

Introduction

In Afghanistan, various forms of violence against women and girls are widely known, and, despite this, frequently normalized within communities and at state level. Women in Afghanistan have not received state protection from enduring acts of violence, including sexual exploitation, sexual abuse, and prostitution, despite the country's ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1980 and its ratification of 1949 convention on traffic in women and prostitution in 1985, as well as the Palermo protocol in 2014. The persistent state of conflict and the recurrent shifts in political authority from one faction to another have contributed to the neglect of international treaties on women's human rights.

This report is based on desk research of existing articles and reports on prostitution and violence against women in Afghanistan, along with consultations with Afghan women members of the European Network of Migrant Women. Additionally, insights were gathered by speaking to women human rights experts inside Afghanistan and refugee women in Pakistan.

Terminology used for women in prostitution in Afghanistan

- **Taan Foroshi** (selling of body): this term is used in formal, posh way, amongst educated people living in cities.
- **Fahisha** (prostitute): a woman getting money in exchange to act of sex. This is a taboo term and it is used as a swear word to insult and denigrate someone in strongest terms.
- **Fahishagi** (in prostitution): similarly to "fahisha", this is a taboo term used as an insult.
- **Zina (sin)** : this term refers an act a person has sexual relationship without official marriage contract. The term is often used if someone wants to refer to a woman in prostitution stating that she is committing sin.

Context

The 2008 US State Department Human Rights Report stated that a staggering 87 percent of women in Afghanistan reported being subjected to violence, with half of these instances characterized by abusive sexual behaviour from perpetrators. Moreover, the report highlights that over 60 percent of marriages were forced, and despite legal prohibitions, a mere 57 percent of brides were of the stipulated legal marriage age of 16 years old. Notably, the report elucidates that a substantial number of these young girls were offered as compensation for crimes or as a means of settling debts.¹ These disconcerting statistics have not changed for over a decade, and now, with coming to power of the Taliban, has become worse.

Afghanistan is an Islamic and conservative country, where prostitution is not only considered a sin but also a crime. In the Afghan Penal code², there are no articles to convict a buyer of a sexual act. Article 427 refers to adultery, stating that both men and women will be punished equally if caught in such an act. However, in reality, women often receive more severe punishment than men³. Prosecutors and women's rights defenders who have worked and are currently working inside Afghanistan assert that majority of women—95%—are imprisoned with no evidence and documentation. They have been brought to prison by men (their husbands, boyfriends, and the men they were in a relationship with), giving verbal evidence that these women had committed Zina (engaging in a relationship without legal and religious sanction).

It is essential to acknowledge that the enforcement of laws and the treatment of individuals engaged in prostitution can be influenced by various factors, such as specific circumstances, regional variations, and the interpretation of Islamic law by local authorities. Additionally, the sociocultural context and political climate in Afghanistan can impact the implementation of legal measures. In recent years, from 2021 to 2023, there have been reports of women facing severe consequences, including stoning to death by the Taliban, merely for being in contact with a man outside of a legal or

¹ <https://web.archive.org/web/20090226175714/http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119131.htm>

² https://www.policinglaw.info/assets/downloads/1976_Penal_Code_of_Afghanistan.pdf

³ In Afghanistan men can sleep with as many women as he wants, he does not lose his virginity but women loses her virginity and she is the honor of family.

religious relationship. The act of stoning to death is a brutal and deeply concerning practice that has raised alarms, yet a comprehensive solution to eradicate it from practice remains elusive.

Prostitution is a highly sensitive and taboo topic, with few daring to openly discuss it. When a woman is suspected of involvement in prostitution, she and her family may face exclusion from the community, often leading to their forced relocation from their current place of residence.

The above mentioned 2008 Human Rights report, published on February 25, 2009, documents the mistreatment and exploitation of women involved in activities deemed as "zina" (unlawful sexual relations). It also makes references to the Ministry of Women's Affairs (MOWA) and NGOs reporting of police frequently raping female detainees and prisoners.⁴

"Police often detained women at the request of family members for "zina," a term used broadly to refer to actions that include defying the family's wishes on the choice of a spouse, running away from home, fleeing domestic violence, eloping, or other offenses such as adultery or premarital sex. Authorities imprisoned an unknown number of women for reporting crimes perpetrated against them or to serve as substitutes for their husbands or male relatives convicted of crimes. Some women were placed in protective custody to prevent violent retaliation by family members."⁵

Since the publication of this report, such acts of violence have not reduced, but under the authority of the now de-factor "government" of Afghanistan, have been reported to multiply, whereas the impunity of perpetrators have increased with the lack of scrutiny of any international bodies and under the justification of "proper Islamic" traditions and norms enforced by the Taliban.

Forms of sexual exploitation and abuse: hidden forms of prostitution

In Afghanistan, various forms of sexual violence, sexual abuse, and the exchange of women and girls for money and goods occur.

- **Dowry** refers to an agreement wherein a girl is given in marriage with a specified amount of money, typically determined by individual preferences. This practice is prevalent in rural areas and due to extreme poverty, has also become a concern in urban settings. Although the term 'selling' is not explicitly used, dowry can be considered as the exchange or transaction involving women.

In Afghanistan with ongoing war and poverty, dowry is used widely to give the girls into marriage in exchange of money. For example, since 2021 Taliban take over families are selling their daughters because of poverty and lack of income resulting in hunger, malnutrition and starvation. The girl-child in Afghanistan has become a source of income for the family (see Annex A for real accounts collected from women for the purpose of this report).

- **Seigha** (short marriage contract) is a short-term Islamic contract that is signed in front of a religious scholar and lasts between one hour to several months or year. Seigha that previously was not as common as in many other Islamic countries like Iran, has found its way to Afghanistan in 1990 when the mujahidin came into power and Afghan refugee from Iran, Pakistan and Sudan started to come back to Afghanistan and brought this practice with them.

- The **BAAD** practice: Girls are exchanged if a member of the family has killed the girl's family member. It is practiced as a way of settlement and compensation from the criminal's family to the victim's family as an act of service. Girls given in Baad are at a large extent exposed to domestic and sexual violence, servitude and slavery, including sexual slavery, by the men of victim's family. Meanwhile, the criminal (who committed the act of killing) is spared of responsibility and instead the daughter of the family suffers for a lifetime. "During the year the AIHRC recorded 30 cases of women given to another family to settle disputes, although the practice is outlawed by presidential decree. The unreported number was believed to be much higher." (2008 US State Department Human rights report)

- **Sexual exploitation of women by warlords, soldiers and war militias:** The impact of war on women and girls, particularly in Afghanistan, has indeed been devastating. They often become the main victims of conflict, subjected to sexual abuse, rape and abduction. During the communist regime, women in rural areas were forcibly taken by mujahideen fighters opposing the Afghan government for marriage. Women working for the government were vulnerable to violence, including killing or rape. For example, the generals from the militia of Dostum who would claim any woman, including TV presenters and girls from schools and universities, as their wives. This abuse occurred with

⁴ <https://web.archive.org/web/20090226175714/http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119131.htm>

⁵ <https://web.archive.org/web/20090226175714/http://www.state.gov/g/drl/rls/hrrpt/2008/sca/119131.htm>

impunity, as there was no one willing or able to stand up to the perpetrators of such acts.

In 1992, when the mujahideen took over, they were divided into groups from various ethnicities, engaged in power struggles among themselves. Each group would sexually abuse and rape women from the ethnicity of the opposition to show they are dishonouring the other group and his ethnicity. There were reported cases of rape of women while giving birth, women, pregnant women cut and their unborn babies removed and displayed publicly, women were raped in front of their families in order to dishonour and humiliate the women and “teach them a lesson”⁶

In 1996, when the Taliban took over, they attempted to erase women from public life. Women were expelled from all social spheres and faced public punishment, including lashing, stoning, and beatings, if they appeared in public without a mahram (father, brother, or husband).

Amongst ongoing violence women in Afghanistan are the continuous targets of sexual exploitation in the workplace. In some occasions women were offered to men by their family members as means to retain positions and jobs.

➤ **Sexual exploitation at Work:** There are reports that during 2002-2021 that many men in high political and non-political positions sexually abused women in offices in exchange for women’s access to jobs and money (however sexual exploitation at work in Afghanistan is not limited to this period but heightened during this period). Many women who might have been raped will never speak about it because of their perceptions of being “dishonoured” by such acts and the widespread social taboos around sexual behaviour. Investigation by the authorities on these topics would lead the woman to be labelled as loose/bad woman, creating risks not only to her reputation or status, but her safety including her life.

“In July media reported on allegations of sexual harassment at the highest levels of the government. Former female government employees accused senior government ministers of repeated harassment and attempted physical assault. In late July the government formed a special secretariat to deal with reports of sexual harassment, operating within the framework of the AIHRC. Nevertheless, senior officials continued to promote and participate in a culture of sexual harassment.”⁷ (2019 Human Rights report)

“In June the International Federation of Association Football (FIFA) banned for life the Afghanistan Football Federation’s former head Keramuddin Karim and fined him one million dollars (one million Swiss francs) after finding him guilty of sexually abusing female players. At least five female soccer players accused Karim of repeated sexual abuse from 2013 to 2018 while he served as the federation president. The players alleged that Karim threatened them with ruin if they did not comply when he sexually assaulted them in a locked room in his office. The AGO indicted Karim on counts of rape, but the court sent the case back to the AGO for further investigation before trial. Police did not execute a June arrest warrant against Karim, a former governor.”⁸ (2019 Human Rights Report)

➤ **Sexual exploitation by family members to keep their positions:** It has been reported that fathers, brothers and husbands send their sisters, wives and daughters to their bosses ‘to have sex with them’ in order for the men to keep their jobs. Such form of pimping of women to men in positions of perceived power, by male relatives shows another form of hidden prostitution. Women subjected to such abuse reported feeling of guilt, shame, and even committing suicide for doing this. They were not allowed to speak of the situation to anyone, the silence resulting in further sexual demands by male members of family’s bosses.

● **Sexual exploitation of girl-children in the street:** Young underage girls working on the street are subject of sexual exploitation and abuse in Afghanistan. Because of poverty young girls as young as 6, 7 years old are asked to go out and work on the streets to provide some income for the family. Sometimes they sell small things like plastic bags, gums, occasionally they clean shoes, they go through garbage to either find food or potential products to sell (such as iron or plastics). These young girls are frequently prevailed by and sexually abused by men. Often, they are paid very small amount of money, and at other times - nothing at all. One of the experts working with street children in Afghanistan stated that she worked with young girls in such situations who did not know what sex or abuse meant let alone knowing

⁶ <https://www.refworld.org/pdfid/3ae6a9c9c.pdf>

⁷ <https://www.state.gov/wp-content/uploads/2020/03/AFGHANISTAN-2019-HUMAN-RIGHTS-REPORT.pdf>

⁸ <https://www.state.gov/wp-content/uploads/2020/03/AFGHANISTAN-2019-HUMAN-RIGHTS-REPORT.pdf>

their rights which don't exist in Afghanistan. These girls were abused by men from very early age, as a result developing severe psychological trauma. They had nobody to talk to about what was happening to them.

- **“Dancing women”**: Another form of prostitution in Afghanistan involves women dancers, who are often managed by pimps or madams. These women are typically owned and coordinated by specific groups, performing and dancing at men-only parties and events. After their performances, they are chosen by men who sexually abuse and exploit them. If they refuse, they may face punishment from their pimps, who might even report them to the authorities for alleged Zina, leading to imprisonment. The money male customers at such dance parties pay to pimps according to dancers' age, how well they dance and their appearances. “First time virgins” have the highest price which results in underage girls being driven in this market of prostitution disguised as “dancing”.

Sexual exploitation of refugee women fleeing Taliban in third countries

With the ongoing wars for last decades and the changes of different regime, peoples of Afghanistan have been displaced internally and externally. Many have become refugees in neighbouring countries like Iran and Pakistan. During such displacements women suffer most. A report by IOM, titled CHILD MARRIAGE, DRUG SMUGGLING AND FORCED PROSTITUTION — AN AFGHAN TRAFFICKING EXPERIENCE highlights the experience and struggle of an Afghan woman who is the subject of forced child marriage by her parents, being trafficked and imprisoned by her husband⁹, is only one of the accounts of many Afghan women's experiences during war, poverty and displacement.

Since the Taliban takeover of the country in 2021 and the promise of safe pathways to the west by the international community many women experience various forms of exploitation. Firstly, they may be coerced by male family members to make a case for resettlement, as it is known in Afghanistan that the cases put forward by women are more acceptable for the legal complementary pathway. Then, once in a neighbouring country (Iran, Pakistan) they often find themselves having to navigate complex relationships with men in professional NGOs in order to secure the necessary resettlement documents. A woman recounts her experience where she was asked for personal information and even subjected to inappropriate advances (she was asked to give a kiss) by IOM contracted officials in Pakistan before being allowed to board special transport for interviews and medical examinations. Many are being subjected to sexual and/or money demands from interviewers and medical staff.

Since 2021, several independent NGOs have stepped in to create safe houses. However, it's distressing to learn that many single women in these safe houses are not as safe as they should be, facing abuse from the men running the facilities. Unfortunately, they often feel trapped, as speaking up might mean ending up on the streets with nowhere to turn to file complaints.

Many single women, including young and single mothers, who fled for their safety and found themselves alone in Pakistan, are often coerced into prostitution by either Pakistani nationals or their own relatives. One such case involves a young woman whose life was in danger, and whose husband had been taken away by the Taliban. With the assistance of family members, she arrived to Pakistan. Shortly thereafter, she befriended a Pakistani woman who proposed the idea of opening a beauty salon together. The offer included accommodation and schooling for the young woman's children. Eager for a fresh start, she agreed to take the job and work in the beauty salon. However, after just a week on the job, she noticed that men in the area, who were also acquainted with the Pakistani woman, started following her and pressuring her to enter sexual relationship with them by “marrying” them. Frightened, she confided in the Pakistani woman. Shockingly, instead of offering support, the woman suggested that it would be best if she cooperated by accepting the advances of these men, or they would inform Taliban representatives in Pakistan, leading to her capture. Fearing for her safety, she had no choice but to flee from that house and seek refuge by sharing accommodation with other family members, even though it was not her preferred option.

Conclusions

For decades, women and girls in Afghanistan have been subjected to persistent abuse and violence. The enduring state of war, widespread poverty, a prevailing patriarchal system, and deeply ingrained cultural and religious practices thrust Afghan women into a grim reality of mental and physical violence over which they often have no control and struggle to prevent.

⁹ <https://weblog.iom.int/child-marriage-drug-smuggling-and-forced-prostitution-afghan-trafficking-experience>

A significant majority of Afghan women experience various forms of violence throughout their lifetimes. However, many remain unable to openly discuss their encounters with sexual exploitation and abuse due to the conservative nature of Afghanistan and repercussions and punishment they will face. The legal system, which favours men, further discourages women from speaking out. Moreover, societal norms and the fear of dishonouring their families discourage them from disclosing the abuse, with the awareness that they might be penalised not only by families and communities by the judicial system.

Despite Afghanistan having ratified several human rights treaties protecting women from violence and discrimination, their implementation was first hindered by the continuous changes in regimes and governments, and, most recently, completely nullified under the de-facto Taliban government. The country operates under its own set of codes of conduct, which discriminate and disadvantage women. The recent implementation of the Taliban's strict interpretation of Sharia law further exacerbates the situation. Women find themselves gradually being erased from the public sphere, being treated as property rather than individuals with rights.

In an environment where women are forbidden to exercise power in public or private spheres, instead treated as property of men, it is inevitable that prostitution and other forms of sexual exploitation proliferate, even though they often take culturally different forms compared to those that we can observe in western societies. Without a doubt, prostitution exists in Afghanistan in different forms, although it is not openly discussed. Women are often coerced into prostitution through the abuse of their economic hardship and poverty. Most women engaged in prostitution have pimps, and the pimping is often perpetrated by male family members, religious leaders, males in positions of power and at times females who pose as benevolent actors using material and emotional desperation of women. Among different groups of women at risk of sexual exploitation girls from impoverished families are acutely at risk of sexual abuse, prostitution and sexual and reproductive slavery. Secrecy remains an essential element of prostitution as public exposure leads to severe repercussions for the affected women.

It is important to note that the silence surrounding sexual exploitation and abuse is also endorsed by international NGOs, UN agencies and state missions operating within Afghanistan. While such practices as child marriage, restriction on women's education and freedom of movement and political persecution women have received some exposure by the international community and media, sexual abuse, sexual exploitation and various forms of prostitution widespread in the Afghan society, have been largely ignored. Some media reports gave limited coverage to the problems of sexual exploitation and slavery¹⁰, however some western representation of prostitution in Afghanistan do so uncritically, through the alien to Afghan women prism of "sex work" that trivialise economic desperation and unwillingness of women in Afghanistan to engage prostitution.¹¹ The authors of such reports seem to be attempting to normalise the situation without acknowledging the profound suffering experienced by these women. Instead, they promote their own perspective of prostitution as a form of work, disregarding the harsh realities faced by these women and minimising the harms of sexual exploitation.

Afghan Women EU (AWE) is a group within European Network of Migrant Women (ENOMW), made of first-generation refugee Afghan women feminists located in different European states, working collectively to monitor and expose the violations of women and girls' rights in Afghanistan and other regions, and to advance visibility and rights of Afghan women. The group was formed in 2022 in response to the Taliban's take-over of Afghanistan and the consequent detrimental impact on this regime on the rights of Afghan women and girls. In 2022, AWE and ENOMW supported relocating several hundred of Afghan women activists to Europe and maintains close contact with multiple Afghan women activists in Europe, in Afghanistan and globally.

For more information about us: <https://www.migrantwomennetwork.org/afghan-women>

Contact: info@migrantwomennetwork.org

¹⁰ See examples of articles published in Reuters (<https://www.reuters.com/article/idUSISL173658/>) and Al Jazeera (<https://www.aljazeera.com/features/2022/8/14/ill-be-sacrificed-the-lost-and-sold-daughters-of-afghanistan>)

¹¹ Guardian article (<https://www.theguardian.com/global-development/2021/jun/14/im-sacrificing-myself-agonies-of-kabul-secret-sex-workers-afghanistan>)

Annex A (this is a direct report by a woman human rights activist in Afghanistan, who has collected testimonies from the women who sold their daughters or being sold themselves. The original report is in Dari and can be accessed upon request)

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Throughout history, Afghanistan has been used as a warm nest and a safe haven by various nations for terrorist groups. During this time, economic poverty has led to the sale or marriage of young girls, solely to meet immediate livelihood needs. Nevertheless, in these challenging circumstances that the Afghans are living in Afghanistan, we have witnessed many families resorting to marrying off their daughters due to economic necessities. In this report, we interview a few of these families to shed light on the matter.

A significant number of families in a remote province of Afghanistan, due to economic difficulties, have married off their underage daughters, essentially forcing them into matrimony with individuals much older than themselves. The age of these husbands is considered equivalent to the age of their fathers.

According to one girl who has become a victim of this situation: 'I am a 14-year-old Afghan girl living in a family of 15 members. My father is 65 years old, and my two sisters got married at an early age. Now, at the age of 14, I am next in line for marriage. Despite having younger brothers and sisters, all facing economic hardships, I am forced to marry the first suitor available, who happens to be from another village. I am supposed to get married in the coming spring, and I still don't understand what marriage and starting a family mean. I'm marrying only to secure short-term financial needs. However, in these circumstances, I have become a victim of the prevailing hardships that Afghans face in Afghanistan.'

The story of another girl, who has fallen victim to forced marriage, says: 'In Afghanistan, the tradition is that whenever someone wants to get married, they must go to the girl's house for a proposal. In my case, I am an 11-year-old girl living in a 9-member family. My father is a daily-wage labourer who used to find work whenever possible. However, all work opportunities have collapsed recently, and he is unemployed now. Due to the economic difficulties, we are facing, my sisters and brothers are suffering from extreme cold as we cannot afford to heat our house. My father, being unable to provide for us, decided to marry me off to someone much older than me. The proposal came from a neighbouring family with a disabled son, and my father reluctantly agreed. Now, at the age of 11, I am supposed to get married this winter, and I am very scared of how I will live with that family and their son.'

The narrative continues with more stories from girls who have become victims of these circumstances. They talk about the economic hardships, illnesses in their families, and the desperate measures taken by their parents to secure their survival, even if it means forcing them into marriage.

This report highlights the unfortunate reality of several families but represents only a small fraction of the larger problem in Afghanistan. It is hoped that attention will be drawn to these issues, and collaborative efforts will be made to alleviate the suffering of our people.

We aspire to a day when all the daughters of our land can live their lives peacefully, pursuing their education and preferred way of life, without any forced marriages. May the time come when they can decide the suitable moment for themselves."