution of traffickers, and effective response can only be ensured if all actors work together and cooperate on various levels.

In Afghanistan, the main body concerned with combating trafficking in persons is the established High Commission on TIP, which is based within the MoJ. Other relevant government ministries include the MoI (mainly its TIP unit) and MoWA and MoLSAMD, MoRR, MoFA, MoIC, MoHIA, MoPH, MoE, Supreme Court, AGO, AIHRC, LAoA and AIBA. Main law enforcement agencies include the regular police, border police and immigration officials, and specific sectors of NDS. Basic services provided by women support centers are shelter, health care, legal services and reintegration and the key international UN agency for responding to TIP cases is IOM. For more information on the role of these stakeholders, including the services they provide, please see Annex I (TIP Stakeholder Flow Chart).

The need to respond to trafficking in persons in a comprehensive manner through effective identification and protection of victims highlights the importance of establishing a National Referral Mechanism (NRM), which is so far lacking in Afghanistan. An NRM on trafficking refers to a network of various state and non-state agencies, organizations and individuals that provide support and services for a victim of trafficking, and that can be accessed anytime by the victim. An established referral mechanism does not only promote cooperation among stakeholders through strengthening information collection and sharing, but can also help improve national policies and procedures related to victim protection and response; as well as increases identification of victims among all sectors of society, increases access to services for victims, avoids duplication of service provision, and facilitates the monitoring and follow-up of assistance programs. NRMs are not rigid structures but rather provide a flexible and dynamic framework which needs to be updated as per the evolving national situation.

Safety and confidentiality

Safety and confidentiality are key concepts to consider when identifying and assisting a victim of trafficking. Not only is the safety of the victim a concern, in particular when retaliations at the hands of the trafficker may be a concern, but also the safety of the interviewer/service provider should always be taken into account as dealing with a trafficked person should always be considered a somewhat risky undertaking. When dealing with trafficking cases, may it be a victim trafficked by a family member or a trafficking group, there is always a potential risk of revenge, threats or attacks on the victim or the service provider, which need to be assessed for each individual case. This security assessment comes hand in hand with maintaining the confidentiality of the individual case, which

increases the safety for all stakeholders involved. In this regard, there are certain security measures that can be taken to increase safety and confidentiality of all those involved.⁷

- Assessing level of victim being at risk of reprisal from trafficker(s) – this will depend on the victim, the identity of the trafficker, the level of visibility of the case, and the victim's involvement with law enforcement etc.
- Ensuring confidential and secure handling of personal and trafficking data by applying due diligence in the sharing, management, release, storage and disposal of all case data
- Ensure safe, confidential and private interviewing of victim

Cooperation among stakeholders

The very nature of trafficking in persons makes interaction and cooperation with a number of agencies crucial to combat and respond to the crime effectively. To be successful in offering a comprehensive prevention, protection and prosecution response, the counter-trafficking effort has to be multi-disciplinary involving relevant stakeholders from law enforcement agencies, government bodies, NGOs, civil society, social workers, medical workers, community structures and others. It is only through a concerted effort and close cooperation by all relevant agencies that victims of trafficking can be identified and offered protection services. It is not only important to establish cooperation and information sharing mechanism between law enforcement and NGOs, but also between the different specialized units among Ministries and other government bodies. In the Afghan context, it is commendable and good practice that the body targeted with all issues related to the trafficking response, the High Commission on TIP, is comprised of representatives of government, ministries, law enforcement, security as well as civil society.

International cooperation

The main challenges in identification and response to international trafficking cases are that due to the transnational nature of the crime, victims and perpetrators may be from different nations, or the crime may have happened in another country. To respond to these challenges, it is of particular importance that Afghan law enforcement cooperate and communicate with law enforcement and other relevant authorities in the relevant country where the crime occurred or the country of which the victim is a national of. Although cooperation may be challenging due to different legal, cultural political and language issues, every effort should be undertaken to establish good communication mechanism with relevant bodies to ensure the most effective response to the trafficking crime. Cooperation mechanism can either be established through informal means, such as by establishing personal relationships with relevant counterparts in the relevant country, or through formal means, such as by establishing official regional or international cooperation channels through authorities or using existing international platforms such as Interpol. Prior to taking any decisions on potential cooperation, whether this may be through formal or informal channels, the potential risks to the victim of trafficking should be assessed, and the consequences and interests of the victim taken into account.

⁷ For more detailed information please refer to *The IOM Handbook on Direct Assistance to Victims of Trafficking* (2007), Chapter 1.

Chapter 4 Response and Assistance

Forms of assistance

Each identified victim of trafficking will have different protection needs and priorities, and it is therefore crucial to include the individual in any decision making process regarding assistance to be offered. While some victims may require a simple medical treatment, others may require a more comprehensive assistance package consisting of safe accommodation, medical treatment, psychosocial support and assistance in obtaining legal documentation or legal representation in court. Victims should be made aware of their options, the consequences and implications, and be given sufficient time to consider assistance options before making an informed and voluntary decision (*more information on this in Chapter 1, A Victim-Centered Approach*).

Service providers usually divide the different forms of assistance into immediate needs, medium term needs, and long term needs of the victim, as the table outlines below.

Immediate needs	Medium term needs	Long term needs
Safety and security	Medical care and psychosocial support (including counselling and trauma therapy)	Continuation of immediate and medium term needs
Accommodation and housing	Accommodation and housing	Livelihood opportunities
Food, drink, clothing	Vocational training, re-training, life skills	Access to labor market
Emergency medical treatment, such as post rape treatment	Family tracing (if feasible and safe)	Access to education and school (for minors)
Appointment of guardian (for minors)	Legal assistance and representation	Reintegration

I. Housing and accommodation

Housing and accommodation assistance can take several forms, depending on the need of the victim and the availability of services. In the immediate aftermath of identifying a victim of trafficking, it is common for the victim to be placed in a temporary and safe shelter. In Afghanistan, there are several service providers, mostly national NGOs and under supervision of MoWA, who provide support centers services for women and minors. There are currently no support centers available for adult male victims of trafficking. It is common practice that the support centers offer comprehensive assistance packages in addition to sheltering the victim and providing food, such as providing medical, psychosocial, and legal support. The Ministry of Labor, Social Affairs, Martyrs and Disabled (MoLSAMD) has the responsibility of providing services to Victims of Trafficking (VoTs) through support centers. However, there are currently no governmental support centers in the country due to the various problems and several support centers, which previously were functioning across the country had to be closed.

II. Medical assistance

Medical assistance can include a wide range of services, from emergency treatment for rape victims to more long-term medical aid and specialized operations, as well as treating mental health problems. The medical services provided depend on the victim's need, their experiences and symptoms, as well as the financial and medical capacities available in the victim's location. Victims of trafficking may have experienced a wide range of physical damage, including sexually transmitted diseases, internal injuries from physical assaults, broken limbs from working in unsafe conditions, have developed chronic diseases such as respiratory diseases from working in hazardous conditions, as well as mental illnesses including PTSD.

In Afghanistan, immediate and basic medical treatment is frequently provided by the shelter the victim is housed in, whereas for more specialized or complex treatments, including operations and long-term treatment, a referral can be made to public or private hospitals, which often have agreements with NGOs and relevant Ministries. In some cases, the NGOs which pay for these advanced or long-term medical treatments receive a discount from the hospitals they have agreements with.

III. Legal assistance

The legal assistance required by the victim can take different forms. If the victim is without legal documentation, they may require assistance in obtaining documentation such as ID or passport. In other cases, the victim may require legal representation in court if criminal proceedings against the trafficker have been initiated, and advice throughout the entire prosecution phase, including on cooperation, acting as a witness, and possible compensation. In other cases, legal assistance in civil proceedings might be required, for example in obtaining a divorce or custody of children. To ensure high quality of these services, it is of utmost importance that lawyers are trained in trafficking cases, and aware of the complexities of the issue, as in most cases the victim is not aware of their rights and duties, and not informed of the relevant legal framework.

IV. Vocational training and education

For many victims of trafficking, having the opportunity to obtain vocational skills or pursue an education is extremely important in building their confidence, resilience and their general wellbeing. Training can take many different forms, depending on the skills, interest and availability of services. They can include skills training in a trade, such as hairdressing or an apprenticeship in mechanics, life skills training such as business management or financial management, or any other training which may interest the victim of trafficking and their abilities. Before deciding on a specific skill or vocational training, it is essential to assess the local market situation and employment opportunities in the location of proposed reintegration, to ensure that training offered is indeed relevant to the local market and will most likely lead to employment. For youth or minors, entrance into more formal educational systems such as schools or literacy courses may be a preferred option. Here close cooperation with local employment centers and schools as well as local councils is recommended. As with other forms of assistance, the ultimate goal is to strengthen the victim's resilience as well as their financial independence.

V. Psychosocial assistance and empowerment

The psychosocial support and empowerment needs are, as with other forms of assistance, very much dependent on the victim's background, individual situation and condition, and trafficking experience. Some victims may be traumatized from their trafficking experience and from having endured periods of physical and mental abuse. They will require counselling and therapy, to be done by specifically trained personnel. The key goal of counselling sessions is to restore the mental well-being of the victim by focusing on their problem-solving strategies and strengthening their coping mechanisms and overall resilience.

Psychosocial empowerment is an umbrella term used to describe any assistance and treatment offered to improve the emotional and physical stability and well-being of the victim, which will very much depend on the individual's background, needs and wishes, and social support network. During this empowerment stage family tracing/restoration of family and community ties might be an option, as well as recreational and skills building activities. Educational and vocational training may be an option if resources are available and feasible as part of a more long-term comprehensive reintegration package. The most appropriate type of service needs to be determined by assessing the victim's educational, social and cultural background, their abilities and skills, as well as the local employment opportunities in the foreseen place of reintegration. At this stage close cooperation with local employment and educational centers, community based organizations, local councils and other welfare services are recommended to take advantage of existing opportunities.

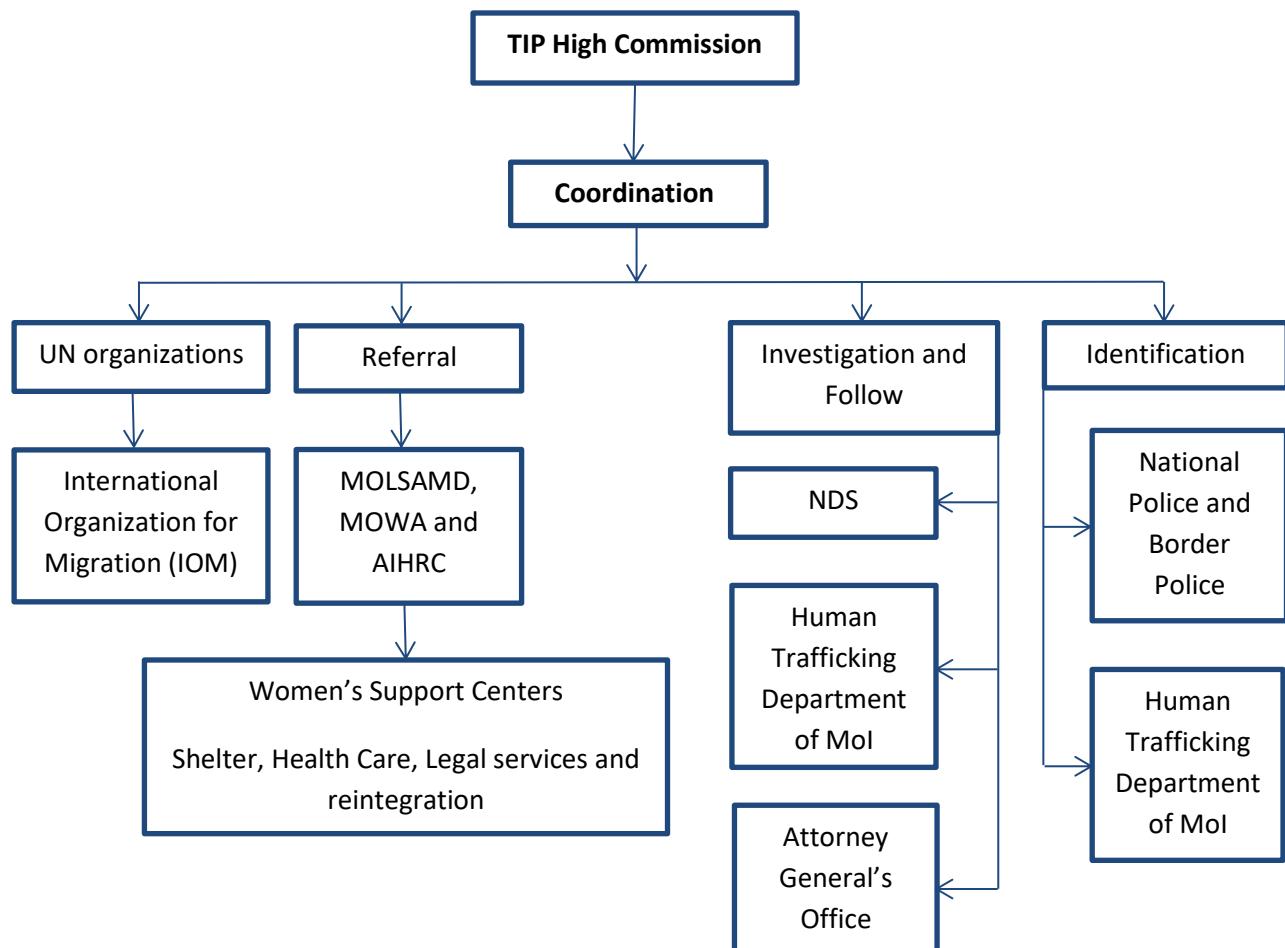
Monitoring assistance and follow-up

Monitoring and following up on assistance provided is crucial – not just to guarantee that appropriate and timely assistance is being provided to the victim, but also to ensure accountability of actions and programs. The action of monitoring is more about reflecting, learning, identifying gaps, placing corrective actions and moving forward rather than judging a particular stakeholder, program or individual. Monitoring an individual's progress should allow for corrective action should this be needed based on observation and the victim's feedback, and should be done on a regular basis.

There are essentially two types of monitoring: process monitoring and impact monitoring. Process monitoring documents actions and activities (the output), while impact monitoring documents the results of actions and activities (the outcome). Monitoring individual assistance plans, which falls under impact monitoring, can be done either by monitoring assistance against previously set indicators, or through a more informal monitoring process involving a monitoring checklist. Monitoring assistance plans of victims of trafficking is usually the responsibility of the assigned Case Manager or service provider, with the support of the relevant Program Manager or shelter manager. Process monitoring involves the process of evaluating and adjusting current programs, processes, and service provisions. These processes and services should be monitored in terms of criteria such as scope, nature, accessibility, efficiency, appropriateness, quality, etc. Monitoring is done from the perspective of beneficiaries as well as by anti-trafficking stakeholders – those who are directly involved in the counter-trafficking response.

Annexes

Annex 1: TIP Stakeholder flow chart



Introduction

Myths and realities

Notes for trainer: Ask the group to read the statements and decide whether they are a myth (false) or reality (true), and to explain why.

1. Trafficked persons can only be foreign nationals or are only immigrants from other countries.
2. There must be elements of physical restraint, physical force, or physical bondage when identifying a human trafficking situation.
3. Sex trafficking is the only form of human trafficking.
4. If the trafficked person consented to be in their initial situation or was informed about what type of labor they would be doing or that commercial sex would be involved, then it cannot be human trafficking or against their will because they “knew better.”
5. Trafficking occurs when men exploit women & girls.
6. A person is not a victim of trafficking when she or he rejects offers of help.

Answers:

1. False (myth). A trafficked person can also be a national, and in Afghanistan most cases of trafficking are domestic, ie no border crossing involved.
2. False. Trafficking does not require physical restraint or harm. Traffickers also use more subtle means of control over the victim such as threats and emotional abuse.
3. False. There are many other forms of trafficking including for the purpose of labor exploration, forced recruitment, forced child marriage, and organ removal among others.
4. False. Even if the trafficked person initially consented to a certain kind of work, no individual can consent to abuse and exploitation, and consent prior to use of force, coercion or fraud becomes irrelevant.
5. False. Although worldwide the figures show that the majority of identified victims of trafficking are women and girls, there is an increasing number of male victims being identified. Men and boys can be trafficked for the purpose of labor exploitation, sexual exploitation and other forms. Additionally, nearly 30% of convicted traffickers worldwide are women.
6. False. Due to the nature of trafficking and the power the trafficking often yields over the victim, it is not uncommon for victims to initially reject offers of help and assistance.

Chapter 1, Key concepts and the difference between trafficking and smuggling (1.4 in Guide)

Notes for trainer: Ask the group to read the case studies and decide whether these individuals are victims of trafficking or smuggled persons. Participants should answer these questions by breaking down the three elements of trafficking. Other questions for the group are: What is their legal status in the destination country, and does it matter? Did they give their consent, and is that relevant? The key issues here to discuss are: issue and relevance of consent vs coercion, smuggling vs. trafficking, legal status in country.

Case 1 (forced marriage, sexual exploitation)

Maryam is a 20 year old Afghan refugee living in Pakistan with her family. One day her father introduces her to Delawar, also an Afghan refugee, and tells her she has to marry him. Although Maryam does not agree to the marriage, she cannot prevent it as her father already received the dowry from Delawar. Maryam and Delawar return to Kabul where Delawar has a house, and are married in a traditional ceremony. After a short period of time, Delawar starts beating Maryam and forces her to have sex with other men, his friends and acquaintances, who pay him money. When she refuses, he beats Maryam and explains that it is her duty to support the family's income as he earns money through Maryam's sexual services to these men. Maryam does not receive any of the money Delawar earns from pimping her, and is given only little time to rest. After some months, Maryam manages to escape from the house, and returns to her family in Pakistan.

English: <http://tinyurl.com/mxsnmrg> , <http://tinyurl.com/zfcwehb> , <http://tinyurl.com/l5z9ckq>

Pashto: <http://tinyurl.com/kcwysgz> , <http://tinyurl.com/z942om8> , <http://tinyurl.com/lu6qy2p>

Dari: <http://tinyurl.com/luoow2q> , <http://tinyurl.com/hjymdjs> , <http://tinyurl.com/ltopx48>

Case 2 (smuggling, labor exploitation)

A group of 5 Tajik workers are informed by a recruitment agency that there are good working conditions in a brick factory in Afghanistan, where they will receive a salary of 400 USD monthly. The men, who are unemployed in Tajikistan, borrow money from a local lender to pay the recruiter for their travels to Afghanistan. The recruiter purchases tourist visas for the men, and they enter Afghanistan through Dubai. Once they arrive, they are brought to a rural brick factory where they are forced to work long hours. The working conditions are different to what they were promised, and they are not given their salary. When they ask for their salary, the factory owner tells them that he cannot pay them as he is out of business. He abandons the men in the factor and does not return their passports. The Tajik men are not able to leave the country, as their visas have expired and they are not able to pay the fines to the Afghan government. They remain in the country in a destitute situation until an NGO rescues them, pays their fines for the overstayed visas, and helps them return to their countries where they are not able to pay back the loan they took.

Case 3 (child trafficking, forced begging)

Young Bahram is 9 years old and lives in a poor rural province of Afghanistan with his parents and 11 siblings. One day a group of men arrive at his parents' house, and tell his parents that they want to take Bahram to Kabul to work for them, and that he will be able to send money back home. Bahram's parents agree. Once Bahram arrives in Kabul, he is handed over to another group of men, who force him to beg in a wealthier area of Kabul along with several other boys his age. When Bahram refuses, he is badly beaten, so his begs each day in the streets and hands over the money he receives to the group of men. Each day he is sent out into the streets, and watched carefully by some of the group leaders. In the evenings, he is beaten if he does not earn enough money, and one of the men breaks his hand so that he would be able to beg for more money. The group leaders tell Bahram that if he tries to run away, they will harm his family. Bahram stays with the group for several years until a local NGO rescues him.

Case 4 (sexual exploitation)

Nasima is a 16 year old Afghan refugee living in Pakistan with her family and her uncle. One day, her uncle asks her to go for a walk with him to a nearby park, and she agrees. When they reach the park,

Nasima's uncle meets another man called Yama, who pays 100 USD for Nasima. He takes Nasima with him and forces her into a car, and then they drive across the border into Afghanistan. When they reach Jalalabad, Yama brings Nasima into a house where he rapes her over several weeks. Three other men also come to the house and sexually exploit Nasima, who is never allowed to leave the house. After some weeks, Yama and Nasima leave Jalalabad and are on their way to Kabul, when they are stopped and questioned by the police. The police take Nasima to a women's shelter, and after some time she is reunited with her family in Pakistan.

English: <http://tinyurl.com/l4b89td>

Pashto: <http://tinyurl.com/kf96dez>

Dari: <http://tinyurl.com/lmhk7y7>

Case 5 (debt bondage)

Mirwais is a 40 year old man who works in a garment factory. He borrows money from the factory owner to pay for his wife's medical treatment. After it is clear that he is not able to return the borrowed money, the factory owner tells Mirwais that he should send his children to work in the factory instead, and that this way they would work off his debt within one year. Mirwais has five children who all start working in the garment factory. They work 14 hours 7 days a week, and are only allowed to leave the factory at night to sleep. They do not receive a salary, only a little amount to cover food. Even after two years the factory owner refuses to let the children go, saying that they have not yet worked off their father's debt. A local NGO is made aware of the case, and agrees to pay the remaining amount which Mirwais owns the factory owner, who then releases the children.

English: <http://tinyurl.com/lkgvbvt>, <http://tinyurl.com/kxv763c>

Pashto: <http://tinyurl.com/kosy33w>, <http://tinyurl.com/grmdyyv>

Dari: <http://tinyurl.com/lh2suk9>, <http://tinyurl.com/zkd0t34>

Case 6 (consent)

Najibullah, 19 years old, left his village in Afghanistan when he was promised a job from a family friend as a shopkeeper in Iran. Seeking a way to earn money to support his family, he agreed to leave when a relative referred him to a "recruiter," a man who then arranged his transport and travel documents into Iran. Once in Iran, he was not met at the bus station by the family friend, rather an individual who allegedly was a colleague of the family friend. Najibullah was forced into a van and transported to a house and locked in a room, his travel documents taken away. Two days later he was taken by another man to a farm where Najibullah was subjected to hard labour and construction without payment.

Case 7 (kidnapping, child trafficking)

Amina, age 14, was walking home from school accompanied by her brother, when a car pulled up and armed men jumped out. They hit Amina's brother on the head with their weapons and grabbed Amina and forced her into the car, driving away. They drove her to a neighboring province and forced her to marry one of the kidnappers. At the home of her new husband, she carries out the duties of a wife—providing domestic services and sexual services. She is not allowed to leave the confines of the home. She works from 6am to 11pm and eats and sleeps separately from the rest of the family and has no way of leaving the house.

Case 8 (Bacha Bazi)

Walid is a 16 year old and lives in a rural village near Kunduz with his family. One day a group of armed men arrive at his house, and force him into a waiting vehicle. Walid is driven to another province, where he is handed over to a leader of the local insurgent's group, and is told that he is now the leader's property and his *bacha*. Walid is forced to dance in front of the leader and his fellow combatants on many evenings, and at night he is sexually abused by several of the men. During the day Walid has to help out with house chores, and occasionally accompanies the leader during his active combatant days, where he is forced to take part in the fighting. After several years, Walid is rejected from the leader's home, but he has nowhere to go, as he cannot return to his family's village, and has no opportunities to find employment.

Case 9 (smuggling case)

Satar is 25 years old and from Kunduz Province. He graduated from the Agriculture Faculty of Kabul University and works as a translator for an NGO now. After one year, Satar is assigned to go to Malaysia as an interpreter with a group of government officials for 20 days. Although he does not have any economic problems in Afghanistan, he does not want to return to his country. After one week, Satar makes an agreement with one of the smugglers in Malaysia to transfer him to Australia by ship for a fee of USD 8,000. Although Satar knows all the risks and problems on the way, he gives the smuggler half of the agreed fee, USD 4,000 to the smuggler in Malaysia and starts his trip toward Australia. Along the way Satar and other travelers face a lot of problems and reach Australia after 5 days. The smuggler receives the remaining USD 4,000 in Australia and releases him there.

No.	Subject	English Link	Pashto Link	Dari Link
1	Bonded Child Labourer	http://tinyurl.com/lkgvbvt	http://tinyurl.com/kosy33w	http://tinyurl.com/lh2suk9
2	Mother sold me to a 94 year old man (Forced child marriage)	http://tinyurl.com/mxsnmg	http://tinyurl.com/kcwysgz	http://tinyurl.com/luow2q
3	Trafficking of children beyond Afghan borders	http://tinyurl.com/jll6zzg	http://tinyurl.com/hxx948h	http://tinyurl.com/zdv4hqa
4	Irregular migrants in Afghanistan also vulnerable to trafficking	http://tinyurl.com/hw5el9l	http://tinyurl.com/jmuuvzla	http://tinyurl.com/h6q8j65
5	Standing up against slavery a form of trafficking	http://tinyurl.com/h2dkvme	http://tinyurl.com/htjw7fx	http://tinyurl.com/j32o9o6
6	Forced marriage: a cultural dimension of human trafficking	http://tinyurl.com/zfcwehb	http://tinyurl.com/z942om8	http://tinyurl.com/hjymdjs
7	Exploitation through debt bondage: a form of TiP with serious consequences for communities in Afghanistan	http://tinyurl.com/kxv763c	http://tinyurl.com/grmdyyv	http://tinyurl.com/zkdot34
8	Forced and early marriages: A form of trafficking in persons	http://tinyurl.com/l5z9ckq	http://tinyurl.com/lu6qy2p	http://tinyurl.com/ltopx48
9	Trafficking in persons for the purpose of organ removal	http://tinyurl.com/jw5qkx9	http://tinyurl.com/kpgx963	http://tinyurl.com/n4qrn9x
10	Underage deceived recruitment by armed groups in combat zones: a form of trafficking of children in armed conflict situation	http://tinyurl.com/m7nf7z3	http://tinyurl.com/l9h6fwr	http://tinyurl.com/lz9pb38
11	Exploitation of women in orphanages: A form of Trafficking in Persons	http://tinyurl.com/l4b89td	http://tinyurl.com/kf96dez	http://tinyurl.com/lmhk7y7

Background to this Guide

The TIP training manual was developed within the framework of a multiyear counter-trafficking (CTIP) project funded by USAID. One of the project's main objectives is to build the capacity of Afghan law enforcement agencies and relevant NGOs and local leaders involved in the trafficking response. The TIP training manual was developed as a deliverable to support the capacity building efforts in a comprehensive manner, and is to be used as a training tool by IOM's key TIP partner, the INGO Hagar International. The long term objective is for the TIP training manual to be approved and institutionalized by the Afghan High Level TIP Commission which is comprised of relevant government bodies. Accompanying the TIP training manual is the Facilitator's Guide comprised of two components which should be used as a resource by all trainers. The Facilitator's Guide includes a template agenda and suggested timing for a 3 day training program, as well as supporting comments and suggested group activities for each session. Additionally, the separate document Handout Materials includes all material needed for the group activities, such as case studies, quiz questions, videos, etc. Timing and schedule of sessions can be lengthened or shortened depending on the capacity of the target group and need.

Target audience

Afghan law enforcement agencies such as border police, immigration officials, relevant members of NDS (National Directorate of Security) and High Level TIP Commission, NGOs, shelter managers, community leaders.

Best practice: The trainings should be multi-disciplinary, at least some of the sessions, to encourage networking, interagency cooperation and exchange of experiences.

Expected outcomes of the training

As a result of the training, participants are expected to:

- ✓ Be conversant with key international and national legal instruments related to trafficking persons;
- ✓ Be able to distinguish the mandates, roles and tasks of relevant actors involved in the area of identification of and providing assistance to victims of trafficking;
- ✓ Have strengthened knowledge and understanding of individual needs of victims of trafficking;
- ✓ Improved awareness of specific situations of victims of trafficking;
- ✓ Be able to train colleagues and share information in identification and providing assistance to victims of trafficking;
- ✓ Improved skills to identify victims of trafficking and facilitate effective referrals to relevant service providers;
- ✓ Apply relevant international standards and approaches in protecting and assisting victims of trafficking

Training Preparation

Group size and material: In order to facilitate an efficient and participative training, the group should not consist of more than 15 people. Keep track of participants and prepare attendance sheets, as well as pre- and post- training evaluation questionnaires in advance. Ensure that all needed material and handouts, such as quizzes, case studies, etc. are prepared and handy at the start of the day.

Rules of effective training

- Set some ground rules at the beginning of the training, such as punctuality and keeping time, turning mobile phones on silent, and allowing for sufficient breaks.
- Participants will have their own personal views with which others might agree or disagree. It is important to respect one another's views, to be sensitive and not too harshly judge or criticize. Set this as a ground rule from the beginning.
- Define learning objectives and participants' expectations at the outset of the training, and remember to review those once training session is completed.
- Your role as a facilitator will be to ensure that the session takes place in a respectful environment conducive to effective learning outcomes. Encourage as much interaction and active participation as possible to put all participants at ease and allow them to air their views, doubts, and different views. Remember that good training is not done by one-way communication, but rather by live interaction, such as by including group work, discussion, etc. People learn best when they do things themselves.
- Leave enough time for discussion and Q&A after each session/chapter, and manage time well. You should know when to bring a discussion to a close, when to change the topic, when to cut off someone who has spoken for too long, when to let the discussion continue over the allotted time, and when to let an exercise continue for a little longer.

- As a trainer, your key tasks are to:
- *Facilitate*, ie facilitate fruitful discussion
- *Activate*, ie activate the group to engage and to give feedback, share their experiences, etc.
- *Encourage*, ie encourage group to reflect on their experiences

Terminology

Where terminology or understanding of key words might be an issue such as the definitions of trafficking or the various forms of trafficking, one tip is to ask: "How do you say [word] in your language/community? Does it mean the same thing? What would be another way of explaining the issue to your community members?" so that everyone is clear on what is being discussed. Allow for sufficient time for discussion among participants until consensus on definitions is reached.

Sample agenda for a 3 day training (coffee breaks to be added where relevant)

	Chapter / sub-chapter	Tips, methods, activities
Day 1 - morning	Introduction Pre- training evaluations Ground rules, expectations 1.1 Background 1.2 Learning objectives	Registration; Set ground rules; Pre-training evaluations (30 min); Note down expectations and go through objectives of training; Introduce everyone, ice-breaker (15 min); Conduct the Quiz: <i>Myths and Realities</i> (15-20 min). Before you discuss human trafficking, it is useful to find out whether there are misperceptions among participants. Ask participants if they think the statements are true or false. You can have a participant read a statement and then ask the group to raise their hands if they feel it is “true”, and then if they feel it is “false”. Do not give the answers at this stage! Tell participants you will come back to this later in the session.
Morning	Chapter 1 1.1 Afghan context 1.2 Causes, trends and forms 1.3 Legal framework	Before starting 1.3, have the group brainstorm and present their definitions of what trafficking means before presenting them with our definitions (15 min)
Lunch		
Afternoon	1.3 Legal framework continued 1.4 Key concepts 1.5 Consequences of trafficking	After 1.4 have the group go through 2 case studies to decide whether it's a trafficking or smuggling case, and ask them to justify by breaking down the 3 elements. During this session, you should focus on the issue consent vs coercion and make it very clear that no victim should be criminalized for an act that she may be forced to do (such as <i>zina</i>); Before starting 1.5, have each participant list 2-3 negative consequences of TIP and then discuss as a group (10-15 min); Wrap up day
End of Day 1		
Day 2 - morning	Chapter 2 1.1 Who conducts identification? 1.2 Stages of identification 1.3 A victim-centered approach 1.4 Special considerations for minors	When explaining the importance of awareness under 1.1, show the awareness video on YouTube; When discussing indicators under 1.2, present a few case examples and have participants discuss in pairs whether this is a trafficking case or not and report back to group; If more exercise is needed after 1.3 then a role play is best placed here, one volunteer being the victim and the other being the interviewer and the group needs to assess their verbal and physical communication.
Lunch		
Afternoon	1.5 Role of law enforcement agencies Chapter 3 1.1 Stakeholders	1.1: allow for sufficient time for participants to discuss whether

	1.2 Safety and confidentiality 1.3 Cooperation among stakeholders	stakeholders' roles are correctly presented in the flow chart and well understood or whether some body was left out; Wrap up day
End of Day 2		
Day 3 – morning	Chapter 4 1.1 Forms of assistance 1.2 Psychosocial assistance and empowerment	1.1: During this session focus on the importance of including the VoT in the process of determining the assistance required, and that each individual requires a different response. 1.2: Here it is important to emphasize that each individual will have different needs depending on their trafficking experience, their personal resilience, their support network, etc.
Lunch		
Afternoon	1.3 Psychosocial assistance and empowerment continued 1.4 Monitoring assistance and follow-up Post training evaluations Training wrap-up and closure	Post training evaluations should evaluate the increase in participants' knowledge, but also collect feedback on the training itself; Certificate handout

Annexes to this Guide for trainer's use:

Annex 2 Handout material

Annex 4. Pre-and post-training questionnaires – *the same questionnaires should be administered prior and after the training, and total scores analyzed to assess change in participants' knowledge*

Annex 4: Pre-and Post-Training Questionnaire

Date of training: _____

Name of trainer: _____

Name/organization of participant: _____

Have you ever participated in any training on trafficking in persons before? Yes/no
Please provide details on who trained you and when.

Please respond to the following questions to the best of your knowledge:

1. In your own words, define what trafficking in persons is:

.....
.....
.....
.....

1

2. Does Afghanistan have a specific national law on combatting human trafficking?

- Yes
- No
- Maybe
- Don't know

1

3. Please tick whether the following statements are True or False:

	True	False
Only women can be victims of trafficking		
If a person consents to forced labor, it is not a crime		
Law enforcers have a duty to protect victims of trafficking		
Trafficking in persons always involves illegal crossing of borders		
Afghanistan is a source, transit and destination country for victims of trafficking		
Only law enforcement can identify a victim of trafficking		
If a person receives a wage, he is not a victim of trafficking		
All victims of trafficking are kidnapped		
All victims of trafficking require the same protection services		

9

4. Please indicate the most common forms of trafficking in Afghanistan:

Trafficking for the purpose of:

- Sexual exploitation

- Forced labor
- Forced begging
- Domestic servitude
- All of the above
- Not sure
- Other forms such as: _____

___/2

5. What is the purpose of identifying a victim of trafficking:

.....
.....
.....
.....

___/2

6. Who would you refer an identified victim of trafficking to?

- Law enforcement (Police, NDS)
- NGO: Please specify: _____
- Embassy / Consulate
- International Organization
- Other: _____
- Don't know

___/1

7. Suggest three reasons why a victim of trafficking may not cooperate with law enforcement:

- (1)
- (2)
- (3)

___/3

8. List two principles that should guide any interviewer of a victim of trafficking:

- (1)
- (2)

___/2

9. What are two consequences of trafficking on an individual?

- (1)
- (2)

/2

10. Who would you think is vulnerable to being trafficked in Afghanistan?

- Women
- Men
- Children
- All of the above
- None of the above
- Women & Children
- I don't know

 /1

11. What are the rights of victims of human trafficking?

- Have his/her identity kept confidential, unless the victim consents to have his/her identity revealed.
- Exemption from prosecution in accordance with the provision of this law.
- Compensation payment
- Option A and B

 /1

12. What are the rights of smuggled migrants?

- Immunity from arrest, detention, torture, cruel or inhumane punishment and degradable or humiliating treatment.
- Access to the diplomatic mission of his/her country of nationality.
- Provision of facilities by the political representation or consulate for smuggled migrants
- All of the above

 /1

13. Regarding the supports for victims of trafficking and smuggled migrants, which option is incorrect?

- Supporting victims to access legal assistance, to attend legal prosecution
- Keeping and Returning Victims of Trafficking to their Family
- Provision of facilities to the victim to return to his/her own country when requested
- Non-exemption of victims of trafficking and smuggled migrants from prosecution

 /1

14. Explain the differences between trafficking and smuggling?

.....
.....
.....
.....

.....
.....
.....

 /6

15. What is the purpose of Law to Combat Trafficking in Persons and Smuggling of Migrants?

- To combat crimes of human trafficking and smuggling of migrants
- To criminalize trafficking and smuggling and determine punishments for the preparators
- Coordination and cooperation at international level to combat trafficking and smuggling
- All of the above

 /1

Total points: /34

Annex 4A: Pre-and Post-Training Questionnaire Answer Key for Trainers

Date of training: _____

Name of trainer: _____

Name/organization of participant: _____

Have you ever participated in a training on trafficking in persons before? Yes/no
Please provide details on who trained you and when.

Please respond to the following questions to the best of your knowledge:

1. In your own words, define what trafficking in persons is:

This can be any formulation loosely in line with the Palermo Protocol, as long as it includes the concept of non-consent (use of force), ideally also including the domestic and international nature of trafficking.

___/1

2. Does Afghanistan have a specific national law on combatting human trafficking?

- Yes
- No
- Maybe
- Don't know

___/1

3. Please tick whether the following statements are True or False:

	True	False
Only women can be victims of trafficking		X
If a person consents to forced labor, it is not a crime		X
Law enforcers have a duty to protect victims of trafficking	X	
Trafficking in persons always involves illegal crossing of borders		X
Afghanistan is a source, transit and destination country for victims of trafficking	X	
Only law enforcement can identify a victim of trafficking		X
If a person receives a wage, he is not a victim of trafficking		X
All victims of trafficking are kidnapped		X
All victims of trafficking require the same protection services		X

___/9

4. Please indicate the most common forms of trafficking in Afghanistan:

Trafficking for the purpose of:

- Sexual exploitation
- Forced labor
- Forced begging
- Domestic servitude
- All of the above
- Not sure
- Other forms such as: Here participants may mention trafficking to be trained as terrorists, or bacha bazi or others

 /2

5. What is the purpose of identifying a victim of trafficking:

This can include any clarification which shows that only through identification the VoT can be provided with protection and assistance.

 /2

6. Who would you refer an identified victim of trafficking to?

- Law enforcement (Police, NDS)
- NGO: Please specify: _____
- Embassy / Consulate
- International Organization
- Other: _____
- Don't know

 /1

7. Suggest three reasons why a victim of trafficking may not cooperate with law enforcement:

- (1) Any of the reasons we outline in the manual may be added here
- (2) _____
- (3) _____

 /3

8. List two principles that should guide any interviewer of a victim of trafficking:

- (1) Any of the principles we outline in the manual may be added here, such as "do no harm", "show respect" etc
- (2) _____

 /2

9. What are two consequences of trafficking on an individual?

(1) Any of the consequences we discuss should be given a point here, such as psychological or health consequences.

(2)

 /2

10. Who would you think is vulnerable to being trafficked in Afghanistan?

- Women
- Men
- Children
- All of the above
- None of the above
- Women & Children
- I don't know

 /1

11. What are the rights of victims of human trafficking?

- 1) Have his/her identity kept confidential, unless the victim consents to have his/her identity revealed.
- 2) Exemption from prosecution in accordance with the provision of this law.
 - Compensation payment
 - Option A and B

 /1

12. What are the rights of smuggled migrants?

- Immunity from arrest, detention, torture, cruel or inhumane punishment and degradable or humiliating treatment.
- Access to the diplomatic mission of his/her country of nationality.
- Provision of facilities by the political representation or consulate for smuggled migrants
- All of the above

 /1

13. Regarding the supports for victims of trafficking and smuggled migrants, which option is incorrect?

- Supporting victims to access legal assistance, to attend legal prosecution
- Keeping and Returning Victims of Trafficking to their Family
- Provision of facilities to the victim to return to his/her own country when requested
- Non-exemption of victims of trafficking and smuggled migrants from prosecution

 /1

14. Explain the differences between trafficking and smuggling?

Trafficking:

- Legal, illegal or no border crossing
- Legal or illegal documents
- Document taken
- Coercion and repeated exploitation
- Restricted movement, control
- Commodity: an Individual
- Crime against an individual

Smuggling:

- Illegal border crossing
- Illegal (false or stolen) documents
- Voluntary
- Commodity: a service, movement
- Crime against the state

 /6

15. What is the purpose of Law to Combat Trafficking in Persons and Smuggling of Migrants?

- To combat crimes of human trafficking and smuggling of migrants
- To criminalize trafficking and smuggling and determine punishments for the perpetrators
- Coordination and cooperation at international level to combat trafficking and smuggling
- All of the above

 /1

Total points: /34

Glossary

<i>Badal:</i>	The exchange of daughters/sisters for marriage between two families to reduce dowry costs
<i>Bad Dadan:</i>	Giving a daughter/sister to another family as a commodity to settle family disputes and feuds
<i>Bacha Bazi:</i>	Boys are usually kept by influential and powerful men and give performances as “dancing boys”, and are usually sexually exploited
<i>Qachaq-e-Ensan:</i>	Trafficking in persons
<i>Qachaq-e-Muhajiran:</i>	Smuggling of Migrants
<i>Zina:</i>	Sexual relations outside the marriage

Acronyms and Abbreviations

AIHRC:	Afghanistan Independent Human Rights Commission
AGO:	Attorney General’s Office
AIBA:	Afghanistan Independent Bar Association
AWSDC:	Afghan Women’s Skills Development Centre
HAWCA:	Humanitarian Assistance for the Women and Children of Afghanistan
LAoA:	Legal Aid Organization of Afghanistan
MoFA:	Ministry of Foreign Affairs
Mol:	Ministry of Interior
MoJ:	Ministry of Justice
MoLSAMD:	Ministry of Labor, Social Affairs, Martyrs and Disabled
MoWA:	Ministry of Women’s Affairs
MoRR:	Ministry of Refugees and Repatriation
MoIC:	Ministry of Information and Culture
MoHIA:	Ministry of Haj and Islamic Affairs
MoE:	Ministry of Education
NDS:	National Directorate of Security
NRM:	National Referral Mechanism
WAW:	Women for Afghan Women