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Human Trafficking in Afghanistan: An Examination through the Lens of Social Constructivism

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ABSTRACT

Purpose: The purpose of this research is to first recognize the human trafficking as a problem in Afghanistan and then to present workable solutions.

Design/Methodology/Approach: The social constructivism theory is applied as a framework to analyze and interpret the complex dynamics that contribute to this multifaceted problem.

Findings: Human trafficking, a heinous crime encompassing exploitation and gross violation of human rights, has emerged as a lucrative and widespread enterprise. Often referred to as modern-day slavery, this global predicament has garnered significant attention in recent decades. The intricate process of human trafficking within Afghanistan, a landlocked nation surrounded by other states and devoid of water trade routes. Compounded by its status as a battleground for regional and international powers, Afghanistan faces additional challenges in combating this grave issue. Non-state actors and terrorist organizations further exacerbate the destabilization of peace within the country

Implications/Originality/Value: Recognizing human trafficking as a violation of fundamental human rights, it is imperative for governments and societies to address this issue collectively and strive towards its eradication.



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1. Introduction

Human trafficking and human smuggling have recently gained the attention of the international political or civil community. We all know that smuggling of things, weapons and drugs are most profitable businesses. Human trafficking is also common among smugglers. Trafficking of Human being is considered as the most profitable type of systematized crime after trade of drugs and weapons. These are widespread and transnational criminal business in the whole world. This criminal act includes sale or purchase of human beings with purpose of forced work in

fields or in industries, sexual slavery and sexual exploitation by traffickers, debt captivity, and partner in the situation of forceful marriage, participation in prostitution as well as body organs or tissues removal against the will of victim. Human trafficking can take place within a country or across borders. Trafficking of people is a practice of modern-day slavery. (Human trafficking, 2019) A trafficker commits a crime when he or she uses intimidation, deception, or coercion to convince another person to perform commercial sex acts and do work without salary. Sex trafficking victims and forced labor are mostly invisible because we do not identify human trafficking signs. Human trafficking is the assistance in illegal immigration, unauthorized transportation, or illegal entry of an individual or persons across a border of states or within states, either covertly or by fraud, such as the use of fake documents. People who have been trafficked may become victims of other crimes. Most victims include women, teenagers, and adolescents. (Parreñas, 2012) Sex trafficking does not necessitate crossing an international border, nor does it necessitate moving victims from one place to another. Not all undocumented immigrants are considered as preys of human trafficking process. (George and Ray 2010) Smuggled victims may expose physical and sexual abuse in addition to dangerous conditions on their smuggling journeys. Human trafficking basically involves means, tactics or acts of crime and exploitation of human rights. Human trafficking is a so-called hidden activity. We don't have a lot of knowledge on how it works, so we don't have a lot of resources to deal with it. Mark Colhoun, Country Representative of UNODC, defined human trafficking as it is a major crime and gross human rights violation that affects every country on the planet. It preys on the weakest members of society, flourishing in times of armed conflict and displacement (Joint Regional Conference on Counter Terrorism and Counter Narcotics held in Almaty 2019). Thousands of women fall into the hands of smugglers every year, with girls accounting for nearly three-quarters of all trafficking victims worldwide. In Afghanistan, some families sell their young children to smugglers due to unprecedented levels of poverty, low living standard, debt, insecurity, migration and homelessness. These factors push some people to sale their family members. In some cases, Parents sell a child for a monthly income because they are selfish. These families often form relationships with traffickers and compromise with the essence of the job to persuade other families to sell their children or their properties. When victims arrive at their place they are seized, and a process of declination begins. It entails a series of mental, physical, and psychological violations such as rape, harassment, intimidation, humiliation, and forced drug addiction. During the acquisition process, this is done mercilessly to break the spirit of trafficked persons. Survivors have also claimed that they witnessed the assassination of other victims soon after their arrival. After seeing these victims are induced into a self-preserving state of adherence. Basically, human traffickers prey on the poorest and most disadvantaged people on the planet. That's why Afghan people are exploited easily. Mostly victims are motivated by false assurances about employment, safety, better education, good learning process, attractive packages or wedding. Targets for this act range in age, education, socioeconomic status, ethnicity, and religion, and they include men, women, adults, infants, and even newborns. Traffickers often threaten refugee camps because they are a convenient way to acquire victims. Refugees are unable to function in their host country and live in overcrowded, filthy conditions with little comfort, security or food. As a result, when smugglers offer them employment and safe passage elsewhere, they are all too easily exploited.

Figure 1

Map of Afghanistan



Iran, Tajikistan, Pakistan, Uzbekistan, Turkmenistan and China are Afghanistan's neighbor states. Afghanistan is at the crossroads of South Asia or Central Asia. While Iran is acting as a northern gateway for Middle East. Iran and Pakistan have the longest boundaries. On all sides, however, the borders are porous. Terrorism, armed conflict, violence, tribal warfare, sectarianism, crime, human and drugs smuggling are all considered threats in Afghanistan. Revenues from poppy cultivation influence the four other threat groups. Terrorism and criminality are most serious security threats in Afghanistan continue to exist. (Weinbaum 2006)

The central government of Afghanistan regulates border crossings, with immigration officials and customs officers from both countries stationed on either side of the border. Kabul, Kandahar, Herat, and Kunduz and Mazaar -e-Sharif are formally authorized entrance points through airports. The border of Afghanistan with Pakistan is a particular source of concern. It is considered a sensitive border in international politics. The ongoing conflict between forces, Taliban and Al-Qaeda, as well as a lack of border monitoring and general lawlessness in the border zone, all lead to the overall sense of insecurity. Name of borders of Afghanistan are discussed in Table 1.

Table 1

Name of Borders of Afghanistan

Name of borders	Afghan Connecting way to other States
Aqeena	Faryab and Turkmenistan
Ashkashem	Badakhshan and Tajikistan
Ghulam Khan	Kandahar and Pakistan
Hayratan	Balkh and Uzbekistan
Hi Khanem	Faryab and Turkmenistan
Islam Qala	Herat and Iran
Sherkhan	Kunduz and Tajikistan
Spin Boldak	Kandahar and Pakistan
Torkham	Nangarhar and Pakistan
Tour Ghoundi	Herat and Turkmenistan
Wakhjir Pass	China and Afghanistan
Zar Balkh	Nimroz and Iran

According to the social constructivist theory of international relations, social norms, structures, and ideas influence how states behave and how the international system functions. This idea contends that social interactions, rather than the events themselves, are what give meaning and significance to global phenomena. Human trafficking and smuggling in Afghanistan can be studied by using the social constructivist theory of international relations by examining how social structures and norms influence state actors' and international organization's views of and responses to the problem. For instance, the practice of bacha bazi (boy play) entails the sexual exploitation of young boys and is socially and culturally tolerated in Afghanistan. The transnational trafficking of boys has been connected to this practice (Schneider, 2011). Social structures have also influenced how the international community has responded to human trafficking and smuggling in Afghanistan. For instance, the West frequently characterizes people trafficking and smuggling as a problem caused by criminal organizations and emphasizes the importance of using law enforcement to tackle this problem. However, this framing ignores social and structural elements like discrimination, war, and poverty that make people more susceptible to trafficking. Therefore, rather than concentrating exclusively on criminal behavior and law enforcement, a social constructivist analysis of human smuggling and trafficking in Afghanistan would emphasize the need to understand the cultural, social, and historical variables that form this issue. Additionally, it would emphasize how crucial it is to interact with nearby communities and deal with the underlying issues. Militias and tribal groups manage the bulk of unofficial border crossings. Recent attempts have been made to increase government control over these regions. However, no information about these illegal activities has been displayed in the civil community. Getting fake documents from Afghanistan is not a big deal. It is an easy task to make fake documents with a fake identity. Kidnappers or smugglers

cross the borders with fake identity. They used girls and boys as beggars. They used young girls and boys as prostitutes, dancers, etc. They utilize them for their interest or economic benefits. (George and Ray, 2010) In case of Afghanistan, traffickers are manipulating their victims, and it is difficult to track and punishable. Continuously they are exploiting the human rights, and they are trapping the victims through following these acts

- Employ of a criminal organization
- Kidnapping
- Transportation of victims within and across the state
- Trap on name of jobs
- Mind washing for better life-style
- Trap girls on name of media industry
- Trap Afghan people to save their lives
- Receiving victims from other traffickers
- Sailing and purchasing
- Debt slavery

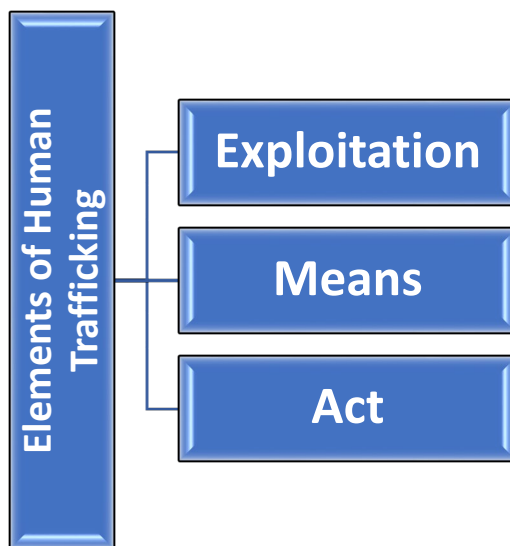
Following are the basic means of this criminal act in Afghanistan

- Threat
- Force
- Coercion
- Abduction or kidnapping
- Fraud
- Snatching
- Giving payment
- Abuse of power

Force, fraud, or coercion are those means which are used to obtain labor or services resulting in involuntary servitude, exploitation or slavery. Exploitation includes the exploitation of victims through acts of prostitution, sexual abuse of victims, enforcement for hard work, repression, or those practices which are corresponding to slavery, bondage, or last one is removal of body organs.

Figure 3

Elements of Human Trafficking



2. Root Causes of Human trafficking in Afghanistan

Victims of this criminal act come from the most vulnerable groups. Basically, trafficking crimes mainly target exiled, poor, deprived families, indebted families and persons, as well as new generation mostly young boys and girls who are seeking jobs or good economic chances abroad. Chronic instability, widespread migration, and poverty brought on by war and drought in Afghanistan make many people vulnerable to such events. (Güler and Sadat, 2022). Unemployment, inflation, lack of economic opportunities, poor healthcare system, poor education system, gender discrimination, segregation, economic disparities, discrimination, racial rivalries, civil war, ethnic strife, role of non-state actors, absence of policy to combat trafficking or limited work in establishment of legislation, weak law, insecure international borders, bribery or repression by guards on border, and a lack of credible data are some major causes of trafficking in Afghanistan. (Reuters, 2021) In actuality, criminals take advantage of unemployment, armed conflict, political instability, bad governance or weak policies of government. Mostly they trapped the citizens and sometimes they adopted an act of kidnapping. Basic causes of human trafficking are various but they vary area to area. Now, in Afghanistan the atmosphere crumbles due to long war, bad law and order situation, economic deprivation, prejudice, racism and bigotry. These all reasons cause trafficking or human smuggling in Afghanistan. Traditional beliefs and behaviors, early marriage, and a lack of birth registration all lead to children and women's vulnerability. There is no birth registry system on the local level, no verified national identity documents that's why recognition of victims is mainly challenging in way to stop this illegal act. Other significant factors include sexual and economic abuse, as well as the need for low-wage domestic and agricultural labor. Demand for young warriors, children for conflict related areas, demand of child adoption and trading of body parts also contributing in it. (Ashraf, 2021) Commonly, it is believed that any pornography films, dance and commercials that involves weakness of victim, force and fraud by criminals when person (victim) is not interested in it, is take as a part of human trafficking. Smuggled aliens are often left hostage at the end of their journey before their debt is paid off by family members or others. It's also likely that a person being smuggled could be caught at any time. What they didn't know was that the smugglers would take most of the part from their earnings, if they refuse to give their earnings then culprits' attempts to enslave the victims, also manipulate and exploit them physically or sexually. Women kidnappings for forced marriage, disappearances, marriage for financial assistance, and women exchanges for dispute resolution are also tactics of human rights exploitation. These women victims are forced to engage in forced labor, stealing, money laundering, begging and even transplantation of body organs. Other than this debt bondage is also a reason of women exploitation. When people fail to give back the debt then some smugglers captured him or its family member and make victim of human trafficking. A filmmaker spent time in Afghanistan with child brides and made lot of videos on them. She showed in her videos how young girls are married off or sold to settle debts and long-standing disputes. The Taliban is another important factor of Afghanistan. From their inception their role is most important in politics, economy and social life of Afghanistan. Taliban want to get lot of money to fulfill their missions. Then they started to understand how much money they could make from drugs smuggling. The Taliban uses the proceeds from the opium trade to fund their insurgency in Afghanistan by purchasing weapons, food, and other necessities. The Taliban's reason for growing opium is entirely financial. Other than drugs they are involved in smuggling of human and weapons. They use humans and youngsters forcefully for bombing and suicide bombings. (Perria and Perosino, July 2022) All work or service that is forced or compulsory is referred to as forced or compulsory labor which is requested from someone who is threatened with punishment for which the said individual has not made himself available without being forced. Slavery in all forms or activities that are analogous to slavery, including the selling and exploitation of children, economic slavery, debt slavery, and forced or compulsory labor, including the forced or compulsory recruitment of children for use in military confrontation and rebellious activities. The majority of Afghan trafficking victims are children who end up working in carpet and brick industries, domestic service, commercial sexual abuse, begging, transnational drug or weapons smuggling, and assistant truck driving throughout Afghanistan but also in the Europe, Middle East and South Asia. In Iran, Afghan boys also forced to work in the manufacturing, infrastructure sector and agriculture fields. (Trafficking in Persons Report: Afghanistan- Tier 3, 2022)

Many countries have very long waiting lists for organ transplants and criminals have taken advantage of this opportunity to target the desperation of patients and potential donors. Life of victim is endangered in these cases because operations can be carried out in secret with no medical follow-up. In case of Afghanistan there is no well settled hospitals for treatment. Due to long war situation, people of Afghanistan have lack of money, lack of employment and lack of awareness. (Nossiter and Rahim, 2021) Although the Constitution of Afghanistan is discussing the issue to combat process of people trafficking. According to law of Afghanistan a criminal person or group which involves in removal of body organ or perform medical experiments which has negative consequences on life of victim, can face long-term imprisonment. Furthermore, if this crime resulted in the loss of victims, then criminal can face punishment of death. But unfortunately, it is very difficult to capture the Culprits or to identify the victims. (Lacobucci, 2002)

If we take glance on women exploitation through human trafficking process then we get to know that in beginning culprits hire women as caretakers, models and dancers. They trap them on name of jobs and later they discovered that they were duped by the smugglers, and they would be forced to work in the sex industry. (Afghanistan – worst place for women, 2011) Women who are trafficked by criminals for sexual exploitation, sometimes, voluntarily contribute to this criminal industry relating to dancing, modeling, etc. They take a hard decision with hope that in future they would be treated well and compensated. Other than this criminal kidnapped the young girls and forcefully use them in pornography, prostitution or in media industry. They treat them as sexual slaves. Multiple abductions of women and children reported in Afghanistan. Women and children were kidnapped by the Taliban and sold as sexual slaves, used as prisoners, or even collected as war booty. Women have no right to refuse for marriage. The husband, family, or clan of a woman has the right to move her on to another person for any reason. After her husband dies, a woman's estate is likely to be inherited by someone else is part of human trafficking in Afghanistan. Since very long time period women and girls are generally used to mediate conflicts. Women are used for ending bloodshed or a bitter rivalry under which a member of one group or family murdered member of other families. So, to compensate the issue women are use. (Iqbal, 2022). When we talk about unemployment as a factor then we see that many Afghans continue to enter foreign countries illegally in search of jobs. Due to a shortage of work prospects in Afghanistan, Afghans are going to illegal labor migration. Families use a lot of cash to send its family member for getting economic opportunities in other states. It is also a form of human trafficking. Actually, traffickers often advertise job openings in legal newspapers under the cover of a registered company. Countries suffering economic crisis, civil war, internal issues and disorder are on target. The major reason behind that their residents are searching for opportunities to create better lifestyle anywhere else. So afghan people easily get prey of them (Mursal &Nader, 2021). Poverty is another factor which is creating an anxious condition for many families especially females and youngsters. They become easy targets of exploitation. (Malik, 2023) Sex trafficking has some cons on people of all races, genders, socioeconomic backgrounds or educational levels. This criminal activity also contributes to mental health issues, retardation of victims' lives and life-threatening infections. When victims get to know that they are victims of a criminal act then they become depressed and ashamed on themselves. Sexual exploited victims suffer from HIV/ AIDS. (AFP, 2022).

Human trafficking is a criminal act. It is considered as a process of exploitation of human rights. Traffickers treat trafficked people like goods, commodities, infringing on their human rights to make their own decisions, travel freely, and work where and with whom they want. When combating sex trafficking, a human rights approach is critical to restoring the trafficked person's dignity and well-being. Several international conventions and conferences, such as the International Agreement signed against smuggling, suppression and discussed human trafficking. (Notezai, 2021) A program launched in Afghanistan to stop and address the issue related to trafficking of people and illegal smuggling of victims or illegal migration in Asia and the Middle East launched in Afghanistan with aims to protect victims and vulnerable migrants by eliminating the impunity enjoyed by traffickers and smugglers who profit from the abuse of the most vulnerable. This project also some other aims to improve the efficiency of human trafficking and migrant smuggling investigations and prosecutions process, making it easier to

detect and target illegal financial flows which relate to these crimes. Also, Afghan government took some steps to combat this criminal act like National police of Afghanistan is taking measures to stop the illegal recruitment of child, Government of the state of Afghanistan expanded the number of Child Protection Units, the government also took several large child protection measures, and a committee was formed for protection of child or to discuss criminal act of bacha bazi and recruiting more social workers. (GLO.ACT convenes workshop in Afghanistan on building capacity to screen, refer, and assist victims of trafficking and smuggled migrants, 2021)

The troubling trend of transnational systematized chain of criminal acts, especially smuggling of Human beings and their trafficking, necessitates global cooperation in combating it. However, it is important for audiences to recognize the distinction between the two offences so that one is not misidentified as the other at the point of identification. In the early stages, distinguishing between smuggling and trafficking can be difficult. Smuggling, specifically the illicit crossing of a border, is often used in human trafficking. Since the victim is unaware of their fate, they may assume they are being smuggled while they are being trafficked. (Vidwans and Jamal 2015) Unlike smuggling, which is often a criminal economic enterprise or commercial activity involving two willing parties who part ways after their business are done, trafficking directly targets the trafficked person as a criminal target. From the beginning, the aim of the sex trafficking industry has been to profit from the victim's exploitation. Smuggled individuals, on the other hand, may openly enter into contracts or agreements with smugglers to pay a smuggling debt. Deferred reimbursement would not make these people victims of human trafficking unless the aliens' labor or services are used to carry out the types of coercion described in the trafficking statutes. A work-based debt may be an indicator of slavery, necessitating further investigation to determine if the aliens are victims of human trafficking or extortion. It is more difficult to distinguish the term human smuggling with human trafficking. Because most of the time people get confused about these terms. (Human Trafficking vs Human Smuggling The Cornerstone Report, 2017)

Table 2

Human Trafficking vs Human Smuggling

Human Smuggling	Human Trafficking
It includes an individual crossing an international border illegally.	It is a movement inside a person's own country or through a foreign boundary.
A criminal act in which a person being smuggled agrees to be smuggled and has agreed to pay another person or group of people to commit a crime.	A criminal act in which a person has not chosen to be abused.
It completes when the smuggler successfully transports the smuggled individual across the border	It does not stop when the trafficked individual arrives at a destination, but rather persists as the individual is exploited for labor or services.
It is a voluntary criminal act.	It is not a voluntary action.

3. Legal Framework by Afghanistan or International Community to Overcome the Exploitation of Human Rights

Afghanistan's Constitution was adopted in 2004. The Afghan Constitution upholds large number of human rights, including the freedom of expression, assembly, and religion as well as the rights to life, liberty, and equality. (The Constitution of Afghanistan: Article 34 (Ratified) January 26, 2004) The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of the Child (CRC) are among the international human rights treaties which are following by Afghanistan. (OHCHR.org n.d.) The Afghanistan Independent Human Rights Commission (AIHRC) is a nongovernmental organization created in accordance with the Constitution to safeguard and advance human rights in Afghanistan. It keeps track of abuses of human rights, looks into complaints, and advises the government. (UNHCR, Afghanistan Independent Human Rights Commission (AIHRC), 2001) Criminal Law and Penal Code: Different cases of human rights violations, such as torture, arbitrary detention, and discrimination based on race, religion, or gender, are made illegal by the Afghan

Penal Code. The statute outlines punishments and penalties for violators or criminals. (Penal Code, 2017)

4. Legal Framework by Afghanistan to Overcome the Human Trafficking

In 2017, Afghanistan passed the Law against Human Trafficking. The law defines human trafficking, lays out the consequences for perpetrators, and offers victims assistance and protection. To combat human trafficking, it also established the Counter-Trafficking in Persons Department inside the Ministry of Interior. (UNHCR, Trafficking in Persons Report – Afghanistan, 2017) Afghanistan works with international agencies including the International Organization for Migration (IOM) and the United Nations Office on Drugs and Crime (UNODC) to fight human trafficking. These groups offer help for the implementation of anti-trafficking measures as well as technical assistance and capacity building. (UNODC, 2008) Public awareness campaigns, educational initiatives, and training program are used to spread information about human trafficking and its effects. In order to combat this crime, it is important to prevent trafficking, identify possible victims, and encourage community involvement. Despite these legal frameworks, Afghanistan nevertheless has a difficult time effectively upholding human rights and preventing human trafficking because of persistent hostilities, governance problems, Taliban's takeover, US evacuation and resource shortages. Afghanistan's current government and international community are continuously struggling to strengthen the legal system for fulfillment of international standards.

Afghanistan's government fails to make substantial attempts to combat this criminal act. As a result, Afghanistan has been downgraded since evacuation of USA. Human trafficking should be viewed as a national security concern rather than just a social problem, public policy may be altered in a way that has significant effects. No any solution is totally perfect but some following recommendations to the problem should be considered by Afghan government and policy makers for combating human rights exploitation.

- Raise awareness about trafficking of people and strengthen the legal or investigation system.
- If Afghanistan assisted farmers to grow legal crops instead of opium, a wedge could be pushed between terrorists who profit from opium taxes and farmers. This might not be too difficult to achieve. Currently, the economy is in a state of flux.
- Government should empower the National Child Protection Committee which can identify perpetrators of this criminal act. Committee can give recommendation for the elimination of public servants who are involved in this criminal act or in the facilitation of bacha bazi.
- Increase the ability of Afghan law enforcement to effectively combat human trafficking and exploitation. This entails enhancing training, offering required resources, and setting up specialized units devoted to combating these crimes.
- Stop punishing and abusing those victims who were involved in those illegal actions which they did forcefully or in pressure.
- Stop Afghan security forces about illegal recruitment of children, including act of bacha bazi, disarm children from all armed groups, also ensure them to provide adequate protection and help them.
- Avoid funding non-state militant groups that use and employ children as soldiers.
- With technical or financial assistance from an international agency, the high commission make policy for Afghan law enforcement agencies. The policy making process includes border police, immigration officers, representatives of Afghan security agencies, Afghan Intelligence agencies, anti-trafficking NGOs, shelter managers, and community leaders.
- Encourage cooperation with international partners, neighboring countries, and relevant international organizations in order to exchange information, coordinate activities, and carry out combined operations against transnational smuggling networks and human trafficking gangs.
- Launch public awareness campaigns to inform people of the dangers and repercussions of participating in human trafficking or becoming a victim of it. Focus on empowering vulnerable groups with knowledge and resources to prevent exploitation, such as migrants, women, and children.

- Develop intelligence networks and improve information sharing mechanisms among law enforcement agencies to gather reliable intelligence on smuggling and trafficking networks. This will enable targeted operations and effective disruption of their activities.
- Promote sustainable economic development in Afghanistan, as poverty and lack of opportunities contribute to the vulnerability of individuals to smuggling and exploitation. Encourage investment in key sectors, job creation, vocational training, and entrepreneurship initiatives to provide alternative livelihoods and reduce the appeal of engaging in illegal activities.
- Increase border security measures, such as the use of skilled personnel and technology to identify and stop smuggling activities. This may entail building roadblocks, enhancing surveillance technologies, and putting rigid customs regulations into place.
- To ensure that it effectively handles smuggling and human exploitation, review and update current legislation. Create witness protection program, toughen punishments for offenders, and pass legislation that target these offences directly.
- Establish comprehensive support systems for victims of smuggling and human exploitation. This includes providing access to safe shelters, medical care, psychological counseling, legal aid, and vocational training to help survivors reintegrate into society.

Human smuggling or trafficking is a worldwide trend that is rising increasingly, and it is one of the most profitable transnational crimes. Poor regulations, negligence, weak border management, crooked police officers, weak law enforcement agencies, terrorization and the influence of organized crimes all lead to the rise of smuggling and human trafficking in Afghanistan. Poverty, unemployment and warfare plays a role in the growth of both legal and illegal migration within and across the border of Afghanistan. The government of Afghanistan should take it seriously and make good policies to combat human trafficking and their exploitation.

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Disclaimer

The views and opinions expressed in this paper are those of the authors alone and do not necessarily reflect the views of any institution.

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