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ANALYSIS
The Unraveled and Disquieting Human Rights Violation of Afghanistan
Priya Pandey
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The issues of Human Rights violations have always been of grave concern to the Human Right Defenders. The cases of human right violations ignite fury and anguish and pose challenge for the world. This paper here forth brings forward the odious crime of 'Bacha Bazi', and explains how the organized crime takes place in the country, it reflects on the plight of the victim, questions the responsibility of the government to act and pushes for humanitarian intervention. It states that though the crime is restricted to one country but the onus of demolishing this traditional practice lies on the international community as a whole. The world should therefore come together and join hands to save the future of the Afghan Boys. Keywords: Bacha Bazi, International Conventions, Human Rights, Young boys, Afghanistan, Sexual Slavery

Introduction
Bacha Bazi, also known as "Boys Play" or "Bachabaze", is a form of human trafficking practiced in Afghanistan where boys are bought, sold, rented or traded for the entertainment and sexual pleasures of the elite class of the society (Network, 2013). Outlawed under the Sharia Law of the Taliban, the boys are typically dressed up like women, with makeup and bells on their feet, and are forced to dance for the entertainment of the Bacha Baz. The practice also involves forcing Afghan boys to engage in various forms of prostitution and child sexual abuse, including pornography, often until the age of 23-25 (Abawi, 2009; Coleman, Bacha Bazi Documentary Uncovers Horrific Sexual Abuse of Afghan, 2010). These children are typically forced to live with their perpetrators where they are exposed to other forms of abuse as well.

Evolution of Bacha Bazi
The popular Afghan adage that, "women are for children and boys are for pleasure" reflects the cultural roots of this practice (Jones, 2014). The practice of Bacha Bazi is a symbol of the affluence and authority of powerful warlords, commanders and politicians of the country. Bacha Bazi was a common practice at the time of the Soviet Invasion in the 1980s, and outlawed by the Taliban in the 1990s when the latter consolidated their power (Browning, 2017). The practice began again in 2001 when the Taliban lost power as a result of NATO intervention and it still continues to persist. Years of war and silence, widespread poverty, illiteracy, and ambiguity or absence of law, have all allowed the practice to flourish in Afghanistan, relatively unnoticed by the international community.

Condemned Practice of Sexual Enslavement
The sexual exploitation of the children is considered to be among the most heinous forms of Human Rights violations as it severely damages the soul and personality of the child. Where sex trafficking is universally recognized as a heinous crime, child sex trafficking is abhorrent, unanimously condemned under International Law (State, 2009). It is ironic that the plight of female rape has received so much international attention, while relatively less attention has been paid to the sexual exploitation of boys. Despite its condemnation, the issue of Bacha Bazi, which tears the spirit of the soul, is still not considered as a matter of priority by the government of Afghanistan or its allies.

Broken Promises
Most of the boys who are subjected to this practice are young, poor, and from broken families. In some cases, enticing offers are made including the promise of better life, economic stability, comfortable living and an assurance of support to the family. The Bachabaz ensure them of vocational exchange of food, money and clothing (Jones, 2014).

Double Standards
The practice of Bacha Bazi is found to be culturally relative to the Afghan tradition which also deters women from appearing in public. According to Anna Maria Cardinalli, this extreme "Gender Divide is [a] potential reason for Baccha bazi" (Cardinalli, 2011). For example, bacha bazi boys are forced to accompany their owners to public places, parties and even to their home, actually enhancing the man's financial reputation and social status, and effectuallly undermining the role of the Afghan Mother or Wife. This practice therefore not just enslaves Afghan boys but it further subordinates Afghan women, even in their own houses. The double standards of Afghan society condemns woman to have sex outside her marriage but permits the men to freely involve into sexual activities with the children.

What Makes This Practice Unique
Remarkably, in the Islamic Republic of Afghanistan, boy sex slavery is a constitutive and central feature. Human Rights defenders are utterly shocked that this atrocious act is not being condemned in the Afghan society. Legal scholars have been similarly surprised by the case of Bacha Bazi, opening the issue of male sex slavery far beyond the particular circumstances in which it was considered to be restricted to, such as within prison populations. These boys are collectively exploited, enslaved and raped in the organized manner that is widely spread throughout a society. This practice also rejects the age old notion of sexual slavery which myopically views and restricts to the crime of rape mostly against women and girls.

Victim the Real Losers
The children who are trapped in this gruesome practice often undergo psychological trauma. These children are physically assaulted, mentally tortured and even murdered if they oppose to the whims and wishes of the Bacha Baz. The children live under the realm of fear as they are vulnerable to atrocities and have no hope of escaping. The boys are under unique form of depression, as they feel worthless and powerless all the time. They continue to serve as long as the Bacha Baz finds them to be appealing (Guardian, 2012). Psychological and emotional shame restricts these boys from taking any skilled work that can support their living. In many cases, the victims of child sex abuse repeat the cycle of abuse on other children once they become adults.

Islam and Bacha Bazi
The legitimacy of Bacha Bazi is contentious under Islamic Laws as some strongly condemn it on the grounds of Homosexuality, which is against Islam (GA/SHC/3951), 2009). The people who support the practice assert that Islam prohibits a man loving from another man but does not forbid using a boy for sexual pleasures (GA/SHC/3951), 2009). The supporters of Bacha Bazi justify it with a loose interpretation of Islam, the men engaged in this act are not seen as committing any sin nor violating the laws of Islam as long as their relationship with the boy is merely sexual and not emotional (Guardian, 2012). Some men also continue with this act despite knowing it to be immoral because they just become very fond of the boys and consider that having a boy is a custom.

**Laws in Afghanistan**

The criminal law of Afghanistan does not have any provision on Bacha Bazi, but Article 427 of the Criminal Law prohibits rape and pederasty. The law thus states that perpetrators should be sentenced to long term imprisonment and in any case if the victim is a child and the perpetrator is tutor, servant or teacher then such situation is considered to be aggravating (Commission, 2002). This law therefore covers crime of rape and pederasty but does not specifically addresses Bachabazi as it does not cover sodomy, touching, massaging and other forms of sexual acts that are involved with Bachabazi. This is why there is gap and ambiguity in the laws of Afghanistan regarding Bachabazi.

Thus, Bacha Bazi freely permeates in Afghanistan, condoned by governmental inaction. Despite its treaty obligations, the Afghan government seems to be giving its tacit approval for the practice, possibly in response to the interest of the influential people of the Afghan society. Individual law officers may also turn a blind eye to the issue for personal reasons, or because of its widespread cultural acceptance. In any case, the existing law has done little to combat this practice.

**The International Conventions**

United Nations Officials and several Human Rights Groups have denounced child sex slavery in Afghanistan. The Security Council bluntly condemns the appalling circumstances that affect the Afghan children. It has urged the Afghan Government to take immediate actions to protect the children who are involved in it and prevent more children from entering this (Council, 2011). The United Nations has also published a manual designed to help the Afghan Government to implement a legal framework for banning child sex trafficking (Crime, 2008). The Afghan Government has failed to design and implement effective legal system for the protection of the child slaves despite the fact that the country has signed several International Conventions. Some of the International Conventions on Human Rights signed by Afghanistan are mentioned below:

**International Conventions on Child Rights[2]**

<table>
<thead>
<tr>
<th>Name of the Convention</th>
<th>Signed</th>
<th>Ratified</th>
</tr>
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<tbody>
<tr>
<td>Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery</td>
<td>16 Nov, 1966</td>
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Despite signing various conventions on protection of the violation of Human Rights the country fails to give protection to its people. Ironically the Police Officials, Bureaucrats and the military people of Afghanistan are some of the most vigorous sexual predators. Some researchers have reported that Afghan boys are also assaulted in government facilities, the Afghan officials have been seen fondling with the boys. In the matters pertaining to sexual enslavement it is the responsibility of the Government to work for the protection of its population. In the year 2011, United Nations had formed an agreement on ending the recruitment and sexual exploitation of the Afghan Dancing Boys but even after half a decade the Afghan government was unsuccessful in initiating the process. Though the Government has promised to protect the rights of its children, in reality, it has not done so.

**The Woeful Reality: Bacha Bazi and Human Rights Violations**

Bacha Bazi is so deeply ingrained in Afghanistan that, according to some estimates, half of the Pashtun Tribal Members are Bacha Baz and as many as one in five Afghan weddings will have Bacha Bazi (Coleman, Bacha Bazi Documentary Uncovers Horrific Sexual Abuse of Afghan, 2010). The children here are the victims of worst form of Human Rights violations. The Afghanistan Independent Human Rights Commission (AIHRC) has launched a national inquiry on the causes and consequences of bacha bazi in the country (Commission, 2002). It thus considers that Bachabazi is contrary to their Constitution and is against the International Human Rights principles. It also rejects the idea behind this traditional practice and pushes the Government to take immediate action.

**Actions Needed**

The Afghan Government has yet to ratify the UN Convention on the Traffic in Persons and fulfill their legal obligations under the Optional Protocol to the Convention on the Rights of the Child. The onus thus lies on the international community, human rights organizations and different nation states to name and shame Afghanistan in order to hold them responsible for the inhumane practice of Bacha Bazi. This practice is a blatant violation of Human Rights and may leave many Afghan children with a bleak future. There is a need of immediate action to be taken on this issue as the country’s future is being victimized in the name of the cultural practice. The International community should come together and work to eradicate this practice from the soils of Afghanistan. Like many different factors abolition of Bacha bazi should also be on the priority list of the country else it would deter it from gaining political and economic independence and may continue to pose threat to internal peace and security.

**Works Cited**


[1] Press Release, UN Dep’t of Pub. Info., *Statement by Chairman of Security Council Working Group on Children and Armed Conflict*, SC/10259/AF/G369-HR/5054. (“Also urging them to take immediate measures to put an end and prevent the perpetration of sexual violence by member of their respective groups, in particular the practice of Bacha bazi. To take measures so that perpetrators are brought to justice and to publicly declare an end to this practice”).


Dr Priya Pandey holds PhD Degree from Kanpur University, Uttar Pradesh, India. She has done Masters in International Law from University for Peace, Costa Rica and has received fellowship to do an Advance Course in Woman Human Rights Education from Toronto University, Canada. She is a Researcher and a Human Rights Activist and has presented and published work on Woman and Child Rights. She has also been a Visiting Lecturer to the Benaras Hindu University, has worked on several research projects and has been associated with the Malaviya Center for Peace Research.