

ARTICLE 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.



“The Taliban abduct and coerces adult women into forced labor. The Taliban maintain detention facilities in which they compel detainees, including child and adult sex trafficking victims charged with ‘moral crimes,’ into forced labor...”

“Restrictions on the movement of and exercise of rights by women and girls, and severely diminished access to employment and education, significantly increase their vulnerabilities to trafficking and drastically increase their risk of child and forced marriage. Women-headed households and widows are at an increased risk of poverty and vulnerability to trafficking.”

—United States Department of State, 2023 Trafficking in Persons Report: Afghanistan¹

Introduction

Article 6 of CEDAW addresses the obligation of State Parties to combat the trafficking and exploitation of women, particularly concerning prostitution. It requires the adoption of all appropriate measures, including legislative, administrative, and policy interventions, to prevent and eliminate trafficking in women and girls and to suppress the exploitation of women in the sex trade. Article 6 emphasizes a comprehensive approach that includes prevention strategies, victim protection, and the prosecution of those responsible for trafficking-related offenses.

Although Article 6 does not categorically outlaw prostitution, it recognizes that the practice often involves elements of coercion, abuse, and exploitation, particularly in contexts where women have limited social or economic power. Consequently, States are encouraged to take measures that address both the supply and demand dimensions of prostitution-related exploitation. The CEDAW Committee interprets trafficking and

the exploitation of prostitution as manifestations of gender-based violence, rooted in systemic discrimination and patriarchal norms. It therefore urges States to address the structural factors—such as economic inequality, gender discrimination, and social marginalization—that contribute to women’s vulnerability to these forms of exploitation.²

The 2009 Elimination of Violence Against Women (EVAW) law in Afghanistan criminalized forced prostitution, sex-trafficking, and the exchange of girls and women in the Pashtun custom of *baad*, and all ethnic groups practice of *baadal*. *Baad* and *baadal* are conservative patriarchal practices of dispute settlement or compensation in which a criminal’s family gives one of the girls from their family to serve as a servant or bride to the victim’s family (*baad*) or the families exchange girls from one family into the other (*baadal*). This practice often results in the girl facing significant levels of neglect, abuse, and violence. However, limited awareness and enforcement of the criminalization of these acts, a weak judiciary that often failed

to act in accordance with the EAW, and the widespread use of *baad* and *baadal* by all ethnic groups in both rural and urban communities to mediate criminal cases resulted in weak implementation of EAW law.³

The Afghanistan Independent Human Rights Commission actively engaged in efforts to address and prevent the practices of *baad* and *baadal*. For example, the Commission played a key role in the 2010 report, *Harmful Traditional Practices and Implementation of the Law on the Elimination of Violence Against Women in Afghanistan*, by the United Nations Assistance Mission in Afghanistan (UNAMA) and UN OHCHR, which identified widespread practices such as child marriage, *baad*, forced isolation, exchange marriages, and honor killings. Rooted in discriminatory gender norms, these practices contribute to the systemic marginalization of women and girls. Although often justified through local interpretations of Islam, the report emphasized their inconsistency with both Sharia law and Afghanistan's national and international legal obligations.⁴

The Afghanistan Independent Human Rights Commission also addressed human trafficking, with particular attention to vulnerable populations such as women and children. The Commission conducted and published research examining the root causes and contributing factors of trafficking in women and children within Afghanistan. It also released a detailed report on *bacha bazi*—the exploitation of boys for sexual and social purposes—classifying it as a form of human trafficking and offering policy recommendations for state intervention. Additionally, the Commission documented and reported cases of child trafficking to relevant international authorities and consistently raised concerns about the growing number of trafficking victims, highlighting the Afghan government's inadequate response, especially concerning child exploitation.⁵

During the Republic Period (2004-2021), Afghanistan's judiciary played a limited yet notable role in addressing human trafficking, operating within a constrained and often ineffective system. The principal legal instrument was the 2017 *Law to Combat Crimes of Trafficking in Persons and Smuggling of Migrants*, which formally criminalized both sex and labor trafficking, including the practice of *bacha bazi*—the sexual exploitation of boys. The law established penalties ranging from five to eight years' imprisonment, with enhanced sentences of 10

to 16 years for cases involving women, children, or the practice of *bacha bazi*.

Despite the existence of this legal framework, the judiciary faced numerous structural and operational challenges. Chronic underfunding, insufficient staffing, and limited training hindered the effective adjudication of trafficking cases. Corruption and the intimidation of judicial personnel further compromised the integrity of the justice process. Victim protection mechanisms were inadequate, with survivors—particularly women and children—frequently subjected to additional punishment or mistreatment when seeking legal redress.

Moreover, authorities often conflated human trafficking with migrant smuggling, resulting in misclassification and ineffective responses. Although *bacha bazi* was criminalized, impunity for perpetrators remained widespread, and allegations of official complicity were rarely investigated or prosecuted. Overall, prosecutions and convictions for trafficking offenses were minimal, and the legal system demonstrated limited capacity to hold accountable those responsible, including state actors.⁶

Trafficking, Exploitation, and Prostitution

Since 2021, the Taliban have not used law enforcement to fight human trafficking or to prevent labor and sex trafficking. The Taliban have not carried out “investigations, prosecutions or convictions of trafficking crimes... or convicting Taliban members for alleged complicity in trafficking crimes.”⁷ Furthermore, there is no evidence that the Taliban have undertaken protection efforts, nor have the Taliban identified trafficking victims or provided services to assist them. The Taliban have not made any identifiable efforts to decrease the market for commercial sex.⁸ On the contrary, the Taliban has released thousands of individuals convicted of gender-based violence, including suspected traffickers, back into communities, further endangering vulnerable populations.⁹

Rather than addressing trafficking and exploitation, the Taliban's actions have further undermined the rights of girls, women, and other marginalized groups in several ways. The Taliban has impeded NGOs working to combat trafficking and exploitation of girls and women by threatening, harassing, and actively interfering with civil society actors,

including those assisting victims. NGO staff and the victims they assist have been forced into hiding due to threats from perpetrators associated with the Taliban. Additionally, there are reports of Taliban-directed killings, forced disappearances, and the detention of civil society actors working to protect Afghan girls and women from trafficking. While shelters for trafficked boys reportedly remain operational, the Taliban has forcibly shut down those serving girls and women across the country.¹⁰

The Taliban has also increased the vulnerability of trafficking and exploitation victims by failing to provide adequate protection within the formal justice system. The Taliban's use of hudud punishments, such as corporal punishment for moral offenses, compounds the injustice by penalizing victims for acts committed because of being trafficked, thus discouraging them from reporting exploitation. Rather than protecting victims, the Taliban restricts victims' ability to escape abusive situations and frequently accuses them of 'moral crimes,' leading to their imprisonment. Trafficking victims charged with moral crimes are forced into labor while detained by Taliban authorities. Girls and boys who are victims of trafficking are particularly at risk, as they are often detained alongside adults in detention centers, exposing them to further violence.¹¹

The Taliban have issued over two dozen edicts and decisions that prohibit education for girls and women beyond the level of 6th grade and severely curtail what can be taught. Many families recognize the limited employment opportunities available to girls without education and lose hope that their daughters will ever contribute economically to the household. Coupled with widespread food insecurity, created in part by the actions and policies of the Taliban, poor families are increasingly marrying or selling off their daughters to provide food and essential items for their families and to reduce the number of mouths to feed.¹² Daughters as young as 20 days old have been sold for a marriage dowry that is used to feed the rest of the family. "I have to sell my [nine-year-old] daughter to feed the rest of my seven children," said one Afghan father who

sold his daughter to an old man for USD \$2000. His nine-year-old daughter explained, "We don't have bread, rice or flour, so he has sold me to an old man."¹³ In another family, a father sold his four-year-old daughter to an old man for USD \$1000. When the four-year-old Afghan girl was asked if she knew why she had been sold, she replied, "Because we are a poor family and don't have any food to eat... I'm scared".¹⁴ Evidence suggests that some girls and women subjected to forced marriage were later trafficked for sexual exploitation by their spouses, occurring both domestically within Afghanistan and in surrounding countries.¹⁵

Under the Taliban's interpretation of Sharia law, same-sex relationships are criminalized, and LGBTQIA+ individuals are openly threatened with the death penalty.¹⁶ LGBTQIA persons are particularly vulnerable to enforced prostitution and sex-trafficking as they have no access to social services, are coerced due to their sexual orientation, or attempt to escape Afghanistan due to fear of exposure at checkpoints or passport offices.¹⁷ Due to restrictive *mahram* laws, which prohibit older girls and women from traveling without a male guardian, lesbians, trans and bisexual girls and women face even greater challenges in escaping exploitative situations. Furthermore, the Taliban and their affiliates have carried out attacks, sexual violence, and threats against LGBTQIA+ individuals and their allies.¹⁸

Other persecuted minorities, including ethnic and religious groups such as Sikhs, Hindus, Hazara Shiites, Ahmadi Muslims, Baha'is, Ismaili, and Christians, face increased risks of displacement and exploitation by the Taliban, non-state actors, and traffickers in their search for safety. Additionally, displaced Afghan girls and women who experience housing and food insecurity face heightened vulnerability to conflict-related violence and forms of modern slavery, including sexual exploitation and forced conscription into the armed forces. Those attempting to escape risk further exploitation by traffickers.

1 Office to Monitor and Combat Trafficking in Persons. "2023 Trafficking in Persons Report: Afghanistan." Washington, DC: U.S. Department of State, June 15, 2023, np. <https://www.state.gov/reports/2023-trafficking-in-persons-report/afghanistan/>.

2 Schulz, Patricia, Ruth Halperin-Kaddari, Beate Rudolf, and Marsha A. Freeman, eds. *The UN Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol: A Commentary*. Oxford University Press, 2023.

- 3 UNAMA and OHCHR. *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*. Kabul and Geneva: UNAMA and OHCHR, December 2010. https://unama.unmissions.org/sites/default/files/harmful_traditional_practices_english.pdf
- 4 UNAMA and UN OHCHR. *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan*. Kabul, UNAMA and UN OHCHR, 2010. https://unama.unmissions.org/sites/default/files/harmful_traditional_practices_english.pdf
- 5 Afghanistan Independent Human Rights Commission. *Summary Report on Investigation of Causes and Factors of Trafficking in Women and Children*. Afghanistan Independent Human Rights Commission, July 2011, <https://www.refworld.org/reference/countryrep/aihrc/2011/en/79930>
- 6 United States Department of State. *2021 Trafficking in Persons Report: Afghanistan*. Washington DC, United States Department of State, 2021. <https://www.state.gov/reports/2021-trafficking-in-persons-report/afghanistan>
- 7 Office to Monitor and Combat Trafficking in Persons. "2023 Trafficking in Persons Report: Afghanistan," np.
- 8 Office to Monitor and Combat Trafficking in Persons. "2023 Trafficking in Persons Report: Afghanistan."
- 9 Office to Monitor and Combat Trafficking in Persons. "2023 Trafficking in Persons Report: Afghanistan."
- 10 Office to Monitor and Combat Trafficking in Persons. "2023 Trafficking in Persons Report: Afghanistan."
- 11 Office to Monitor and Combat Trafficking in Persons. "2023 Trafficking in Persons Report: Afghanistan."
- 12 Joya, Z. "'No Escape' for Afghan Girls Forced Out of Education and into Early Marriage." *The Guardian*, February 9, 2023. <https://www.theguardian.com/global-development/2023/feb/09/no-escape-for-afghan-girls-forced-out-of-education-and-into-early-marriage>; Mursal, M., and Nader, Z. "'I've Already Sold My Daughters; Now, My Kidney': Winter in Afghanistan's Slums." *The Guardian*, January 24, 2022. <https://www.theguardian.com/global-development/2022/jan/23/ive-already-sold-my-daughters-now-my-kidney-winter-in-afghanistans-slums>.
- 13 Coren, A., R. Wright, and A. B. Bina. "The Rescue of Parwana: 9-Year-Old Child Bride Is Taken to Safety in Afghanistan." *CNN*, December 2, 2021, np. <https://edition.cnn.com/2021/12/02/asia/afghanistan-parwana-girls-marriage-intl-hnk-dst/index.html>.
- 14 Coren, A., R. Wright, and A. B. Bina. "The Rescue of Parwana," np.
- 15 Walk Free. "Modern Slavery in Afghanistan." *Walk Free*, September 27, 2023. <https://www.walkfree.org/global-slavery-index/country-studies/afghanistan/>.
- 16 Walk Free. "Modern Slavery in Afghanistan."
- 17 Office to Monitor and Combat Trafficking in Persons. "2023 Trafficking in Persons Report: Afghanistan." Washington, DC: U.S. Department of State, June 15, 2023. <https://www.state.gov/reports/2023-trafficking-in-persons-report/afghanistan/>.
- 18 Office to Monitor and Combat Trafficking in Persons. "2023 Trafficking in Persons Report: Afghanistan."