



**Country Guidance:
Afghanistan**

Country guidance: Afghanistan

January 2023



Manuscript completed in December 2022

Neither the European Union Agency for Asylum (EUAA) nor any person acting on behalf of the EUAA is responsible for the use that might be made of the information contained within this publication.

Luxembourg: Publications Office of the European Union, 2023

PDF ISBN 978-92-9403-060-3 doi: 10.2847/26762 BZ-04-23-049-EN-N

HTML ISBN 978-92-9403-062-7 doi: 10.2847/414006 BZ-04-23-049-EN-Q

© European Union Agency for Asylum (EUAA), 2023

Cover Photo: © iStock (photographer: Christophe Cerisier), November 14, 2010.

Reproduction is authorised provided the source is acknowledged. For any use or reproduction of photos or other material that is not under the EUAA copyright, permission must be sought directly from the copyright holders.



Contents

Introduction	6
Guidance note	9
Recent developments.....	10
Actors of persecution or serious harm	12
Refugee status	16
Subsidiary protection.....	29
Internal protection alternative.....	37
Exclusion.....	38
Common analysis.....	41
1. Recent developments.....	42
1.1. The Taliban takeover.....	42
1.2. State building and political system.....	43
1.3. Humanitarian situation.....	44
2. Actors of persecution or serious harm.....	45
2.1. Taliban and affiliated groups.....	45
2.1.1. Taliban de facto authorities.....	45
2.1.2. Haqqani Network.....	46
2.1.3. Al-Qaeda.....	47
2.2. Islamic State Khorasan Province (ISKP).....	47
2.3. Armed groups resisting the Taliban.....	48
2.3.1. National Resistance Front (NRF).....	48
2.3.2. Other groups resisting the Taliban.....	49
2.4. Other non-State actors.....	49
3. Refugee status.....	51
General remarks.....	53
3.1. Members of the security institutions of the former government.....	54
3.2. Public officials and servants of the former government.....	56
3.3. Persons affiliated with foreign forces	58
3.4. Individuals perceived as members or supporters of the National Resistance Front (NRF)	59
3.5. Individuals perceived as members or supporters of the Islamic State in Khorasan Province (ISKP)	61
3.6. Persons fearing forced recruitment.....	62
3.7. Human rights defenders, activists and others perceived as critical of the Taliban	64
3.8. Journalists and media workers.....	66
3.9. Educational personnel.....	68
3.10. Humanitarian workers.....	70
3.11. Individuals considered to have committed blasphemy and/or apostasy.....	72
3.12. Individuals perceived to have transgressed religious, moral and/or societal norms.....	73
3.13. Individuals perceived as ‘Westernised’	77
3.14. Ethnic and religious minorities	79



3.14.1. Overview.....	79
3.14.2. Individuals of Hazara ethnicity and other Shias.....	80
3.14.3. Hindus and Sikhs.....	83
3.14.4. Salafis.....	84
3.14.5. Tajiks.....	85
3.15. Women and girls.....	86
3.16. Children.....	92
3.16.1. Violence against children.....	92
3.16.2. Child recruitment.....	93
3.16.3. Child labour and child trafficking.....	94
3.16.4. Children without a support network in Afghanistan.....	96
3.17. LGBTIQ persons.....	97
3.18. Individuals involved in blood feuds and land disputes.....	99
3.18.1. Blood feuds.....	99
3.18.2. Land disputes.....	100
3.19. Persons living with disabilities and persons with severe medical issues.....	102
3.20. Individuals who were born in Iran or Pakistan and/or who lived there for a long period of time.....	104
4. Subsidiary protection.....	106
4.1. Article 15(a) QD: death penalty or execution.....	106
4.2. Article 15(b) QD: torture or inhuman or degrading treatment or punishment.....	108
4.2.1. Healthcare.....	108
4.2.2. Socio-economic conditions.....	110
4.2.3. Arbitrary arrests and treatment in detention.....	111
4.2.4. Corporal punishments.....	113
4.2.5. Criminal violence.....	114
4.2.6. Other circumstances.....	115
4.3. Article 15(c) QD: indiscriminate violence in situations of armed conflict.....	115
4.3.1. Preliminary remarks.....	116
4.3.2. Armed conflict (international or internal).....	117
4.3.3. Qualification of a person as a 'civilian'.....	118
4.3.4. Indiscriminate violence.....	119
4.3.5. Serious and individual threat: assessment of personal circumstances.....	142
4.3.6. Qualification of the harm as a 'threat to (a civilian's) life or person'.....	144
4.3.7. Nexus/'by reason of'.....	144
5. Actors of protection.....	145
6. Internal protection alternative.....	148
7. Exclusion.....	150
7.1. Relevant circumstances.....	150
7.1.1. Human rights violations by armed actors since 2001.....	151
7.1.2. Past conflicts (1979-2001).....	154
7.1.3. Criminality.....	157
7.2. Guidance with regard to Afghanistan.....	158
7.2.1. Article 12(2)(a) and Article 17(1)(a) QD.....	158
7.2.2. Article 12(2)(b) and Article 17(1)(b) QD.....	159
7.2.3. Article 12(2)(c) and Article 17(1)(c) QD.....	160
7.2.4. Article 17(1)(d) QD.....	161
Annex I. Abbreviations and glossary.....	162
Annex II. Country of origin information references.....	165



Introduction

The country guidance documents provide country-specific common analysis and guidance in relation to the assessment criteria established in the recast [Qualification Directive](#) (Directive 2011/95/EU) ⁽¹⁾. They are developed by the EUAA together with a network of senior-level policy officials from EU+ countries and represent their joint assessment of the situation in main countries of origin, in accordance with current EU legislation and jurisprudence of the Court of Justice of the European Union (CJEU). The European Commission and UNHCR provided valuable input in this process.

The aim of the country guidance documents is to assist decision-makers and policy-makers in their daily work and to foster convergence in the assessment of applications for international protection and the type of protection granted in the context of the common European asylum system.

The development, review and update of country guidance is regulated under [Article 11 of the EUAA Regulation](#) ⁽²⁾.



In accordance with [Article 11\(3\) EUAA Regulation](#), Member States have the obligation to take into account the common analysis and guidance notes when examining applications for international protection, without prejudice to their competence to decide on individual applications.

This common analysis is based on country of origin information (COI) with a clearly indicated reference period. Each section of the country guidance documents also clearly states the timing of its last update.

The analysis and guidance within this document should be considered valid as long as current events and developments in the country fall within the trends and patterns described within the COI the assessment at hand is based on.

The analysis and guidance provided within this document are not exhaustive.

(1) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

(2) Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010.





Common analysis, guidance note and methodological approach

The country guidance document consists of two important components: the common analysis and the guidance note. These two parts focus on the situation in the country of origin and provide analysis and guidance on the assessment of relevant international protection needs. They should be read in conjunction with the separate document 'Country Guidance: explained'.

Guidance note:

This part of the document outlines the conclusions and guidance drawn on the basis of the common analysis in a light user-friendly format.

The guidance note is also made available as a separate document translated in several EU languages

Common analysis:

This part of the document includes the common analysis on the situation in Afghanistan in terms of international protection needs. It outlines the factual basis relied upon to make the relevant assessment in COI summaries, which in turn reference the respective detailed COI reports.

'Country Guidance: explained':

This document outlines the general guidance relied upon in this analysis, as well as the methodological framework, approach and indicators used to assess the different elements of qualification for international protection.



Scope of this update

The current version of the guidance updates and replaces the ‘Country Guidance: Afghanistan’ (April 2022).

It constitutes a comprehensive update of the common analysis and guidance, where all sections have been reviewed in light of available relevant COI and the majority of them have been updated accordingly.

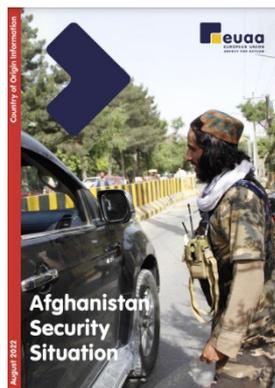
EUAA together with Member States will continue to monitor the evolving situation in the country and to regularly review and update this country guidance.

This update is mainly based on the following recent COI:



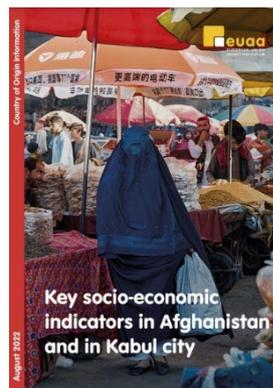
Targeting 2022

EUAA COI Report
Afghanistan –
Targeting of
Individuals (August
2022)



Security 2022

EUAA COI Report
Afghanistan –
Security Situation
(August 2022)



KSEI 2022

EUAA COI Report
Afghanistan – Key
socio-economic
indicators
(August 2022)

COI QUERY	
Country of Origin	Afghanistan
Title	Major legislative, security-related, and humanitarian developments
Reference period	1 July to 31 October 2022
Topic	<ul style="list-style-type: none"> 1. Registration status and territorial control 2. Legislative changes 3. Other directives issued by the de facto authorities, including operational directives 4. Secondary education for girls 5. Security situation 6. Targeted killings of former government affiliates 7. Large-scale killings 8. Major incidents such as nuclear attacks and other bombings 9. Conflict data 10. Economic and humanitarian situation
Date of completion	4 November 2022
Query Code	COI-2022
Contributing EU- COI units	N/A

COI Update

EUAA COI Query
Response -
Afghanistan - Major
legislative, security-
related, and
humanitarian
developments
(November 2022)

[Annex II. Country of origin information references](#) provides further details and links to all COI reports used as a basis for the analysis within this document. References within this document are to the respective sections of these COI reports.



To access EUAA COI reports, visit <https://euaa.europa.eu/country-reports>.



Guidance note





Recent developments

Last update: January 2023

The Taliban takeover

On 15 August 2021, the Taliban leaders entered the presidential palace and declared the war to be over, while emergency evacuations organised by foreign countries took place in Kabul. Resistance forces, i.e. the National Resistance Front (NRF), held out for a few weeks in the province of Panjshir before the Taliban claimed to have defeated them on 6 September 2021.

Following the Taliban takeover, the number of security incidents reported in the country decreased significantly, and confrontations were generally limited to areas where resistance groups formed and operated and where the ISKP was active. Increased fighting between the NRF and the Taliban was reported in January/February and May 2022. The Taliban have also been facing an increase in ISKP attacks mainly in the east and the north of the country.

However, the Taliban claimed control of the entire territory of Afghanistan and no other actor reportedly exercised territorial control or constituted an existential threat to the Taliban's authority as of June 2022.

State building and political system

Following the sudden collapse of the former government of Afghanistan, the Taliban announced the re-establishment of the 'Islamic Emirate of Afghanistan', which was previously in power in Afghanistan between 1996 and 2001. As of June 2022, the Taliban de facto authorities had not yet been formally recognised by any foreign government.

During the first press conference after the takeover, Taliban spokesmen said that the Taliban had changed during the past 20 years in terms of experience, maturity and vision, but that Afghanistan was still a Muslim nation and that there would be 'a strong Islamic government'. They announced that they intended to act on the basis of their principles, religion and culture, and emphasised the importance of Islam and that 'nothing should be against Islamic values'. Moreover, the Taliban have issued instructions impacting, inter alia, media, girls' and women's rights and the general population as regards observing Islamic law (*sharia*) in their daily lives.

The Taliban de facto government suspended the previous Islamic Republic of Afghanistan's constitution and announced a review of the compliance of existing Afghan laws with the *sharia*. However, as of early 2022, the applicable legal framework remained unclear and by 1 June 2022, the Taliban had not formally enacted a constitution.

Taliban remained unclear on policies they would pursue. The legal instructions issued by them were in the form of decrees and general guidance that were enforced unevenly. The lack of clarity regarding the prevailing legal order and lack of predictability in its application were reported as some of the most prominent factors of life in Afghanistan after the takeover.

Humanitarian situation

After the Taliban takeover, Afghanistan's aid-dependent economy was in 'free fall', with public services and the banking system collapsing. In January 2022, the UN launched the largest single country aid appeal in history. 24.4 million people were estimated to be in need of humanitarian assistance. The Afghan healthcare system was also reported to be on the brink of collapse.





Read more in the [common analysis](#).





Actors of persecution or serious harm

In Afghanistan, a wide range of different groups and individuals can be considered as actors of persecution or serious harm, and a clear distinction between State and non-State actors within the meaning of Article 6 QD may be difficult to make.

The following subsections highlight the main actors of persecution or serious harm in Afghanistan in a non-exhaustive manner.

Taliban and affiliated groups

Last update: January 2023

The Taliban claimed control of the entire territory of Afghanistan and no other actor reportedly exercised territorial control or constituted an existential threat to the Taliban's authority as of June 2022.

Taliban de facto authorities

After assuming power, the Taliban dismissed the previous judiciary and issued several decrees and general guidance regarding the implementation of *sharia*. The de facto authorities were described as seeing 'any challenge to [their] policies as a challenge to the faith itself.' The Taliban also issued a wide range of directives related to their interpretation of religious norms, including with regard to extramarital relationships, dress code, attendance at prayers and music. The enforcement of issued restrictions was reported to vary across Afghanistan.

Human rights violations by the *de facto* authorities or by Taliban members included arbitrary arrests, incommunicado detention, the reported use of torture in detention, killings, abductions and enforced disappearances. Corporal and capital punishments, including following a de facto court judgment, were also reported.

Haqqani Network

The Haqqani Network has been described as the Taliban's 'best militarily equipped faction'. The network largely controls security in Afghanistan, including the security of the capital, Kabul, where Haqqani special forces operate military bases. Besides the post of de facto minister of interior, the Haqqani Network secured control of the de facto government's intelligence, passports and migration portfolios.

The Haqqani Network is on the UN Security Council's sanctions list and is known for having carried out high-profile attacks and suicide missions in Kabul in the past. As of May 2022, the Haqqani Network was viewed to maintain the closest ties to Al-Qaeda among the Taliban.

Al-Qaeda

Al-Qaeda continued to maintain a low profile in Afghanistan, while the links between Al-Qaeda and the Taliban reportedly remained close and their relationship was underscored by the fact that Al-Qaeda's core leadership, was residing in eastern Afghanistan.





Al-Qaeda in the Indian Subcontinent (AQIS), an organisation subordinate to Al-Qaeda's core, has also been reported to keep a low profile inside Afghanistan, where most of its fighters are based. They include individuals from several south and southeast Asian countries. They were reportedly based in Helmand, Kandahar, Ghazni, Nimroz, Paktika and Zabul. Some AQIS fighters were embedded in Taliban combat units, and the group has been fighting alongside the Taliban, including during the sweeping takeover of Afghanistan in 2021.



Read more in the [common analysis](#).

Islamic State Khorasan Province (ISKP)

Last update: January 2023

Activity of the ISKP has traditionally been concentrated in Kabul and in the country's eastern provinces, notably Kunar and Nangarhar where the group continued to have a strong foothold, especially in rural areas. In November 2021, the UN Special Representative for Afghanistan remarked that ISKP appeared to have a presence in nearly all provinces. The bulk of ISKP fighters has been reported to be present in rural Kunar, Nangarhar and possibly Nuristan provinces. In the period from 1 January to 21 May 2022, there were documented attacks by the group in 11 provinces (compared to 6 provinces over the same period in 2021). As of June 2022, new areas of ISKP activity included parts of northern and western Afghanistan (e.g. Kunduz, Balkh, Farah, and Herat), as well as southern and south-eastern provinces like Kandahar, Paktya, and Parwan.

After the Taliban takeover in August 2021 ISKP shifted its focus to undermining the Taliban's legitimacy. Since then, it has reportedly targeted Taliban security convoys, checkpoints and personnel while assassinating civilians of various profiles. It also continued to conduct large-scale attacks, in particular targeting Shia Hazara. During the period August 2021 – May 2022 ISKP conducted several large high-profile attacks, including an attack on Kabul's Hamid Karzai International Airport and attacks on Shia mosques in the cities of Kunduz and Kandahar, a military hospital in Kabul, a Shia Mosque in Mazar-e Sharif and a series of bombings in Mazar-e Sharif and Kabul.

Multiple attacks in Mazar-e Sharif and Kunduz cities showed that ISKP had improved its ability to operate and carry out attacks in northern Afghanistan. ISKP attacks in Kabul and in the north mainly hit civilian targets, while its attacks in other parts of the country targeted the Taliban.



Read more in the [common analysis](#).



Armed groups resisting the Taliban

Last update: January 2023

National Resistance Front (NRF)

NRF was formed after the Taliban conquered Kabul in mid-August 2021. Based on its own account, NRF emerged in Panjshir Province and Andarab District of neighbouring Baghlan Province. Clashes involving NRF were also reported in Balkh, Samangan and in Badakhshan Provinces.

NRF has made attempts 'to seize direct control of territory from the Taliban government'. While sources mentioned that NRF was the primary or 'most well-developed' anti-Taliban resistance movement, there was a lack of clarity as to which groups were affiliated with it. It has no clear chain of command and its capabilities appeared to be limited.

It has been noted, at the end of April 2022, that NRF had shown that they were able to hold some rural areas, remote valleys and mountainous terrain in places like Baghlan, parts of Takhar, Panjshir, parts of Badakhshan. In the Panjshir Valley, residents were reported as saying that attacks on Taliban positions were a regular occurrence and that dozens of people had been killed as of June 2022.

Other groups resisting the Taliban

Besides the NRF, a number of other anti-Taliban resistance groups and fighters operate in Afghanistan. While some groups declared allegiance with NRF other groups have not been associated with it. From February 2022 onwards, new anti-Taliban resistance groups had been formed in various parts of northern Afghanistan. Some of the groups announced their formation publicly. However, apart from claims published on social media, limited information was available on the numerical strength and operational capabilities of such groups. As of March 2022, none of these groups had demonstrated that they were capable of carrying out significant attacks.

The main groups are Afghanistan Islamic National and Liberation Movement, Afghanistan Freedom Front (AFF), The Turkestan Freedom Tigers, the National Resistance Council, the National Liberation Front of Afghanistan (NLFA), the Unknown Soldiers of Hazaristan, the allegedly Hazara-centred Freedom and Democracy Front and the Freedom Corps.



Read more in the [common analysis](#).

Other non-State actors

Last update: January 2023

Human rights violations are also committed by other non-State actors, such as clans, tribes, (locally) powerful individuals, family members, criminal groups, etc.

The reach of a specific non-State actor depends on the individual case. The assessment may include aspects such as their family, tribal or other networks for tracing and targeting the applicant. The individual power positions of the applicant and the actor of persecution or



serious harm should be assessed, taking into consideration their gender, social status, wealth, connections, etc.



Read more in the [common analysis](#).



Refugee status

This section refers to some of the profiles of Afghan applicants, encountered in the caseload of EU Member States. It provides general conclusions on the profiles and guidance regarding additional circumstances to take into account in the individual assessment. Some profiles are further split in sub-profiles, with different conclusions with regard to the risk analysis and/or nexus to a reason for persecution. The corresponding number of the profile and a link to the respective section in the common analysis are always provided for ease of reference.

The list of profiles addressed in this chapter is non-exhaustive and the fact that a certain profile is included in it or not is without prejudice to the determination of their protection needs. Furthermore, the order of listed profiles does not reflect any assessment of the potential level of risk of persecution for the respective profile.

While the conclusions under this common analysis could provide general guidance, the protection needs of each applicant should be examined individually. The non-exhaustive lists of examples regarding sub-profiles at a differentiated risk and to factors, which would normally increase or decrease the risk, are to be taken into account in light of all circumstances in the individual case.

3.1. Members of the security institutions of the former government

Last update: January 2023

Risk analysis: Well-founded fear of persecution would in general be substantiated.

Family members may also have a well-founded fear of persecution, for example in the context of the Taliban searching for the individual they are related to.

Potential nexus: (imputed) political opinion.

 [Exclusion](#) considerations could be relevant to this profile.



Read more in the [common analysis](#).

3.2. Public officials and servants of the former government

Last update: January 2023

Risk analysis: For **judges, prosecutors and female former judicial personnel** working under the former government, well-founded fear of persecution would in general be substantiated.

For **others under this profile**, the individual assessment should take into account the institution they were employed by and their role and functions. Gender and possible personal enmities may also constitute risk-impacting circumstances.



Family members may also have a well-founded fear of persecution, for example in the context of the Taliban searching for the individual they are related to.

Potential nexus: (imputed) political opinion and in some cases, religion (e.g. former female judges).



Read more in the [common analysis](#).

3.3. Persons affiliated with foreign forces

Last update: January 2023

Risk analysis: Well-founded fear of persecution would in general be substantiated.

Family members may also have a well-founded fear of persecution.

Potential nexus: (imputed) political opinion.

 [Exclusion](#) considerations could be relevant to this profile.



Read more in the [common analysis](#).

3.4. Individuals perceived as members or supporters of the National Resistance Front (NRF)

Last update: January 2023

Risk analysis: Well-founded fear of persecution would in general be substantiated.

The individual assessment whether the applicant would be perceived to have such affiliation could take into account their place of origin and ethnic background, with Tajiks from Panjshir and Andarab District (Baghlan Province), being particularly at risk.

Potential nexus: (imputed) political opinion.



Read more in the [common analysis](#).



3.5. Individuals perceived as members or supporters of the Islamic State in Khorasan Province (ISKP)

Last update: January 2023

Risk analysis: Well-founded fear of persecution would in general be substantiated.

The individual assessment whether the applicant would be perceived to have such affiliation could take into account their religious affiliation (especially the Salafi community, province of origin (especially Nangarhar and Kunar), as well as additional individual elements implicating the applicant as being supportive of ISKP.

Potential nexus: (imputed) political opinion or (imputed) religious beliefs.

 [Exclusion](#) considerations could be relevant to this profile.



Read more in the [common analysis](#).

3.6. Persons fearing forced recruitment

Last update: January 2023

Risk analysis: The likelihood of being approached for forced recruitment by the Taliban or ISKP is generally low. Risk-impacting circumstances could include:

- age and gender (young men)
- area of origin (in relation to potential ISKP recruitment)
- military background

Potential nexus: (imputed) political opinion and/or religion.



Read more in the [common analysis](#).

3.7. Human rights defenders, activists and others perceived as critical of the Taliban

Last update: January 2023

Risk analysis: For **human rights defenders and activists** well-founded fear of persecution would in general be substantiated.

For **others who may be perceived as critical of the Taliban** (e.g. due to statements or content shared on social media), the individual assessment should take into account:



- visibility of the applicant
- sensitivity of the topic of criticism
- extent of its public nature

Other risk-impacting circumstances, such as gender and ethnicity, may also be relevant to the assessment.

Family members of individuals under this profile may also have a well-founded fear persecution. Family members of female activists may be at a particular risk.

Potential nexus: (imputed) political opinion and/or religion.



Read more in the [common analysis](#).

3.8. Journalists and media workers

Last update: January 2023

Risk analysis: For **journalists and media workers seen by the Taliban as critical of them or as not complying with conditions set by the Taliban** well-founded fear of persecution would in general be substantiated.

For other journalists and media workers, risk-impacting circumstances could include:

- gender (i.e. women)
- origin from areas where ISKP have operational capacity
- personal enmities
- etc.

Potential nexus: (imputed) political opinion and/or religion.



Read more in the [common analysis](#).

3.9. Educational personnel

Last update: January 2023

Risk analysis: The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as:

- gender (i.e. female teachers)
- origin from areas where ISKP has operational capacity



- the individual or the institution not following Taliban directives and/or curriculum
- speaking out against the Taliban
- etc.

Potential nexus: (imputed) political opinion and/or religion.



Read more in the [common analysis](#).

3.10. Humanitarian workers

Last update: January 2023

Risk analysis: The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as:

- gender (i.e. women)
- nature of activities (e.g. activities for national/international NGO related to polio vaccination, demining, or other activities being perceived as non-neutral or in violation of cultural or religious norms)
- link with the former government or foreign donors
- speaking out or acting against the Taliban or another armed group
- origin from areas where ISKP have operational capacity
- etc.

Potential nexus: (imputed) political opinion and/or religion.



Read more in the [common analysis](#).

3.11. Individuals considered to have committed blasphemy and/or apostasy

Last update: January 2023

Risk analysis: Well-founded fear of persecution would in general be substantiated.

Potential nexus: religion.



Read more in the [common analysis](#).



3.12. Individuals perceived to have transgressed religious, moral and/or societal norms

Last update: January 2023

Risk analysis: For **individuals perceived to have committed *zina*** well-founded fear of persecution would in general be substantiated.

For **other individuals perceived to have transgressed moral and/or societal norms in Afghanistan or abroad**, risk-impacting circumstances could include:

- gender (the risk is higher for women)
- profession (especially artists, barbers)
- area of origin and conservative environment
- visibility of the applicant and the transgression (also when the transgression took place abroad)
- etc.

Potential nexus: religion and/or (imputed) political opinion or membership of a particular social group.



Read more in the [common analysis](#).

3.13. Individuals perceived as ‘Westernised’

Last update: January 2023

Risk analysis: The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as:

- behaviour adopted by the applicant
- visibility of the applicant
- area of origin and conservative environment
- gender (the risk is higher for women)
- age (it may be difficult for children of certain age to (re-)adjust to Afghanistan’s social restrictions)
- duration of stay in a western country
- etc.

Potential nexus: religion and/or (imputed) political opinion or membership of a particular social group.



This profile may largely overlap with the profile **3.12 Individuals perceived to have transgressed religious, moral and/or societal norms**, for example in relation to norms associated with dress code.



Read more in the [common analysis](#).

3.14.2. Individuals of Hazara ethnicity and other Shias

Last update: January 2023

Risk analysis: The individual assessment of whether there is a reasonable degree of likelihood for a Hazara and/or Shia applicant to face persecution should take into account their area of origin and whether ISKP has operational capacity there, with those from Hazara-dominated areas in larger cities being particularly at risk.

Being a Hazara may also be a risk-enhancing circumstance in relation to other profiles.

Potential nexus: religion, (imputed) political opinion (e.g. links to the former government, perceived support for Iran), and/or race (ethnicity).



Read more in the [common analysis](#).

3.14.3. Hindus and Sikhs

Last update: January 2023

Risk analysis: Well-founded fear of persecution would in general be substantiated.

Potential nexus: religion.



Read more in the [common analysis](#).

3.14.4. Salafis

Last update: January 2023

Risk analysis: The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as:



- province of origin (especially Nangarhar and Kunar)
- additional individual elements implicating the applicant as being supportive of ISKP
- etc.

Potential nexus: (imputed) political opinion or (imputed) religious beliefs.

 For those with links to ISKP, [exclusion](#) considerations could be relevant.



Read more in the [common analysis](#).

3.14.5. Tajiks

Last update: January 2023

Risk analysis: The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account whether they would be perceived as having an affiliation to NRF, with Tajiks from Panjshir and Andarab District (Baghlan Province), being particularly at risk.

Potential nexus: (imputed) political opinion.



Read more in the [common analysis](#).

3.15. Women and girls

Last update: January 2023

Risk analysis: The accumulation of various measures introduced by the Taliban, which affect the rights and freedoms of women and girls in Afghanistan, amounts to persecution. Such measures affect their access to healthcare, work, freedom of movement, freedom of expression, girls' right to education, among others. Some women and girls in Afghanistan may also face other forms of ill-treatment amounting to persecution (e.g. forced marriage, such as child marriage, honour-based violence).

For women and girls in Afghanistan, well-founded fear of persecution would in general be substantiated.

Links to persecution under other profiles may also be relevant, in particular [3.2. Public officials and servants of the former government](#), [3.8 Journalists and media workers](#), [3.10 Humanitarian workers](#), [3.12 Individuals perceived to have transgressed religious, moral and/or societal norms](#), and [3.13 Individuals perceived as 'Westernised'](#).



Potential nexus: religion and/or membership of a particular social group.



Read more in the [common analysis](#).

3.16. Children

The section on children addresses certain child-specific circumstances of increased vulnerability and risks that children in Afghanistan may be exposed to.

3.16.1. Violence against children

Last update: January 2023

Risk analysis: The individual assessment of whether there is a reasonable degree of likelihood for the child to face violence amounting to persecution should take into account risk-impacting circumstances, such as:

- poor socio-economic situation of the child and the family
- gender (boys and girls may face different risks)
- age and appearance (e.g. non-bearded boys could be targeted as *bacha bazi*)
- perception of traditional gender roles in the family
- etc.

Potential nexus: The individual circumstances of the applicant need to be taken into account. For example, in the case of (former) *bacha bazi* children, persecution may be for reasons of membership of a particular social group.



Read more in the [common analysis](#).

3.16.2. Child recruitment

Last update: January 2023

Risk analysis: The individual assessment of whether there is a reasonable degree of likelihood for the child to face persecution in the form of child recruitment should take into account risk-impacting circumstances, such as:

- gender
- poor socio-economic situation
- area of origin or residence
- etc.



Potential nexus: The individual circumstances of the child need to be taken into account. For example, in the case of children who refuse to join the Taliban or ISKP, persecution may be for reasons of (imputed) political opinion and/or religion.



Read more in the [common analysis](#).

3.16.3. Child labour and child trafficking

Last update: January 2023

Risk analysis: The individual assessment of whether there is a reasonable degree of likelihood for the child to face persecution in the form of child trafficking and/or child labour should take into account risk-impacting circumstances, such as:

- age
- gender
- socio-economic status of the child and their family
- family status
- etc.

Potential nexus: The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.



Read more in the [common analysis](#).

3.16.4. Children without a support network in Afghanistan

Last update: January 2023

Risk analysis: The lack of a support network does not amount to persecution in itself. However, it considerably enhances the risk for such children to be exposed to acts, which, due to their severity, repetitiveness or accumulation could amount to persecution. See, for example, **3.16.3 Child labour and child trafficking**.

Potential nexus: The individual circumstances of the child should be taken into account.



Read more in the [common analysis](#).



3.17. LGBTIQ persons

Last update: January 2023

Risk analysis: Well-founded fear of persecution would in general be substantiated.

Potential nexus: membership of a particular social group.



Read more in the [common analysis](#).

3.18.1. Individuals involved in blood feuds

Last update: December 2020

Risk analysis: For **men directly involved in a blood feud**, well-founded fear of persecution would in general be substantiated.

For **women, children and men who are farther removed from the feud**, risk-impacting circumstances could include:

- intensity of the blood feud
- origin from areas where the rule of law is weak
- etc.

Potential nexus: The individual circumstances of the applicant need to be taken into account. For example, family members involved in a blood feud may have a well-founded fear of persecution for reasons of membership of a particular social group.

 [Exclusion](#) considerations could be relevant to this profile.



Read more in the [common analysis](#).

3.18.2. Individuals involved in land disputes

Last update: January 2023

Risk analysis: The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as:

- violent nature of the dispute
- ethnicity
- power and influence of the actors involved in the land dispute
- area of origin



- etc.

Potential nexus: In general, no nexus to a Convention reason. This is without prejudice to individual cases where nexus could be established based on additional circumstances (e.g. ethnicity in relation to Taliban taking sides based on the ethnic origin of the person, land dispute leading to a blood feud, etc.).

 [Exclusion](#) considerations could be relevant to this profile.



Read more in the [common analysis](#).

3.19. Persons living with disabilities and persons with severe medical issues

Last update: January 2023

Risk analysis: The lack of personnel and adequate infrastructure to appropriately address the needs of individuals with (severe) medical issues fails to meet the requirement of Article 6 QD regarding the existence of an actor that inflicts persecution or serious harm, unless the individual is intentionally deprived of healthcare.

The actor requirement may be satisfied in specific cases of denial of healthcare, such as in the case of women denied access to healthcare due to not being accompanied by a *mahram*, not wearing a hijab, or not being allowed to be seen by a male healthcare professional. See [3.15. Women and girls](#).

For persons living with mental and physical disabilities, the individual assessment whether discrimination and mistreatment by society and/or by the family could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures. Risk-impacting circumstances could include:

- nature and visibility of the mental or physical disability
- negative perception by the family
- etc.

Potential nexus: membership of a particular social group, in the case of persons living with noticeable mental or physical disabilities.

With regard to women, see [3.15. Women and girls](#).



Read more in the [common analysis](#).



3.20. Individuals who were born in Iran or Pakistan and/or who lived there for a long period of time

Last update: January 2023

Risk analysis: In general, the treatment faced by individuals under this profile would not amount to persecution.

Potential nexus: In general, no nexus to a Convention ground. This is without prejudice to individual cases where nexus could be established based on additional circumstances.



Read more in the [common analysis](#).



Subsidiary protection

This section provides guidance concerning the assessment of subsidiary protection needs under Article 15 QD.

Article 15(a) QD

Death penalty or execution

Last update: January 2023

Death penalty is envisaged under Islamic law (*sharia*). The justice system imposed following the Taliban takeover is believed to be a continuation of the established shadow courts during their insurgency. *Sharia* is the basis for the judgements and actions of judges and police officers in Afghanistan under Taliban rule.

As of June 2022, UNAMA had recorded extrajudicial killings of five women and two men accused of extramarital relationships. According to *sharia*, *zina* is punished with stoning or lashing, depending on whether or not the perpetrators are married.

Extrajudicial killings of accused ISKP affiliates by the Taliban were also reported. UNAMA recorded 59 such incidents in the reporting period 15 August 2021 – 15 June 2022. Persons with perceived links with ISKP were killed without due process, drawn out of their homes and shot on the spot in Nangarhar. Similar events were also reported in Laghman and Kunar. Furthermore, UNAMA documented at least 10 cases of extrajudicial killings of individuals accused of NRF-affiliation by the *de facto* authorities in the first months of 2022. Around 100 cases of extrajudicial killings of persons working for the former government, former ANDSF personnel or their family members between mid-August 2021 and February 2022 are attributed to the *de facto* authorities or their affiliates.



If there is a reasonable degree of likelihood of death penalty or execution, subsidiary protection under Article 15(a) QD shall be granted, unless the applicant is to be excluded in accordance with Article 17 QD.



Read more in the [common analysis](#).



Article 15(b) QD

Torture or inhuman or degrading treatment or punishment

Last update: January 2023

Some profiles of applicants from Afghanistan may be at risk of torture or inhuman or degrading treatment or punishment. In such cases, there would often be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground, the need for subsidiary protection under Article 15(b) QD should be examined.

Healthcare

In itself, the general unavailability of healthcare is not considered serious harm meeting the requirements of inhuman or degrading treatment under Article 15(b) QD in relation to Article 6 QD, unless there is intentional conduct of an actor, such as the intentional deprivation of the applicant of appropriate healthcare.

The actor requirement may be satisfied in specific cases of denial of healthcare, such as in the case of women denied access to healthcare due to not being accompanied by a *mahram*, not wearing a hijab, or not being allowed to be seen by a male healthcare professional, or in the case of some persons with physical disabilities or mental health problems, who may experience stigmatisation. In such cases, a nexus to a reason for persecution may also be substantiated and refugee status may be granted. If nexus to a reason for persecution is not substantiated, Article 15(b) QD would apply.



Read more in the [common analysis](#).

Socio-economic conditions

In themselves, general poor socio-economic conditions are not considered to fall within the scope of inhuman or degrading treatment under Article 15(b) QD, unless there is intentional conduct of an actor.

When these socio-economic conditions are the result of an intentional conduct of an actor (e.g. forced evictions), these conditions may qualify under Article 15(b) QD in relation to Article 6 QD, following an individual assessment.

Such conditions may also increase the risk of persecution or other serious harm, such as child marriage or sale of children, where the actor requirement under Article 6 QD would also be met.

In some of those cases, a nexus to a reason for persecution may also be substantiated and refugee status may be granted instead.



Read more in the [common analysis](#).



Arbitrary arrests and treatment in detention

In cases where the prosecution or punishment is grossly unfair or disproportionate, or where a person is subjected to prison conditions which are not compatible with respect for human dignity, a situation of serious harm under Article 15(b) QD can occur.

It should be highlighted that in some cases of individuals facing the risk of arrest or detention in Afghanistan, there would be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. If nexus to a reason for persecution is not substantiated, Article 15(b) QD would apply.

 [Exclusion](#) considerations may be relevant.



Read more in the [common analysis](#).

Corporal punishments

Corporal punishment would meet the requirements of serious harm under Article 15(b) QD.

Where there is no nexus to a reason for persecution under the refugee definition, the risk of being subjected to corporal punishments may qualify under Article 15(b) QD.

 [Exclusion](#) considerations may be relevant.



Read more in the [common analysis](#).

Criminal violence

A real risk of violent crime, such as abductions, robberies, murder would meet the requirements under Article 15(b) QD.

Where there is no nexus to a reason for persecution under the refugee definition, the risk of violent crime such as the above may qualify under Article 15(b) QD.



Read more in the [common analysis](#).

Other circumstances

Other cases for which a real risk of serious harm under Article 15(b) QD may exist are, for example, some situations under the profile of [3.16 Children](#), [3.18.2 Land disputes](#), etc.



Article 15(c) QD

Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

Last update: January 2023

The following is a summary of the relevant conclusions concerning the situation in Afghanistan.

Armed conflict

Two main parallel internal armed conflicts, in the meaning of Article 15(c) QD, take place in the territory of Afghanistan:

- between the Taliban *de facto* government and the NRF; and
- between the Taliban *de facto* government and the ISKP.

Confrontations and incidents in relation to these conflicts primarily affect certain provinces and cities in Afghanistan, however, the situation remains fluid.



Read more in the [common analysis](#).

Civilian

Article 15(c) QD applies to a person who is not a member of any of the parties to the conflict and is not taking part in the hostilities, potentially including former combatants who have genuinely and permanently renounced armed activity. The applications by persons under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under Article 15(c) QD.

For example:

- **Taliban and affiliated armed groups, e.g. Haqqani network and Al-Qaeda**
- **NRF and other armed groups opposing the Taliban**
- **ISKP**



Read more in the [common analysis](#).

Indiscriminate violence:

The map below summarises and illustrates the assessment of indiscriminate violence per province in Afghanistan (Figure 1). This assessment is based on a holistic analysis, including quantitative and qualitative information for the reference period (15 August 2021 – 31 October 2022). Up-to-date country of origin information should always inform the individual assessment.

Figure 1. Level of indiscriminate violence in Afghanistan (based on information up to 31 October 2022).



- The level of indiscriminate violence is high and, therefore, a lower level of individual elements is required in order to substantiate subsidiary protection needs under Article 15(c) QD.
- Indiscriminate violence is also taking place, however not at a high level. Moreover, a significant proportion of the civilian fatalities in these provinces is considered to be the result of security incidents of a targeted nature. A high level of individual elements is required in order to substantiate subsidiary protection needs under Article 15(c) QD.
- There is currently no real risk for a civilian to be personally affected by indiscriminate violence within the meaning of Article 15(c) QD.

No province in Afghanistan is currently assessed to reach such an exceptionally high level of violence that ‘mere presence’ on the territory would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD.

The provinces of Afghanistan are categorised as follows:

[Panjshir](#) is currently the province most affected by indiscriminate violence. It is assessed that the level of such violence in the province is high and, therefore, a lower level of individual elements is required in order to substantiate subsidiary protection needs under Article 15(c) QD.

Indiscriminate violence is also taking place in the provinces of [Badakhshan](#), [Baghlan](#), [Balkh](#), [Kabul](#), [Kandahar](#), [Kapisa](#), [Kunar](#), [Kunduz](#), [Nangarhar](#), [Parwan](#), [Takhar](#). However, this violence does not reach a high level. Moreover, a significant proportion of the civilian fatalities in these provinces is considered to be the result of security incidents of a targeted nature.

Therefore, a high level of individual elements is required in order to substantiate subsidiary protection needs under Article 15(c) QD.

In the remaining provinces of Afghanistan, including Badghis, Bamyán, Daykundi, Farah, Faryab, Ghazni, Ghor, Helmand, Herat, Jawzjan, Khost, Laghman, Logar, Nimroz, Nuristan, Paktika, Paktiya, Samangan, Sar-e Pul, Uruzgan, Wardak, Zabul, it is assessed that there is currently no real risk for a civilian to be personally affected by indiscriminate violence within the meaning of Article 15(c) QD.

This may be because the criteria for an armed conflict within the meaning of this provision are not met, because no indiscriminate violence is taking place, or because the level of indiscriminate violence is so low, that in general there would be no real risk for a civilian to be affected by it.



Read more in the [common analysis](#).

Serious and individual threat:

In the context of the 'sliding scale', each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant's case. The following are examples of circumstances which may impact the ability of a person to assess and/or avoid risks related to indiscriminate violence in a situation of an armed conflict:

- age
- gender
- health condition and disability, including mental health issues
- economic situation
- knowledge of the area
- occupation and/or place of residence
- etc.



Read more in the [common analysis](#).

Threat to life or person

Some of the commonly reported types of harm to civilians' life or person in Afghanistan include killings, injuries, abductions, disabilities caused by explosive remnants of war, etc. A real risk of such serious harm would qualify a threat to a (civilian's) life or person in accordance with the provision of Article 15(c) QD.



Read more in the [common analysis](#).

Nexus

The interpretation of the causation 'by reason of' may not be limited to harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict. To a certain extent, it may also include the indirect effect of indiscriminate violence in situations of armed conflict. As long as there is a demonstrable link to the indiscriminate violence, such elements may be taken into account in the assessments, for example: widespread criminal violence as a result of lawlessness, destruction of the necessary means to survive, destruction of infrastructure, denial of or limited access of humanitarian aid. Armed clashes and/or road blockages can also lead to food supply problems that cause famine or to limited or no access to healthcare facilities in certain regions in Afghanistan.



Read more in the [common analysis](#).





Actors of protection

Last update: January 2023

The lack of due process and the nature of the punishments would not qualify the justice mechanism operated by the Taliban as a legitimate form of protection. Further taking into account their record of human rights violations and discriminatory measures, it can be concluded that the Taliban do not qualify as an actor of protection who is able to provide effective, non-temporary and accessible protection.

No other actors are currently found to be in control of a significant part of the territory and able to provide protection within the meaning of Article 7 QD.



Read more in the [common analysis](#).





Internal protection alternative

Last update: January 2023

In order to determine that internal protection is available in a particular part of the applicant's country of origin, three cumulative criteria have to be met: 'safety', 'travel and admittance' and 'reasonableness to settle'.

The conclusions from the assessment of the three criteria are outlined below.

Safety

The safety criterion would in general not be met.

In exceptional cases, such as when the well-founded fear of persecution or real risk of serious harm is linked to a local or private actor who would not have the capacity to trace and target the applicant in the area of relocation, the safety criterion may be satisfied.

Travel and admittance

The existence of Taliban checkpoints in and around cities would impact the safety of travel for profiles targeted by the Taliban.

In addition, the restrictions posed on women's freedom of movement may result in the requirements of safety and legality of travel not being met, in particular for single women.

For other individuals, the travel and admittance requirement is likely to be satisfied.

Reasonableness to settle

The dire humanitarian situation in the country has a significant impact on all elements considered under the requirement of reasonableness to settle in a different part of the country, including food security, housing and shelter, basic healthcare, and means of basic subsistence. Therefore, the reasonableness to settle criterion would generally not be met.



Taking into account the assessment with regard to the three criteria under Article 8 QD, it is found that IPA would in general not be applicable to any part of Afghanistan.



Read more in the [common analysis](#).



Exclusion

Last update: January 2023

In the context of Afghanistan, numerous circumstances and different profiles may require consideration of the potential applicability of exclusion grounds.

Relevant circumstances could include:

- Human rights violations by armed actors since 2001



Read more in the [common analysis](#).

- Past conflicts (1979-2001)



Read more in the [common analysis](#).

- Criminality



Read more in the [common analysis](#).

General guidance with regard to the assessment of such circumstances in light of the relevant provisions of the QD is provided below.

Article 12(2)(a) and Article 17(1)(a) QD

Last update: January 2023

It can be noted that the ground ‘crime against peace’ is not found to be of particular relevance in the cases of applicants from Afghanistan.

According to COI, insurgent groups, former ANDSF and pro-government militias, as well as civilians in Afghanistan, can be implicated in acts that would qualify as war crimes or crimes against humanity. Reported violations of international humanitarian law by parties in the conflicts in Afghanistan could amount to war crimes.

In terms of qualifying the relevant acts as war crimes, the character of the armed conflicts⁽³⁾ in Afghanistan should be established.

⁽³⁾ Note that the assessment under Article 12(2)(a) QD and Article 17(1)(a) QD refers to the relevant international instruments defining the terms. Therefore, the assessment of whether or not an armed conflict takes place, as well as its nature, is based on international humanitarian law and may differ from the assessment in the context of Article 15(c) QD as defined in the *Diakité* judgment of the CJEU.



Read more in the [common analysis](#).

Article 12(2)(b) and Article 17(1)(b) QD

Last update: January 2023

In the context of Afghanistan, widespread criminality and breakdown in law and order make the ground of ‘serious (non-political) crime’ particularly relevant. In addition to murder related to family and other private disputes, some examples of particularly relevant serious crimes may include drug trade and trafficking, trafficking in arms, human trafficking, corruption, embezzlement and other economic crimes, illegal taxation, illegal extraction, trade or smuggling of minerals, gemstones, archaeological artefacts, etc.

Violence against women and children (for example, in relation to *bacha bazi*, in the context of child marriage, honour killings, sexual violence or some forms of domestic violence, etc.), which is widespread in Afghanistan, could also potentially amount to a serious (non-political) crime.

Some serious (non-political) crimes could be linked to an armed conflict (e.g. if they are committed in order to finance the activities of armed groups) or could amount to fundamentally inhumane acts committed as a part of a systematic or widespread attack against a civilian population, in which case they should instead be examined under Article 12(2)(a)/Article 17(1)(a) QD.

In relation to exclusion from refugee status, a crime could fall under this ground if committed in Afghanistan or any third country (for example, while the applicant resided in Pakistan or Iran, or in countries of transit, etc.). In relation to subsidiary protection, serious crimes committed by Afghan applicants in the host country, would also lead to exclusion.



Read more in the [common analysis](#).

Article 12(2)(c) and Article 17(1)(c) QD

Last update: January 2023

In the context of Afghanistan, (former) membership in the Taliban or in armed groups such as ISKP, Hezb-e Islami, could trigger relevant considerations, in addition to the considerations under Article 12(2)(a)/Article 17(1)(a) QD or Article 12(2)(b)/Article 17(1)(b) QD.

The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant’s activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it



remains necessary to examine all relevant circumstances before an exclusion decision can be made.

Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under Article 12(2)(a)/Article 17(1)(a) QD.



Read more in the [common analysis](#).

Article 17(1)(d) QD

Last update: January 2023

In the examination of the application for international protection, the exclusion ground under Article 17(1)(d) QD (danger to the community or the security of the Member State) is only applicable to persons otherwise eligible for subsidiary protection.

Unlike the other exclusion grounds, the application of this provision is based on a forward-looking assessment of risk. Nevertheless, the examination takes into account the past and/or current activities of the applicant, such as association with certain groups considered to represent a danger to the security of the Member States or criminal activities of the applicant.



Read more in the [common analysis](#).



Common analysis



1. Recent developments

Last update: January 2023

1.1. The Taliban takeover

Since 2001 ‘multiple and overlapping non-international armed conflicts’ have taken place in Afghanistan, involving forces of the former government and armed groups such as the Taliban and the Islamic State Khorasan Province (ISKP), among others. For 18 years, confrontations were ongoing between forces of the former government, supported by an international military coalition, and the Taliban forces, who had returned to waging an insurgency after the fall of their regime on 2001 [[State structure](#), 1.1, pp. 13-14; [Security June 2021](#), 1.2.2, p. 47; [Anti-government elements](#), 2.1, p. 16].

On 29 February 2020, the US and the Taliban signed an ‘agreement for bringing peace’ to Afghanistan. After this agreement, the US military was less involved in direct conflict in Afghanistan while the Taliban intensified its attacks against the Afghan National Defence and Security Forces (ANDSF). The Taliban initiated their final offensive on 1 May 2021, the same day the withdrawal of international forces was initiated [[Security June 2021](#), 1.3, p. 57; [Security September 2021](#), 1.1.1, p. 11].

During the summer months of 2021, the Taliban swept over Afghanistan and took control over several districts, notably in the Northern provinces and districts encircling the provincial capitals. In the first week of August 2021, the Taliban advanced, and in less than nine days they took control over most of Afghanistan’s provincial capitals. On 15 August 2021, President Ashraf Ghani fled the country. Taliban leaders entered the presidential palace and declared the war to be over, while emergency evacuations organised by foreign countries took place in Kabul. [[Security September 2021](#), 1.1.1, p. 11; 1.1.3, p. 14]

First Vice President Amrullah Saleh relocated temporarily to the province of Panjshir and declared himself ‘caretaker President’. Resistance forces, i.e. the National Resistance Front (NRF), held out for a few weeks in the province before the Taliban claimed to have defeated them on 6 September 2021. Increased fighting between the NRF and the Taliban was reported in January/February and May 2022. The Taliban have also been facing an increase in ISKP attacks mainly in the east and the north of the country [[Targeting 2022](#), 1.1, p. 17; [Security 2022](#), 2.2.1, p. 47; 2.3, p. 50].

However, the Taliban claimed control of the entire territory of Afghanistan and no other actor reportedly exercised territorial control or constituted an existential threat to the Taliban’s authority as of July 2022 [[Security 2022](#), 1.1, p. 22, 2.1.1, p. 36].

Following the Taliban takeover, the number of security incidents reported in the country decreased significantly, and confrontations were generally limited to areas where resistance groups formed and operated and where the ISKP was active [[Security 2022](#), 1.1, pp. 21-22; 3, p. 58].



1.2. State building and political system

Following the sudden collapse of the former government of Afghanistan, the Taliban announced the re-establishment of the 'Islamic Emirate of Afghanistan', which was previously in power in Afghanistan between 1996 and 2001 [[Country Focus 2022](#), 1.1.1, p. 14]. As of June 2022, the Taliban de facto authorities had not yet been formally recognised by any foreign government [[KSEI 2022](#), 1.1, p.15]

During the first press conference after the takeover, Taliban spokesmen said that the Taliban had changed during the past 20 years in terms of experience, maturity and vision, but that Afghanistan was still a Muslim nation and that there would be 'a strong Islamic government'. They announced that they intended to act on the basis of their principles, religion and culture, and emphasised the importance of Islam and that 'nothing should be against Islamic values'. Moreover, the Taliban have issued instructions impacting, inter alia, media, girls' and women's rights and the general population as regards observing Islamic law (*sharia*) in their daily lives. [[Country Focus 2022](#), 1.1.3, p. 17; [KSEI 2022](#), 1.1, p. 13]

The Taliban announced an interim government on 7 September 2021 [[Targeting 2022](#), 1.1.2, p. 20]. The interim government has been 'modelled on the same system' as in the 1990s, with both a spiritual leader and a prime minister heading the government. Looking at its decision-making structure, the announced emirate could be described as a religious theocracy ruled by the 'commander of believers and supreme leader' Mullah Haibatullah Akhundzada [[Country Focus 2022](#), 1.1.3, p. 17].

The Taliban de facto government suspended the previous Islamic Republic of Afghanistan's constitution and announced a review of the compliance of existing Afghan laws with the *sharia*. However, as of early 2022, the applicable legal framework remained unclear [[Security 2022](#), 1.2.3, p. 29] and by 1 June 2022, the Taliban had not enacted a constitution [[Targeting 2022](#), 1.1.4 a, p. 25].

The Taliban have also started to build up formal security institutions and indicated plans to recruit 300 000 - 350 000 individuals to the de facto ministry of defence and the ministry of interior [[Targeting 2022](#), 13.1.1, p. 189]

The Taliban used the previous government's state structures but abolished ministries monitoring human rights and democratic institutions. Public servants of the previous administration were asked to return to work in August 2021, but many had already been evacuated or did not resume work due to non-payment of salaries. Afghan public services depended heavily on foreign aid before the takeover and, to some extent foreign aid continued to fund salaries within parts of the public sector [[Targeting 2022](#), 1.1.4 a, p. 25; 1.1.4 c, p. 26].

Taliban remained unclear on policies they would pursue. The legal instructions issued by them were in the form of decrees and general guidance that were enforced unevenly. The lack of clarity regarding the prevailing legal order and lack of predictability in its application were reported as some of the most prominent factors of life in Afghanistan after the takeover. [[Targeting 2022](#), 1.1.4 a, p. 24, 1.1.4 b, pp. 25-26].



1.3. Humanitarian situation

Interruption of international aid and disruption of trade and the banking system followed immediately after the Taliban takeover. Financial sanctions paralysed Afghanistan's economy, and escalated the humanitarian crisis in the country [[Country Focus 2022](#), 3.4, p. 66].

After the Taliban takeover, Afghanistan's aid-dependent economy was in 'free fall', with public services and the banking system collapsing. In November 2021, the United States Institute of Peace stated that Afghanistan was heading for one of the worst humanitarian crises in the world, due to, among other factors, a sharp decrease in international aid, the COVID-19 pandemic, a severe drought plaguing the country and the Taliban's inability to deliver basic services. In January 2022, the UN launched the largest single country aid appeal in history. 24.4 million people were estimated to be in need of humanitarian assistance. The Afghan healthcare system was also reported to be on the brink of collapse [[COI Update 2022](#), 3, p. 13; [KSEI 2022](#), 1.1, pp. 14-16].



2. Actors of persecution or serious harm

[Article 6 QD](#)



The contents of this chapter include:

[2.1. Taliban and affiliated groups](#)

[2.2. Islamic State Khorasan Province \(ISKP\)](#)

[2.3. Armed groups resisting the Taliban](#)

[2.4. Other non-State actors](#)

In Afghanistan, a wide range of different groups and individuals can be considered as actors of persecution or serious harm, and a clear distinction between State and non-State actors within the meaning of Article 6 QD may be difficult to make.

The following subsections highlight the main actors of persecution or serious harm in Afghanistan in a non-exhaustive manner.

2.1. Taliban and affiliated groups

2.1.1. Taliban de facto authorities

Last update: January 2023

After years as insurgency, on 7 September 2021, the Taliban announced the restoration of the Islamic Emirate of Afghanistan and the creation of a 'caretaker cabinet' [[Security 2022](#), 1.2.1, p. 23]. The Foundation for Defense and Democracies' (FDD) Long War Journal assessed 7 districts as contested on 29 August 2022: Warsaj (Takhar Province), Khost wa Firing and Andarab (Baghlan Province), Shutul, Darah, Unabah, and Khinj (Panjshir Province), although cautioning that such assessments are 'extremely difficult' since the collapse of the former government [[COI Update 2022](#), 1, p. 2].

After assuming power, the Taliban dismissed the previous judiciary and issued several decrees and general guidance regarding the implementation of *sharia* [[Security 2022](#), 1.2.3, pp. 29-31]. The de facto authorities were described as seeing 'any challenge to [their] policies as a challenge to the faith itself.' [[Targeting 2022](#), 6.3, p. 129].





The Taliban also issued a wide range of directives related to their interpretation of religious norms, including with regard to extramarital relationships, dress code, attendance at prayers and music. The enforcement of issued restrictions was reported to vary across Afghanistan. In June 2022, one source reported that the Taliban increased the enforcement of such directives [[Targeting 2022](#), 1.3.1, p. 42].

Sources pointed at ideological differences between factions within the Taliban and tensions between an 'older' and a 'younger' generation, but nonetheless, the group has also been described as largely cohesive and unified. [[Targeting 2022](#), 1.1.1, pp. 18-19; [Country Focus 2022](#), 1.3, pp. 23-24].

It was also reported that sometimes influential individuals had more authority and impact on local level than the relevant ministry and that the enforcement of new rules often depended on individual Taliban soldiers and their personal views [[Targeting 2022](#), 1.1.4. b, p. 26].

Taliban members sometimes used force towards the population, for instance in the implementation of *sharia* and when dispersing protests [[Targeting 2022](#), 1.1.2, 1.3.1, pp. 38 - 39, 42]. In the period 15 August 2021 - 15 June 2022, The United Nations Assistance Mission in Afghanistan (UNAMA) recorded 118 instances of 'excessive use of force', which mainly consisted of shootings at checkpoints when drivers failed to stop.

The Taliban Ministry of Interior instructed the de facto security forces to take precautions in their interactions with the civilian population. There were however reports, after these instructions were issued, of civilian deaths and injuries following excessive use of force by de facto security institutions [[Targeting 2022](#), 1.1.4. e, p. 32].

Human rights violations by the de facto authorities or by Taliban members included arbitrary arrests, incommunicado detention, the reported use of torture in detention, killings, abductions and enforced disappearances. Corporal and capital punishments, including following a de facto court judgment, were also reported [[Targeting 2022](#), 1.1.4. g, pp. 34-35; 1.2.2, pp. 38-39].

2.1.2. Haqqani Network

Last update: January 2023

The Haqqani Network has been described as the Taliban's 'best militarily equipped faction'. The network largely controls security in Afghanistan, including the security of the capital, Kabul, where Haqqani special forces operate military bases. Besides the post of de facto minister of interior, the Haqqani Network secured control of the de facto government's intelligence, passports and migration portfolios [[Security 2022](#), 1.2.1, pp. 24-25; 2.1.1. b, p. 39].

The Haqqani Network is on the UN Security Council's sanctions list and is known for having carried out high-profile attacks and suicide missions in Kabul in the past. As of May 2022, the Haqqani Network was viewed to maintain the closest ties to Al-Qaeda among the Taliban [[Security 2022](#), 1.2.1, pp. 24-25].





2.1.3. Al-Qaeda

Last update: January 2023

The Taliban denied Al-Qaeda's presence in Afghanistan [[Country Focus 2022](#), 3.1.2, p. 62], while the UN Sanctions and Monitoring Team claimed that Al-Qaeda was based in its historical areas of presence in the south and east, with a possible shift of some members to locations further west in the provinces of Farah and Herat. The same source estimated Al-Qaeda's size to several dozen fighters affiliated to its core organisation, and its operational capabilities as limited to advising and supporting the Taliban [[Security 2022](#), 2.4, p. 55].

Al-Qaeda continued to maintain a low profile, while the links between Al-Qaeda and the Taliban reportedly remained close and their relationship was underscored by the fact that Al-Qaeda's core leadership, was residing in eastern Afghanistan [[Security 2022](#), 2.4, pp. 54-55].

Al-Qaeda in the Indian Subcontinent (AQIS), an organisation subordinate to Al-Qaeda's core, has also been reported to keep a low profile inside Afghanistan, where most of its fighters are based. They include individuals from several south and southeast Asian countries. They were reportedly based in Helmand, Kandahar, Ghazni, Nimroz, Paktika and Zabul. Some AQIS fighters were embedded in Taliban combat units, and the group has been fighting alongside the Taliban, including during the sweeping takeover of Afghanistan in 2021 [[Security 2022](#), 2.4, p. 55].

With regard to a more detailed description of human rights violations by the Taliban, see the following sections.



For further information on human rights violations committed by the Taliban and actors related to the Taliban, and their relevance as potential exclusion grounds, see [7. Exclusion](#).

2.2 Islamic State Khorasan Province (ISKP)

Last update: January 2023

Activity of the ISKP has traditionally been concentrated in Kabul and in the country's eastern provinces, notably Kunar and Nangarhar where the group continued to have a strong foothold, especially in rural areas. In November 2021, the UN Special Representative for Afghanistan remarked that ISKP appeared to have a presence in nearly all provinces. The bulk of ISKP fighters has been reported to be present in rural Kunar, Nangarhar and possibly Nuristan provinces. Two sources noted, in autumn 2021, that ISKP did not hold any territory. However, in early February 2022 sources indicated that the group was in control of limited territory in eastern Afghanistan. In late May 2022, it was reported that ISKP might be weaker than previously assessed and unable to regain territory [[Security 2022](#), 1.1., p. 22, 2.3, pp. 50-51].

After the Taliban takeover in August 2021 ISKP shifted its focus to undermining the Taliban's legitimacy. Since then, it has reportedly targeted Taliban security convoys, checkpoints and



personnel while assassinating civilians of various profiles. It also continued to conduct large-scale attacks, in particular targeting Shia Hazara [[Security 2022](#), 2.3, p. 50].

In the period from 1 January to 21 May 2022, there were documented attacks by the group in 11 provinces (compared to 6 provinces over the same period in 2021). As of June 2022, new areas of ISKP activity included parts of northern and western Afghanistan (e.g. Kunduz, Balkh, Farah, and Herat), as well as southern and south-eastern provinces like Kandahar, Paktya, and Parwan. During the period August 2021 – May 2022 ISKP conducted several large high-profile attacks, including an attack on Kabul’s Hamid Karzai International Airport and attacks on Shia mosques in the cities of Kunduz and Kandahar, a military hospital in Kabul, a Shia Mosque in Mazar-e Sharif and a series of bombings in Mazar-e Sharif and Kabul [[Security 2022](#), 2.3, p. 51].

One source had noted that there was no indication that ISKP had the capacity to challenge the Taliban in the short term, with a decrease in large-scale attacks seen in late 2021 and the first months of 2022. However, the group re-escalated its attacks in April and May 2022. Multiple attacks in Mazar-e Sharif and Kunduz cities showed that ISKP had improved its ability to operate and carry out attacks in northern Afghanistan. ISKP attacks in Kabul and in the north mainly hit civilian targets, while its attacks in other parts of the country targeted the Taliban [[Security 2022](#), 2.3, p. 52].



For further information on human rights violations committed by the ISKP and their relevance as potential exclusion grounds, see [7. Exclusion](#).

2.3 Armed groups resisting the Taliban

2.3.1 National Resistance Front (NRF)

Last update: January 2023

NRF was formed after the Taliban conquered Kabul in mid-August 2021. The group was reported to consist of former civilians, former ANDSF personnel, including many low-ranking ex-officers, and former opposition members who have in common that they all supported the previous Islamic Republic of Afghanistan and are strong opponents of the Taliban. Most of the group’s members are ethnic Tajiks [[Security 2022](#), 2.2.1, pp. 45-47].

The NRF is led from headquarters located in Tajikistan. Based on its own account, NRF emerged in Panjshir Province and Andarab District of neighbouring Baghlan Province. Incidents related to NRF are mainly reported in Badakhshan, Baghlan, Balkh, Kapisa, Panjshir, Parwan, Takhar. [[Security 2022](#), 2.2.1, pp. 45-47, see also [Anti-Taliban resistance movements](#)].

NRF has made attempts ‘to seize direct control of territory from the Taliban government’. A senior figure in NRF has stated that NRF was seeking to hold democratic elections and have the Afghan people decide on the country’s future. While sources mentioned that NRF was the primary or ‘most well-developed’ anti-Taliban resistance movement, there was a lack of clarity



as to which groups were affiliated with it. It has no clear chain of command and its capabilities appeared to be limited [[Security 2022](#), 2.2.1, pp. 45-46].

It has been noted, at the end of April 2022, that NRF had shown that they were able to hold some rural areas, remote valleys and mountainous terrain in places like Baghlan, parts of Takhar, Panjshir, parts of Badakhshan [[Security 2022](#), 1.1, p. 23]. In the Panjshir Valley, residents were reported as saying that attacks on Taliban positions were a regular occurrence and that dozens of people had been killed as of June 2022 [[Security 2022](#), 2.2.1, p. 47].

2.3.2. Other groups resisting the Taliban

Last update: January 2023

Besides the NRF, a number of other anti-Taliban resistance groups and fighters operate in Afghanistan. While some groups declared allegiance with NRF other groups have not been associated with it [[Security 2022](#), 1.1, p. 22].

Sources reported that, from February 2022 onwards, new anti-Taliban resistance groups had been formed in various parts of northern Afghanistan. Some of the groups announced their formation publicly. However, apart from claims published on social media, limited information was available on the numerical strength and operational capabilities of such groups. As of March 2022, none of these groups had demonstrated that they were capable of carrying out significant attacks [[Security 2022](#), 2.2.2, p. 48].

The main groups are Afghanistan Islamic National and Liberation Movement, Afghanistan Freedom Front (AFF), The Turkestan Freedom Tigers, the National Resistance Council, the National Liberation Front of Afghanistan (NLFA), the Unknown Soldiers of Hazaristan, the allegedly Hazara-centred Freedom and Democracy Front and the Freedom Corps [[Security 2022](#), 2.2.2, pp. 48-49].

2.4. Other non-State actors

Last update: January 2023

Human rights violations are also committed by other non-State actors, such as clans, tribes, (locally) powerful individuals, family members, criminal groups, etc.

Customs and customary law in the Afghan society can result in a number of harmful traditional practices, such as forced marriage and family violence against women, including honour killings committed by family members [[Society-based targeting](#), 3.4 - 3.7, pp. 39-53; [Criminal law and customary justice](#), 3, pp. 29-33]. See also the profiles [3.15. Women and girls](#), [3.17. LGBTIQ persons](#), [3.12. Individuals perceived to have transgressed religious, moral and/or societal norms](#), etc.

Non-State traditional justice, which is dominant in large parts of Afghanistan, involves different actors such as *jirgas* and *shuras*, including religious scholars, jurists, community elders and local powerbrokers, etc. Certain human rights violations are associated with such traditional justice mechanisms, including in relation to the absence of due process and the nature of the



imposed punishments [[Criminal law and customary justice](#), 1.7, pp. 18-19; [Society-based targeting](#), 1.5, pp. 21-22; 6.4.2, pp. 78-82; [Conflict targeting](#), 2.6, pp. 77-78].

Other human rights violations committed by non-State actors can be a consequence of land disputes between different actors, such as communities (including tribes and clans), ethnic groups or individuals, or can be a result of blood feuds or other forms of private disputes [[Criminal law and customary justice](#), 2, 3; [Society-based targeting](#), 1.5, 6.4, 7]. See also the profile [3.18. Individuals involved in blood feuds and land disputes](#)].

Criminal groups and individuals committing crimes can also be non-State actors of persecution or serious harm in accordance with [Article 6\(c\) QD](#). While there was a lack of comprehensive data on crime rates, it was reported that the immediate aftermath of the Taliban takeover of power saw a drop in crime rates. By the second half of October 2021, sources began to report a rise in criminality, with Kabul residents pointing to an increase in armed robberies, kidnappings and extortion described as occurring on a daily basis in the capital. During September and October 2021, some 40 businesspersons were abducted in the capital as well as in Balkh, Kunduz, Nangarhar, Kandahar, and Herat provinces. The crime levels have risen concurrently with the deepening of the humanitarian and economic crisis in the country, particularly affecting the capital and other big urban areas [[Security 2022](#), 1.2.4, p. 32].



The reach of a specific non-State actor depends on the individual case. The assessment may include aspects such as their family, tribal or other networks for tracing and targeting the applicant. The individual power positions of the applicant and the actor of persecution or serious harm should be assessed, taking into consideration their gender, social status, wealth, connections, etc.



3. Refugee status

[Article 2\(d\) QD](#)

[Article 9 QD](#)

[Article 10 QD](#)

This chapter provides a brief outline and general considerations with regard to the assessment of applications for international protection in relation to the elements of the refugee definition and proceeds with the analysis of information concerning 19 particular profiles of applicants. The profiles are selected based on their relevance in the caseload of EU Member States.

The list of profiles addressed in this chapter is non-exhaustive and the fact that a certain profile is included in it or not is without prejudice to the determination of their protection needs. Furthermore, the order of listed profiles does not reflect any assessment of the potential level of risk of persecution for the respective profile.



The contents of this chapter include:

[3.1. Members of the security institutions of the former government](#)

[3.2. Public officials and servants of the former government](#)

[3.3. Persons affiliated with foreign forces](#)

[3.4. Individuals perceived as members or supporters of the National Resistance Front \(NRF\)](#)

[3.5. Individuals perceived as members or supporters of the Islamic State in Khorasan Province \(ISKP\)](#)

[3.6. Persons fearing forced recruitment](#)

[3.7. Human rights defenders, activists and others perceived as critical of the Taliban](#)

[3.8. Journalists and media workers](#)

[3.9. Educational personnel](#)

[3.10. Humanitarian workers](#)

[3.11. Individuals considered to have committed blasphemy and/or apostasy](#)





[3.12. Individuals perceived to have transgressed religious, moral and/or societal norms](#)

[3.13. Individuals perceived as 'Westernised'](#)

[3.14. Ethnic and religious minorities](#)

[3.15. Women and girls](#)

[3.16. Children](#)

[3.17. LGBTIQ persons](#)

[3.18. Individuals involved in blood feuds and land disputes](#)

[3.19. Persons living with disabilities and persons with severe medical issues](#)

[3.20. Individuals who were born in Iran or Pakistan and/or who lived there for a long period of time](#)





General remarks

While the conclusions under this common analysis could provide general guidance, the protection needs of each applicant should be **examined individually**. The non-exhaustive lists of examples regarding sub-profiles at a differentiated risk and to factors which would normally increase or decrease the risk, are to be taken into account in light of all circumstances in the individual case.

In some cases, even if the applicant no longer belongs to a certain profile, they may still be targeted and have a well-founded fear of persecution related to their **past belonging to such a profile**. In the individual assessment, it may be relevant to take into account the time that has passed and whether the applicant had remained in Afghanistan for a long period of time without encountering persecution.

Family members, merely due to their relation to an individual with a certain profile, may be at risk of persecution in such a manner that could constitute the basis for refugee status.

The individual applicant could fall under **more than one profile** included in this common analysis. The protection needs associated with all such circumstances should be fully examined.

The considerations under each profile should, furthermore, be viewed without prejudice to the credibility assessment of the applicant's claims. This common analysis deals solely with issues of risk analysis and qualification.

For each profile, and in some cases the relevant sub-profiles, the sections below provide:

- **COI summary:** outline of the factual basis of the analysis and the main elements taken into account when reaching the respective assessment of protection needs.
- **Risk analysis:** findings whether the treatment that an individual under the profile risks would amount to persecution and an assessment of the level of risk, along with guidance on risk-impacting circumstances which may be relevant.
- **Nexus to a reason for persecution:** conclusions with regard to the potential nexus to a reason for persecution in accordance with the refugee definition.

The order of listed profiles does not reflect any assessment of the risk of persecution.



3.1. Members of the security institutions of the former government

Last update: January 2023

This profile includes members of the former ANDSF, including former Afghan Local Police (ALP) and pro-government militias.

COI summary

Sources report that former ANDSF members, including former ALP and pro-government militias are a primary target of Taliban violence [[Targeting 2022](#), 2.1, pp. 57-63; 2.7, p. 72].

During the years of the conflict, ANDSF personnel both on and off-duty was a priority target for the Taliban. Attacks against government forces at army bases, police stations and checkpoints, deliberate killings, executions, abductions and torture against detainees, including ANDSF personnel, were reported, and explicitly legitimised by the Taliban *Layeha* (code of conduct) [[Anti-government elements 2020](#), 1.2.1, pp. 13-15; 2.5, pp. 21-22; 2.6.1, pp. 22-23; [State structure 2020](#), 2.1, pp. 26-27; [Security 2020](#), 1.1.1, p. 20; 1.3, pp. 30-31; 1.5.2, p. 51]. Available sources indicated that officers of NDS, members of PGMs and police chiefs were most frequently targeted by the Taliban [[Security 2020](#), 1.2.1, pp. 28-29; 1.3.3, pp. 33-34; 1.3.4, pp. 34-36; 2; [Anti-government elements 2020](#), 2.6, pp. 22-25; [Conflict targeting 2020](#), 1.2.1, pp. 28-30].

During their takeover of power in the summer of 2021, cases were reported in which the Taliban committed killings of ANDSF members who had surrendered or were detained [[Targeting 2022](#), 2.1, p. 56].

After the takeover, the Taliban announced in their first press conference a general amnesty, saying that they had pardoned ‘all of those who had fought against [them]’ [[Security September 2021](#), 1.1.2, p. 13]. The amnesty was not fully respected by Taliban members [[Targeting 2022](#), 2.1, p. 56]. Sources reported a lack of control of the Taliban leadership over their fighters and observed Taliban fighters acting on their own initiative and engaging in incidents because of personal enmities and desire for revenge [[Targeting 2022](#), 1.1.4, pp. 25-26; [Country Focus 2022](#), 1.3, pp. 23-24; 2.5, pp. 47-48]. Although Taliban fighters were repeatedly urged to respect the general amnesty, accountability of fighters who were involved in atrocities was reported to be limited [[Targeting 2022](#), 1.1.4 e, p. 30].

The Taliban also declared that they wanted former personnel of the Afghan National Army (ANA) to join their ranks and launched campaigns to recruit former ANDSF personnel. Although some former ANDSF members did join the Taliban ranks, it was reported that these efforts were of little success due to fear of retribution. Many former personnel remained in hiding or left the country [[Security 2022](#), 1.2.2, p. 27; 2.1.2, pp. 39-41; [Targeting 2022](#), 2.3, pp. 65-66; 2.5, pp. 69-70].

Incidents of summary executions, torture, abuses and enforced disappearances of former ANDSF personnel have been reported in almost all provinces. Different sources recording



relevant incidents provided a different estimation of the extent of such incidents over different reporting periods. Human Rights Watch stated that in the period 15 August – 30 October 2021, more than 100 former ANDSF members have been executed or forcibly disappeared across 4 provinces and New York Times documented 490 cases in which former government officials and members of ANDSF were killed or disappeared in the first semester of Taliban rule. UNAMA reported on 160 extrajudicial killings, 178 arbitrary arrests, 23 incommunicado detentions and 56 instances of torture and ill-treatment of former ANDSF and government officials in the period 15 August 2021 – 15 June 2022 [[Targeting 2022](#), 2.1, pp. 56-58; 4.1, p. 80].

Efforts were made by Taliban members to track down former security officials through local informants, registration campaigns of former ANDSF personnel and possibly the use of former governments databases. In February 2022, the Taliban began to conduct house-to-house searches in different parts of the country, which according to some sources also focused on finding former government employees and members of ANDSF [[Security 2022](#), 1.2.4, p. 33; [Targeting 2022](#), 2.2, pp. 63-65].

There were also reports of targeting of former female members of the ANDSF by the Taliban or by their own relatives [[Targeting 2022](#), 2.8, p. 73].

There were also cases of non-fighting army personnel being detained and killed [[Targeting 2022](#), 2.4, p. 68].

Cases were also reported where family members were killed, or were interrogated or tortured by the Taliban looking for former officials [[Targeting 2022](#), 2.1, pp. 57, 61, 63; 2.2, p. 64; 2.4 – 2.7, pp. 67-73; [Security 2022](#), 3.2 c, pp. 68-69; [Country Focus 2022](#), 2.5, p. 46].

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. summary executions, torture, enforced disappearances). For applicants who were members of the security institutions of the former government well-founded fear of persecution would in general be substantiated.

Family members may also have a well-founded fear of persecution, for example in the context of the Taliban searching for the individual they are related to.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see the chapter [7. Exclusion](#)).



3.2. Public officials and servants of the former government

Last update: January 2023

This profile refers to individuals affiliated with the previous government, such as civil servants and members of the judiciary.

The situation of lawyers is addressed under the profile [3.7. Human rights defenders, activists and others perceived as critical of the Taliban](#).

COI summary

During the years of conflict, employees of ministries which were at the forefront of the fight against insurgents, for example the Ministry of Defence, the Ministry of Interior Affairs, and the Ministry of Justice, were regularly targeted by the Taliban. To a lesser degree, employees of other ministries not involved directly in the fight against insurgents were also targeted. Personal enmity or open statements against the Taliban could be seen as relevant circumstances in this regard [[Anti-government elements](#), 2.6.2, pp. 24-25; [Conflict targeting](#), 1.2.2, p. 31; [Security 2020](#), 1.3.3, pp. 33-34; 1.3.4, pp. 35-36].

Judges, prosecutors, and other judicial staff were important targets for the Taliban. Targeted killings, abductions and threats were reported during the years of the conflict. Judges also frequently received threats from local leaders or armed groups [[State structure](#), 3.3, p. 42; [Conflict targeting](#), 1.2.2, p. 31; [Security 2020](#), 1.3.3, p. 34; 1.3.4, pp. 35-36; 1.4.2, p. 41].

There were reports of civilians being threatened and/or killed for being employees or (perceived) supporters or spies for the former government, such as tribal or community elders and heads of villages, as well as local or provincial council members or government officials [[Anti-government elements](#), 2.6.2, pp. 24-26; [Security 2020](#), 1.3.3, pp. 33-34; 1.3.4, pp. 34-36; 2; [Conflict targeting](#), 1.2.2, p. 31; 1.5.1.1, p. 68].

Individuals under this profile were also seen as a legitimate target by other insurgent groups, for example the ISKP and foreign armed groups [[Security 2020](#), 1.2.2, p. 30; [Anti-government elements](#), 3.5, p. 34; 3.6.3, p. 35; 4.3, pp. 38-39].

After the takeover, the Taliban announced in their first press conference a general amnesty, saying that they had pardoned 'all of those who had fought against [them]' [[Security September 2021](#), 1.1.2, p. 13]. The Taliban called on government employees to resume their work; cases are reported in which threats or pressure were used in this regard [[Targeting 2022](#), 4.1, pp. 78-81]. Most male workers of government ministries have reportedly returned to work. Female government workers have not been asked to resume their work, with the exception of some positions for which it is assessed that men cannot replace women, including education and healthcare workers, and positions in passport and post offices, and at Kabul's international airport [[Targeting 2022](#), 1.1.4, p. 27; 4, pp. 80-81; [Country Focus 2022](#), 1.1.4, p. 19; 1.2.1, p. 20].

Despite the amnesty and the call on former government officials to resume work, retaliatory acts by Taliban members against persons under this profile were reported, albeit to a lesser



extent than against former ANDSF personnel [[Targeting 2022](#), 4, pp. 78-84; [Country Focus 2022](#), 2.5, pp. 45-48].

Incidents of summary executions, torture and detentions of persons affiliated with the former government have been reported in various parts of the country [[Targeting 2022](#), 2.1, pp. 58-60; 3.2, pp. 76-77; 4, pp. 78-80]. New York Times documented 490 cases in which former government officials and members of ANDSF were killed or disappeared in the first semester of Taliban rule [[Targeting 2022](#), 2.1, pp. 57-58; 4.1, 4.3]. UNAMA reported on 160 extrajudicial killings, 178 arbitrary arrests, 23 incommunicado detentions and 56 instances of torture and ill-treatment of former ANDSF and government officials in the period 15 August 2021 – 15 June 2022. All these instances were carried out by the *de facto* authorities and occurred in almost all parts of Afghanistan. According to UNAMA, individuals on ‘differing level of affiliation to the former government’ fell victim to such acts, ‘from senior officials to drivers, bodyguards and relatives’ [[Targeting 2022](#), 2.1, p. 57; 4.1, p. 80].

Former judges, prosecutors and defence lawyers remained mostly excluded from the *de facto* justice system. In late 2021, the *de facto* authorities announced that only Taliban-approved lawyers could work in their courts, which in practice could be interpreted as stripping former lawyers from their licenses. Judges, prosecutors, lawyers and former law and court personnel were reportedly subjected to house searches, harassment, death threats and killings. The Office of the United Nations High Commissioner for Human Rights (OHCHR) deemed the situation of former judicial personnel a matter for particular alarm. Female judges were claimed to be at added risk due to their gender as the Taliban do not accept that women have the right to judge men. Female judges and prosecutors have been reported to live in hiding and searched after by Taliban and released prisoners [[Country Focus 2022](#), 2.5, p. 45; [Security 2022](#), 3.2, 4].

Sources also reported attacks on prominent officials, such as former members of parliament, by unknown assailants [[Targeting 2022](#), 4.3, p. 84].

In Spring 2022, the Taliban set up a return commission in order to facilitate the return of exiled political and military personalities. Several former high-ranking persons returned to the country. However, it was reported that in general the initiative was met with scepticism [[Targeting 2022](#), 4.3, p. 83].

Cases were also reported where family members were targeted. Also, family, friends and neighbours were said to have been pressed to reveal judges’ whereabouts [[Targeting 2022](#), 2.1, p. 63; 2.2, p. 64; 4, p. 81; 4.2, p. 82; [Country Focus 2022](#), 2.5].

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. killing, incommunicado detention, torture).

For judges, prosecutors and female former judicial personnel working under the former government, well-founded fear of persecution would in general be substantiated.

For others under this profile, the individual assessment should take into account the institution they were employed by and their role and functions. Gender and possible personal enmities may also constitute risk-impacting circumstances.





Family members may also have a well-founded fear of persecution, for example in the context of the Taliban searching for the individual they are related to.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion. In some cases, religion could also be seen as a relevant ground, such as in the case of former female judges.

3.3. Persons affiliated with foreign forces

Last update: January 2023

This profile refers to individuals who are associated with the foreign troops which were present in Afghanistan, such as interpreters, security guards, civilian contractors, administrators and logistics personnel.

COI summary

During the years of conflict, personnel working for foreign military troops, in particular interpreters, were a top priority target by the Taliban. Article 11 of Taliban's *Layeha* (code of conduct) orders the execution of individuals working for *Kofaar* (foreign infidels), including *Tarjoman* (interpreters). Members of forces collaborating with foreign troops, contractors and 'spies' were seen by the Taliban as responsible for killing Afghan civilians. They were publicly defined as criminals and targeted. Individuals not on the payroll of the foreign forces but doing general maintenance jobs, have not been as systematically targeted, although attacks occurred [[Anti-government elements](#), 2.6.2.3, pp. 26-27; [Conflict targeting](#), 1.2.3, pp. 35-36].

After the Taliban takeover, thousands of interpreters who worked for international and US forces applied for special visa arrangements to leave the country [[Security September 2021](#), 1.1.4, p. 16]. It was reported that the US managed to evacuate most of its Afghan spies and informants and their relatives. However, tens of thousands of interpreters and other foreign forces collaborators reportedly remained in Afghanistan [[Security 2022](#), 3.1, p. 74].

During their first press conference after the takeover, the Taliban announced a general amnesty, saying that they have pardoned 'all of those who had fought against [them]' [[Security September 2021](#), 1.1.2, p. 13]. Despite this amnesty, retaliatory acts by Taliban members against persons under this profile were reported [[Country Focus 2022](#), 2.5, pp. 45-48; [Targeting 2022](#), 3, pp. 74-76] and several reports claimed that the amnesty was not fully respected by Taliban members [[Targeting 2022](#), 2.1, p. 56; [COI Update 2022](#), 3, pp. 4-5].

A source reported that in the period immediately following their takeover the Taliban rounded up Afghans on a blacklist and targeted people with suspected links to the previous administration or US-led forces. House-to-house searches to find blacklisted individuals were also reported. [[Security September 2021](#), 1.1.4, p. 16]. Individuals who were working for foreign military troops, e.g. interpreters, were reportedly living in hiding and being searched for [[Targeting 2022](#), 3.1, p. 75; 3.2, pp. 76-77]. The Taliban also have reportedly summoned some interpreters to appear in court, with their families being informed that they might be held responsible if the interpreters failed to appear in court [[Country Focus 2022](#), 2.5, p. 75].





Incidents of summary executions, detentions, torture, abuses and forced disappearances of persons affiliated with foreign forces have been reported [[Targeting 2022](#), 2.1, p. 56; 3, pp. 74-76; [Country Focus 2022](#), 2.5, pp. 45-48].

Efforts were made by the Taliban to track down persons under this profile through local informants, the use of existing databases and intimidation [[Security 2022](#), 1.2.4, p. 33; [Targeting 2022](#), 2.2, pp. 63-64; 3, pp. 74-76]. Border forces were reportedly ordered to prevent American and NATO collaborators from leaving the country [[Targeting 2022](#), 2.2; 3.1, p. 76].

Relatives of individuals who worked with foreign troops also faced threats. Family members of interpreters were in particular reported to be in hiding due to fear of reprisals. [[Targeting 2022](#), 2.2, p. 64; 3, pp. 75-77].

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. killing).

For individuals affiliated with foreign forces well-founded fear of persecution would in general be substantiated.

Family members of such individuals may also have a well-founded fear of persecution.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see the chapter [7. Exclusion](#)).

3.4. Individuals perceived as members or supporters of the National Resistance Front (NRF)

Last update: January 2023

This profile includes individuals perceived as members or supporters of the NRF.

With reference to NRF as a potential actor of persecution or serious harm, see [National Resistance Front \(NRF\)](#), section 2.3.1 of this common analysis.

COI summary

It has been reported that the Taliban perceived ethnic Tajiks, especially those originating from Panjshir, as potential supporters of the NRF. Killing of civilians has also taken place in



adjacent Tajik-dominated areas in Baghlan and Takhar. There is also a higher level of perceived threat towards Panjshiris in Kabul, as Taliban forces had engaged in the beating and arbitrary arrests of civilians in Panjshir who were accused of supporting the NRF [[Targeting 2022](#), 6.5.2, pp. 146-148].

Human Rights Watch concluded that this amounted to collective punishment. According to a representative of an international NGO in Kabul, the purpose of the Taliban's actions was to intimidate the local population so that they would not support the NRF. In June 2022, there were news reports about the forced evictions of residents in certain districts of Baghlan province. Freedom House also noted in their annual report on political rights and civil liberties in 2021, that the Taliban have engaged in discrimination against members of ethnic minority groups, including Tajiks [[Targeting 2022](#), 6.5.2, pp. 146-147].

UNAMA also recorded human rights violations of individuals suspected or accused of NRF affiliation. Between 15 August 2021 and 15 June 2022, UNAMA recorded 18 extrajudicial killings, 54 instances of torture and ill-treatment, 113 arbitrary arrests and detentions, and 23 incommunicado detentions. The majority of these cases took place in the provinces of Panjshir or Baghlan, where the NRF is known to be the most active. The same source recorded arbitrary arrests of large groups of civilians in these areas related to accusations of supporting NRF, which were carried out by the Taliban. Furthermore, UNAMA noted an increase in reported extrajudicial killings of individuals accused of affiliation with the NRF in the first half of 2022 [[Targeting 2022](#), 6.5.2, p. 147]. In May 2022, Human Rights Watch also received a growing number of reports of reprisal killings and attacks by the Taliban on civilians in areas associated with resistance groups such as the NRF. Detentions of civilians apparently accused of supporting the NRF have also been reported [[Targeting 2022](#), 6.5.2, p. 146].

Extra-judicial killings of alleged NRF members, including prisoners of war, by the Taliban were also reported in September and October 2022 [[COI Update 2022](#), 3, p. 6].

The UN Special Rapporteur on the situation of human rights in Afghanistan stated on 6 September 2022 that the conflict between the Taliban and NRF had caused significant suffering and violations of international humanitarian and human rights law. He especially pointed out Panjshir Province and Andarab District (Baghlan Province) from where he had received reports of civilians being subjected to arbitrary arrests, extrajudicial killings and torture, which sometimes appeared to be collective punishments. Following a visit to Afghanistan in October 2022, the UN Special Rapporteur stated that communities in inter alia Panjshir Province were being 'heavily suppressed' and that civilians considered to be associated with the NRF were subjected to house searches, arbitrary arrests, detentions, extrajudicial killings, torture, displacement and an information blackout [[COI Update 2022](#), p. 7].

See also the profile [Members of the security institutions of the former government](#), section 3.1 of this common analysis.

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. abduction, collective punishments, torture, execution).



For individuals perceived by the Taliban as being involved with or as supporting NRF well-founded fear of persecution would in general be substantiated. The individual assessment whether the applicant would be perceived to have such affiliation could take into account their place of origin and ethnic background, with Tajiks from Panjshir and Andarab District (Baghlan Province), being particularly at risk.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.

3.5. Individuals perceived as members or supporters of the Islamic State in Khorasan Province (ISKP)

Last update: January 2023

This section focuses on individuals perceived as members or supporters of the ISKP.

With reference to ISKP as a potential actor of persecution or serious harm, see [Islamic State Khorasan Province \(ISKP\)](#), section 2.2 of this common analysis.

COI summary

The Taliban launched operations to restrain ISKP, and instances of targeting of individuals perceived as supporting ISKP were reported from Nangarhar Province, including killings, cases of enforced disappearances, torture, and ill-treatment. In the reporting period 15 August 2021 – 15 June 2022, UNAMA recorded 59 extrajudicial killings, 22 arbitrary arrests and detentions, 7 incidents of torture and ill-treatment of accused ISKP affiliates. Human rights violations against individuals accused of ISKP affiliation still occurred in Nangarhar as of 31 May 2022, although the frequency was less than the previous year [[Targeting 2022](#), 1.4, pp. 49-50].

Since their takeover in August 2021, the Taliban have generally acted harshly against Salafi communities due to their perceived ties to ISKP. The Afghan Salafi community has been a recruitment ground for ISKP. Despite that, many Salafis in the country were opposing the group. According to some analysts, the ISKP has tried to provoke the Taliban to pursue indiscriminate security policies towards the Afghan Salafi communities to gain from this in the long run. This has allegedly already resulted in ill-conceived policies of the Taliban, including collective punishment of Salafis suspected of ties to ISKP. Whole Salafist communities in the provinces Kunar and Nangarhar were subjected to night raids, disappearances, summary executions, and detentions of men and sometimes boys, even if they had no relation to ISKP [[COI Update 2022](#), 3, p. 7; [Targeting 2022](#), 6.6.6, p. 155]. In July 2022, Human Rights Watch released a report on extensive killings of alleged ISKP affiliates in eastern Afghanistan. The investigation suggested that only in the Darunta Canal in Nangarhar Province, over 100 bodies were dumped between August 2021 and April 2022 [[COI Update 2022](#), p. 7].



There were also instances of targeted violence against the Ahmadi community in November and December 2021. 28 members of the Ahmadiyya community were reportedly detained by the Taliban in Kabul in November and December 2021, falsely accused of being members of ISKP [[Targeting 2022](#), 6.6.5, p. 154].

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. abduction, torture, execution).

For individuals perceived by the Taliban as being involved with or as supporting ISKP well-founded fear of persecution would in general be substantiated. The individual assessment whether the applicant would be perceived to have such an affiliation could take into account their religious affiliation (especially the Salafi community, province of origin (especially Nangarhar and Kunar), as well as additional individual elements implicating the applicant as being supportive of ISKP.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion or (imputed) religious beliefs.



Exclusion considerations could be relevant to this profile (see the chapter [7. Exclusion](#)).

3.6. Persons fearing forced recruitment

Last update: January 2023

This profile refers to persons who claim to be targeted by the Taliban or ISKP in order to be recruited by force and against their will.

For the topic of child recruitment, see the separate section [3.16.2 Child recruitment](#).

COI summary

Forced recruitment by the Taliban

During the conflict, the Taliban typically recruited unemployed Pashtun males from rural communities who were educated and trained in Afghans and Pakistanis *madrassas*, mosques and camps. It was reported that they had no shortage of volunteers and recruits. The Taliban only made use of forced recruitment in exceptional cases. Pressure and coercion to join the Taliban were not always violent and were often exercised through the family, clan or religious network, depending on the local circumstances. It can be said that the consequences of not obeying were generally serious, including reports of threats against the family of the approached recruits, severe bodily harm, and killings [[Anti-government elements](#), 2.2, 2.4, p.



21; [Recruitment by armed groups](#), 1.5, p. 22; 5.2.1.3, pp. 43-44; 5.2.1.4, p. 44; [Society-based targeting](#), 8.2, p. 94].

During the spring and summer of 2021, the Taliban recruited an increased number of new fighters as well as mobilised thousands of fighters and supporters from Pakistan to enter Afghanistan and strengthen their ranks across the country. Following the takeover, the Taliban planned to build a 'regular' army of 300 000 to 350 000 personnel on a voluntary basis for the Taliban ministries of defence and of interior. No information on forced recruitment to the Taliban after the takeover had been found within the time constraints of the latest COI reports [[Targeting 2022](#), 13.1.1, 13.1.2].

Forced recruitment by ISKP

The recruitment by ISKP increased in Afghanistan following the withdrawal of international forces. As of May 2022, the terrorist group had an estimated 1 500 to 4 000 fighters settled in rural areas of Kunar and Nangarhar provinces, with smaller covert cells in Northern provinces. The worsening economic situation in the country was driving the ISKP's recruitment, with the group reportedly promising a 35 000 Afghanis salary to its fighters [[Targeting 2022](#), 13, p. 188; 13.2, p. 190; [Security 2022](#), 2.3, pp. 53-54].

In terms of composition, half of the ISKP members were estimated to be foreigners. ISKP reportedly tried to recruit amongst Tajik, Turkmen and Uzbek ethnic groups in northern Afghanistan, capitalising on the growing dissatisfaction among these communities with the Taliban rule. Furthermore, ISKP reportedly recruited individuals from influential political and warlord families as well as urban middle-class men and women who have joined the group for ideological reasons. Taking advantage of its significant support in Kabul, the group recruited in the capital, especially among university students and Salafis [[Targeting 2022](#), 13.2, pp. 190-192; [Security 2022](#), 2.3, pp. 50, 52-54].

Before August 2021, in rural areas with firm ISKP presence and/or where fighting is taking place, there was pressure on communities to fully support and help the terrorist group [[Anti-government elements](#), 3.4, p. 33; [Recruitment by armed groups](#), 2.1.4, p. 30; 5.2, p. 41].

Risk analysis

Forced recruitment is of such severe nature that it would amount to persecution. The consequences of refusal of (forced) recruitment could also amount to persecution (e.g. severe bodily harm, killing).

The likelihood of being approached for forced recruitment by the Taliban or ISKP is generally low. Risk-impacting circumstances could include: age and gender (young men), area of origin (in relation to potential ISKP recruitment), military background.

Nexus to a reason for persecution

While the risk of forced recruitment as such may not generally imply a nexus to a reason for persecution, the consequences of refusal, could, depending on individual circumstances, substantiate such a nexus, among other reasons, to (imputed) political opinion.





3.7. Human rights defenders, activists and others perceived as critical of the Taliban

Last update: January 2023

This profile refers to persons who individually or in association with others act to promote or protect human rights and fundamental freedoms. It also addresses the broader topic of perceived criticism of the Taliban, including in relation to protests and other open criticism of the Taliban, such as criticism expressed via social media.

COI summary

After the takeover, Taliban made efforts to stifle debate and curb dissent and prohibited unauthorised assemblies. Individuals who made peaceful expressions of opinion or dissent were arrested and detained [[Targeting 2022](#), 2.2, p. 36]. On 21 July 2022, the Taliban supreme leader issued a decree banning defamation and ‘unproven’ criticism of [de facto] government officials. The decree added to previous restrictions on media content issued during the months following the Taliban takeover in 2021 [[COI Update 2022](#), 2, p. 3].

Human rights defenders’ and activists’ work can be considered dangerous throughout Afghanistan because human rights concepts are often seen as an alien, Western or a non-Islamic concept. Intimidation, harassment, threats and violence against human rights defenders and activists were committed by all parties in the previous conflict. Civil society representatives who expressed opinions and monitored and reported on human rights violations and abuses encountered an ‘environment of threat and intimidation’ [[COI query on journalists, media workers and human rights defenders](#), 2, pp. 7-12; [State structure](#), 1.8.1, p. 23; [Conflict targeting](#), 1.2.9, pp. 48, 51; 1.5.1, p. 65; 2.3, p. 74].

Since the Taliban takeover, civil society actors and human rights defenders largely halted their activities in most provinces, out of fear of repercussions. As indicated by the former chairwoman of Afghanistan Independent Human Rights Commission (AIHRC) ‘the situation has become increasingly difficult for activists and human rights defenders inside the country’, with a trend of an increased Taliban focus on targeting and ‘hunting down’ activists and media workers since November 2021. According to the UN Special Rapporteur on Human Rights Defenders, among those ‘most at risk’ were human rights defenders documenting alleged war crimes, female criminal lawyers, cultural rights defenders, and defenders from minority groups [[Targeting 2022](#), 8.1, p. 163].

Human right violations such as killings, arbitrary arrests, incommunicado detentions, torture and ill-treatment, and threats or intimidation were attributed to the *de facto* authorities. Most of these incidents occurred in Kabul City, especially during the increased number of women protests in January and February 2022. In the period 15 August 2021 – 15 June 2022, UNAMA recorded the killings of 5 civil society activists carried out by the Taliban and the abuses against 65 human rights defenders, including 47 arbitrary arrests (including 11 women), 17 cases of incommunicado detention (including 10 women), 10 cases of torture and ill-treatment (including one woman), and 17 cases of threats and intimidation (including 6 women). [[Targeting 2022](#), 8.2, pp. 168-172; [Security 2022](#), 3.3.1, pp. 71-74; 4.1.1, pp. 80-86].





Some deadly attacks on human right defenders were also attributed to ISKP. In other cases, the perpetrators were not known. According to the OHCHR, there were no reports indicating that the Taliban authorities have investigated the incidents targeting human rights defenders or have taken any action against the perpetrators [Targeting 2022, 8.2, p. 168]. Taliban specific tactics used against human rights activists included raiding offices of human rights and civil society organisations to search for contact details of people who worked there, conducting house searches. They were also reportedly making calls and sending text messages asking for personal details and to hand over organisations' equipment and money. Questioning people at local mosques and using the former police's resources and records to obtain personal information on activists, delivering threats by phone and harassment on social media were also reported [Targeting 2022, 8.1, pp. 163-164].

In November 2021, the Taliban reportedly issued a warning to human rights activists and civil society workers in the province of Panjshir, indicating their work as 'illegal' and that the Taliban were therefore 'instructed to seriously find and pursue them and arrest them as soon as possible to stop their false and anti-religious activities' [Targeting 2022, 8.1, p. 164].

Limited civil society activity in relation to women's rights has been possible, such as a gathering for international women's day in March 2022 and a two-day meeting of representatives of civil society, Islamic scholars, tribal elders, and war victim families which started on 31 March 2022 [Targeting 2022, 1.2.2, p. 40].

Protests on issues such as women's rights, economic sanctions, unpaid salaries and the distribution of humanitarian assistance took place. Protests on endorsed issues coordinated with the de facto authorities, such as the lifting of economic sanctions, did not face restrictions. However, in other cases, the Taliban used force to disperse crowds, including by using live ammunition, electroshock weapons, tear gas, whips, and beatings. Some protesters were subjected to arbitrary detention, house raids, ill-treatment and torture. Protests on women's rights were especially met with violence or intimidation by the Taliban. Many resorted to organising smaller protests in private homes, sharing videos on social media and writing messages on walls around Kabul City during night-time [Targeting 2022, 1.2, pp. 38-39].

Arrests following criticism on social media were also reported on several instances. This included a female comedian and aid worker who had uploaded satirical videos on social media, sometimes critical of the Taliban, and a university professor, allegedly for statements on social media that were against the Taliban government. On both instances, the individuals were subsequently released without charges. Another university professor was reportedly ordered by the Taliban Minister of Higher Education to apologise after posting content on social media seemingly critical of the Taliban. An Afghan human rights activist from southern Afghanistan also claimed that her relative had recently been murdered after questioning the Taliban's ability to feed the people on social media [Targeting 2022, 1.2.1, pp. 37-38].

Moreover, there were some examples of individuals belonging to the well-educated class and members of the intelligentsia being targeted, arrested and killed. Some reportedly awaited trials and have been charged with promoting values not in line with *sharia* or violating 'the principle of the Quran' [Targeting 2022, 1.2, p. 37; 8.2, pp. 168-172].

Reports on arrests, detentions and/or abductions included family members of individuals perceived as critical of the Taliban. Reports particularly referred to the arrest of female





activists together with their family members [[Targeting 2022](#), 8.2, pp. 169-171; [Security 2022](#), 1.2.5, p. 34].

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. killing, abduction, arbitrary arrest and detention, beatings, torture).

For human rights defenders and activists, well-founded fear of persecution would in general be substantiated.

For others who may be perceived as critical of the Taliban (e.g. due to statements or content shared on social media), the individual assessment should take into account the visibility of the applicant, the sensitivity of the topic of criticism and the extent of its public nature. Other risk-impacting circumstances, such as gender and ethnicity, may also be relevant to the assessment.

Family members of individuals under this profile may also have a well-founded fear of persecution. Family members of female activists may particularly be at risk.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion and/or religion.

3.8. Journalists and media workers

Last update: January 2023

COI summary

Prior to the takeover, journalists, media workers, commentators and human rights defenders were targeted by anti-government armed groups as well as by former State actors, warlords, powerful local figures, and organised criminal groups. This was especially the case for those who expressed opinions and monitored or reported on human rights issues (especially women's rights), critically covered activities of parties in the conflict, exposed corruption, criticised impunity, etc. There were reports of killing, beating, intimidation, detention and mistreatment of journalists [[COI query on journalists, media workers and human rights defenders](#), 1, pp. 2-7; [State structure](#), 1.8.1, p. 24; [Conflict targeting](#), 1.2.9, pp. 48-51; 1.5.1, pp. 65, 67; 2.3, pp. 74-75].

After the Taliban takeover, numerous journalists fled Afghanistan or went into hiding, most female media workers lost their jobs and Afghan journalism has been facing challenges related to financial problems, the restrictions imposed by the Taliban, and violence [[Targeting 2022](#), 7.1, pp. 156-159].





In September 2021, the Taliban issued guidelines for journalists, including rules against addressing topics in conflict with Islam or ‘insulting national personalities’, and instructing media to produce reports in coordination with the Taliban government’s media office. In February 2022, the Taliban stated that media coverage should consider ‘national interests, Islamic values and national unity’. The issued restrictions on media were vague, and difficult for media workers to follow in practice and they were reportedly enforced unevenly across the country. At the same time, the Taliban stated that they were working on re-establishing the Media Violation Commission to prevent ‘misunderstandings’ and to take action against problems. The Commission was not established as of June 2022, according to UNAMA. [Targeting 2022, 7.1, p. 157]. On 21 July 2022, the Taliban supreme leader issued a decree banning defamation and ‘unproven’ criticism of [de facto] government officials. The decree added to previous restrictions on media content issued during the months following the Taliban takeover in 2021 [COI Update 2022, 2, p. 3].

The media that were still operating reportedly adjusted their reporting in general by decreasing potentially provocative content, while content praising the Taliban increased. The General Directorate of Intelligence established by the Taliban (GDI) tried to censor media content, including by using force, threats and psychological pressure. Many claimed to have been beaten while trying to cover subjects that ‘cast Taliban officials in bad light’, including anti-Taliban protests and arbitrary detentions. Some sensitive topics were difficult for media to cover, including religion and the situation of women, while others, such as women’s protests, human rights activities, resistance, and ISKP were reportedly ‘typical no-go areas’. Arrests and intimidation of journalists covering women’s protests were reported [Targeting 2022, 7.1, pp. 158-159].

On 21 May 2022, the Ministry for the Propagation of Virtue and the Prevention of Vice (MPVPV) issued instructions for women presenters to cover their faces while presenting on television and a spokesperson of the ministry stated that it was a final decision which they would not be willing to discuss. Female journalists reported that they experienced gender discrimination (e.g. being banned from attending Taliban-held press conferences, difficulties travelling due to male guardianship restrictions, officials refusing to participate in interviews with women journalists) and that they had received written, verbal and physical threats and abuse by Taliban officials. Compared to female journalists in the capital, female journalists on other parts of the country encountered more barriers, including security issues and sexism [Targeting 2022, 7.1, pp. 157-158].

Journalists and media workers reportedly faced violations by the *de facto* police forces and security service which included arbitrary arrests, incommunicado detentions, torture and ill-treatment, threats or intimidation. Incidents were primarily reported in Kabul City [Targeting 2022, 7.2, pp. 159-162; Security 2022, 4.1.1, p. 86].

Reports differ on whether the attacks against journalists were systematic or initiated by Taliban members ‘holding a grudge’. In some instances, journalists were detained while trying to cover women’s protests, after reporting on protesters or after hosting guests in television shows criticising the Taliban. A former owner of a radio station was reportedly detained by intelligence officials in Herat City on accusation of working as a journalist for NRF. Four radio stations were raided, and six journalists temporarily detained by GDI in Kandahar City, after violating a ban on music [Targeting 2022, 7.2, pp. 160-162]

In May 2022, a journalist was reportedly sentenced to imprisonment by the Taliban military court after criticising the Taliban on social media. This was however denied by the Taliban





who claimed that he had been sentenced for criminal misconduct unrelated to his journalistic work [[Targeting 2022](#), 1.2.1, p. 38].

Some incidents of attacks against journalists by unidentified armed groups were also reported in Kabul City, including beatings and one abduction/forced disappearance. The killing of five journalists (including two women) by ISKP within the period 15 August 2021 – 15 June 2022 was also reported [[Targeting 2022](#), 7.2, p. 162; [Security 2022](#), 4.1.1, p. 86].

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. killing, arbitrary arrest, incommunicado detention, beatings, torture, abduction/enforced disappearance).

For journalists and media workers seen by the Taliban as critical of them or as not complying with conditions set by the Taliban well-founded fear of persecution would in general be substantiated.

For other journalists and media workers, the individual assessment should take into account risk-impacting circumstances, such as: gender (i.e. women), origin from areas where ISKP have operational capacity, personal enmities, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion and/or religion.

3.9. Educational personnel

Last update: January 2023

This profile refers to people working in educational facilities, including schools and universities. Students could also be affected by association. In some cases, reports on targeting concern educational facilities and educational personnel as well as students. Therefore, it cannot always be discerned whether the targeting was intentionally directed towards educational personnel.

See also the sub-section [Access to education](#) under the profile [3.15 Women and girls](#).

COI summary

Following the Taliban takeover, primary and elementary school remained open but girls' secondary schools were closed. The Taliban officially announced that secondary schools would remain provisionally closed for girls until a comprehensive plan has been prepared according to *sharia* and Afghan culture.





Several local and international initiatives providing alternative forms of education for girls after grade six have been reported. Initiatives of underground schooling in Kabul and in other parts of the country, where female teachers meet in private homes or at unknown clandestine locations to teach girls were reported by several sources [[Targeting 2022](#), 5.2.1, p. 103].

The Taliban reportedly retained most of the teachers from the previous administration and allowed some female workers in education sector to resume their work [[Targeting 2022](#), 1.1.4 c, p. 27; 4.1, pp. 78, 80-81]. The Taliban Ministry of Education also announced the recruitment of 7 000 teachers and administrative personnel, of which more than 2 000 vacancies reportedly were reserved for women [[Targeting 2022](#), 5.2.1, pp. 99 – 102]. In May 2022, the Taliban have issued a decree instructing, among others, women to respect a strict dress code and mentioning that working women such as teachers could be fired if they did not obey the new guideline. It was reported that in some schools female teachers were fired and female students expelled for not complying with the prescribed dress code [[Targeting 2022](#), 5.2.5, p. 121].

A media report claimed that the Taliban in Kandahar had ordered male teachers and high-school students to pledge in writing that they will conform with the Taliban's interpretation of *sharia*, including traditional Afghan dress codes for men and growing a beard. Failure to sign or adhere to the pledge could lead to students and teachers being dismissed [[COI Update 2022](#), 2, pp. 3-4].

Taliban policies towards education since August 2021 resulted in a collection of fragmented and sometimes incoherent policies. The lack of clear policies regarding women teachers and girls' education, combined with non-payment of teachers' salaries, led to low enrolment rates even where schools were open. There was reportedly a shortage of female teachers, a longstanding issue which worsened after the Taliban takeover as some teachers fled the country or left their jobs due to the non-payment of salaries. The lack of funds caused difficulties for the de facto authorities to ensure payment of salaries to education personnel, and impacted the operability of schools, purchase of learning materials and teachers' training. Some foreign aid initiatives still provided cash support to some public teachers in February 2022 [[Targeting 2022](#), 12.1, p. 186; 12.2, pp. 186-187].

In January 2022, Afghan teachers employed at the British Council in Helmand Province were reportedly hiding from the Taliban out of fear of reprisals. According to more than 20 testimonies collected by Amnesty International from 16 September to 8 October 2021, teachers faced intimidation and death threats. A high school teacher reported to have been threatened to death by Taliban. On 18 August 2021, two students were reportedly beaten by the Taliban while attempting to go to English classes, as considered 'infidels language'. A secondary school teacher said to be harassed and intimidated by the Taliban following a media interview in which she complained about teacher salaries and girls' access to secondary education [[Targeting 2022](#), 12.3, p. 187].

There were also incidents of the Taliban arresting university professors criticising them [[Targeting 2022](#), 12.3, p. 187].

Several bomb blasts targeting crowded places, including education facilities, and leading to casualties were also reported. On 10 January 2022, for example, an explosion occurring near a school reportedly killed eight children and injured four others in Lalpur District in Nangahar province. On 19 April 2022, a twin explosion occurred in Abdul Rahim Shaheed High School, and close to the Mumtaz Education Centre. Both sites were within Hazara neighbourhoods in



Kabul City. Six persons were killed and at least 11 injured, including children. In the aftermath of the attack, there was no immediate claim of responsibility, but ISKP has been attributed previous attacks in the area. In December 2021, a 170-member unit within the Special Forces was reportedly created by the de facto authorities to protect educational institutions [[Targeting 2022](#), 12.3, p. 187; [Security situation 2022](#), 2.1.1, p. 39, 3.2, pp. 62-71]. On 30 September 2022, a suicide bombing was carried out against the Kaaj educational centre in a Hazara-dominated area. UNAMA reported that at least 53 people had been killed and over 110 injured. Most victims were reported to be teenage girls [[COI Update 2022](#), 3, p. 9]

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. killing). When the acts in question are restrictions on the exercise of certain rights of less severe nature or (solely) discriminatory measures, the individual assessment of whether they could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender (i.e. female teachers), origin from areas where ISKP has operational capacity, the individual or the institution not following Taliban directives and/or curriculum, speaking out against the Taliban, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion. In some cases, religion could also be seen as a relevant ground, such as in the case of individuals persecuted for using a curriculum perceived as contravening the actor's interpretation of Islam.

3.10. Humanitarian workers

Last update: January 2023

This profile includes individuals working for national and international NGOs. Examples of relevant humanitarian work include participation in polio vaccination and demining programmes.

COI summary

Before the takeover, there were cases of NGO workers being targeted by actors in the conflict as a result of their activities being perceived as non-neutral or in violation of cultural or religious norms. Examples included targeting of people active in polio vaccination campaigns (sometimes considered as spies) or in de-mining programs (considered as an activity contrary to the military interests of the Taliban). ISKP also considered humanitarian workers as legitimate targets because of links with foreign organisations or donors [[Security September](#)



[2021](#), 1.4.2, pp. 31-32; 2.23, pp. 101-102; [COI query on humanitarian workers and healthcare professionals](#), pp. 1-16].

After the takeover, although the *de facto* authorities stated their guarantees for the ‘safety and security of humanitarian staff’ and freedom of movement of humanitarian workers, including women, the provincial *de facto* authorities were reportedly interfering in the work processes of humanitarian actors, including the selection of beneficiaries and/or distribution process. According to UNOCHA, ‘violence and/or threats against humanitarian personnel, assets, and/or facilities’ were reported in 57 % of Afghanistan’s districts [[Targeting 2022](#), 10.1, p. 178].

Regarding the situation of women in the humanitarian sector, Taliban officials reportedly provided a written agreement that ‘unconditionally’ permitted women aid workers to fulfil their job ‘in only three provinces’ and as noted by Human Rights Watch, ‘in over half the country’ women humanitarian workers were restricted from fulfilling their work duties because of the requirement of male guardianship. UNOCHA noted that 2 of 17 directives issued by the *de facto* authorities enforced the requirements of wearing hijab and being accompanied by an adult male who is a close relative, a *mahram*, for female humanitarian workers [[Targeting 2022](#), 10.1.1, pp. 178-179].

Sources recorded incidents in which humanitarian workers were targeted by the Taliban, the ISKP or unidentified armed group(s) [[Targeting 2022](#), 10.1.2, pp. 179-180].

Incidents attributed to the Taliban included the beating of an Afghan UN staff member who was trying to reach Kabul airport, the insult and severe beating of five humanitarian employees and the temporary detention of others in Nili City in the Daykundi Province, the assault and arrest of four NGO workers at a checkpoint in Wardak Province, who were later released, and the temporary detention of four humanitarian workers, including a woman, in Kandahar Province [[Targeting 2022](#), 10.1.2, p. 180].

Incidents attributed to unidentified armed groups included the abduction and interrogation of a UN agency worker in Herat City, three deadly attacks on the members of the polio vaccination teams in the provinces Kunduz and Takhar, the bombing of a UN vehicle in Kunar Province. During the attack on Kabul Airport in August 2021, ISKP reportedly fatally shot a woman staff member of an international NGO ‘while in her car on the road’ [[Targeting 2022](#), 10.1.2, pp. 179-180].

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. abduction, killing, arbitrary detention).

The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender (i.e. women), nature of activities (e.g. activities for national/international NGO related to polio vaccination, demining, or other activities being perceived as non-neutral or in violation of cultural or religious norms), link with the former government or foreign donors, speaking out or acting against the Taliban or another armed group, origin from areas where ISKP have operational capacity, etc.





Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion and/or religion.

3.11. Individuals considered to have committed blasphemy and/or apostasy

Last update: January 2023

This profile covers persons who are considered to have abandoned or renounced the religious belief or principles of Islam (apostasy), as well as persons considered to have spoken sacrilegiously about God or sacred things (blasphemy). It includes individuals who have converted to a new faith, based on their genuine inner belief (e.g. converts to Christianity), as well as those who disbelieve or lack belief in the existence of God (atheists). It can be noted that, often, the latter grounds would be invoked *sur place* ([Article 5 QD](#)).

COI summary

The Taliban de facto government suspended the previous Islamic Republic of Afghanistan's constitution and announced a review of the compliance of existing Afghan laws with *sharia*. However, as of early 2022, the applicable legal framework remained unclear [[Security 2022](#), 1.2.3, p. 29].

Apostasy is a crime defined by *sharia* and includes conversion and proselytising to convince individuals to convert from Islam. Reportedly, 'appropriate' punishments for apostates in Sunni Hanafi jurisprudence are beheading for men and life imprisonment for women, unless the individual repents. Property may also be confiscated, and apostates can be prevented from inheriting property [[Targeting 2022](#), 1.3.1, p. 42].

The Taliban see those individuals who preach against them or contravene their interpretations of Islam as 'apostates' [[Country Focus 2022](#), 1.4, pp. 25-28; [Society-based targeting](#), 2.7, pp. 29-30; [Anti-government elements](#), 2, pp. 16-19].

There is low societal tolerance in Afghanistan for criticism of Islam. Blasphemy was reportedly also a capital crime according to Sunni Hanafi jurisprudence and could include 'anti-Islamic writings or speech' [[Targeting 2022](#), 1.3.1, p. 42].

Individuals who hold views that can be perceived as having fallen away from Islam, such as converts, atheists and secularists, cannot express their views or relationship to Islam openly, at the risk of sanctions or violence, including by their family. Such individuals must also appear outwardly Muslim and fulfil the behavioural religious and cultural expectations of their local environment, without this being a reflection of their inner conviction [[Society-based targeting](#), 2.3, pp. 25-27; 2.4, pp. 27-28].

According to the ISKP, Muslim allies of the West, but also those individuals who practice forms of 'impure' Islam, which includes non-Sunnis and Sunnis who practice Sufism or mystical





schools of Islam, can be defined as ‘apostates’ [[Targeting 2022](#), 6.6.1, pp. 143-144, 149; [Society-based targeting](#), 2.8, p. 30; [Anti-government elements](#), 3, p. 29].

There has been an increasing number of Afghan converts to Christianity, but there had only been a few converts visible in the past decade in Afghanistan [[Society-based targeting](#), 2.3, pp. 25-26]. One source pointed out that Afghans converting to Christianity were considered apostates and faced ostracization and the threat of honour killings by family and village members’ [[Targeting 2022](#), 1.3.1, pp. 42-43].

Baha’i practitioners and converts to the faith have also been viewed as ‘infidels’ or ‘apostates’ [[Targeting 2022](#), 6.6.2, p. 150; [Society-based targeting](#), 2.5, p. 28].

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. death penalty, killing, violent attacks).

For individuals considered to have committed blasphemy and/or apostasy, including converts, well-founded fear of persecution would in general be substantiated.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of religion.

3.12. Individuals perceived to have transgressed religious, moral and/or societal norms

Last update: January 2023

This profile refers to individuals whose actions, behaviours, or practices are seen as transgressing religious, moral and/or societal norms, irrespective of whether the perceived transgression of norms occurred in Afghanistan or abroad. Practices perceived as a transgression of these norms depend on several factors such as local context, actors involved and their interpretation of these norms.

COI summary

Afghanistan’s highly diverse society includes urban, rural and tribal segments, each having norms and mechanisms to settle disputes. Islamic values, concepts and practices influence many social and behavioural norms throughout society. Customs and customary law also continue to play an important role in Afghan society. It is a widely held perception among Afghans that customary laws are in line with the *sharia*. Transgression of a moral and/or societal norm may lead to honour-based violence, especially but not exclusively against women, which is a common occurrence in Afghanistan (see also [3.15 Women and girls](#)) [[State structure](#), 3.3.1, p. 44; [Society-based targeting](#), 1.1, pp. 16-17; 1.5, pp. 21-22; 3.7, pp. 51-53; 7.2, pp. 84-85].





The Taliban's view of *sharia* is based on the Sunni Hanafi school of jurisprudence, but it is also influenced by local traditions and tribal codes. The implementation of *sharia* differed among areas controlled by the Taliban during their time as an insurgency, with a tendency to gradually implement stricter interpretation as they gained influence in the area. After the takeover, the Taliban announced that they intended to act on the basis of their principles, religion and culture, and emphasised the importance of Islam and that 'nothing should be against Islamic values'. They also re-established the MPVPV which has increased the enforcement of a wide range of directives related to extramarital relationships, dress code, attendance at prayers, and music. As of 15 June 2022, UNAMA had recorded at least 30 instances of 'cruel, inhuman and degrading treatment and punishments' including public flogging, beatings and verbal abuse of persons failing to comply with issued rules and directives since the takeover [[Targeting 2022](#), 1.3, pp. 41-43; [Country Focus 2022](#), 1.4, p. 25].

The Taliban have been reported to punish individuals for not adhering to the expected religious practices. For example, UNAMA recorded cases of physical punishment of individuals not attending prayers, including the beating of shopkeepers in Lashkar Gah City, Helmand Province. As of January 2022, the Taliban had reportedly announced a requirement for all men to attend congregational prayers at mosques in parts of Kabul and Takhar provinces. In the mosques of the capital, the Taliban have ordered clerics to hold a roll call and report those who did not show up. First absence could be sanctioned with a fine, and a repeat offender could be 'punished'. Furthermore, residents of Takhar's Rustaq District reported that 'those who do not attend prayers are fined and beaten' and referred to a recent incident where two men who had failed to attend prayers were beaten by Taliban fighters [[Targeting 2022](#), 1.3.3, p. 45, 47-48; 6.3, pp. 128-130].

The text below provides a non-exhaustive list of actions, behaviours, or practices which can be perceived as potential transgression of religious, moral and/or societal norms by different actors in Afghanistan. Incidents mentioned below are illustrative examples and are not exhaustive.

Zina

Zina concerns illicit sexual relations, adultery, pre-marital sex and can also be imputed to a woman in case of rape or sexual assault.

In case of *zina*, several instances of killings, stoning, beatings, arrests, lashings or whippings have been committed by the Taliban or others against women and men. On 11 December 2021, the Afghan newspaper Hasht-e Subh reported on the arrest of 18 people, including nine women, who were accused of immoral behaviour, namely prostitution. In January 2022, Taliban fighters reportedly gang-raped eight women they had previously arrested in Mazar-e Sharif. Some of the women were killed by their families 'in the name of honour' after being released from custody. Between January and February 2022, four Taliban punishments were reported for cases of *zina* against women as well as men, including public lashing, arrest, and death by stoning. On 1 April 2022, a woman and a male colleague riding in a car together were reportedly stopped, interrogated and arrested at a checkpoint in Mazar-e Sharif by officials of the Taliban MPVPV. The following day, their dead and mutilated bodies were found. On 13 May 2022, a boy and a girl were shot by a relative of the girl for having sexual relations outside of marriage in Ghazni Province [[Targeting 2022](#), 1.1.4.(g), p. 35; 5.1.2, pp. 87-88, 5.1.6, p. 95; 5.1.7, p. 96]





Dress code

The Taliban took restrictive measures regarding the dress code of Afghan men and women. In May 2022, the Taliban issued a decree obliging Afghan women to be fully covered from head to toe (including their faces) when appearing in public. The decree stipulated a list of punishments for violations, including warnings and summons to a government office of a male head of the household, and in the case of repeated offences short-term imprisonment and eventually a court case with further punishments for the male guardian. The compliance with the decree differed across the country, and some women who were not covering their faces could be seen in some urban areas [[Targeting 2022](#), 5.2.5, pp. 119-124].

It is also reported that female patients without a *hijab* should be denied healthcare, while vehicle drivers were also instructed not to pick up female passengers without a *hijab* covering their hair. In other cases, men were reportedly stopped and harassed by Taliban fighters for wearing Western style clothes or shaving beards. In late September 2021, Taliban officials reportedly banned barbers from shaving or cutting beards in Helmand and Uruzgan Provinces, and warned that those violating the rule would be punished. In January 2022, male employees of Taliban officials in Uruzgan Province were reportedly ordered to stop trimming and wear a turban at work [[Targeting 2022](#), 1.3.2, pp. 43-44; 1.3.3, pp. 47-48].

Alcohol and drugs

The Taliban have taken certain measures against alcohol and drug users. On 3 April 2022, the de facto government issued a decree banning poppy cultivation, a plant which is, inter alia, used to produce opium. The decree reads that crops should be burned, and farmers punished under *sharia*. It further banned the production, use or transportation of other illicit drugs, including alcoholic beverages, heroin, 'Tablet K', and hashish. Since the takeover, Taliban fighters have rounded up drug addicts across Afghanistan and brought them to clinics or prisons to receive treatment. They used force, sometimes with whips and gun barrels, and the ensuing treatment lacked methadone and oftentimes counselling. In Kabul, the Taliban were also reported to sometimes inflict physical punishments on smokers, based on the group's general disapproval of smoking. Moreover, in April 2022, seven men were flogged and sentenced to imprisonment by the Taliban Supreme Court, inter alia for drinking alcohol [[Security 2022](#), 1.2.3, p. 31; [Targeting 2022](#), 1.1.4 g, p. 36; 1.3.4 f, p. 34; 1.3.2, p. 44].

Music

Regarding arts, even if the Taliban did not officially ban music after the takeover, they disapproved it at weddings and other public events. On 26 December 2021, the Taliban MPVPV instructed vehicle drivers to refrain from playing music in their cars. Several incidents targeting artists have been recorded, including arrests, physical aggression, destruction of music instruments or house searches. In Kapisa Province, representatives of the local department of the Taliban MPVPV were cited as saying that playing music was 'strongly forbidden' and considered as a crime. The ministry's local director, Jamaluddin Mazhari, was quoted saying that artists singing in Kapisa would be 'dealt with harshly' [[Targeting 2022](#), 1.3.3 a, pp. 48-49].





Other activities considered immoral

Gender segregation between men and women was imposed in Taliban government ministry offices, education and health facilities, and recreational areas [[Targeting 2022](#), 1.3.2, pp. 43-45, 5.2.1, p. 99, 5.2.2, pp. 105-107; 5.2.3, pp. 111-115].

In November 2021, the Taliban issued media restrictions, which barred women from appearing in television dramas, soap operas and entertainment shows. Subsequently, in March 2022, foreign drama series were prohibited [[Targeting 2022](#), 1.3.2, pp. 43-44].

A decision reportedly issued by the *de facto* government in December 2021 called on the Kabul municipality to remove all photos of women from signboards in shops and business centres in the capital. In the same month, shop owners were ordered to remove the heads of mannequins in Herat City, as they were considered ‘idols’ and thus ‘un-Islamic’. Some shopkeepers complied with the orders and sawed off the heads of their mannequins [[Targeting 2022](#), 1.3.3, p. 47].

Citizens celebrated Valentine’s Day on 14 February 2022 in Kabul City. Taliban fighters reportedly marched through the streets but did not stop Valentine’s sales, although shopkeepers were asked to keep a low profile. Nonetheless, there were instances of Taliban fighters popping balloons, ransacking flower shops and closing celebration venues. It was also reported that the Taliban detained young men selling heart-shaped flowers [[Targeting 2022](#), 1.3.3, p. 47].

On 21 April 2022, the *de facto* government instructed the Taliban Ministry of Communications and Information Technology to restrict access to the social media platform TikTok and an online battle royale game, and to close channels with ‘immoral programs’ [[Targeting 2022](#), 1.3.2, p. 44].

See also [3.11. Individuals considered to have committed blasphemy and/or apostasy](#), [3.13. Individuals perceived as ‘Westernised’](#), [3.15. Women and girls](#), [3.17. LGBTIQ persons](#).

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. imprisonment, corporal punishment, honour-based violence and killing). When the acts in question are restrictions on the exercise of certain rights of less severe nature or (solely) discriminatory measures, the individual assessment of whether they could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

For individuals perceived to have committed *zina* well-founded fear of persecution would in general be substantiated.

For other individuals perceived to have transgressed moral and/or societal norms in Afghanistan or abroad, the individual assessment of whether there is a reasonable degree of likelihood to face persecution should take into account risk-impacting circumstances, such as: gender (the risk is higher for women), profession (especially artists, barbers), area of origin and conservative environment, visibility of the applicant and the transgression (also when the transgression took place abroad), etc.





Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of religion and/or (imputed) political opinion or membership of a particular social group. The latter could be based on shared characteristic, such as a common background which cannot be changed (perceived past behaviour) and a distinct identity in the context of Afghanistan, linked to their stigmatisation by the surrounding society, or a belief that is so fundamental to identity or conscience that they should not be forced to renounce it (opposition to cultural, social or religious norms and the unwillingness to comply with them).

3.13. Individuals perceived as ‘Westernised’

Last update: January 2023

This profile refers to persons who are perceived as ‘Westernised’ due, for example, to their activities, behaviour, appearance and expressed opinions, which may be seen as non-Afghan or non-Muslim. It may also include those who return to Afghanistan after having spent time in Western countries.

This profile may largely overlap with the profile [3.12. Individuals perceived to have transgressed religious, moral and/or societal norms](#), for example in relation to norms associated with dress code.

COI summary

Although Taliban officials repeatedly called on Afghans to return to Afghanistan, their views on persons leaving Afghanistan for Western countries remain ambiguous. On the one hand, the Taliban said that people flee due to poverty and that it has nothing to do with any fear of the Taliban, adding they were attracted by the economically better life in West. The other narrative was about the elites that left, they were not seen as ‘Afghans’, but as corrupt ‘puppets’ of the ‘occupation’, who lacked ‘roots’ in Afghanistan. This narrative could also include, for example, activists, media workers and intellectuals, and not only former government officials. According to the source that described this, these narratives also existed among the general population, as there was an anger towards the previous government and elites due to corruption and failures [[Targeting 2022](#), 1.5, p. 50].

An anonymous organisation with presence in Afghanistan stated that sometimes people were targeted when they returned to Afghanistan, but the source did not see any clear connections simply to the fact that these individuals had left the country. Rather, the targeting seemed to be connected to the reason for their initial departure from Afghanistan. Similarly, another source noted that it was not his impression that Afghans returning from the West would be subject to targeting by the Taliban, unless it was a result of a personal dispute or vendetta [[Targeting 2022](#), 1.5.2, p. 55].



On the other hand, the Taliban have openly criticized individuals leaving for Western countries. On 8 December 2021, the Taliban supreme leader issued a statement in which he addressed difficulties facing persons who left Afghanistan and added that these persons' 'beliefs ethics, and ways of thinking', were jeopardised 'based on some biased programs' and that they were obliged 'to create scandals against Islam and the Islamic System' to receive asylum. On 27 February 2022, Taliban spokesperson Zabihullah Mujahid stated that persons leaving Afghanistan had 'no excuse' and that the Taliban were preventing them from leaving. On 1 March 2022, Mujahid clarified on social media that he had meant that persons with legal documents and invitations could travel from and return to Afghanistan. The Taliban deputy Minister for Refugees and Repatriations also stated that it was not 'appropriate' for Western nations to facilitate Afghans' departure by inviting them and promising asylum. Although the Taliban did not systematically restrict migration at overland crossing, the Taliban appeared to stop Afghans trying to leave the country by road, while the case of 40 individuals arrested when trying to leave Afghanistan by air from Mazar-e Sharif has also been reported [[Targeting 2022](#), 1.5.1, p. 52].

Already before the Taliban takeover in 2021, several accounts of a stigma of being returned were reported, and a common perception that a person must have committed a crime to be deported, or that people returning from Europe were 'loaded with money'. Out of fear of being harassed or robbed, some did not disclose that they were returnees [[Targeting 2022](#), 1.5.1, p. 51].

Sources noted that individuals seen as 'Westernised' may be threatened by the Taliban, relatives or neighbours. In some cases, men were reportedly harassed by Taliban fighters for wearing Western style clothes or attacked in public because they were seen as 'traitors' or 'unbelievers' [[Security 2022](#), 1.2.3, p. 31; [Targeting 2022](#), 1.5.1, pp. 50-53].

Women could be seen as 'Westernised' when they worked outside the home, took part in public life, or had higher education [[COI query on westernisation](#), 1.2, p. 8; [Society-based targeting](#), 8.10, p. 106; [Country Focus 2022](#), 2.1, p. 33]

Other links to the Western countries, such as the teaching and learning of English language could also lead to violence by the *de facto* authorities. On 18 August 2021, two students were reportedly beaten by the Taliban while attempting to go to English classes, as it was considered 'infidels language'. In January 2022, Afghan teachers employed at the British Council in Helmand Province were reportedly hiding from the Taliban out of fear of reprisals [[Targeting 2022](#), 12.3, p. 187].

See also sub-section [a. Restrictions of rights and freedoms under the Taliban](#) under the profile [3.15 Women and girls](#) and profile [3.11. Individuals considered to have committed blasphemy and/or apostasy](#).

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. violence by family members, conservative elements in society, Taliban). When the acts in question are restrictions on the exercise of certain rights of less severe nature or (solely) discriminatory measures, the individual assessment of whether they could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.



The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: the behaviour adopted by the applicant, visibility of the applicant, area of origin and conservative environment, gender (the risk is higher for women), age (it may be difficult for children of certain age to (re-)adjust to Afghanistan's social restrictions), duration of stay in a western country, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of religion and/or (imputed) political opinion or membership of a particular social group. The latter could be based on shared characteristic, such as a common background which cannot be changed (perceived past behaviour) and a distinct identity in the context of Afghanistan, linked to their stigmatisation by the surrounding society, or a belief that is so fundamental to identity or conscience that they should not be forced to renounce it (opposition to cultural, social or religious norms and the unwillingness to comply with them).

3.14. Ethnic and religious minorities

In the context of Afghanistan, ethnicity and religion are often interlinked. This section focuses on some ethnic and/or religious minorities.



The contents of this section include:

[3.14.1. Overview](#)

[3.14.2. Individuals of Hazara ethnicity and other Shias](#)

[3.14.3. Hindus and Sikhs](#)

[3.14.4. Salafis](#)

[3.14.5. Tajiks](#)

3.14.1. Overview

Last update: January 2023

The 2004 constitution of the former government explicitly recognised 14 ethnic groups: Pashtun, Tajik, Hazara, Uzbek, Turkmen, Baluch, Pachaie, Nuristani, Aymaq, Arab, Qirghiz, Qizilbach, Gujur, Brahwui, 'and other tribes'. There are various estimates of the relative sizes of the ethnic groups. Estimates of the share of Pashtuns ranged from 40 to 50 % of the population, Tajiks 25–27 %, Hazaras 9–18 %, Uzbeks 6–15 %, and Turkmen 1.5–3 % [[Targeting 2022](#), 6.1, p. 126].



The predominant religion in Afghanistan is Islam. More than 99 % of the population are estimated to be Muslims. The majority are Sunni of the Hanafi School of jurisprudence. 10–15 % of the population are Shia, most of whom are Hazara. Most Shia Muslims in the country adhere to the Jafari School of jurisprudence, but there is also a small community of Ismaili Shias [[Targeting 2022](#), 6.1, p. 126].

The Taliban have been criticised by the international community for a lack of ethno-religious diversity in their *de facto* government. Commenting on the criticism, a spokesperson for the Taliban said that ethnicity ‘did not matter to the new government’. He also pointed to the appointments of Tajiks and Uzbeks [[Targeting 2022](#), 6.2, p. 127].

Shortly after the takeover, the Taliban stated, although not specifying religious freedom, that human rights in general would be respected in Afghanistan ‘within the framework of Islamic law’. The Taliban’s view of *sharia* is based on the Sunni Hanafi school of jurisprudence and rooted in the late-19th-century Deobandi movement. It is also influenced by local traditions and tribal codes making it different from the interpretation and implementation of *sharia* in other countries with justice systems under Islamic law [[Targeting 2022](#), 6.3, p. 128].

3.14.2. Individuals of Hazara ethnicity and other Shias

Last update: January 2023

This profile includes people who belong to the Hazara ethnicity and others belonging to the Shia religion. Mostly, persons of Hazara ethnicity are of Shia religion [[Targeting 2022](#), 6.1, p. 126]. There are two main Shia communities in Afghanistan: the main Shia branch Ithna Ashariya (‘the Twelvers’) and the smaller Ismaili branch (‘the Seveners’).

The majority of the Hazara population inhabits the Hazarajat. There are also major Hazara populations in the cities of Kabul, Herat and Mazar-e Sharif [[Targeting 2022](#), 6.4.1, p. 130].

The Hazara ethnicity can usually be recognised by their physical appearance.

COI summary

During the Taliban rule between 1996 and 2001, several massacres were perpetrated on the Hazaras [[Targeting 2022](#), 6.4.1, p. 132]. Since the fall of the Taliban regime in 2001, the Hazaras had improved their position in society. However, new security threats emerged for the Shia Muslim (Hazara) community from 2016 and onwards as the ISKP was established as a new conflict actor in Afghanistan carrying out attacks targeting, inter alia, Hazaras [[COI query on Hazaras, Shias](#), 1.1, p. 3; 1.2, p. 4; [Country Focus 2022](#), 2.4, p. 41, [Targeting 2022](#), 6.4.1, p. 132].

After the Taliban took over Afghanistan, there seemed to be no Taliban policies in place against the Hazara minority [[Targeting 2022](#), 6.4.2, p. 133]. Shia Muslims were allowed to perform their religious ceremonies, such as annual celebrations of the Ashura. Furthermore, the Taliban vowed to protect the Hazara community and Taliban fighters reportedly guarded Shia mosques. However, Hazaras were appointed to posts in the new Taliban administration at central and provincial level at a very limited extent, and it was debated whether these people were regarded as true representatives of the Hazara minority since they had already been part of the Taliban insurgency [[Targeting 2022](#), 6.4.2, p. 135]. One example was Taliban



commander Mawlawi Mehdi, who later, in June 2022, defected and fought the Taliban [[COI Update 2022](#), 3, p. 12].

The Taliban were also reported to have confirmed that their governance would be based solely on Sunni Hanafi jurisprudence [[Country Focus 2022](#), 2.4, p. 42].

In 2021, it was reported that Hazaras continued to face violations in the form of extortion of money through illegal taxation, forced recruitment and forced labour, physical abuse, and detention [[Targeting 2022](#), 6.4.2, p. 133]. Forced evictions of Hazaras also reportedly took place. In some cases, these evictions have been ordered by Taliban local leaders while in other cases Hazara residents were reportedly evicted by Kuchi nomads or by 'the Taliban and associated militias'. In some instances, the Taliban at local level vowed to investigate and/or address the issue. On other occasions local Taliban leaders claimed that the evictions took place in accordance with relevant court decisions. Taliban officials in Kabul had also reportedly retracted some eviction orders in Daykundi [[Country Focus 2022](#), 2.4, p. 44; [Targeting 2022](#), 6.4.3, p. 136].

In spring 2022, there were reports on conflicts between the Hazaras and Kuchi nomads, as the Kuchis brought their livestock to pastures in the Hazara-claimed lands [[Targeting 2022](#), 6.4.3, pp. 137-138].

There is also prejudice and negative attitude against Hazaras on the part of the Taliban fighters, due to the Hazara community's engagement in the former government and because they were perceived as more supportive of the West than other groups in Afghanistan [[Country Focus 2022](#), 2.4, p. 43]. In May 2022, it was stated that people in the Hazara-dominated provinces of Bamyan and Daykundi were harassed and arrested due to accusations of having worked for the former government [[Targeting 2022](#), 6.4.2, p. 134].

There is also the perception within conservative parts of the Afghan society that the Hazara minority has embraced a culture not in line with the Taliban's definition of Islam. There was an 'anti-Hazara' language among the general population even before the takeover [[Country Focus 2022](#), 2.4, p. 43]. In September 2022, the UN Special Rapporteur noted reports of an increase in 'inflammatory speech' against Hazaras, both online and in some mosques, including calls for Hazaras to be killed [[COI Update 2022](#), 3, p. 9].

Over recent years attacks by insurgent groups have mainly been attributed to ISKP. Their intention to target Shias from 'Baghdad to Khorasan' has been stated in Telegram channels run by the Islamic State. ISKP consider Shia Muslims to be apostates and, hence, a legitimate target for killing [[Targeting 2022](#), 6.4.5, pp. 143-144]. In September 2022, the UN Special Rapporteur stated that the recent years' attacks on Hazaras and non-Muslim Afghans, often claimed by ISKP, appeared to be 'systematic in nature and reflect elements of an organisational policy, thus bearing hallmarks of international crimes including crimes against humanity' [[COI Update 2022](#), 3, p. 9].

It was described that there have been two patterns of attacks targeting Shia Hazaras after the Taliban takeover. The first pattern was attacks mainly targeting civilian passenger vehicles, particularly public transport minivans favoured by 'young, educated and professional Hazaras' such as government employees, journalists, and NGO staff. Furthermore, it was mentioned that 'Hazaras have been stopped and singled out when travelling on the highways'. The second pattern was large-scale complex attacks, which have targeted Shia mosques, and hospitals and schools in Hazara dominated areas. These large-scale attacks targeting places



where the Hazara gathered, such as religious commemorations, weddings, and sites, including hospitals and schools have mainly taken place in the cities of Kabul, Herat, Mazar-e Sharif, Kandahar, and Kunduz [[Targeting 2022](#), 6.4.3, p. 138].

It was reported that ‘a second wave’ of attacks (such as explosions, bomb blasts) after the Taliban takeover started in April 2022. The reported incidents either took place in Shi-a and Hazara-dominated areas and neighbourhoods or were targeting Hazaras and Shias. On 25 May 2022 another series of attacks targeting three minibuses in Mazar-e Sharif was claimed by ISKP. According to a Taliban spokesman all the victims were Shias [[Targeting 2022](#), 6.4.3, p. 140].

A string of ISKP attacks targeting the Shia Hazara group occurred in Kabul City during three consecutive days (5–7 August 2022) before the Ashura’ commemoration on 8 August 2022. These attacks included bombing targeting a Shia religious mourning ceremony, another blast in a busy shopping street in a Shia-dominated area, and an attack on a minibus. On 30 September 2022, a suicide bombing was carried out against the Kaaj educational centre. UNAMA reported that at least 53 people had been killed and over 110 injured. Most victims were reported to be teenage girls [[COI Update 2022](#), 3, pp. 8-9; [Targeting 2022](#), 12.3, p. 187].

Attacks against the Hazaras by the ISKP could be related to their Shia religion. Among other reasons, the ISKP also reportedly targets the Hazaras due to their perceived closeness and support for Iran and the fight against the Islamic State in Syria [[COI query on Hazaras, Shias](#), 1.3, p. 6; 1.4, p. 7; [Anti-government elements](#), 3.3, p. 32; 3.6.1, p. 34].

Human Rights Watch stated that ISKP had carried out 13 attacks against Hazaras since the Taliban takeover, and that the group could be linked to 3 additional attacks, resulting in the death of at least 700 people [[COI Update 2022](#), 3, p. 9].

As a majority of the Shia Muslims in Afghanistan belong to the Hazara ethnic group, the Hazaras have been the main victims of sectarian targeting against Shias. However, other Shia groups have also become victims of targeted attacks, both before and after the Taliban takeover. For instance, some of the sectarian attacks against Shia Muslims have been carried out in areas that are not Hazara dominated. AA source also noted that the victims of the attack on a Shia mosque in Kandahar in October 2021 were not primarily Hazaras [[Targeting 2022](#), 6.4.5, p. 143].

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. killing, abduction, sectarian attacks). When the acts in question are restrictions on the exercise of certain rights of less severe nature or (solely) discriminatory measures, the individual assessment of whether they could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

The individual assessment of whether there is a reasonable degree of likelihood for a Hazara and/or Shia applicant to face persecution should take into account their area of origin and whether ISKP has operational capacity there, with those from Hazara-dominated areas in larger cities being particularly at risk.



Being a Hazara may also be a risk-impacting circumstance in relation to other profiles, such as: [3.1. Members of the security institutions of the former government](#), [3.2. Public officials and servants of the former government](#), [3.10. Humanitarian workers](#), [3.12. Individuals perceived to have transgressed religious, moral and/or societal norms](#), [3.13. Individuals perceived as 'Westernised'](#), [3.15. Women and girls](#).

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of religion, (imputed) political opinion (e.g. links to the former government, perceived support for Iran), and/or race (ethnicity).

3.14.3. Hindus and Sikhs

Last update: January 2023

This profile includes people who belong to the Hindu or Sikh religions.

COI summary

There are no exact numbers available of Hindus and Sikhs currently living in Afghanistan. The numbers have steadily decreased over the past years. It is estimated that there were around 700 000 Hindus and Sikhs in Afghanistan in the 70s, around 220 000 in 1992 and approximately 150 at the end of 2021, compared to around 400 in the beginning of the same year. Out of those, fewer than 50 were reported to be Hindus. Reportedly, all of them were male and had their families in other countries. Most members of the small Sikh and Hindu communities resided in Kabul, but there were also reportedly smaller numbers in Ghazni and other provinces. In conjunction with the Taliban takeover, many Sikhs and Hindus sought resettlement outside Afghanistan and large parts of the remaining Sikh and Hindu communities have continued to leave Afghanistan since then [[COI query on Hindus and Sikhs](#), 1.1, p. 2; [Security 2020](#), 2.1, p. 56; [Security June 2021](#), 2.1, p. 84; [Society-based targeting](#), 2.6, p. 29; [Targeting 2022](#), 6.6.3, pp. 150-152].

Hindus and Sikhs were recognised and protected as equal citizens with Muslims under the constitution of 2004. While the status of the constitution is not clear following the Taliban takeover, the de facto authorities have promised to protect the rights of Sikhs and Hindus. There have been concerns, however, in the Sikh and Hindu communities over their physical security since the Taliban takeover [[Society-based targeting](#), 2.6, p. 29; [Targeting 2022](#), 6.6.3, pp. 150-152].

ISKP have conducted attacks against the Sikh and Hindu communities in Afghanistan in recent years. Attacks on Hindus and Sikhs, including killings, by ISKP in places of worship have been reported. Furthermore, Hindus and Sikhs have encountered crime incidents because of their perceived wealth, land-grabbing, societal discrimination, harassment, and some reported instances of societal violence in Afghanistan [[Targeting 2022](#), 6.6.3, pp. 150-152; [COI query on Hindus and Sikhs](#), 1.1, pp. 2-4; 1.4, p. 6; [Anti-government elements](#), 3.6.2, p. 34;].





Sources indicate that Hindus and Sikhs celebrated discreetly in order not to provoke attention of Muslims and have inconspicuous places of worship [COI query on Hindus and Sikhs, 1.1, p. 2; Society-based targeting, 2.6, p. 29].

There were reports in the fall of 2021 that armed Taliban members had harassed Sikhs at their central temple in Kabul. Senior representatives of the Taliban met with Sikh and Hindu community leaders in December 2021. The Taliban gave security assurances and welcomed the communities to return to Afghanistan [Targeting 2022, 6.6.3, pp. 151-152].

On 18 June 2022, an armed attack was carried out on a Sikh Gurdwara in Kabul. At least two persons were killed – a Sikh worshipper and a member of the *de facto* security forces, and seven others were injured. ISKP claimed the attack and furthermore stated that the attack was a response to a political debacle in India, where a politician previously had made remarks interpreted as an insult to the Prophet Mohammed. The *de facto* security forces intervened and tried to protect the Gurdwara [Targeting 2022, 6.6.3, p. 151]. A bombing in a Sikh-owned shop close to a Sikh place of worship in Kabul City, which did not cause any casualties, was reported in July 2022 [COI Update 2022, p. 9].

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. sectarian attacks). When the acts in question are restrictions on the exercise of certain rights of less severe nature or (solely) discriminatory measures, the individual assessment of whether they could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

For individuals under this profile, well-founded fear of persecution would in general be substantiated.

Nexus to a reason for persecution

Available information indicates that persecution of Hindus and Sikhs in Afghanistan is highly likely to be for reasons of religion.

3.14.4. Salafis

Last update: January 2023

COI summary

The Afghan Salafists, of whom there are several hundred thousand in Afghanistan, reside mainly in the eastern provinces of Nangarhar, Kunar, and Nuristan [Security 2022, 4.25.1, p. 165].

Salafism in Afghanistan can be traced back to the nineteenth century although it first flourished during the anti-Soviet Jihadi era in the 1980s, when Saudi Arabia among others supported the ‘salafisation’ of the Afghan *mujahidin*. When the Taliban came to power in the 1990s, they inherited a traditional hostility towards Salafism. Consequently, Salafi teachings were banned, and the Taliban took other measures to prevent its spread [Targeting 2022, 6.6.6, pp. 154-155].





Since August 2021, the Taliban have reportedly been cracking down on Salafis, allegedly arresting and killing members of their community and raiding and closing dozens of their mosques and madrasas [[Security 2022](#), 4.25.1, p. 165].



For additional information on the targeting of the Salafi community linked to their perceived support and affiliation to ISKP, see [3.5. Individuals perceived as supporting the Islamic State in Khorasan Province \(ISKP\)](#)

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. abduction, torture, execution).

The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: province of origin (especially Nangarhar and Kunar), additional individual elements implicating the applicant as being supportive of ISKP, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion or (imputed) religious beliefs.



For those with links to ISKP, exclusion considerations could be relevant to this profile (see the chapter [7. Exclusion](#)).

3.14.5. Tajiks

Last update: January 2023

COI summary

It has been reported that the Taliban perceived ethnic Tajiks, especially those originating from Panjshir, as potential supporters of the NRF. Killing of civilians has taken place Panjshir and in adjacent Tajik-dominated areas in Baghlan and Takhar. There is also a higher level of perceived threat towards Panjshiris in Kabul, as Taliban forces had engaged in the beating and arbitrary arrests of civilians in Panjshir who were accused of supporting the NRF [[Targeting 2022](#), 6.5.2, pp. 146-147].



For additional information on the targeting of the Tajiks linked to their perceived support and affiliation to NRF, see [3.4. Members and perceived supporters of the National Resistance Front \(NRF\)](#).



Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. abduction, collective punishments, torture, execution).

The individual assessment whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account whether they would be perceived as having an affiliation to NRF, with Tajiks from Panjshir and Andarab District (Baghlan Province), being particularly at risk.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.

3.15. Women and girls

Last update: January 2023

COI summary

a. Restrictions of rights and freedoms under the Taliban

Women's active participation in political and economic life and their contribution to Afghan society have been largely curtailed in comparison to their situation under the former government. Since 15 August 2021, several regulations and instructions have been issued by the Taliban, impacting women's and girls' freedom of movement and expression, as well as their access to education, employment, healthcare and social protection. On 3 December 2021, the Taliban issued a decree on women's rights. The decree bans forced marriage (although it did not address the minimum age of marriage), states that women should not be considered as 'property' and granted inheritance rights to widows. This decree did not, however, refer to wider women's and girls' rights [[Targeting 2022](#), 5.2, p. 97].

Freedom of movement and gender segregation

At the end of December 2021, the MPVPV issued a new guideline for transport operators across the country, preventing women from travelling long distances (more than 72 kilometres), unless accompanied by a male relative. Further restrictions on women's freedom of movement applied at provincial level were reported, with women moving around in public spaces without a *mahram* in some provinces being detained by the Taliban authorities. Gender segregation has reportedly also been implemented by local Taliban authorities in the different province's regarding e.g. restaurants, public parks and public bathhouses [[Targeting 2022](#), 5.2.3, pp. 112-113].

Since the takeover, sources reported on a reduction in the number of women seen in public. On the one hand, there were reports of women being stopped on the street, being intimidated and told to go home by Taliban guards when travelling alone in cities like Kabul and Herat. On the other hand, sources reported on women moving around in public spaces in



both cities without a *mahram*. Sources noted that women's freedom of movement varied on provincial level and was context-specific, depending on regional customs, with married women in Herat still able to visit restaurants and walk around in public, but most women in provinces such as Kandahar and Helmand confined to their homes. The need for a woman to be accompanied by a *mahram* had already been part of local customs in more conservative regions in Afghanistan, but was not common practice for many women in Kabul under the previous government [[Targeting 2022](#), 5.2.3, p. 111-112].

Dress code

On 7 May 2022, the Taliban MPVPV announced a new decree instructing women that they should not leave the house without 'real need' and if they do to respect a strict dress code regulation. The ministry stated that women must cover themselves from head to toe, suggesting the burqa as 'the good and complete *hijab*' preferred for covering a woman's hair, face and body. However, the burqa was not prescribed as mandatory, as long as women would cover themselves with a *hijab* or garment obscuring the outlines of their body. A woman's male guardian was legally responsible for policing her clothing. Women's compliance with the new decree was reportedly mixed in the streets of Kabul City and women with their faces uncovered were still a common sight. In city areas like Dasht-e Barchi, predominantly inhabited by the Hazara minority, few women reportedly covered their faces, while in the Pashtun neighbourhood of Kart-e Naw most women covered their faces with a *hijab* or a headscarf. In mid-May 2022, the Taliban Minister of Interior declared that 'women are not forced but advised to wear the *hijab*'. The impact of the Taliban's new regulation differed across the country. Taliban guards imposing the order at checkpoints were reported, mostly referring to the new guideline as an advice but sometimes shouting at women to obey it. According to one source, they did not receive reports of public punishments of women not complying with the order, nor of male relatives of women without a *hijab* being contacted or punished [[Targeting 2022](#), 5.2.5, p. 120-123].

In March 2022, the Taliban Health Ministry reportedly issued instructions that female patients without a *hijab* should be denied healthcare. Vehicle drivers were also instructed not to pick up female passengers without a *hijab* covering their hair. [[Targeting 2022](#), 1.3.2, pp. 43-44, 5.2.5, p. 122]. In Mazar-e Sharif shopkeepers were ordered not to sell to women without *hijab* [[COI Update 2022](#), 2, p. 3].

Exclusion from work and public life

Already before the takeover, women who worked outside the home, in general, encountered frequent sexual harassment and abuse at the workplace and could be considered by society as transgressing moral codes, as bringing dishonour to the family (e.g. women in law enforcement), and as being non-Afghan or Western (e.g. women in journalism). Most women in public roles faced intimidation, threats, violence, or killings [[Targeting 2022](#), 5.1.3, pp. 88-89].

Since 15 August 2021, Afghan women have been largely excluded from political life and the general workforce [[Targeting 2022](#), 5.2.2, p. 105].

There were no women in the Taliban's cabinet or in other key de facto government positions. Many of those women who had held public positions before the takeover were in hiding. Some of them not only received threats by the Taliban but also by other members of society [[Targeting 2022](#), 5.1.3, p. 88].



No uniform policy related to women's access to employment was announced by the Taliban and rights and working conditions for women remained uncertain. The *de facto* authorities repeatedly claimed their commitment to maintain women's right to access employment, within the framework of *sharia*. However, since their takeover, they have announced several restrictions which hindered women's access to the labour market. There were provincial differences, with women being discouraged to go to work by Taliban fighters on the roads in some provinces and women still active in *de facto* government jobs in other provinces. In March 2022, the Taliban MPVPV issued national guidelines instructing gender segregation in Taliban government ministry offices and prohibiting female employees from entering their office without wearing a *hijab*. Gender segregation between men and women was also imposed in educational and health facilities. Although many Afghan women who used to be part of the country's workforce have been at home since 15 August 2021, some have resumed work within the public sector [[Targeting 2022](#), 1.3.2, pp. 43-45; 5.2.1, pp. 99-100, 104-105; 5.2.2, pp. 105-106; 5.2.3, pp. 111-115].

The Taliban's position and policy regarding women in the Afghan society has been 'elusive and confusing', with decisions often made at provincial level. This caused confusion among Taliban fighters on how orders should be enforced in practice, resulting in arbitrary implementation [[Targeting 2022](#), 5.2, pp. 97-98].

Access to healthcare

In March 2022, the Taliban MPVPV ordered healthcare institutions to deny medical assistance to female patients without a *hijab* [[Targeting 2022](#), 5.2.5, p. 120]. An article quoted health workers from Ghazni district describing an incident where two unaccompanied women were reportedly forced out of a clinic by the Taliban. In another incident, a midwife was reportedly detained, and medical staff of the clinic was facing prosecution for having attended to a single woman giving birth. Taliban reportedly denied that such incidents took place [[Targeting 2022](#), 1.3.3, p. 48; 5.1.6, p. 95].

Access to education

At the end of August 2021, primary schools for both boys and girls re-opened. In February 2022, the Taliban's Ministry of Education announced a new primary education plan. Boys and girls in grades 1 up to 6 were instructed to follow classes separately, with male teachers for boys and female teachers for girls, and at different times. In mid-September 2021, the Taliban authorities announced that secondary education (above grade 6) would resume for boys. Access to secondary education for girls was not mentioned in this announcement. Exceptions have been reported in several provinces where a number of secondary schools for girls were allowed to remain open, often with the support of local Taliban leaders or because of strong pressure from parents and teachers in the community. In mid-December 2021, the Taliban Foreign Minister declared that girls were attending secondary school classes in 10 provinces, without specifying which provinces. Some private secondary schools and universities kept running, even in places where public secondary schools for girls remained closed. However, many private schools closed due to lack of resources stemming from families affected by poverty and unemployment, and their resultant inability to pay school fees. The Taliban's lack of a clear and uniform policy regarding education for girls, in combination with teachers not being paid their salaries, caused low enrolment rates even in areas where schools were open [[COI Update 2022](#), 2, p. 4; [Targeting 2022](#), 5.2.1, pp. 99-100].



In September 2022, five secondary schools in Paktia Province were reopened for a few days. Their reopening was based on a decision of local stakeholders. It was reported that the Taliban Ministry of Education had not approved the decision, hence it was revoked [[COI Update 2022](#), 2, p. 4].

There was also a report that the Taliban in Kandahar Province conducted inspections of girls' primary schools and expelled hundreds of secondary education aged girls but who attended primary level education [[COI Update 2022](#), p. 4].

In February and March 2022, in the weeks and days leading up to the start of the new school year, the Taliban Ministry of Education insisted several times that all schools would reopen, for boys as well as girls. However, on 23 March 2022, the Taliban announced the abrupt decision to keep all secondary schools closed for girls, reportedly affecting an estimated 1.1 million Afghan girls across the country. The Taliban officially announced that secondary schools would remain provisionally closed for girls 'until a comprehensive plan has been prepared according to *sharia* and Afghan culture' [[Targeting 2022](#), 5.2.1, pp. 100-101].

In Balkh, a number of secondary schools for girls were reportedly still open at the end of April, in May and June 2022. However, some of these schools were threatened with closure if their female students did not comply with the strict dress code (*hijab*) rules. In April and May 2022, several prominent figures of the *de facto* authorities declared that secondary education for girls would resume soon, with a committee of clerics and scholars formed to address the issue. In June 2022, a Taliban spokesman declared that public secondary schools for girls were open in 'about a dozen provinces' and private schools from the first grade up to university level were open across the country [[Targeting 2022](#), 5.2.1, pp. 101-102].

The *de facto* authorities' abrupt decision to keep secondary schools for girls closed may, according to a source, have had less to do with religion than with the unpredictable nature of Taliban policy, and the movement's broader failure to create a clear mechanism for making national policy decisions. Some Taliban figures even criticised the decision and voiced their support for all girls returning to school on social media. Hundreds of girls and women are reportedly also continuing to learn through secret online schooling or in hidden makeshift classrooms [[Targeting 2022](#), 5.2.1, pp. 102-103].

In the beginning of September 2021, the Taliban Ministry of Education issued a decree stipulating rules for female university students. The order defined that classes had to be gender-segregated. Furthermore, male and female students had to enter university through separate entrances or during different times, and female students could only be taught by female teachers or elderly men known for being 'trustworthy'. Lastly, female students, teachers and educational staff had to comply with the Islamic dress code according to *sharia*, specified as a black *abaya* robe and a *niqab* covering the hair, body and most of the face, as well as gloves covering the hands. These regulations came into effect as private universities reopened their doors for male and female students on 6 September 2021. Public universities remained closed, with the Taliban authorities referring to financial constraints and a lack of separate classrooms and safe transportation systems for female students. On 2 February 2022, public universities in warm climate provinces reopened. As reported by several media sources, only a limited number of female university students returned to their classrooms. A shortage of female university lecturers has been reported, since many educated professionals left the country after the Taliban takeover [[Targeting 2022](#), 5.2.1, pp. 104-105].



Ahead of the university entrance exams in October 2022, the Taliban announced that women will only be able to choose certain academic fields for public university studies. A spokesman for the Taliban Ministry of Higher Education stated that subjects ‘not necessary for women’ will not be introduced, but he did not specify the concerned fields. It was reported that women could take courses in medicine, nursing, teaching, and Islamic studies in all provinces, while veterinary science, engineering, economics, and agriculture appear not to be options of choice [[COI Update 2022](#), 2, p. 3].

b. Violence against women and girls

Even before the Taliban takeover, violence against women and girls was a pervasive problem, regardless of the ethnic group and perpetrators of attacks against women enjoyed impunity [[Targeting 2022](#), 5.1.1, p. 85; [Criminal law and customary justice](#), 1.4, pp. 14-16]. Women’s access to justice, courts, and legal assistance for gender-based violence had also been generally limited and informal justice mechanisms were reported to frequently discriminate against women [[Criminal law and customary justice](#), 2.3.2, p. 27].

Violence against women reportedly increased under Taliban rule. The Taliban also ended institutional and legal support for women facing such violence. This forced many women and girls to return to their abusers or remain in situations where they were at risk of experiencing gender-based violence [[Targeting 2022](#), 5.2, p. 98]. Cases of domestic violence leading to death were also reported [[Targeting 2022](#), 5.1.5, p. 91]. Although the monitoring the topic has stopped since the takeover, gender-based violence reportedly increased for reasons such as unemployment and drug abuse [[Targeting 2022](#), 5.1.5, p. 91].

Sharia does not differentiate between consensual sexual relations outside marriage and rape. Both is defined as *zina* and punishable with stoning or lashing. Living alone is, furthermore, associated with inappropriate behaviour and could potentially lead to accusations of ‘moral crimes’ [[KSEI 2020](#), 3.3, pp. 70-71; [KSEI 2017](#), 5.5, pp. 130-131; [Society-based targeting](#), 3.8.6, pp. 61-62]. See also [3.12 Individuals perceived to have transgressed religious, moral and/or societal norms](#).

Traditional marriage practices, such as betrothal as a child, polygamy, exchanging of unmarried daughters between families, *baad*, are common in Afghanistan and can often create or lead to situations of forced marriage and violence against women [[Society-based targeting](#), 3.4, p. 39; [Criminal law and customary justice](#), 3.2, pp. 31-32]. Refusal of marriage arrangements or proposals can lead to violence for the women and girls concerned and/or for their families and to blood feuds [[Society-based targeting](#), 3.4, p. 41; 3.7, p. 52; [Criminal law and customary justice](#), 3.3, p. 33].

Although no data is available, reports indicated that the bad security situation and the collapse of the economy after the takeover have contributed to an increase in forced marriages and especially child marriages. In other cases, women have been forced to marry due to the fact that living without a *mahram* has become impossible under Taliban rule [[Targeting 2022](#), 5.1.4, p. 89].

The Taliban’s decree on women’s rights of 3 December 2021 stated that women should not be forced into marriage. However, the decree did not define any legal mechanisms to enforce this rule or to protect victims of forced marriage. Furthermore, the decree did not set a minimum age for marriage [[Targeting 2022](#), 5.1.4, p. 89].



In relation to violence against women and girls, from 15 August 2021 to 15 June 2022, UNAMA received 87 reports of murder, rape, suicide, forced marriages, child marriages, assault and battery, and 2 cases of honour killings. None of the cases had undergone a formal judicial process [[Targeting 2022](#), 5.3, p. 124].

Risk analysis

The accumulation of various measures introduced by the Taliban, which affect the rights and freedoms of women and girls in Afghanistan, amounts to persecution. Such measures affect their access to healthcare, work, freedom of movement, freedom of expression, girls' right to education, among others. Some women and girls in Afghanistan may also face other forms of ill-treatment amounting to persecution (e.g. forced marriage, such as child marriage, honour-based violence).

For women and girls in Afghanistan, well-founded fear of persecution would in general be substantiated.

Links to persecution under other profiles may also be relevant, in particular [3.2. Public officials and servants of the former government](#), [3.8. Journalists and media workers](#), [3.10. Humanitarian workers](#), [3.12. Individuals perceived to have transgressed religious, moral and/or societal norms](#), and [3.13. Individuals perceived as 'Westernised'](#).

Nexus to a reason for persecution

Taking into account the close link between the restrictions enforced on women and girls and the religious norms imposed by the Taliban, the persecution of women and girls in the form of accumulation of various measures is likely to be for reasons of religion. Other grounds, such as membership of a particular social group and (imputed) political opinion may also be substantiated.



3.16.Children

This profile refers to Afghan nationals under the age of 18.

In the following subsections, the focus is on certain child-specific circumstances of increased vulnerability and risks that children in Afghanistan may be exposed to.



The contents of this section include:

[3.16.1. Violence against children](#)

[3.16.2. Child recruitment](#)

[3.16.3. Child labour and child trafficking](#)

[3.16.4. Children without a support network in Afghanistan](#)

3.16.1. Violence against children

Last update: January 2023

COI summary

Child abuse is endemic in Afghan society. Children in Afghan families are often subjected to corporal punishment, including slapping, verbal abuse, punching, kicking, and hitting with thin sticks, electrical cables, and shoes. Sexual abuse of children also remained a pervasive problem, with girls being most frequently abused in their families or communities [[Society-based targeting](#), 5, p. 67; [KSEI 2017](#), 4.1, pp. 115-116].

The practice of *bacha bazi* is an example of child-specific violence reported in Afghanistan. The practice had resurfaced since the end of the Taliban regime of 1996-2001. Sources reported that young boys, with 14 as an average age, were abducted and disappeared into the practice or were traded in by their families in exchange for money. Boys involved in the practice may be subjected to violence and threats, be raped, and kept in sexual slavery. *Bacha bazi* is not perceived as homosexuality. Despite the criminalisation of the practice in the revised Penal Code, Afghan security forces, in particular the ALP, reportedly recruited boys specifically to use them for *bacha bazi* in every province of the country. *Bacha bazi* boys had little to no support from the former government and the perpetrators were seldom prosecuted in the context of a weak rule of law, corruption, and official complicity with law enforcement perpetrators. Under the provisions of the Penal Code, prosecution of victims of *bacha bazi* was outlawed; however, instances of jailing boys engaged in *bacha bazi* were reported [[KSEI 2022](#), 8.4, p. 59, [KSEI 2017](#), 4.3.3, p. 119; [Society-based targeting](#), 5.1, pp. 67-69; [State Structure](#), 2.1, p. 27; 2.1.1, p. 30; 2.1.3, p. 35].

The economic deterioration and resulting increase in poverty in the country following August 2021, as well as reoccurring ‘shocks and disruptions’ causing the population’s resilience to diminish, have led the Afghan population to increasingly resort to negative coping strategies, which can generally be understood as ‘a set of responses to difficulties that may provide a



temporary means of survival.’ Examples affecting children in particular include the case of child marriage, the sale of children or child recruitment [[KSEI 2022](#), 8, p. 59].

It remains unclear what the applicable legal framework is following the Taliban takeover, including with regard to children’s rights [[Security 2022](#), 1.2.3, p. 29].

For violence against girls, see also [3.15.b. Violence against women and girls](#).

Risk analysis

Sexual assault and rape amount to persecution. In case of other forms of violence, the assessment should take into account the severity and repetitiveness of the violence.

The individual assessment of whether there is a reasonable degree of likelihood for the child to face violence amounting to persecution should take into account risk-impacting circumstances, such as: poor socio-economic situation of the child and the family, gender (boys and girls may face different risks), age and appearance (e.g. non-bearded boys could be targeted as *bacha bazi*), perception of traditional gender roles in the family, etc.

Nexus to a reason for persecution

The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated in relation to a well-founded fear of violence.

For example, in individual cases, a link could be established to membership of a particular social group, e.g. (former) *bacha bazi* could have a well-founded fear of persecution for reasons of membership of a particular social group, based on common background that cannot be changed and having a distinct identity linked to their stigmatisation by the surrounding society.

3.16.2. Child recruitment

Last update: January 2023

COI summary

Article 3 of the Afghan Law on the prohibition of child recruitment in the military institutions prohibited child recruitment in the military units. Article 4 of the same law envisaged a punishment for the perpetrators from six months to one-year imprisonment [[State structure](#), 2.1.3, p. 35; [Security 2020](#), 1.4.5, p. 49]. However, the applicable legal framework, including in relation to child recruitment is currently unclear [[Security 2022](#), 1.2.3, p. 29].

In more than 20 years of armed conflict, the Taliban have reportedly used children as fighters, to plant and detonate IEDs, and as suicide bombers. There were reportedly thousands of children in their ranks, often trained in *madrassas* and recruited through force and threats, deception, promises of money or other incentives. The Taliban have denied that they use children in ‘jihadic operations’ and their code of conduct states that ‘boys without beards’ are not allowed in military centres. Moreover, in more recent years, the Taliban reportedly ‘expressed some sensitivity’ to the problematic issue of child recruitment. Nevertheless,





hundreds of individual cases of child recruitment by Taliban forces have been documented, with a significant increase in 2020 [KSEI 2022, 8.2, p.61].

Recruitment of teenagers and youth is also part of ISKP's recruitment strategies [Anti-government elements, 3.4, p. 33].

In an October 2021 report, UNHCR referred to information obtained from interlocutors in the field, according to which both the Taliban *de facto* authorities as well as the ISKP 'recruit widely and use children in their ranks' [KSEI 2022, 8.2, p. 60].

According to a UN Human Rights Council report, in 2021, there were at least 47 verified cases of child recruitment, including 24 by the Taliban, 16 by pro-government militias and 7 by the Afghan National Police. However, 'recruitment and use of children remains under verified' due to sensitivity and protection issues. The vast majority of these recruitments reportedly took place before 15 August 2021. At the same time, children in the ranks of Taliban have become more visible since its takeover, leading to perceptions that the recruitment of children has increased, despite much of the recruitment likely having occurred previously. The increasing poverty was reported to be a driving factor for the recruitment and use of children by armed groups [KSEI 2022, 8.2, p. 61].

See also [3.6 Persons fearing forced recruitment](#) and [3.16.1. Violence against children](#).

Risk analysis

Child recruitment is of such severe nature that it would amount to persecution.

The individual assessment of whether there is a reasonable degree of likelihood for the child to face persecution in the form of child recruitment should take into account risk-impacting circumstances, such as: gender, poor socio-economic situation, area of origin or residence, etc.

Nexus to a reason for persecution

The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated. For example, in the case of children who refuse to join the Taliban or ISKP, persecution may be for reasons of (imputed) political opinion and/or religion.

3.16.3. Child labour and child trafficking

Last update: January 2023

COI summary

Afghanistan had ratified all key international conventions concerning child labour and trafficking, and had established its own laws and regulations, adopting its first Child Rights Protection law in 2019. However, the law had been blocked due to a disagreement over 'the definition of a child as under-18', which has been seen as a contravention to the *sharia* [KSEI 2020, 2.2.5, p. 35; Security 2020, 1.4.5, p. 49].





It remains unclear what the applicable legal framework is following the Taliban takeover, including with regard to children's rights [Security 2022, 1.2.3, p. 29]. As reported by USDOS in April 2022, the Taliban had not expressed any intention to change existing labour laws and had not yet commented on child labour. The source further mentioned children being forced to work under threat of physical violence from their families and boys being sent to work in neighbouring Iran [KSEI 2022, 8.3, p. 61].

Children were employed in the carpet industry, brick kilns, coalmines, and poppy fields, besides working as domestic servants, street vendors, peddlers, and shopkeepers. In some instances, children were exploited in bonded labour, extending to multiple generations. Children also often worked to pay off their parents' debt [KSEI 2020, 2.2.5, p. 35, KSEI 2017, 4.3.2, p. 118].

Poverty is reported to be a driving factor for child labour and several sources noted an increase in child labour in Afghanistan. According to one report, in Charikar alone, the capital of Parwan province, more than 1 700 children were engaged in forced labour and more than 100 of them were homeless. Up to 20 % of Afghan families were reportedly forced to put their children to work as incomes had fallen dramatically in the last six months and an estimated one million children were now engaged in child labour. Boys and children living in rural areas are reported to be generally more likely to be affected by child labour than girls and children living in urban areas. Another report noted that 'twice as many boys as girls are engaged in work outside the home, while girls are mostly confined to work in their homes, rendering them invisible and thus more difficult to assess' [KSEI 2022, 8.3, p. 62].

UN experts stated that restrictions imposed by the Taliban against women and girls increased the 'risk of exploitation of women and girls including of trafficking for the purposes of child and forced marriage as well as sexual exploitation and forced labour' [KSEI 2022, 8.4, pp. 62-63].

The trafficking of Afghan children reportedly increased since the Taliban takeover. There have been multiple recent reports of boys being smuggled across the Iranian and Pakistan borders, and of incidents of sexual violence against them committed by paid 'guides'. In a report on child labour in Afghanistan published in September 2021, the US Department of Labour reported that children were subjected to human trafficking both domestically and internationally and that boys migrating unaccompanied were 'particularly vulnerable to human trafficking,' including for agricultural and construction work. There were reportedly cases of children being trafficked as a means of paying off their families' debts [KSEI 2022, 8.4, p. 63].

Risk analysis

Child trafficking would amount to persecution.

Not all forms of child labour would amount to persecution. An assessment should be made in light of the nature of the work and the age of the child. Work that is likely to harm the health, safety or morals of children could be considered to reach the severity of persecution.⁽⁴⁾ The

⁽⁴⁾ International Labour Organization (ILO), *Minimum Age Convention, C138*, 26 June 1973, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138; *Worst Forms of Child Labour Convention, C182*, 17 June 1999, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.



impact of child labour on access to education should also be taken into account. Other risks, such as involvement in criminal activities and trafficking should also be considered.

The individual assessment of whether there is a reasonable degree of likelihood for the child to face persecution in the form of child trafficking and/or child labour should take into account risk-impacting circumstances, such as: age, gender, socio-economic status of the child and their family, family status, etc.

Nexus to a reason for persecution

The individual circumstances of the child need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated in relation to the risk of child trafficking and/or child labour.

3.16.4. Children without a support network in Afghanistan

Last update: January 2023

This subsection concerns children who do not have a parent or other adult family member who can take care of them in Afghanistan.

COI summary

According to reports from January and February 2022, the number of orphans and unsupervised children in Afghanistan was increasing. In war-torn Afghanistan, many children have lost their parents in the conflict, making orphanages in Afghanistan important institutions. At the same time, orphanages have faced serious difficulties to provide care and food for the children due to the country's economic crisis and lack of external and internal funding [KSEI 2022, 9.3, p. 66].

Only a few weeks after the Taliban takeover in August 2021, the situation for children was described as particularly dire. In October 2021, the starvation deaths of eight unattended orphan boys in Kabul's District 13 were reported. In February 2022, of the 68 public orphanages in Afghanistan, only 9 were reportedly still open, while 36 private orphanages were also still operating [KSEI 2022, 9.3, p. 66].

Living conditions in the orphanages were reported to be poor, with no regular access to running water, heating in winter, indoor plumbing, healthcare service, recreational facilities or education. Children were reportedly subjected to psychological, physical, and sexual abuse, forced labour, and sometimes became the victims of human trafficking [KSEI 2022, 9.3. p. 66].

Risk analysis

The lack of a support network does not amount to persecution in itself. However, it considerably enhances the risk for such children to be exposed to acts which due to their severity, repetitiveness or accumulation could amount to persecution.



See, for example, [3.16.3. Child labour and child trafficking](#).



Nexus to a reason for persecution

Available information indicates that in the case of children without a support network in Afghanistan, the individual circumstances of the applicant need to be taken into account to determine whether a nexus to a reason for persecution can be substantiated.

3.17. LGBTIQ persons

Last update: January 2023

This profile refers to persons who are perceived as not conforming to religious and/or social norms because of their sexual orientation and/or gender identity, including the treatment of lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ) individuals. However, it should be noted that specific information on some of the relevant sub-profiles was not available in the COI reports used for the purpose of this analysis.



For issues related to the practice of *bacha bazi*, which is not considered homosexuality in Afghan society, please see [3.16.1. Violence against children](#).

COI summary

In Afghan society, sexuality is not a concept that is generally discussed. Therefore, little information can be obtained about LGBTIQ individuals and their position in society [[Society-based targeting](#), 4, p. 62]. Moreover, ‘documenting killings of people suspected of being LGBT’ have become ‘especially difficult’ as people who knew the victims either feared or were too ashamed to report [[Targeting 2022](#), 11.3, p. 184].

Same-sex activity is punishable with death under the *sharia* and incidents of physical violence against LGBTIQ individuals had been reported under the former Afghan government [[Society-based targeting](#), 4.1, pp. 62-64].

On 29 October 2021, a Taliban spokesman stated that human rights will be respected within the framework of Islamic law, but this does not include LGBTIQ rights as that is against *sharia* [[Country Focus 2022](#), 2.10, p. 56]. In January 2022, Human Rights Watch reported that the Taliban ‘echoed the previous government’s support for the criminalisation of same-sex relations’, with some Taliban leaders ‘vowing to take a hard line’ against the rights of the ‘LGBT’ persons. According to a manual issued by the Taliban in 2020 and revised in February 2021, same-sex relations were prohibited, while ‘strong allegations’ of homosexuality were to ‘be reported to the ministry’s district manager for further action, presumably punishment’ [[Targeting 2022](#), 11.1, p. 181].

Targeting and extrajudicial punishment by (then) insurgent groups had also taken place in the past and after the recent takeover of Taliban. Following the takeover, members of the LGBTIQ community reportedly lived in fear, many went into hiding and wanted to flee out of fear for their lives. Some transwomen reportedly felt forced to grow beards to hide their gender



identity, and lesbian women were under pressure to act ‘more feminine’ [[Targeting 2022](#), 11.1, p. 182].

LGBTIQ individuals were reported to have faced targeting by the Taliban, including attacks, direct threats, arrests, detentions, torture, killings, sexual assaults, and rapes. There were also allegations of street attacks on LGBTIQ persons and threats received over the phone. Dozens of cases of harassment, beatings, burning, and killings of young LGBTIQ people were documented since the takeover [[Targeting 2022](#), 11.3, pp. 184-185].

Although killings involving LGBTIQ Afghans could not be ‘independently verified’, sources reported on allegations of the beheading of a gay man and noted that a gay man had allegedly been killed by the Taliban after ‘gay material’ was found on his mobile phone during a checkpoint search. It was reported that the Taliban were ‘very harsh’ at checkpoints and some transgender people were beaten and detained for hours. It was also said that queer individuals were tortured by the Taliban when they identified them after checking their phone at a checkpoint [[Targeting 2022](#), 11.1, p. 183; 11.3, p. 184].

There were also claims that the Taliban had a ‘kill list’ of LGBTIQ individuals and that they seemed to complement these lists through data leaks and entrapment. For example, individuals had reportedly received emails asking for personal data and claiming to be connected with a LGBTIQ organisation. It was also said that Taliban were attempting to trick gay men by contacting them on social media and offering ways to escape from Afghanistan [[Country Focus 2022](#), 2.10, p. 55].

After the takeover, attacks on LGBTIQ people by family members, neighbours, and members of general society have also reportedly increased. LGBTIQ individuals were facing threats from family members, neighbours, acquaintances, romantic partners, and online contacts. Many LGBT people were reportedly mistreated by their families and lived in fear of their neighbours. Beatings by neighbours were also reported. There were also claims that neighbours and family members of some LGBTIQ people reported them to the Taliban. Many LGBT Afghans reportedly conformed to societal expectations and married an opposite-sex partner and had children because they wanted to maintain ties with their families. Lesbian women were reportedly forced into engagement or marriage. It was also reported that transgender persons were abandoned by their families and rejected by the Afghan society. At the same time, the previously existing support network of LGBTIQ people ‘largely disintegrated’ as the members of the community either fled Afghanistan or went into hiding [[Targeting 2022](#), 11.2, pp. 183-184].

Although Afghanistan has traditions of a ‘third gender’, where individuals identify outside categories of male and female, these people are not legally recognised and function only at the margins of society [[Society-based targeting](#), 4.2.1, p. 66].

Risk analysis

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. rape, execution, killings). Persecution could be by the Taliban or other armed groups, as well as by the family and/or the society in general, as there is a low societal tolerance in Afghanistan for individuals with sexual orientation or gender identities deviating from the ‘norm’.



For individuals under this profile, well-founded fear of persecution would in general be substantiated.

Nexus to a reason for persecution

Available information indicates that the persecution of this profile is highly likely to be for reasons of membership of a particular social group, based on a shared characteristic or belief that is so fundamental to the identity of the applicant, that he or she should not be forced to renounce it; and based on their distinct identity in Afghanistan, because they are perceived as being different by the surrounding society.

3.18. Individuals involved in blood feuds and land disputes

3.18.1. Blood feuds

Last update: December 2020

Blood feuds for revenge-taking can be the result of personal violence or wrong-doing that is seen as being against honour, disputes involving land, or in the context of family conflicts and relationships.

COI summary

Usually, blood feuds occur between non-State actors, for example within certain ethnic subgroups, and mostly in areas where the government and the rule of law is weak or non-present. Blood feuds arise mostly among Pashtuns, but it is also a practice among other ethnic groups in Afghanistan. The influence of the tribal context of blood feuds is less strong in large cities, but this does not automatically mean that a person would escape a blood feud entirely by moving away [[Criminal law and customary justice](#), 1.3, pp. 13-14; 3, pp. 29-31; [Society-based targeting](#), 7.1, pp. 83-84; 7.7.4, pp. 91-92].

Such feuds can become extremely violent, may involve killings, and can go on for generations. The societal and family obligations to carry out revenge are strong, and it is difficult for someone to resist or escape a blood feud [[Criminal law and customary justice](#), 3, pp. 29-30; [Society-based targeting](#), 7.1, pp. 83-84; 7.3, pp. 85-86; 7.7.4, pp. 91-92].

Adult men are the most frequent target of blood feuds. Usually, revenge is carried out against the brothers or other immediate male relatives of the perpetrator [[Society-based targeting](#), 7.6, pp. 87-88].

Women and children are usually excluded from being direct targets of revenge killings in blood feuds. However, there have been examples in the media of children and women reportedly killed in relation to a blood feud or retribution. Negative consequences of blood feuds for women and children can occur through the practice of 'baad' [[Criminal law and](#)



[customary justice](#), 3, pp. 29-30; [Society-based targeting](#), 7.6, pp. 87-88]. See also [3.15.b. Violence against women and girls](#).

In some instances, blood feuds could be avoided through seeking the forgiveness (*nanawatai*) of the injured party and requesting that they forego retribution (*badal*). This could be done by the individual offender approaching the offended party to ask forgiveness, or through a *jirga* with local tribal elders and *ulemas*; however, women are excluded from taking part in such fora [[Criminal law and customary justice](#), 3.2, pp. 31-32; [Society-based targeting](#), 7.7.1, pp. 88-89].

Risk analysis

Acts reported to be committed against family members involved in a blood feud are of such severe nature that they amount to persecution (e.g. killing). For men directly involved in a blood feud, well-founded fear of persecution would in general be substantiated.

For women, for children and for men who are farther removed from the feud, the individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: intensity of the blood feud, origin from areas where the rule of law is weak, etc.

Nexus to a reason for persecution

The individual circumstances of the applicant need to be taken into account to determine whether or not a nexus to a reason for persecution can be substantiated.

For example, family members involved in a blood feud may have a well-founded fear of persecution for reasons of membership of a particular social group, based on their innate characteristic (i.e. being a member of the family) and due to the fact that families are known and may have a distinct identity in the surrounding society.



Exclusion considerations could be relevant to this profile (see the chapter [7. Exclusion](#)).

3.18.2. Land disputes

Last update: January 2023

Land disputes are common in Afghanistan due to the fragmented regularisation/registration of land, large population movements and rapid urbanisation, the protracted conflict situation, and a weak rule of law.

COI summary

Land disputes occur among individuals and families and can sometimes involve powerful elites or insurgent groups. They occur in a context of growing urbanisation, population growth and high numbers of returnees all over the country, and among all ethnic groups, including nomadic tribes. In rural areas, land conflicts can expand to include whole families,



communities, ethnicities, tribes, or clans within one tribe [[Criminal law and customary justice](#), 2.1; [Society-based targeting](#), 6].

Land conflicts can quickly escalate and become violent, sometimes degenerating into small armed conflicts, as well as blood feuds (see also [3.18.1. Blood feuds](#)). Approximately 70 % of serious violent crimes such as murder are caused by disputes over land ownership. Cases of conflicts over land and property in different regions of Afghanistan that resulted in killings and casualties were reported [[Criminal law and customary justice](#), 2.1, pp. 22-24; [Society-based targeting](#), 6.1, pp. 73-74].

A weak rule of law had led to a possibility for powerful individuals to influence the administration in order to produce forged documents, and the judiciary to allow them to operate with impunity. In dispute resolution, both formal and informal mechanisms had displayed a bias towards the powerful, wealthy, men, elites and dominant ethnicities [[Criminal law and customary justice](#), 2.3.1, pp. 25-26; 2.3.2, pp. 26-27; [State structure](#), 3, p. 39; [Society-based targeting](#), 6.4.1, p. 77; 6.4.4, pp. 81-82; 7.7.4, pp. 91-92].

Land disputes were reported to be the most common cases heard by the Taliban courts, during their time as insurgency [[Criminal law and customary justice](#), 2.3.3, pp. 27-28].

Several sources reported on cases of forced displacement affecting minority populations following the takeover. In these cases, Taliban or groups supporting the Taliban forcibly displaced Hazaras, Uzbeks, Turkmens or Tajiks, often in order to distribute land to Taliban supporters [[Security 2022](#), 3.3.2, pp. 74-78; 4.5.2, p. 102; 4.14.2, p. 127; 4.31.2, p. 184; [Targeting 2022](#), 6.4.3, pp. 136-138].

The Taliban's efforts to gain support from people who did not have a positive perception of Hazaras could be at the expense of the minority group, for example with the *de facto* authorities taking sides in favour of non-Hazaras in land disputes. In the past, the Taliban usually took the side of Pashtun nomads in land disputes [[Country Focus 2022](#), 2.4, pp. 42-43]. Similar incidents with Kuchi's were also documented in recent reporting [[Security 2022](#), 3.1, p. 62; 4.10.1, p. 115; 4.14.2, p. 127; [Targeting 2022](#) 6.4.3, pp. 137-138]. See also [3.14.1. Individuals of Hazara ethnicity and other Shias](#).

Cases were also reported in which civilians were forcibly evicted from their homes in apparent retaliation for the perceived support for the former government. Properties were distributed to Taliban fighters [[Security 2022](#), 4.16.2, p. 136; 4.20.2, p. 150; 4.33.2, p. 190; 4.35.2, p. 194; [Targeting 2022](#), 2.4, pp. 68-69].

Risk analysis

Disputes over land would not in themselves amount to persecution. However, the violence that entails from land disputes, together with the lack of an effective legal system to prevent it, may result in severe violations of basic human rights which would amount to persecution (e.g. killing).

The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: violent nature of the dispute, ethnicity, power and influence of the actors involved in the land dispute, area of origin, etc.



Nexus to a reason for persecution

Available information indicates that in the case of violence related to land disputes, there is in general no nexus to a Convention reason for persecution.

This is without prejudice to individual cases where nexus could be established based on additional circumstances (e.g. ethnicity in relation to Taliban taking sides based on the ethnic origin of the person, land dispute leading to a blood feud, etc.).



Exclusion considerations could be relevant to this profile (see the chapter [7. Exclusion](#)).

3.19. Persons living with disabilities and persons with severe medical issues

Last update: January 2023

This profile refers to people with disabilities, including mental disabilities, as well as those who have severe medical issues, including mental health issues.

COI summary

Under the former Afghan government, most healthcare was provided by NGOs due to lack of government funds. A very expensive healthcare private sector was also in place. Destructions and closures of healthcare facilities in several provinces as well as incidents of violence against medical personnel had been reported. Mental healthcare facilities were also often under-equipped and qualitative mental healthcare was scarce [KSEI 2020, 2.6, pp. 46-48; 2.6.2, pp. 49-52; 2.6.3, pp. 55-56]. After the Taliban takeover there have been additional reports on a deteriorating situation. The Director-General of World Health Organisation (WHO) described the Afghan health system as “on the brink of collapse” and pointed out the cuts in donor support leading to reduced operations and health facilities shutting down. [1.2.1., p. 21; 2.8, p. 52-53].

Women with more complex health needs, such as pregnant women, have reportedly been facing major issues with regard to access to healthcare, including fear and insecurity, mobility restrictions due to the need to be accompanied in public by a *mahram* or the need to travel long distances to reach health services. Female patients were also reportedly allowed to be attended only by women healthcare professionals. Women lacked sufficient means of safe transportation and there was a shortage of trained female personnel [KSEI 2022, 6.3, p. 49].

An article quoted health workers from Ghazni district describing an incident where two unaccompanied women were reportedly forced out of a clinic by the Taliban. In another incident, a midwife was reportedly detained, and medical staff of the clinic was facing



prosecution for having attended to a single woman giving birth. Taliban reportedly denied that such incidents took place [[Targeting 2022](#), 5.1.6, p. 95; 5.2.3, p. 113].

In March 2022, the Taliban MPVPV ordered healthcare institutions to deny medical assistance to female patients without a hijab [[Targeting 2022](#), 5.2.5, p. 120].

In Afghanistan, people with mental and physical disabilities are often stigmatised. Their condition is at times considered to have been ‘related to God’s will’. Mistreatment of those people by society and/or by their families has occurred. Women, displaced persons and returned migrants with mental health issues are particularly vulnerable. There is also lack of appropriate infrastructure and specialist care that covers the needs of people with disabilities. The existing structures were largely concentrated in a few urban centres [[KSEI 2020](#), 2.6.6, p. 59].

Risk analysis

The lack of personnel and adequate infrastructure to appropriately address the needs of individuals with (severe) medical issues fails to meet the requirement of Article 6 QD regarding the existence of an actor that inflicts persecution or serious harm, unless the individual is intentionally deprived of healthcare.

The actor requirement may be satisfied in specific cases of denial of healthcare, such as in the case of women denied access to healthcare due to not being accompanied by a *mahram*, not wearing a hijab, or not being allowed to be seen by a male healthcare professional. See the sub-section [a. Restrictions of rights and freedoms under the Taliban](#) under the profile [3.15 Women and girls](#).

For persons living with mental and physical disabilities, the individual assessment whether discrimination and mistreatment by society and/or by the family could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: nature and visibility of the mental or physical disability, negative perception by the family, etc.

Nexus to a reason for persecution

With regard to women, see [3.15. Women and girls](#).

With regard to persons living with noticeable mental or physical disabilities, available information indicates that the persecution of may be for reasons of membership of a particular social group, defined by an innate characteristic and distinct identity linked to their stigmatisation by the surrounding society.





3.20. Individuals who were born in Iran or Pakistan and/or who lived there for a long period of time

Last update: January 2023

This profile refers to Afghans who were born in or have spent a very long period as a refugee or a migrant in Iran or Pakistan.

COI summary

Over 8 million Afghans have returned to the country since 2002, mainly from neighbouring Iran and Pakistan. During 2021, according to IOM, 896 788 Afghans moved to Iran and 258 166 went to Pakistan. IOM noted that 2021 was a record year for forced returns, with close to 800 000 Afghans being forcibly returned from neighbouring Iran and Pakistan. Between 1 December 2021 and 30 April 2022, IOM documented an average monthly outflow of approximately 424 000 individuals from Afghanistan to Pakistan and Iran. In the same period the average monthly inflow to Afghanistan from the same countries was approximately 357 000 individuals. In May 2022, the flows were lower, with around 255 000 individuals leaving for Pakistan or Iran, and 292 000 returning from these countries [[Security 2022](#), 3.3.2 b, p. 77; [Targeting 2022](#), 1.5.2, p. 53].

As of January 2022, there were approximately 3 million Afghans living in Pakistan, around 1.4 million of them are Proof of Registration (PoR) cardholders, approximately 840 000 hold an Afghan Citizen Card (ACC), and an estimated 775 000 are undocumented. While PoR and ACC cardholders are offered limited protection, mainly from refoulement, undocumented Afghans are exposed to arrest, detention and deportation. As a result, many new arriving Afghans had to rely on informal networks and try to keep a low profile for fear of being stopped by Pakistani authorities [[Pakistan – Situation of Afghan refugees 2022](#), 1.2.2, p. 22].

Returnees from Iran were reported to be comprised mostly of young men, whereas returnees from Pakistan were mostly families. Many of them settled in Kabul regardless of their place of origin in Afghanistan and established themselves according to their capacity without any government support. A third of all Afghan returnees have settled in Kabul and Nangarhar. This fact, combined with high numbers of IDPs, had resulted in high pressure on housing, employment, healthcare, and community services, especially in the cities. In the context of Afghanistan's limited absorption capacity returnees often lived in precarious situations [[KSEI 2020](#), 1.2, pp. 14-15; 2.2.3, pp. 31-33; 2.3.4, pp. 38-39; 2.4.2, pp. 40-41; 2.5.2, p. 45; 2.6.5, pp. 57-58; 2.7.4, 64-65; [Society-based targeting](#), 8.7, pp. 101-103].

Not being accustomed to Afghan norms and expectations and having no support network in Afghanistan may add to the difficulties in finding job or shelter. Afghans who lived outside Afghanistan for a long period of time may also have a strong accent, which would be a further obstacle in finding a job. Moreover, Afghans who grew up in Iran and are perceived as 'Iranised' or 'not Afghan enough' may sometimes receive offensive comments [[Society-based targeting](#), 8.7, pp. 101-103].

There were no reports in the available recent COI concerning the treatment of Afghans who lived in Iran or Pakistan by the Taliban.





Risk analysis

In general, the treatment faced by individuals under this profile would not amount to persecution.

Nexus to a reason for persecution

Available information indicates that in the case of individuals who were born in Iran or Pakistan and/or who lived there for a long period of time, there is in general no nexus to a Convention reason for persecution. This is without prejudice to individual cases where nexus could be established based on additional circumstances.



4. Subsidiary protection

[Article 15 QD](#)

This chapter addresses the EU-regulated status of subsidiary protection. Where the applicant has not been found to qualify as a refugee, they may be eligible for subsidiary protection in accordance with Article 15 QD.



The contents of this chapter include:

Under the section [Article 15\(a\) QD](#), the analysis focuses on the applicable EU legal framework and the factual circumstances surrounding the ‘death penalty or execution’ in Afghanistan.

The section on [Article 15\(b\) QD](#) looks into the risk of ‘torture or inhuman or degrading treatment or punishment’ in relation to particular circumstances in Afghanistan.

Under the section [Article 15\(c\) QD](#), the analysis covers the different elements of the provision, looking into: ‘armed conflict’, ‘qualification of a person as a ‘civilian’’, ‘indiscriminate violence’, ‘serious and individual threat’ (where further individualisation elements are discussed), ‘qualification of the harm as ‘threat to life or person’’, and the interpretation of the nexus ‘by reasons of’.

4.1. Article 15(a) QD: death penalty or execution

Last update: January 2023

[Article 15\(a\) QD](#)

As noted in the chapter [Refugee status](#), some profiles of applicants from Afghanistan may be at risk of death penalty or execution. In such cases, there would often be a nexus to a reason for persecution falling under the definition of a refugee (for example, [3.11. Individuals considered to have committed blasphemy and/or apostasy](#) and [3.17. LGBTIQ persons](#)), and those individuals would qualify for refugee status.

In cases where there is no nexus to a Convention ground, the need for subsidiary protection under Article 15(a) QD should be examined.

Death penalty is envisaged under Islamic law. The former Penal Code was reported to significantly limit the number of crimes punishable by the death penalty and the death penalty was rarely carried out in practice. Before the Taliban takeover, in the areas under their



control, they imposed punishments through a parallel justice system, based on a strict interpretation of the *sharia*. This included instances of executions, including public executions by stoning and shooting [[Criminal law and customary justice](#), 1.8, pp. 19, 21; 2.3.3, p. 27; [Anti-government elements](#), 2.5, p. 21; [Society-based targeting](#), 1.6, p. 22].

The justice system imposed following the Taliban takeover is believed to be a continuation of the established shadow courts during their insurgency. *Sharia* is the basis for the judgements and actions of judges and police officers in Afghanistan under Taliban rule [[Targeting 2022](#), 1.1.4, p. 28]. Capital and corporal punishment are regarded as relevant punishments for certain crimes under *sharia* according to Taliban officials [[Country Focus 2022](#), 1.5, p. 30].

It was suggested that Taliban judges avoided to issue too harsh punishments to avoid losing support among the population [[Targeting 2022](#), 1.1.4., p. 35]. There were no reports on capital punishments issued by a court as of early December 2021 [[Country Focus 2022](#), 1.5, p. 30]. However, two events of public display of the corpses of persons allegedly involved in crimes were reported in Herat in late September and early October 2021 [[Security 2022](#), 1.2.4., p. 33; 4.13.1, p. 124]. Neither report on these instances mentioned any court proceedings [[Country Focus 2022](#), 1.5, p. 29]. In February 2022, the Taliban had issued new rules mandating that alleged criminals should be tried three times and that death penalties must be signed by the Taliban supreme leader [[Security 2022](#), 1.2.4, p. 33].

As of June 2022, UNAMA had recorded extrajudicial killings of five women and two men accused of extramarital relationships [[Targeting 2022](#), 1.1.4., p. 35]. According to *sharia*, *zina* is punished with stoning or lashing, depending on whether or not the perpetrators are married [[Targeting 2022](#), 5.1.6., p. 94]. In February 2022, a woman and a man were stoned to death for alleged adultery in Badakhshan Province on order by a district judge. In addition, four people were reportedly stoned to death over rape accusation in Uruzgan in December 2021 [[Targeting 2022](#), 1.1.4, p. 35].

Extrajudicial killings of accused ISKP affiliates by the Taliban were also reported. UNAMA recorded 59 such incidents in the reporting period 15 August 2021–15 June 2022. Most incidents took place in Chaparhar District and Jalalabad City, Nangarhar Province [[Targeting 2022](#), 1.4, p. 49]. Summary executions of alleged ISKP affiliates by the Taliban were also reported. Persons with perceived links with ISKP were killed without due process, drawn out of their homes and shot on the spot in Nangarhar. Similar events were also reported in Laghman and Kunar [[Country Focus 2022](#), 2.5, p. 47; [Targeting 2022](#), 1.4, p. 50]. Furthermore, UNAMA documented at least 10 cases of extrajudicial killings of individuals accused of NRF-affiliation by the de facto authorities in the first months of 2022 [[Security 2022](#), 3.1, p. 61]. Around 100 cases of extrajudicial killings of persons working for the former government, former ANDSF personnel or their family members between mid-August 2021 and February 2022 are attributed to the de facto authorities or their affiliates [[Security 2022](#), 3.2, p. 68].

If there is a reasonable degree of likelihood of death penalty or execution, subsidiary protection under Article 15(a) QD shall be granted, unless the applicant is to be excluded in accordance with [Article 17 QD](#).





In some cases, the death penalty would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds (Article 17 QD). Therefore, although the criteria of Article 15(a) QD would be met, exclusion considerations should be examined (see [7. Exclusion](#)).

4.2. Article 15(b) QD: torture or inhuman or degrading treatment or punishment

[Article 15\(b\) QD](#)

As noted in the chapter on [Refugee status](#), some profiles of applicants from Afghanistan may be at risk of torture or inhuman or degrading treatment or punishment. In such cases, there would often be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground, the need for subsidiary protection under Article 15(b) QD should be examined.



The contents of this chapter include:

[4.2.1. Healthcare](#)

[4.2.2. Socio-economic conditions](#)

[4.2.3. Arbitrary arrests and treatment in detention](#)

[4.2.4. Corporal punishments](#)

[4.2.5. Criminal violence](#)

[4.2.6. Other circumstances](#)

4.2.1. Healthcare

Last update: January 2023

[Main COI reference: [KSEI 2022](#), 6, pp. 46-52]

The health system continued to face shortages of supplies, fuel, and money to pay health workers' salaries. Similarly, field reports indicated that health facilities were lacking medical supplies and equipment, while needs were high. Further, it was reported on a lack of



adequate medicines and a lack of food supplies for patients. It was also noted in March 2022 that around 35 % of healthcare facilities lacked access to basic water, sanitation and hygiene facilities.

In February 2022, gunmen reportedly killed seven members of polio vaccination teams in three separate incidents in Kunduz and Takhar province, leading the UN to suspend the vaccination campaign in these provinces.

Women with more complex health needs, such as pregnant women, have reportedly been facing major issues with regard to access to healthcare, including fear and insecurity, mobility restrictions due to the need to be accompanied in public by a *mahram* or the need to travel long distances to reach health services. Female patients were also reportedly allowed to be attended only by women healthcare professionals. Women lacked sufficient means of safe transportation and there was a shortage of trained female personnel [KSEI 2020, 6.3, p. 49].

An article quoted health workers from Ghazni district describing an incident where two unaccompanied women were reportedly forced out of a clinic by the Taliban. In another incident, a midwife was reportedly detained, and medical staff of the clinic was facing prosecution for having attended to a single woman giving birth. Taliban reportedly denied that such incidents took place.

In March 2022, the Taliban MPVPV ordered healthcare institutions to deny medical assistance to female patients without a hijab [Targeting 2022, 5.2.5, p. 120].

In Afghanistan, people with mental and physical disabilities are often stigmatised. Their condition is at times considered to have been ‘related to God’s will’. Mistreatment of those people by society and/or by their families has occurred. Women, displaced persons and returned migrants with mental health issues are particularly vulnerable. There is also lack of appropriate infrastructure and specialist care that covers the needs of people with disabilities. The existing structures were largely concentrated in a few urban centres [KSEI 2020, 2.6, pp. 56, 57, 59].



It is important to note that serious harm must take the form of conduct of an actor ([Article 6 QD](#)). In itself, the general unavailability of healthcare is not considered serious harm meeting the requirements of inhuman or degrading treatment under Article 15(b) QD in relation to Article 6 QD, unless there is intentional conduct of an actor, such as the intentional deprivation of the applicant of appropriate healthcare.

The actor requirement may be satisfied in specific cases of denial of healthcare, such as in the case of women denied access to healthcare due to not being accompanied by a *mahram*, not wearing a hijab, or not being allowed to be seen by a male healthcare professional, or in the case of some persons with physical disabilities or mental health problems, who may experience stigmatisation. In such cases, a nexus to a reason for persecution may also be substantiated and refugee status may be granted. If nexus to a reason for persecution is not substantiated, Article 15(b) QD would apply.



4.2.2. Socio-economic conditions

Last update: January 2023

After the Taliban's takeover, donors and international financial institutions suspended all financial support, leading to a liquidity crisis in the country, a near-collapse of the banking system, depreciation of the national currency, increasing prices and the loss of hundreds of thousands of jobs [KSEI 2022, 2.1, p. 19]. Due to the economic crisis, the humanitarian situation – already affected by decades of conflict, severe droughts, and the COVID-19 pandemic – further deteriorated [KSEI 2022, 2.2, p. 21]. As of March 2022, Afghanistan was reported to be facing 'one of the world's largest food security crises' and a 'malnutrition crisis of unparalleled proportions' with a sharp surge in the acute hunger-affected population [KSEI 2022, 4.1, p. 30].

In autumn 2021, the average household debt was reportedly more than six times the average monthly income. Loss of livelihood and employment, rising food prices and currency devaluation led to an increase in negative coping mechanisms such as increase in debts, the sale of assets, marrying off girls or the sale or exchange of children [KSEI 2022, 3.1, p. 25].

Women and female-headed households were particularly affected by the Taliban's policies of banning women from returning to their jobs or using public transport alone, requiring them to be accompanied by a close male relative when leaving the house, and observing a strict dress code. These policies did not only limit women's freedoms, but also affected their ability to work and make a living, driving them further into poverty [KSEI 2022, 3.2, p. 26]. In March 2022, it was indicated that for female-households it is more challenging to access aid 'in the deeply conservative and patriarchal country', as it is, for example, quite difficult for women to access food distribution centres when they are already overcrowded with men [KSEI 2022, 4.2, p. 35]. The decision by the Taliban to prohibit women in Balkh and Herat provinces access to public bath-houses (hammams) reportedly sparked outrage, as many households lacked the facilities and capacity to heat large quantities of water for washing and bathing at home [KSEI 2022, 5.1, p. 40].

Women were also found to be particularly affected by inheritance issues because communities and families discriminate against their inheritance rights, while informal legal systems discriminate in the application of the relevant legal frameworks. Consequently, the affected households lived in permanently unstable conditions, making them 'particularly vulnerable to abuse and exploitation'. Such households needed further HLP assistance and cash for rent if they were threatened with eviction [KSEI 2022, 5.2, p. 41].

Households in Helmand, Zabul, Nangarhar, Kabul and Ghor provinces were reportedly most affected by land-related issues, inheritance disputes and access and use issues. It was noted that such disputes often arose when households were unable to pay their rent on time and subsequently were facing harassment and eviction, or abusive practices (such as a sudden rent increase or demanding rent during the month) by their landlords. As most households did not have rental agreements, tenants were vulnerable to such practices [KSEI 2022, 5.1, p. 41].

In urban areas, many IDPs reportedly faced discrimination, lacked access to basic services and faced a permanent risk of being evicted from illegally occupied displacement sites. Lack of livelihood opportunities often led to secondary displacement or IDPs turning to extreme negative coping mechanisms such as child-selling or organ-selling [KSEI 2022, 3.3, pp. 27-28].



Hundreds of Hazara Shia families had reportedly been forcibly evicted from their homes and land by the Taliban. Similar evictions were reported in Jawzjan province, with more than 1 000 members of ethnic Uzbek and Turkmen communities being expelled by Taliban fighters [KSEI 2022, 1.2, p. 17].



Serious harm must take the form of conduct of an actor ([Article 6 QD](#)). In themselves, general poor socio-economic conditions are not considered to fall within the scope of inhuman or degrading treatment under Article 15(b) QD, unless there is intentional conduct of an actor.

When these socio-economic conditions are the result of an intentional conduct of an actor (e.g. forced evictions), these conditions may qualify under Article 15(b) QD in relation to Article 6 QD, following an individual assessment.

Such conditions may also increase the risk of persecution or other serious harm, such as child marriage or sale of children, where the actor requirement under Article 6 QD would also be met.

In some of those cases, a nexus to a reason for persecution may also be substantiated and refugee status may be granted instead.

4.2.3. Arbitrary arrests and treatment in detention

Last update: January 2023

Special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. Arbitrary arrests and illegal detention centres run by different actors (linked to the former government, to militias, to strongmen or to insurgent groups) have been widespread in Afghanistan. In general, human rights were not respected in these illegal detention facilities and persons who faced a real risk of being illegally detained could be in need of protection.

Soon after the takeover, the Taliban announced the release of ‘all political detainees’ throughout Afghanistan and released thousands of prisoners, inter alia from Kabul’s main prison Pul-e Charkhi [Country Focus 2022, 1.5.2, pp. 30-31]. Following releases in the first four months of 2022, the Taliban Office of Prison Administration claimed that the total detained population did not exceed 10 000 people. UNAMA reported that as of 19 June 2022, the overall prison population was 9 621 persons of which 75 % were pre-trial detainees. The detained included both men and women although men made up the vast majority [Targeting 2022, 1.1.4, p. 32].

It was reported that people arrested for alleged crimes were imprisoned without any investigation or judgement. Even in cases of relatively serious crimes, there were no investigations because the *de facto* police lacked resources and competence [Targeting 2022, 1.1.4, p. 30].

UNAMA reported that the Taliban issued a ‘Code of Conduct on system reform relating to prisoners’ instructing Taliban security officials that ‘common-law’ criminals should not be held for more than three days, after which their case needed to be handed over to a *de facto*



court. However, the instructions also allowed for suspects to be held for one month or more if ordered by a *de facto* court. It also reportedly prohibited the use of torture ‘at any point throughout arrest, transfer or detention’ and provided punishments for those resorting to torture. In January 2022, the Taliban established a Taliban commission to inspect prisons and detention centres and to ensure innocent prisoners were released [[Targeting 2022](#), 1.1.4, pp. 32-33].

According to OHCHR, the prison conditions in Afghanistan were below international standards before the Taliban takeover, and because of a general lack of funds the conditions worsened under Taliban rule. Shortages of food, medical care, clothing and heating were reported. There was also reportedly no money to feed the prisoners, so most were quickly released. The prisoner’s family could also be asked to provide food, but if they did not have the means (e.g. due to poverty), the prisoner was released. There were further reports of victims being asked to provide food for the perpetrator for an arrest to be made. Suspected ISKP affiliates were reportedly not released. The main prison in Herat City was described in February 2022 as ‘crammed full’, with around 40 men in each cell, and many of them had not been tried by a *de facto* court. It was claimed that many inmates were former government workers, imprisoned without trial or evidence. Children from 12 years of age were also reportedly imprisoned. UNAMA also reported on children being held in provincial prisons, sometimes alongside adults [[Targeting 2022](#), 1.1.4, pp.33, 34]. There were reports indicating that inmates did not have access to legal counsel and suffered in cells, waiting a formal judicial system to be put in place. Female inmates reportedly lacked medical care in Kabul prison [[Country Focus 2022](#), 1.5.2, p. 31].

It was also reported that Taliban fighters have rounded up drug addicts across Afghanistan and brought them to clinics or prisons to receive treatment. However, the ensuing treatment lacked methadone and oftentimes counselling [[Targeting 2022](#), 1.1.4, pp. 34].

UNAMA recorded different forms of torture and ill-treatment by the Taliban GDI against detainees, and the most common methods included ‘kicking, punching and slapping, beatings with cables and pipes, and the use of mobile electric shock devices’ [[Targeting 2022](#), 1.1.4, p. 34].

Other incidents of reported torture by the Taliban refer to journalists and media workers [[Targeting 2022](#), 7.2, p. 160], activists and human rights defenders [[Targeting 2022](#), 8.1, p. 166; 8.2, p. 168], protesters [[Targeting 2022](#), 1.2.2, p. 39], healthcare professionals, and civilians during the weeks of fighting in Panjshir [[Country Focus 2022](#), 1.5.2, p. 32; 2.5, p. 47; 2.6, p. 50; 2.8, pp. 52-53; 3.2, p. 62]. The Taliban have also been accused of committing human rights violations against alleged ISKP affiliates and former ANDSF and government officials [[Targeting 2022](#), 2.1, p. 57], including illegal detention and torture in Kunar [[Country Focus 2022](#), 2.5, p. 47].



In cases where the prosecution or punishment is grossly unfair or disproportionate, or where a person is subjected to prison conditions which are not compatible with respect for human dignity, a situation of serious harm under Article 15(b) QD can occur.

It should be highlighted that in some cases of individuals facing the risk of arrest or detention in Afghanistan, there would be a nexus to a reason for persecution falling under the definition of a refugee, and those individuals would qualify for refugee status. If nexus to a reason for persecution is not substantiated, Article 15(b) QD would apply.

[Exclusion](#) considerations may be relevant.



See also the profiles of [3.7. Human rights defenders, activists and others perceived as critical of the Taliban](#), [3.8. Journalists and media workers](#), [3.10. Humanitarian workers](#), [3.12. Individuals perceived to have transgressed religious, moral and/or societal norms](#).

4.2.4. Corporal punishments

Last update: January 2023

Under the *sharia*, corporal punishments are envisaged for different crimes, for example stoning for adultery, public flogging for drinking alcohol and hand amputation for some types of theft. Article 29 of the Constitution of Afghanistan prohibited ‘punishment contrary to human dignity’, and Afghanistan has been a party of the CAT since 1987. However, corporal punishments were permitted by law in Afghanistan due to the pluralistic legal system, whereby Islamic and civil laws interacted with one another, allowing individual judges and courts to determine how to prescribe punishments under either code.

Prior to the takeover, in territories under their control, the Taliban operated a parallel justice system based on a strict interpretation of the *sharia*. In addition to executions (see [Article 15\(a\) QD: death penalty or execution](#)), the operation of this system led to punishments reported by UNAMA to be cruel, inhuman, and degrading [[Anti-Government Elements](#), 2.5, p. 21; [Criminal law and customary justice](#), 1.6, p. 17; 1.8, p. 21].

Following the takeover, the Taliban have made clear statements regarding the required adherence to the *sharia*. Physical punishments including executions are reportedly considered as necessary parts of Islamic law. Therefore, some punishments used during the last Taliban rule would be revived, for example amputation of hands. No reports on corporal punishments issued by a court were found during the reference period of this guidance [[Targeting 2022](#), 1.1.4, p. 34]. It was suggested that Taliban judges avoided to issue too harsh punishments to avoid losing support among the population [[Targeting 2022](#), 1.4.4, p. 35]. However, there were reports on Taliban fighters subjecting civilians to punishments, inter alia

whipping alleged thieves [[Country Focus 2022](#), 1.5.1, p. 30; [Targeting 2022](#), 1.4.4, p. 35; [Security September 2021](#), 1.1.2]. As of June 2022, UNAMA had recorded at least 30 instances of ‘cruel, inhuman and degrading treatment and punishments’ including public flogging, beatings and verbal abuse of persons failing to comply with issued directives on behavioural norms since the takeover [[Targeting 2022](#), 1.1.4, p. 35; 1.3.1, p. 42]. For instance, the Taliban reportedly publicly lashed a young unmarried couple in Firozkoh, Ghor Province, for riding a motorbike together [[Targeting 2022](#), 1.1.4, p. 35]. In April 2022, seven men were flogged and sentenced to imprisonment by the Taliban Supreme Court, inter alia for drinking alcohol. A Taliban Supreme Court official confirmed that it was the first time a de facto court issued flogging as a punishment since the Taliban takeover [[Targeting 2022](#), 1.1.4, p. 36].



Corporal punishment would meet the requirements of serious harm under Article 15(b) QD.

Where there is no nexus to a reason for persecution under the refugee definition, the risk of being subjected to corporal punishments may qualify under Article 15(b) QD.

[Exclusion](#) considerations may be relevant.



See also [5. Actors of protection](#).

4.2.5. Criminal violence

Last update: January 2023

While there was a lack of comprehensive data on crime rates, it was reported that the immediate aftermath of the Taliban takeover of power saw a drop in the crime rate. By the second half of October 2021, sources began to report a rise in the number of crimes, with Kabul residents pointing to an increase in armed robberies, kidnappings and extortion, described as occurring on a daily basis in the capital. During September and October 2021, some 40 businesspersons were abducted in the capital as well as in Balkh, Kunduz, Nangarhar, Kandahar, and Herat provinces. According to several sources the crime levels have risen concurrently with the deepening of the humanitarian and economic crisis in the country, particularly affecting the capital and other big urban areas [[Security 2022](#), 1.2.4, p. 32].



A real risk of violent crime, such as abductions, robberies, murder would meet the requirements under Article 15(b) QD.

Where there is no nexus to a reason for persecution under the refugee definition, the risk of violent crime such as the above may qualify under Article 15(b) QD.



4.2.6. Other circumstances

Last update: January 2023



Other cases for which a real risk of serious harm under Article 15(b) QD may exist are, for example, some situations under the profile of [3.16. Children](#), [3.18.2. Land disputes](#), etc.

4.3. Article 15(c) QD: indiscriminate violence in situations of armed conflict

[Article 15\(c\) QD](#)

This section focuses on the application of the provision of Article 15(c) QD. Under [Article 2\(f\) QD](#) in conjunction with Article 15(c) QD, subsidiary protection is granted where substantial grounds have been shown for believing that the person would face a real risk of suffering serious harm defined as **serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict**.

Each element of the provision is addressed in a separate subsection.



The contents of this chapter include:

[4.3.1. Preliminary remarks](#)

[4.3.2. Armed conflict \(international or internal\)](#)

[4.3.3. Qualification of a person as a 'civilian'](#)

[4.3.4. Indiscriminate violence](#)

[4.3.5. Serious and individual threat](#)

[4.3.6. Qualification of the harm as a 'threat to \(a civilian's\) life or person'](#)

[4.3.7. Nexus/'by reason of'](#)



4.3.1. Preliminary remarks

Last update: January 2023

In armed conflicts the targeting of civilians may have nexus to one of the reasons for persecution according to the refugee definition. Therefore, refugee status may be granted as noted in the section above.

See, for example, the profiles [3.2. Public officials and servants of the former government](#), [3.7. Human rights defenders, activists and others perceived as critical of the Taliban](#), [3.8. Journalists and media workers](#), [3.10. Humanitarian workers](#), and [3.14. Ethnic and religious minorities](#). Such targeted violence, furthermore, would not be considered 'indiscriminate'.

Where refugee status is not granted, subsidiary protection needs under Article 15 QD should be examined, including in relation to indiscriminate violence in a situation of armed conflict (Article 15(c) QD).

The following assessment is based on the EUAA COI report on the security situation in Afghanistan, published in August 2022 concerning the reference period **15 August 2021 – 30 June 2022** [[Security 2022](#)] as well as the COI query on major developments in the period **1 July – 31 October 2022** [[COI Update 2022](#)]. Background information from 2021 regarding the security situation is also taken into account. Events taking place after 30 June 2022 are not taken into account in the common analysis.



This guidance should be considered valid as long as current events and developments fall within the trends and patterns of violence observed within the reference period of the mentioned COI report. New events and developments that cause substantial changes, new trends or geographical shifts in the violence, may lead to a different assessment. The security situation in a given territory should always be assessed in light of the most up-to-date COI available.

All of elements under Article 15(c) QD (Figure 1) have to be fulfilled in order to grant subsidiary protection in accordance with this provision.



Figure 2. Elements of the legal provision of Article 15(c) QD.



Common analysis of the factual preconditions and guidance on the possible application of Article 15(c) QD with regard to the situation in Afghanistan are provided below.

4.3.2. Armed conflict (international or internal)

Last update: January 2023

Over the summer months of 2021, the Taliban's offensive advanced rapidly and resulted in them taking over almost all of the country. ANDSF personnel often withdrew from positions without engaging in confrontations. In their statements following the takeover of Kabul in August 2021, the Taliban declared the war to be over [[Security September 2021](#), 1.1.1, p. 11].

As of spring/summer 2022, the Taliban were in control of all the country's 34 provinces and sources indicate that no other actor constituted an existential threat to the Taliban's authority [[Security 2022](#), 2.1.1, p. 36]. The Foundation for Defense and Democracies' (FDD) Long War Journal assessed 7 districts as contested on 29 August 2022: Warsaj (Takhar Province), Khost wa Firing and Andarab (Baghlan Province), Shutul, Darah, Unabah, and Khinj (Panjshir Province), although cautioning that such assessments are 'extremely difficult' since the collapse of the former government [[COI Update 2022](#), 1, p. 2].

There were a number of different groups opposing Taliban rule and as of May 2022, there were reports that in addition to Panjshir, resistance to the Taliban was growing in Baghlan, Kapisa, Parwan, and Badakhshan. While these groups proclaimed identical or very similar goals and had the ability to carry out attacks and create insecurity around some roads, sources indicated that they have not been able to merge into one larger resistance movement and that at least until mid-March 2022 they did not pose a concrete threat to the Taliban's hold of the country [[Security 2022](#), 2.2, p. 45].

The NRF, the primary and most developed anti-Taliban resistance movement, declared in February 2022 that its goal was to fight the Taliban and has made attempts to seize direct



control of territory from the Taliban government. NRF and affiliated groups have been active mainly in Panjshir Province and adjacent northern areas [[COI Update 2022](#), 3, p. 6; [Security 2022](#), 2.2.1, p. 46].

Apart from NRF, ISKP also continued to be active in the country. Activity of the ISKP has traditionally been concentrated in Kabul and in the country's eastern provinces, notably Kunar and Nangarhar where the group continues to have a strong foothold, especially in rural areas. While during the period of peace negotiations and the intra-Afghan talks, ISKP's activities aimed to create 'chaos and confusion' among different political stakeholders, it was reported that after the Taliban takeover ISKP shifted its focus to undermining the Taliban's legitimacy. Since then, it has reportedly targeted Taliban security convoys, checkpoints and personnel while assassinating civilians of various profiles [[Security 2022](#), 2.3, p. 50].

The bulk of ISKP fighters has been reported to be present in rural Kunar, Nangarhar and possibly Nuristan provinces. According to UN figures, between 19 August and 31 December 2021, ISKP attacks took place in 16 provinces, and between 1 January and 21 May 2022, in 11 provinces. As of June 2022, new areas of ISKP activity included parts of northern and western Afghanistan (e.g. Kunduz, Balkh, Farah, and Herat) as well as southern and south-eastern provinces like Kandahar, Paktya, and Parwan. Moreover, ISKP appeared to have a presence in nearly all provinces, the UN Special Representative for Afghanistan remarked in November 2021 [[Security 2022](#), 2.3, p. 51].



Given the interpretation of the concept of 'internal armed conflict' by the CJEU, and based on the COI, it can be concluded that two main parallel internal armed conflicts, in the meaning of Article 15(c) QD, take place in the territory of Afghanistan: between the Taliban *de facto* government and the NRF; and between the Taliban *de facto* government and the ISKP.

Confrontations and incidents in relation to these conflicts primarily affect certain provinces and cities in Afghanistan, however, the situation remains fluid.

With regard to the provinces where confrontations and incidents take place, the assessment has to proceed to examine whether the remaining criteria under Article 15(c) QD are also (cumulatively) met.

4.3.3. Qualification of a person as a 'civilian'

Last update: January 2023

Being a civilian is a prerequisite in order to be able to benefit from protection under Article 15(c) QD. The purpose of the provision is to protect only those who are not taking part in the conflict. This includes the potential application of Article 15(c) QD to former combatants who have genuinely and permanently renounced armed activity.

In the context of Afghanistan, applications by persons falling under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under Article 15(c) QD. For example:

- **Taliban and affiliated armed groups, e.g. Haqqani network and Al-Qaeda**

- **NRF and other armed groups opposing the Taliban**
- **ISKP**

See also the chapter [2. Actors of persecution or serious harm](#).

It should be noted that actively taking part in hostilities is not limited to openly carrying arms but could also include substantial logistical and/or administrative support to combatants.



Exclusion considerations may also apply (see [7. Exclusion](#)).

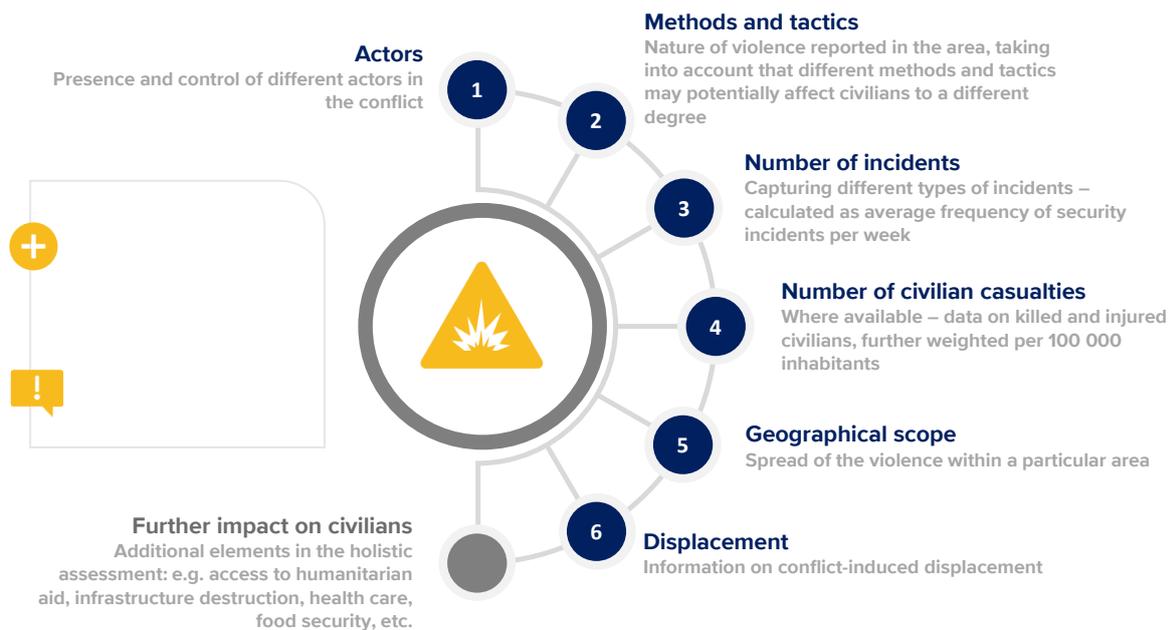
4.3.4. Indiscriminate violence

Assessment of indiscriminate violence: general approach

Last update: January 2023

The common analysis regarding the degree of indiscriminate violence combines quantitative and qualitative elements in a holistic and inclusive assessment. The security situation in the respective territories is assessed by taking into account the following elements:

Figure 3. Indicators in the assessment of the level of indiscriminate violence.



For more information on the methodology and indicators used to assess the level of indiscriminate violence in country guidance documents, see '[Country Guidance: explained](#)'.

Security situation in Afghanistan: recent events

Last update: January 2023

Situation in Afghanistan

After the United States in April 2021 announced the withdrawal of its remaining troops by September 2021, the Taliban started an advance across rural and later urban Afghanistan, often encountering only minimal resistance from the ANDSF, and ultimately resulting in the capture of control of almost the whole Afghan territory, including Kabul, by 15 August 2021. On 6 September 2021, the Taliban also claimed the capture of the Panjshir Valley, 'the last remaining enclave of resistance' [[Security 2022](#), 1.1, p. 21].

Presence, methods and tactics of actors

After the end of the conflict with the former government and the re-establishment of the Islamic Emirate, the Taliban are reported to be in control of all Afghan districts and provinces [[Security 2022](#), 1.2.1, p. 23; 2.1, p. 36].

Soon after their takeover of power, the Taliban started to establish a military structure, although the exact structure of these forces remains unclear. Taliban concentrated their troops mainly in the cities, some border areas and in Panjshir Province. The presence of Taliban and their troops in rural areas is reported to be relatively limited [[Security 2022](#), 2.1.1, a, p. 37; 2.1.1 b, 38-39].

Some internal divisions among the Taliban were reported. In the first seven months after the takeover ACLED documented 33 incidents in which Taliban forces clashed with each other [[Security 2022](#), 2.1.3, pp. 41-43].

Although the Taliban control all of Afghan territory, two main conflicts related to other actors remain active in the country:

- **Anti-Taliban resistance movements**

[Main COI reference: [Security 2022](#), 2.2, pp. 44-49; [COI Update 2022](#), 3, p. 6]

A number of different groups are opposing the Taliban, of which the NRF is the most prominent. NRF and affiliated groups have mainly been operating in Panjshir Province and adjacent northern areas, including Andarab District of Baghlan Province. It is reported that the size and capabilities of the various resistance groups, as well as coordination and cooperation between them, are limited.

NRF resorts mainly to tactics of guerrilla warfare and to hit-and-run attacks targeting Taliban checkpoints and outposts.



Incidents related to NRF are mainly reported in [Badakhshan](#), [Baghlan](#), [Balkh](#), [Kapisa](#), [Panjshir](#), [Parwan](#), [Takhar](#).

According to sources, none of the other anti-Taliban resistance groups have the capability to carry out significant attacks against Taliban positions.



○ ISKP

[Main COI reference: [Security 2022](#), 2.3, pp. 50-54; 3.1, pp. 59-62; [COI Update 2022](#), 3, pp. 7-9]

After the takeover of power by the Taliban, ISKP fighters have been involved in attacks against Taliban members as well as against civilians, such as Shia Hazara.

It is reported that ISKP holds no or only limited territory in Afghanistan [[Security 2022](#), 1.1, p. 22]. Its activities are traditionally concentrated in Kabul and in some rural areas in eastern provinces like Kunar and Nangarhar. ISKP fighters appeared to have presence in nearly all provinces and attacks claimed by ISKP were also reported beyond the above-mentioned areas. It was reported that Taliban attempted to maintain pressure on ISKP, fighting it in its main area of activity in rural Nangarhar as well as in urban centres. A crackdown by the Taliban on ISKP hideouts in Nangarhar in Autumn 2021 diminished the group's fighting capacities there.

In its activities against the Taliban, ISKP resorts to attacks on security convoys, checkpoints and personnel, often making use of IEDs. Taliban activities against ISKP include setting up checkpoints, conducting house-to-house searches as well as killings and forced disappearances of suspected ISKP members, including members of Salafist communities [[Security 2022](#), 2.3, p. 50; [Targeting 2022](#), 1.4, pp. 49-50].

ISKP is also responsible for several attacks targeting individuals with various profiles (former ANDSF, activists, etc.) and attacks against the Shia-minority in urban areas. Attacks against Shia individuals and their modes of transport are reported in Hazara-dominated areas in cities. Furthermore, ISKP conducted several large-scale attacks against Shia mosques, hospitals and schools [[Security 2022](#), 2.3, p. 51; [Targeting 2022](#), 6.4, p. 32].

Security incidents

[Main COI reference: [Security 2022](#), 3, pp. 58-78, [COI Update 2022](#), 3, p. 10]



Data concerning this indicator are primarily based on ACLED reporting from the period 15 August 2021 to 21 October 2022 ⁽⁵⁾. Relevant reporting from other sources, including the UN Secretary General and UCDP, is also noted.

Where ACLED data on fatalities is included, this refers to both combatants and non-combatants. Such data is included primarily to indicate the intensity of confrontations and other security incidents rather than their impact on the civilian population.

⁽⁵⁾ ACLED identified in its 2021 Codebook three codes for the geo-precision of events. For the purposes of assessing the level of indiscriminate violence under Article 15(c) QD at provincial level all three geo-precision codes for security incidents are taken into account. Where a focus on specific provincial capitals is included, only security incidents with the geo-precision at level 1 and 2 were taken into account. For more information on ACLED data, see [COI Update 2022](#).



According to the UN's Secretary General, in the months following the Taliban takeover (19 August – 31 December 2021) the number of armed clashes, airstrikes and attacks with IEDs all decreased with more than 91 % compared to the same period in 2020. This decrease continued in the first months of 2022 and is most noticeable in rural areas, where previously many of the confrontations between the Taliban and ANDSF took place.

ACLED documented 2 635 security incidents during the reference period of 15 August 2021 – 21 October 2022, of which 1 164 were coded as 'battles,' 994 as 'violence against civilians,' and 477 as 'explosions/remote violence'.



Provinces where most security incidents were recorded in the reporting period included [Panjshir](#) (322), [Kabul](#) (309), [Baghlan](#) (234), [Nangarhar](#) (214), [Takhar](#) (199), [Kandahar](#) (118), [Badakhshan](#) (113), [Parwan](#) (111), [Kunar](#) (110), [Kapisa](#) (97), and [Balkh](#) (76).

Of the 1 164 battles registered by ACLED, 225 took place in Panjshir, 152 in Baghlan, 103 in Takhar, 80 in Nangarhar, 74 in Parwan, 70 in Kapisa, 66 in Badakhshan and 61 in Kabul. From Spring 2022 onwards, an increase in armed clashes between Taliban and NRF was reported, most notably in northern provinces.

Explosions and remote violence mostly affected the provinces of Kabul (102), Kunar (48), Nangarhar (45), Helmand (30) and Panjshir (29).

In the period between 16 August 2021 and 22 October 2022, UCDP documented 925 security incidents in which at least one fatality was recorded.

Civilian casualties

[Main COI reference: [Security 2022](#), 3.3, pp. 71-78; [COI Update 2022](#), p. 12]



Information concerning this indicator is mostly based on UNAMA and UCDP reporting. There are certain distinctions between the two sources, in particular in terms of period and scope of reporting.

The UNAMA report covers the period from 15 August 2021 to 15 June 2022 and provides information on civilian casualties (including both civilian fatalities and injured civilians) at a country level.

UCDP provides province-segregated information for the period from 16 August 2021 to 22 October 2022. Its reporting is limited to the number of civilian deaths (fatalities).⁽⁶⁾

⁽⁶⁾ The UCDP data set distinguishes 'unclear' cases from 'clear' cases. The 'unclear' category contains conflicts that likely fulfil the definition of a conflict used by UCDP, but where information on one criterion is missing. For the purposes of assessing the level of indiscriminate violence under Article 15(c) QD, civilian deaths (fatalities) from both 'clear' and 'unclear' events are taken into account. For more information on UCDP data, see [COI Update 2022](#).



In the period between 15 August 2021 and 15 June 2022, UNAMA recorded 2 106 civilian casualties (700 killed and 1 406 injured), which is a significant decrease compared to previous years.



UCDP recorded 1 270 civilian deaths in the period between 16 August 2021 and 22 October 2022, the majority of which occurred in [Kabul](#) (459), followed by [Kunduz](#) (179), [Balkh](#) (92), Herat (92), [Kandahar](#) (89) and [Panjshir](#) (79).

The main cause of civilian fatalities recorded by UCDP were ISKP-attributed IED attacks on non-military targets. Attacks resulting in civilian deaths included the bombing at the Hamid Karzai Kabul Airport on 26 August 2021 (180 civilian fatalities), suicide bomb attacks against Shia mosques in Kunduz (50) and Kandahar (40) in October 2021, the attack on the Military Hospital in Kabul on 2 November 2021 (25), IED attacks on a Shia Mosque in Mazar (31) and on Sufi mosques in Kunduz (33) and Kabul (10) in April 2022, and the attack against the Kaaj education centre in Kabul (52) on 30 September 2022.

The second cause of civilian casualties were unexploded ordnances. UNAMA documented 51 deaths and 76 injuries due to explosive remnants of war between 1 January and the end of April 2022. UNOCHA listed Helmand, Kandahar, Zabul, Uruzgan, Ghor, Nangarhar, Faryab and Kunduz as the provinces with the highest priority for UN Mine Action Service. In April 2022, UNICEF reported that, since the Taliban takeover, 301 children had either been killed or injured by explosive remnants of war and landmines. The organisation expected a further rise of such incidents as civilians, due to the improved security situation, ventured into areas that were previously inaccessible [[Security 2022](#), 3.2, pp. 62, 70-71].

Conflict-related displacement

[Main COI reference: [Security 2022](#), 3.3.2, pp. 74-78]



Information concerning this indicator is mostly based on IOM and UNOCHA reporting. There are certain distinctions between the two sources in terms of period and scope of reporting.

In particular, IOM report covers the period between August 2021 and December 2021 and provides information on four population categories: arrival IDPs, returned IDPs, persons who moved abroad, and returnees from abroad.

UNOCHA provides province-segregated information on conflict induced displacement, for the periods from 15 August 2021 to 30 November 2021 and 1 January to 21 May 2022. UNOCHA does not provide data for December 2021.

In 2021, IOM recorded 1 327 474 new IDPs, of whom around 62 % were displaced due to conflict. UNHCR recorded 789 590 conflict-induced IDPs between the start of 2021 and mid-April 2022.

It is reported that most conflict-induced displacement in 2021 occurred between May and August 2021. In the period between the takeover of power by the Taliban and 30 November 2021, UNOCHA recorded 107 402 conflict related displaced persons. In the first months of



2022 until mid-June 2022, a total of 1 155 IDPs were recorded, most of them originating from Baghlan (763) and Panjshir (392).

After the takeover of power by the Taliban many of the newly displaced persons returned to their place of origin. IOM reported that from August until the end of 2021 a total of 2 194 472 IDPs returned to their home communities.

The following assessment has been made based on this general information and on the information analysed at provincial level (Figure 4).

Figure 4. Level of indiscriminate violence in Afghanistan (based on information up to 31 October 2022).



- The level of indiscriminate violence is high and, therefore, a lower level of individual elements is required in order to substantiate subsidiary protection needs under Article 15(c) QD.
- Indiscriminate violence is also taking place, however not at a high level. Moreover, a significant proportion of the civilian fatalities in these provinces is considered to be the result of security incidents of a targeted nature. A high level of individual elements is required in order to substantiate subsidiary protection needs under Article 15(c) QD.
- There is currently no real risk for a civilian to be personally affected by indiscriminate violence within the meaning of Article 15(c) QD.



Focus on provinces

Last update: January 2023

No province in Afghanistan is currently assessed to reach such an exceptionally high level of violence that 'mere presence' on the territory would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD.

[Panjshir](#) is currently the province most affected by indiscriminate violence. It is assessed that the level of such violence in the province is high and, therefore, a lower level of individual elements is required in order to substantiate subsidiary protection needs under Article 15(c) QD.

Indiscriminate violence is also taking place in the provinces of [Badakhshan](#), [Baghlan](#), [Balkh](#), [Kabul](#), [Kandahar](#), [Kapisa](#), [Kunar](#), [Kunduz](#), [Nangarhar](#), [Parwan](#), [Takhar](#). However, this violence does not reach a high level. Moreover, a significant proportion of the civilian fatalities in these provinces is considered to be the result of security incidents of a targeted nature.

Therefore, a high level of individual elements is required in order to substantiate subsidiary protection needs under Article 15(c) QD.

In the remaining provinces of Afghanistan, including Badghis, Bamyán, Daykundi, Farah, Faryab, Ghazni, Ghor, Helmand, Herat, Jawzjan, Khost, Laghman, Logar, Nimroz, Nuristan, Paktika, Paktiya, Samangan, Sar-e Pul, Uruzgan, Wardak, Zabul, it is assessed that there is currently no real risk for a civilian to be personally affected by indiscriminate violence within the meaning of Article 15(c) QD.⁷

This may be because the criteria for an armed conflict within the meaning of this provision are not met, because no indiscriminate violence is taking place, or because the level of indiscriminate violence is so low, that in general there would be no real risk for a civilian to be affected by it.

The sections below provide an overview of the security situation at provincial level. Provinces in focus are those where anti-Taliban resistance groups or ISKP were particularly active over the period following the Taliban takeover and until October 2022. For provinces where ISKP is reported to be active, special attention is given to the situation in the provincial capitals, where the group's attacks often concentrated.

While some security incidents are reported in all other provinces of Afghanistan, those were primarily of targeted nature. If indiscriminate violence in a situation of armed conflict occurs, this is assessed to be limited and would not substantiate a real risk of serious harm under Article 15(c) QD.⁸ In view of the fluidity of the ongoing conflicts, the most recent available COI should always be taken in consideration.

⁽⁷⁾ COI on the security situation in these provinces is available in the respective sections of [Security 2022](#).

⁽⁸⁾ COI on the security situation in these provinces is available in the respective sections of [Security 2022](#).



Badakhshan

Last update: January 2023

[Main COI reference: [Security 2022](#), 4.2, pp. 88-91]

As of May 2022, Badakhshan was reported as one of the provinces where resistance to the Taliban was growing. It was reported that 10 000 Taliban troops were stationed in the province since February 2022.

During the reference period ACLED recorded 113 security incidents in Badakhshan (average of 1.8 incidents per week), including 66 battles, 33 violence against civilians, 14 explosions/remote violence. Most incidents were attributed to the Taliban forces and NRF. According to ACLED, the security incidents in the province resulted in 212 fatalities, which included combatants and non-combatants.

UCDP recorded 32 security incidents in the period between 16 August 2021 and 22 October, resulting in 14 civilian deaths. Compared to population data from UNOCHA, this represented less than one civilian death per 100 000 inhabitants.

Incidents included clashes between Taliban and NRF, attacks of NRF and the Afghanistan Freedom Front (AFF) against the Taliban. Examples included a hand grenade explosion targeting two members of the Taliban security forces, a landmine explosion injuring the provincial Taliban's security chief and killing two of his bodyguards, the killing of a Taliban commander and his bodyguard by unidentified gunmen, the killing of the Taliban's provincial head of the Mines and Petroleum department by ISKP, clashes between Taliban forces, operations of Taliban against resistance forces and ISKP, the killing of NRF members by the Taliban, the killing and beating by the Taliban of civilians, including a former district governor, the arrest of two sons of a former mayor and a former member of the Special Police Force by the Taliban, the stoning of a man and a woman accused of illegal relations and a roadside mine explosion wounding a female student.

From August to November 2021, 105 persons were displaced due to conflict. IOM identified 19 496 IDP arrivals in Badakhshan in the period between August 2021 and December 2021. In the same period, 31 825 IDP's returned to Badakhshan. There were no displacement movements in or out of the province recorded by UNOCHA from January to the beginning of May 2022.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Badakhshan**, however not at a high level. Moreover, a significant proportion of the civilian fatalities in the province is considered to be the result of security incidents of a targeted nature. Therefore, a **high level of individual elements** is required in order to substantiate subsidiary protection needs under Article 15(c) QD.



Baghlan

Last update: January 2023

[Main COI reference: [Security 2022](#), 4.4, pp. 94-98]

Baghlan is one of the main areas where resistance to the Taliban has been active and where NRF were able to temporarily hold territory following the takeover. In spring 2022, other resistance groups affiliated to NRF, Andarab Resistance Front and the Afghan Freedom Front, emerged in the province. As of May 2022, Baghlan was reported as one of the provinces where resistance to the Taliban was growing.

During the reference period ACLED recorded 234 security incidents in Baghlan (average of 3.8 incidents per week), including 152 battles, 76 violence against civilians, 6 explosions/remote violence. Most incidents were attributed to the Taliban forces and NRF. According to ACLED, the security incidents in the province resulted in 558 fatalities, which included combatants and non-combatants.

UCDP recorded 101 security incidents in the period between 16 August 2021 and 22 October 2022, resulting in 56 civilian deaths. Compared to population data from UNOCHA, this represented three civilian deaths per 100 000 inhabitants.

Incidents included clashes between Taliban and NRF in various districts, attacks of NRF and AFF against the Taliban, the killing in their sleep of two NRF members and the beheading and mutilation of four NRF fighters by the Taliban, the detention, torture and killing of civilians accused of association with resistance groups by the Taliban, as well as taking hostage family members of resistance fighters, the allegedly unintentional killing of a buzkashi player during a search operation by the Taliban, the killing of a doctor by unidentified perpetrators, forced disappearances and killings of former government officials and members of ANDSF.

Violence against civilians increased in February 2022, coinciding with a rise in clashes between the Taliban and resistance movements.

In April 2022, the Taliban cut off communication networks in two districts, reportedly to put pressure on NRF forces. In May 2022, it was reported that the Taliban had forcibly displaced more than 40 families from Andarab district. Residents of Pul-e Hesar district have also been forcibly displaced.

From mid-August to the end of September 2021, 133 persons were displaced due to conflict. In April 2022, 763 persons were displaced. IOM identified 28 397 IDP arrivals in Baghlan in the period between August 2021 and December 2021. In the same period 20 594 IDPs returned to Baghlan.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Baghlan**, however not at a high level. Moreover, a significant proportion of the civilian fatalities in the province is considered to be the result of security incidents of a targeted nature. Therefore, a **high level of individual elements** is required in order to substantiate subsidiary protection needs under Article 15(c) QD.





Balkh

Last update: January 2023

[Main COI reference: [Security 2022](#), 4.5, pp. 99-103]

Since April/May 2022, ISKP activity has been reported in Balkh, and in particular in the capital city of Mazar-e Sharif.

During the reference period, ACLED recorded 76 security incidents in Balkh Province (average of 1.2 incidents per week), the majority of which (49) were cases of violence against civilians. Other incidents included 17 battles and 10 explosions/remote violence. Most incidents were attributed to the Taliban forces and to unidentified armed group(s), with several incidents also attributed to ISKP and to NRF. According to ACLED, the security incidents in the province resulted in 153 fatalities, including both combatants and non-combatants.

UCDP recorded 23 security incidents in the period between 16 August 2021 and 22 October, resulting in 92 civilian deaths. Compared to population data from UNOCHA, this represented five civilian deaths per 100 000 inhabitants.

Examples of incidents included clashes between the Taliban and NRF, ISKP attacks on the civilian population in the city of Mazar-e Sharif, Taliban killings of former employees of the ANDSF, clashes between the local Taliban police chief and residents of a village in the province over land ownership, kidnappings of businessmen.

In May 2022, ISKP claimed responsibility for blowing up three electricity pylons in Tangi Tashqurghan, between Samangan and Balkh provinces. Conflicts related to land and property led to forced evictions, which in some instances reportedly affected ethnic minorities and seemed to be either tolerated or facilitated by the Taliban.

140 persons were displaced due to conflict from Balkh Province in August 2021. No displacement has been registered from January to the beginning of May 2022. IOM identified 115 143 IDP arrivals in Balkh in the period between August 2021 and December 2021. In the same period 149 475 IDPs returned to Balkh. IOM identified Balkh as second among the Afghan provinces in terms of IDPs arriving in the province and in terms of IDPs fleeing the province since August 2021.





Focus on the provincial capital: Mazar-e Sharif

Mazar-e Sharif was the most affected district in the province, with 55 security incidents recorded by ACLED.

ISKP carried out several attacks on the civilian population in the city in April and May 2022, including an attack on the Shia Hazara She Dokan mosque in late April 2022. The four explosions on 21 April 2022 were carried out with a hidden remote explosive device when the mosque was full of people. Depending on the source, 12 to 50 people were killed and 58 to 87 were injured in the attack.

On two occasions, ISKP also targeted minibuses carrying civilians in April and May 2022, resulting in 9-11 deaths and 17 injuries, and at least 9 deaths respectively. Another attack occurred on 25 May 2022, when three bombs exploded on separate minibuses in Mazar-e Sharif. The explosions killed at least ten people. In another attack in June 2022, a vehicle carrying airport employees was attacked by ISKP, resulting in 2 deaths and 6 injuries.

On 13 April 2022, it was reported that NRF claimed to have targeted a Taliban base near the international airport in Mazar-e Sharif.

Mazar-e Sharif district came second after Kabul District in terms of arrivals of IDPs.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Balkh**, however not at a high level. Moreover, a significant proportion of the civilian fatalities in the province is considered to be the result of security incidents of a targeted nature. Therefore, a **high level of individual elements** is required in order to substantiate subsidiary protection needs under Article 15(c) QD.

Kabul

Last update: January 2023

[Main COI reference: [Security 2022](#), 4.15, pp. 128-132]

Kabul Province was the most conflict-affected region in terms of recorded security incidents and fatalities in the reference period according ACLED, and in terms of civilian fatalities according to UCDP.

During the reference period, ACLED recorded 309 security incidents in Kabul Province (average of 5 incidents per week) of which 146 were cases of violence against civilians, 102 explosions/remote violence, and 61 battles. 273 of the overall number of the security incidents in Kabul Province occurred in Kabul District.

According to ACLED, the security incidents in the province resulted in 702 fatalities, which included combatants and non-combatants.



In the province overall, ACLED attributed 71 security incidents to the ISKP, 80 to unidentified armed groups, and 21 to the NRF. ACLED also reported 5 attacks on Taliban targets claimed by the NLFA, 3 by AFF, and 1 by the ALM.

UCDP recorded 124 security incidents in the period between 16 August 2021 and 22 October, resulting in 459 civilian deaths. Compared to population data from UNOCHA, this represented seven civilian deaths per 100 000 inhabitants.

Examples of incidents include armed clashes between the Taliban and NRF, attacks on the Taliban targets by NRF, NLFA, AFF and the Afghan Liberation Movement, fighting between Taliban forces and ISKP, an IED explosion at a roadside resulting in the death of one child and the injury of four members of the Taliban security forces and one abduction by unknown perpetrators.

According to UNOCHA, Kabul was among the provinces with the highest numbers of trauma-related injury cases and IDPs.

On 21 October 2021, an explosion in Shakardara District, reportedly claimed by ISKP, destroyed a power pylon and brought down electricity lines in Kabul Province leading to power outages in Kabul and other provinces, which were restored after four days.

The only displacement due to conflict that took place from Kabul Province was the displacement of 115 persons to Herat Province in August and September 2021. Between August and November 2021, 11 734 IDPs arrived in Kabul District from other provinces. No displacement has been registered from January to the beginning of May 2022. IOM identified 93 631 IDP arrivals in Kabul Province in the period between August 2021 and December 2021.



Focus on the capital: Kabul City

[[Security 2022](#), 4.1]

According to ACLED, Kabul City was the most conflict-affected area of Afghanistan. During the reference period, ACLED recorded 247 security incidents (average of 4 incidents per week), of which 113 were cases of violence against civilians, 95 remote violence, and 39 battles.

Most incidents were attributed to Taliban forces, ISKP and to unidentified armed group(s), with some incidents also attributed to NRF. According to UCDP, in the period between 16 August 2021 and 1 June 2022, Kabul City had the highest numbers of civilian fatalities (297 of overall 778 civilian fatalities in Afghanistan).

Examples of incidents attributed to the ISKP included attacks leading to high number of casualties, such as the attack at Kabul airport on 26 August 2021, resulting in 141-175 civilian fatalities and the suicide blast and gunfire at Kabul's main military hospital on 2 November 2021, resulting in at least 25 deaths and dozen more injuries. Attacks targeting Shia mosques and Taliban security forces were also reported. ISKP also claimed responsibility for a bomb attack on a Sunni Mosque targeting Taliban leadership resulting in civilian casualties in October 2021, and an open fire attack on a Sikh Gurdwara half an hour before morning prayer time in mid-June 2022.



Battles between NRF and military and police Taliban forces, as well as NRF explosions/remote violence involving Taliban forces were reported.

The attacks by unknown perpetrators included bomb explosions or the throwing of grenades. Some of the attacks by unknown armed groups targeted mosques and Shia and/or Hazara neighbourhoods. On 29 April 2022, an explosion at the Khalifa Sahib Mosque frequented by Sufi worshippers on the last Friday of the Islamic month of Ramadan, resulted in 50 fatalities according to ACLED or in 66 civilian deaths according to UCDP. There were reports on targeting Hazara Shia community in western Kabul City, including bomb blasts into a High School and an Education center reportedly caused by IEDs, targeting civilian passenger vehicles, and reports on three attacks mainly targeting the Taliban, but also resulting in civilian casualties.

There were also reports on targeted violence by Taliban forces soon after the takeover, including revenge attacks, large-scale house-to-house raids of Taliban fighters looking for interpreters, foreign troops, embassy personnel, former government authorities, humanitarian workers, people holding a US special immigrant visa. On 19 January 2022, Taliban forces in Kabul reportedly carried out raids in houses of several women's rights activists who had participated in demonstrations, some of whom were detained or became victims of enforced disappearance. Incidents of violence against journalists by unidentified armed groups were also reported.

Security concerns in Kabul City also include a rise in criminality, including gang robbing on a regular basis, extortion either directly or indirectly through Taliban fighters, abductions/forced disappearances, and kidnappings that occur on a daily basis.

The attack on Kabul airport resulted in serious damages 'crucial for bringing in humanitarian supplies and for enabling post-airlift departures for Afghans vulnerable to Taliban reprisals'. In the beginning of September 2021, the airport reportedly reopened for domestic flights and the reception of international aid. During the reference period, attacks targeted schools and mosques in Kabul City.

115 persons were displaced due to conflict from Kabul District to Herat Province in August and September 2021. No displacement has been registered from January to the beginning of May 2022. According to IOM, out of a total of 93 631 IDPs arriving in Kabul Province since August 2021, 74 169 IDPs reached Kabul District. Kabul District was identified as the district with the highest number of IDPs who had fled the province, amounting to 9 987 persons who had left the district since August 2021.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Kabul**, however not at a high level. Moreover, a significant proportion of the civilian fatalities in the province is considered to be the result of security incidents of a targeted nature. Therefore, a **high level of individual elements** is required in order to substantiate subsidiary protection needs under Article 15(c) QD.





Kandahar

Last update: January 2023

[Main COI reference: [Security 2022](#), 4.16, pp. 132-137]

In a June 2022 report, the UN Secretary General identified Kandahar Province as one of the four most conflict-affected provinces in Afghanistan in the period between 1 January and 21 May 2022.

In April 2022, ACLED and Afghan Peace Watch reported that ISKP had also become active in Kandahar Province.

During the reference period, ACLED recorded 118 security incidents in Kandahar Province (average of 1.9 incidents per week) of which 64 were cases of violence against civilians, 36 battles, and 18 explosions/remote violence.

Most incidents were attributed to Taliban forces, unidentified armed group(s) and ISKP. ACLED also reported several attacks against Taliban targets by Anti-Taliban resistance movements, such as the NRF (2), AFF (7) and NLFA (3).

According to ACLED, the security incidents in the province resulted in 190 fatalities, which included combatants and non-combatants.

UCDP recorded 40 security incidents in the period between 16 August 2021 and 22 October, resulting in 89 civilian deaths. Compared to population data from UNOCHA, this represented five civilian deaths per 100 000 inhabitants.

Examples of incidents include Taliban detainment, enforced disappearance and killings of members of the former security forces, beatings of a civil activist and arrest of her family members, open fire on two civilians. Also, NRF, AFF and NLFA attacks on Taliban targets, unidentified armed groups and ISKP attacks on civilians and battles with the Taliban, clashes between Taliban and Pakistani forces along the Durand border line with civilian casualties, businessmen kidnappings.

Between August 2021 and April 2022, the WHO recorded one attack on a healthcare facility in Kandahar on 18 in November 2021. According to UNOCHA, Kandahar is one of the eight provinces 'with the highest priority' for UNMAS survey, as an area 'where threats of improvised mines have been reported as a result of recent conflicts'. Sources reported civilian casualties caused by unexploded ordnance, including children. Residents of Kandahar Province were reportedly affected by forced evictions carried out by Taliban forces around September 2021 'in apparent retaliation for the residents' perceived support for the former government'.

366 persons were displaced due to conflict from Kandahar to Herat Province in September and October 2021. No displacement has been registered from January to the beginning of May 2022. IOM identified 15 022 IDP arrivals in Kandahar in the period between August 2021 and December 2021. In the same period, 25 188 IDPs returned to Kandahar.





Focus on the provincial capital: Kandahar City

According to ACLED, Kandahar District was the most affected district in the province. During the reference period, ACLED recorded 62 security incidents (average of 1 incident per week), of which 34 were cases of violence against civilians, 24 battles and 4 explosions/remote violence.

Incidents attributed to the ISKP included the attack on the Bibi Fatima Mosque, Kandahar City's largest Hazara Shia mosque, on 15 October 2021, carried out by three suicide bombers who activated their explosives when they were surrounded by worshippers, killing at least 47 and wounding more than 80 people. An attack on a Shia Mosque on 26 December 2022, was also reported, resulting in four civilians injured, including a religious cleric.

Targeted attacks on civilians by Taliban forces were also reported, including the incident on 28 June 2022 when Taliban forces opened fire on two civilians and injured them for an unknown reason, and the killing of a former soldier and the injury of his companion in the Chaharbagh neighbourhood on 26 June 2022.

With reference to social media and local news outlets, ACLED reported that, on 29 November 2021, NRF conducted an attack on a checkpoint on a road in the third district of Kandahar City, killing at least two Taliban members and injuring civilians.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Kandahar**, however not at a high level. Moreover, a significant proportion of the civilian fatalities in the province is considered to be the result of security incidents of a targeted nature. Therefore, a **high level of individual elements** is required in order to substantiate subsidiary protection needs under Article 15(c) QD.

Kapisa

Last update: January 2023

[Main COI reference: [Security 2022](#), 4.17, pp. 137-140]

As of May 2022, Kapisa was reported as one of the provinces where resistance to the Taliban was growing.

During the reference period, ACLED recorded 97 security incidents in Kapisa (average of 1.6 incidents per week), of which 70 were battles, 13 explosions/remote violence, and 14 cases of violence against civilians. Most incidents were attributed to NRF and consisted mostly of battles with the Taliban forces or attacks on Taliban targets. According to ACLED, the security incidents in the province resulted in 158 fatalities, which included combatants and non-combatants.



UCDP recorded 30 security incidents in the period between 16 August 2021 and 22 October, resulting in 12 civilian deaths. Compared to population data from UNOCHA, this represented two civilian deaths per 100 000 inhabitants.

Incidents include clashes between Taliban and NRF and AFF, attacks of NRF against the Taliban, the launching of a rocket by NRF on a building after the Taliban had arrested six women and three children, the killing of a Taliban commander by the Liberation Front of Afghanistan, armed clashes between members of the former ANDSF and Taliban members following an operation by the Taliban to arrest two former ANDSF members, the killing of two clerics by unidentified perpetrators, the attack by unknown gunmen on a car with relatives of a former *jihadi* commander and member of parliament, the killing by the Taliban of alleged armed robbers.

From August to the end of November 2021, 3 101 persons were displaced due to conflict. In April 2022, 763 persons were displaced. IOM identified 9 863 IDP arrivals in Kapisa in the period between August 2021 and December 2021. In the same period 41 610 IDPs returned to Kapisa. There were no displacement movements in or out of the province recorded by UNOCHA from January to the beginning of May 2022.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Kapisa**, however not at a high level. Moreover, a significant proportion of the civilian fatalities in the province is considered to be the result of security incidents of a targeted nature. Therefore, a **high level of individual elements** is required in order to substantiate subsidiary protection needs under Article 15(c) QD.

Kunar

Last update: January 2023

[Main COI reference: [Security 2022](#), 4.19, pp. 142-146]

In a January 2022 report, the UN Secretary General identified Kunar Province as one of the four most conflict-affected provinces in Afghanistan in the period between 19 August and 31 December 2021.

According to an independent Afghan analyst consulted by EUAA in December 2021, ISKP continued to have its strongest foothold in Nangarhar and Kunar provinces. It was also reported that Tehrik-e Taliban Pakistan (TTP) was assumed to have its main presence in Nangarhar and Kunar provinces.

During the reference period, ACLED recorded 110 security incidents in Kunar Province (average of 1.8 incidents per week) of which 47 were battles, 48 explosions/remote violence, and 15 cases of violence against civilians.

Most incidents were attributed to ISKP and unidentified armed group(s). ACLED also reported some security incidents in the province where military forces of Pakistan and TTP were involved. According to ACLED, the security incidents in the province resulted in 130 fatalities, which included combatants and non-combatants.





UCDP recorded 40 security incidents in the period between 16 August 2021 and 22 October, resulting in 16 civilian deaths. Compared to population data from UNOCHA, this represented two civilian deaths per 100 000 inhabitants.

Examples of incidents included battles between ISKP and Taliban forces and between Pakistani military forces and Taliban forces, which caused casualties among civilians, including women and children, such as the killing of two women and three children in a shelling by Pakistani military forces in Shigal District on 15 April 2022 and the injury of six children in a shelling in Nari District a month later. There were also reports on targeted attacks of civilians by unknown gunmen, and use of explosive devices by unidentified armed groups in targeted bomb attacks, including IEDs attached to vehicles, or indiscriminate IED explosions, comprising roadside bomb explosions and explosive remnants of war, resulting in civilian casualties, including children, such as the killing of at least four members of a family, including two or three children in a grenade attack on their house in Nari District.

98 persons were displaced due to conflict within Sarkani District in September 2021. No displacement has been registered from January to the beginning of May 2022. IOM identified 35 497 IDP arrivals in Kunar Province in the period between August 2021 and December 2021. In the same period, 3 921 IDPs returned to Kunar.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Kunar**, however not at a high level. Moreover, a significant proportion of the civilian fatalities in the province is considered to be the result of security incidents of a targeted nature. Therefore, a **high level of individual elements** is required in order to substantiate subsidiary protection needs under Article 15(c) QD.

Kunduz

Last update: January 2023

[Main COI reference: [Security 2022](#), 4.20, pp. 146-151]

In April 2022, NRF reportedly increased its operations against Taliban forces in several Afghan provinces, including Kunduz.

During the reference period, ACLED recorded 66 security incidents in Kunduz Province (average of 1.1 incident per week) of which 25 were battles, 23 cases of violence against civilians, and 18 explosions/remote violence.

Most incidents were attributed to unidentified armed group(s), Taliban forces and ISKP, with a few incidents also attributed to NRF and NLF.

According to ACLED, the security incidents in the province resulted in 229 fatalities, which included combatants and non-combatants.

UCDP recorded 41 security incidents in the period between 16 August 2021 and 22 October, resulting in 179 civilian deaths (114 of which resulted from two separate ISKP attacks).





Compared to population data from UNOCHA, this represented 12 civilian deaths per 100 000 inhabitants.

Examples of incidents included ISKP attacks on mosques with high numbers of casualties, including children, such as the suicide bombing at the Sayed Abad Shia Mosque in Khan Abad District on 8 October 2021 during Friday prayers, when over 400 worshippers were gathered, which, depending on the source, resulted in between 20 and 150 civilian deaths, and 90 to 290 injured civilians, including at least 38 boys (13 killed, 25 injured). One bomb explosion on a mosque in Imam Sahib District with civilian casualties, carried out by unknown perpetrators, was also reported. ISKP attacks on Taliban security forces were also reported in the province. Killings of members of the former security forces and of one ISKP member by Taliban forces, one clash between Taliban forces and the military forces of Tajikistan, one attack of the NRF on Taliban forces with no civilian casualties, and businessmen kidnappings.

The only NRF-launched attack recorded by ACLED in the reference period was an attack by NRF on the Taliban forces in Dawlatha village of Kunduz City in March 2022, in which one Taliban member was killed and another one wounded. On 31 May 2022, a former local ANDSF commander was reportedly shot by Taliban forces in Kunduz City.

According to UNOCHA, Kunduz is one of the eight provinces 'with the highest priority' for UNMAS survey, as an area 'where threats of improvised mines have been reported as a result of recent conflicts'. Several instances of explosions of war remnants killing or injuring individuals, including children, were reported in the reference period.

24 752 persons were displaced due to conflict from Kunduz Province between mid-August and November 2021. No displacement has been registered from January to the beginning of May 2022. IOM identified 33 327 IDP arrivals in Kunduz Province in the period between August 2021 and December 2021. In the same period 156 666 IDPs returned to Kunduz.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Kunduz**, however not at a high level. Moreover, a significant proportion of the civilian fatalities in the province is considered to be the result of security incidents of a targeted nature. Therefore, a **high level of individual elements** is required in order to substantiate subsidiary protection needs under Article 15(c) QD.

Nangarhar

Last update: January 2023

[Main COI reference: [Security 2022](#), 4.23, pp. 156-162]

The UN Secretary General identified Nangarhar Province as one of the four most conflict-affected provinces in Afghanistan in the period between 19 August and 21 May 2022.

According to an independent Afghan analyst consulted by EUAA in December 2021, ISKP continued to have its strongest foothold in Nangarhar and Kunar provinces. In February and April 2022, Nangarhar Province was referred to as being the group's stronghold. The Swedish Migration Agency, with reference to an interviewed analyst, reported in April 2022





that TTP and recently the Haqqani network in particular were assumed to be present in Nangarhar and Kunar provinces.

During the reference period, ACLED recorded 214 security incidents in Nangarhar Province (average of 3.5 incidents per week) of which 80 were battles, 89 cases of violence against civilians and 45 explosions/remote violence.

Most incidents were attributed to ISKP and Taliban forces, with several incidents also attributed to unidentified armed group(s).

According to ACLED, the security incidents in the province resulted in 369 fatalities, which included combatants and non-combatants.

UCDP recorded 160 security incidents in the period between 16 August 2021 and 22 October, resulting in 69 civilian deaths. Compared to population data from UNOCHA, this represented 3 civilian deaths per 100 000 inhabitants.

Examples of incidents included arrests, killings and forced disappearances of suspected ISKP collaborators by the Taliban, targeted attacks of civilians by ISKP militants, ISKP attacks on mosques and Taliban targets, IED explosions by unidentified armed groups with civilian casualties, an unknown gunmen attack on a wedding, shooting of Afghans trying to enter Pakistan by Pakistani forces, and businessmen kidnappings. For instance, on 18 and 19 September 2021, several blasts in Nangarhar Province targeting Taliban forces reportedly carried out by ISKP, resulted in 5 deaths and 15 injuries. Another explosion in a mosque on 12 November 2021 claimed by ISKP was reported in the Spin Ghar area during Friday prayers, resulting in 3 deaths and 15 injuries.

According to UNOCHA, Nangarhar is one of the eight provinces 'with the highest priority' for UNMAS survey, as an area 'where threats of improvised mines have been reported as a result of recent conflicts' and it is among the provinces with the highest numbers of trauma-related injury cases. Sources reported about civilian casualties, including the death of children, caused by unexploded ordnance in the reference period.

70 persons were displaced due to conflict from Jalalabad District to Herat Province in October 2021. No displacement has been registered between mid-August and the end of November 2021 and from January to the beginning of May 2022. IOM identified 153 799 IDP arrivals in Nangarhar Province in the period between August 2021 and December 2021. In the same period, 165 243 IDPs returned to Nangarhar. IOM identified Nangarhar Province as the Afghan province with the largest proportion of IDPs arriving since August 2021.



Focus on the provincial capital: Jalalabad

Jalalabad was the most affected district within the province, with 92 security incidents recorded by ACLED (1.5 incidents per week), of which 42 were battles, 35 cases of violence against civilians, and 15 explosions/remote violence.

ISKP has a strong presence in Jalalabad City. Reportedly, 111 of 200 attacks carried out by ISKP in Afghanistan in the first half of 2021 occurred in Nangarhar Province and 80 of them in Jalalabad City alone. BBC News further reported extra-judicial killings of alleged ISKP members in Jalalabad, for which the Taliban forces were



‘widely assumed to be responsible’ although no one claimed responsibility. As stated in the article, the Taliban and ISKP were ‘now engaged in a murky and bloody battle’ with Jalalabad as the frontline. According to an assessment made by the Taliban in February 2022, the ISKP were weakened in Jalalabad, but still present in the province.

According to an independent Afghan analyst interviewed by EUAA in November 2021, there were also reports of ISKP abducting Taliban members in Jalalabad City and beheading them.

In the beginning of November 2021, an IED explosion caused by an unidentified armed group in Jalalabad City killed three persons.

70 persons were displaced due to conflict from Jalalabad District to Herat Province in October 2021. No displacement has been registered between mid-August and the end of November 2021 and from January to the beginning of May 2022.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Nangarhar**, however not at a high level. Moreover, a significant proportion of the civilian fatalities in the province is considered to be the result of security incidents of a targeted nature. Therefore, a **high level of individual elements** is required in order to substantiate subsidiary protection needs under Article 15(c) QD.

Panjshir

Last update: January 2023

[Main COI reference: [Security 2022](#), 4.28, pp. 173-177]

As the homebase of NRF, Panjshir was the centre of resistance to the Taliban following their takeover of the country in August 2021. While the resistance armed group managed to retain control in the beginning, on 6 September 2021, the Taliban announced that they took over Panjshir province. Taliban troops continued to be concentrated in the province and in February 2022 deployed several thousand fighters in response to continuing attacks from NRF fighters [[Security 2022](#), 2.1].

During the reference period, ACLED recorded 322 security incidents in Panjshir (average of 5.2 incidents per week), the majority of which (225) were coded as battles. Violence against civilians (68), and explosions/remote violence (29) were also reported. Most of the reported security incidents (156) were attributed to NRF, the large majority of these incidents were coded as battles, 145 incidents were attributed to the Taliban military forces, and 17 to unidentified armed groups. According to ACLED, the security incidents in the province resulted in 926 fatalities, which included combatants and non-combatants.

UCDP recorded 147 security incidents in the period between 16 August 2021 and 22 October, resulting in 79 civilian deaths. Compared to population data from UNOCHA, this represented 35 civilian deaths per 100 000 inhabitants.



Examples of incidents included clashes between Taliban and the NRF, clearing operations by the Taliban against the NRF hideouts and search operations targeting communities perceived by the Taliban as supporting the NRF, detentions and torture of civilians accused of association with the NRF, the killing of previously captured members of the NRF and of former members of the security forces by the Taliban, an explosion against a high ranking member of the Panjshir police force, the killing of Taliban commanders by the NRF in various districts and IED attacks against Taliban vehicles. It was reported that forced displacement of civilians by the Taliban after clashes with NRF also took place.

Health facilities in three districts were used as military bases in September 2021. In May 2022, the Taliban cut off telecommunication antennas in one district, due to clashes with NRF forces.

In September 2021, 6 188 persons were displaced from several districts in Panjshir due to conflict. In April and May 2022, 392 persons were displaced. IOM identified 1 605 IDP arrivals in Panjshir in the period between August and December 2021. In the same period, 69 013 IDPs returned to Panjshir.

Looking at the indicators, it can be concluded that ‘mere presence’ in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD in the province of **Panjshir**. However, indiscriminate violence reaches **a high level**, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Parwan

Last update: January 2023

[Main COI reference: [Security 2022](#), 4.29, pp. 177-180]

As of May 2022, Parwan was reported as one of the provinces where resistance to the Taliban was growing. Some activity of ISKP was also recorded in the province.

During the reference period, ACLED recorded 111 security incidents in Parwan (average of 1.8 incidents per week), of which 74 were battles, 20 violence against civilians, and 17 explosions/remote violence. Most incidents were attributed to NRF and Taliban forces, with some incidents also attributed to AFF. According to ACLED, the security incidents in the province resulted in 195 fatalities, which included combatants and non-combatants.

UCDP recorded 26 security incidents in the period between 16 August 2021 and 22 October, resulting in 25 civilian deaths. Compared to population data from UNOCHA, this represented 3 civilian deaths per 100 000 inhabitants.

Examples of incidents included clashes between the Taliban and the NRF, several attacks of AFF against the Taliban and its bases, the detention and killing by the Taliban of a civilian accused of association with NRF, as well as the forced disappearance of his brother-in-law, the killing of a former army soldier by unidentified gunmen, killings by armed robbers.





In April 2022, power pylons in Salang District were destroyed by ISKP explosives, resulting in 11 provinces temporarily facing blackouts.

From mid-August to November 2021, 2 907 persons were displaced due to conflict. No displacement has been registered in 2022. IOM identified 25 095 IDP arrivals in Parwan in the period between August and December 2021. In the same period, 97 057 IDPs returned to Parwan.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Parwan**, however not at a high level. Moreover, a significant proportion of the civilian fatalities in the province is considered to be the result of security incidents of a targeted nature. Therefore, a **high level of individual elements** is required in order to substantiate subsidiary protection needs under Article 15(c) QD.

Takhar

Last update: January 2023

[Main COI reference: [Security 2022](#), 4.32, pp. 184-188]

In May 2022, the activity of anti-Taliban forces reportedly had recently risen in some provinces, including Takhar.

During the reference period, ACLED recorded 199 security incidents in Takhar (average of 3.2 incidents per week), of which 103 were battles, 80 violence against civilians, 16 explosions/remote violence. Most incidents were attributed to Taliban forces and NRF, with some incidents also attributed to AFF, the ISKP and to unidentified armed group(s). According to ACLED, the security incidents in the province resulted in 265 fatalities, which included combatants and non-combatants.

UCDP recorded 77 security incidents in the period between 16 August 2021 and 22 October, resulting in 36 civilian deaths. Compared to population data from UNOCHA, this represented two civilian deaths per 100 000 inhabitants.

Examples of incidents included clashes between Taliban and NRF, the attack of NRF on Taliban bases, clashes between Taliban factions, the detention, torture and killing of civilians accused of association with NRF, the killing by the Taliban of members of the former security forces, such as a former soldier and a police officer, armed clashes between ISKP militants and Taliban forces in Taloqan city.

On 11 June 2022, armed clashes led to the closure of the Takhar-Badakhshan highway and on the same day electricity has been cut off in parts of Taloqon city due to the intense fighting.

From August to November 2021, 22 603 persons were displaced due to conflict. No displacement has been registered in 2022. IOM identified 29 503 IDP arrivals in Takhar in the period between August and December 2021. In the same period 73 421 IDPs returned to Takhar.





Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Takhar**, however not at a high level. Moreover, a significant proportion of the civilian fatalities in the province is considered to be the result of security incidents of a targeted nature. Therefore, a **high level of individual elements** is required in order to substantiate subsidiary protection needs under Article 15(c) QD.



4.3.5. Serious and individual threat: assessment of personal circumstances

Last update: January 2023

For the provinces where indiscriminate violence takes place, the assessment should continue with an analysis of the individual circumstances of the applicant.

In the context of the 'sliding scale', each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant's case. It is not feasible to provide exhaustive guidance about what the relevant personal circumstances could be and how those should be assessed.

The text below provides some indications concerning possible considerations and the nature of the assessment. The assessment should take into account the personal circumstances of the applicant as a whole. Depending on the situation in the region of origin, different circumstances may be particularly relevant.

Indiscriminate violence, examples of relevant personal circumstances

- **Age:** when assessing the risk of indiscriminate violence, this personal circumstance would be of particular importance in relation to the ability of the person to assess the risks. For example, incidents of children becoming victim of explosive remnants of war continue to be documented in recent reports. Children may also not be in a position to quickly assess a changing situation and avoid the risks it entails. In some cases, elderly age may also impact the person's ability to assess and avoid risks associated with an armed conflict.
- **Gender:** when assessing the applicability of Article 15(c) QD, it is difficult to ascertain whether and in what circumstances men or women would be at a higher risk in general. It would also depend on other factors, such as the nature of the violence in the area. For example, men may be at higher risk of violence targeting public places, as men are the ones more frequently being outside the home and visiting such locations. On the other hand, general gender norms in Afghanistan suggest that women may have less information regarding the current security situation and the associated risks. Moreover, if the violence moves closer to the residence of people, e.g. in the case of ground engagements in populated areas, women would have a more limited ability to avoid it. In the cases when they do have the ability to assess and anticipate the risk, women and girls may also be limited in their ability to avoid the violence, as they need to be accompanied by a close male relative in order to travel within the country.
- **Health condition and disabilities, including mental health issues:** serious illnesses and disabilities may result in restricted mobility for a person, making it difficult for them to avoid immediate risks and, in the case of mental illnesses, it can make them less capable of assessing risks. In other cases, such conditions may require frequent visits to a healthcare facility. The latter may have different implications related to the assessment of the risk under Article 15(c) QD. Taking into account road security in some areas, this may increase the risk of indiscriminate violence as the person would



be required to travel. It may also increase the risk when healthcare facilities themselves are reported to be used as a base by an armed group and targeted. Moreover, if healthcare facilities are damaged and closed because of fighting, such an applicant may be at a higher risk due to the indirect effects of the indiscriminate violence as they would not be able to access the healthcare they need.

- **Economic situation:** applicants in a particularly dire economic situation may also be less able to avoid the risks associated with indiscriminate violence. They may be forced to expose themselves to risks such as working in areas which are affected by violence in order to meet their basic needs. They may also have less resources to avoid an imminent threat by relocating to a different area.
- **Knowledge of the area:** when assessing the risk of indiscriminate violence under Article 15(c) QD, the relevant knowledge of the area concerns the patterns of violence it is affected by, the existence of areas contaminated by explosive remnants of war, etc. Different elements may contribute to a person's knowledge of the area. It can relate to their own experience in the specific area or in areas similarly affected by indiscriminate violence, or to their connection to a support network which would ensure they are informed of the relevant risks.
- **Occupation and/or place of residence:** the occupation and/or place of residence the person is likely to have when they return to their home area may also be relevant to assess the risk under Article 15(c) QD. It may, for example, be linked to the need for the applicant to frequent locations known to be particularly targeted by armed actors (e.g. in Hazara-dominated areas in large cities).

Individual elements related to the above can exist in combination. Other factors may also be relevant.

It is not feasible to provide general guidance on which individual circumstances would be sufficient to substantiate a real risk under Article 15(c) QD in areas with high level of violence compared to areas where the violence is considered to not be at a high level. Each case should be assessed individually.





4.3.6. Qualification of the harm as a ‘threat to (a civilian’s) life or person’

Last update: January 2023

Some of the commonly reported types of harm to civilians’ life or person in Afghanistan include killings, injuries, abductions, disabilities caused by explosive remnants of war, etc. A real risk of such serious harm would qualify a threat to a (civilian’s) life or person in accordance with the provision of Article 15(c) QD.

4.3.7. Nexus/‘by reason of’

Last update: January 2023

The interpretation of the causation ‘by reason of’ may not be limited to harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict. To a certain extent, it may also include the indirect effect of indiscriminate violence in situations of armed conflict. As long as there is a demonstrable link to the indiscriminate violence, such elements may be taken into account in the assessments, for example: widespread criminal violence as a result of lawlessness, destruction of the necessary means to survive, destruction of infrastructure, denial of or limited access of humanitarian aid. Armed clashes and/or road blockages can also lead to food supply problems that cause famine or to limited or no access to healthcare facilities in certain regions in Afghanistan.





5. Actors of protection

Last update: January 2023

[Article 7 QD](#)

After the takeover of the capital Kabul, the Taliban announced the reestablishment of the Islamic Emirate of Afghanistan, which was in power in Afghanistan between 1996 and 2001. Nevertheless, Taliban governance remained unclear in the first few weeks after the takeover [[Country focus](#), 1.1.1, p. 14].

While some uncertainties remain and enforcement is uneven across the country depending on local dynamics, the available information on their policies and actions since August 2021 already allows for a clearer picture on how they intend to govern Afghanistan [[Targeting 2022](#), 1.1.4 a, pp. 24-25; 1.1.4 b, pp. 25-26].

The Taliban used the former government's state structures but abolished some previous ministries, departments and commissions, such as those responsible for parliamentary affairs, elections, and overseeing human rights. Public servants of the previous administration were asked to return to work in August 2021, but many had already been evacuated or did not resume work due to non-payment of salaries. Afghan public services depended heavily on foreign aid before the takeover and, to some extent foreign aid continued to fund salaries within parts of the public sector [[Targeting 2022](#), 1.1.4 c, pp. 26-27].

The Taliban have also started to build up security institutions. In September 2021, it was announced that the Taliban were working to form a regular army of 300 000 to 350 000 personnel on voluntary basis for both ministries of defence and interior. An intelligence service, the GDI, was also established. UNAMA recorded different forms of torture and ill-treatment by the Taliban GDI against detainees [[Targeting 2022](#), 1.1.4 c, pp. 26-27; 1.1.4 f, pp. 32-34; 13.1.1, p. 189].

The Taliban indicated also that they were planning to re-establish a police force and they appointed police chiefs in the provinces. However, Taliban's post-takeover efforts at policing the country have been described as 'ad hoc at best'. Local Taliban units were compelled to take up new roles at checkpoints across Afghanistan and rural former insurgency members were faced with the task of governing and securing large 'unfamiliar urban centres' [[Security 2022](#), 1.2.2, pp. 28-29]. The Taliban reportedly trained new police officers. Persons serving in the de facto security institutions initially lacked uniforms, which made them difficult for the public to distinguish from persons with criminal intentions. As of June 2022, the new de facto police force was said to have retained 'some' former personnel 'but had largely inducted Taliban fighters' [[Targeting 2022](#), 1.1.4 e, p. 28; 2.5, p. 69].

The Taliban gradually sought to 'resume the functioning of a countrywide justice system and courts under Islamic law'. Taliban appointments were made to the Taliban Ministry of Justice, the Taliban Supreme Court, their primary and appeal courts, and the Taliban Attorney General's Office. Provincial *de facto* judges were also appointed to all provinces as well as judicial workers across de facto provincial and district courts. The appointed de facto judges





were mainly religious scholars and were reportedly ‘empowered to lead their own investigations, without awaiting casefiles from Prosecution offices’ and worked with little transparency [[Targeting 2022](#), 1.1.4 d, pp. 27-28].

Under Taliban rule Afghanistan’s justice system lacked an official constitution and official laws. No official judicial system was announced, and *de facto* courts reportedly applied pre-existing laws, *sharia*, and new Taliban directives. *De facto* judges and police officers claimed that the basis of their judgements and actions was the *sharia*. The administration of justice in the provinces was described as ‘decentralised’ and often done in consultation with religious scholars, elders and local communities. Structural, resource, and capacity constraints within the justice system, caused delays in *de facto* court proceedings, and increased detention numbers [[Targeting 2022](#), 1.1.4 d, p. 28].

While in February 2022 it was reported that suspects were increasingly brought to *de facto courts*, at the same time another source had noted that that people arrested for alleged crimes were imprisoned without any investigation or judgement. Even in cases of relatively serious crimes, there were no investigations because the *de facto* police lacked resources and competence. The source further stated that people appointed to leading positions within the *de facto* police and *de facto* prosecuting authorities did not have knowledge about investigative methods [[Targeting 2022](#), 1.1.4 e, p. 30]

According to UNAMA, a Taliban military court was established to have jurisdiction over Taliban security personnel, and members of the Taliban ministries of defence and interior, and the GDI. There were, however, reports of civilians being tried in this court [[Targeting 2022](#), 1.1.4 d, p. 28].

The Taliban also decided to re-establish *Ulema* councils in all provinces. According to Ariana News, these Taliban councils were composed by religious scholars and elders with the mandate to oversee the functioning of the local government, advise on good governance, and handle legal disputes [[Targeting 2022](#), 1.1.4 c, p. 26].

In January and February 2022, the Taliban issued guidance that detainees should be treated in accordance with *sharia* and stated that death penalties must be signed by the Taliban supreme leader. Capital and corporal punishment are regarded as relevant punishments for certain crimes under the *sharia* according to Taliban officials. There were reports on Taliban fighters subjecting civilians to violent treatment, inter alia whipping alleged thieves. It was also reported that the Taliban incarcerated people with minor ‘suspicion of illegal activity’ [[Targeting 2022](#), 1.1.4 f, pp. 32-33; [Security 2022](#), 1.2, p. 25; [Country Focus 2022](#), 1.5.1, p. 30].

The Taliban had issued a directive on the use of force by Taliban security officials to take precautions in their interactions with the civilian population. UNAMA, however, continued to receive reports, after these instructions were issued, of civilian deaths and injuries following excessive use of force by the *de facto* security institutions. In the reporting period 15 August 2021 to 15 June 2022, UNAMA recorded at least 118 instances of excessive use of force by the *de facto* authorities. Sources reported on a lack of control from the Taliban leadership over their fighters and observed that Taliban fighters acted on their own initiative, subjecting civilians and journalists to violence, as well as conducting house-to-house searches and retaliation acts despite the general amnesty that was issued for all who served within the former government. It remained unclear whether such acts were sanctioned by the leadership or were caused by a lack of discipline or control in the chain of command. There was reportedly room for Taliban fighters to act on their own initiative as they did not seem to face





punishment or any consequences [[Country Focus 2022](#), 1.3, p. 25; [Targeting 2022](#), 1.1.4 e, p. 32; 13.1].

The Taliban also re-established the MPVPV which has increased the enforcement of a wide range of directives related to extramarital relationships, dress code, attendance at prayers and music. As of 15 June 2022, UNAMA had recorded at least 30 instances of ‘cruel, inhuman and degrading treatment and punishments’ including public flogging, beatings and verbal abuse of persons failing to comply with issued rules and directives since the takeover [[Targeting 2022](#), 1.3.1, pp. 41-42].

Moreover, the new Taliban governance appears to be non-inclusive and discriminatory for the majority of the Afghan society. Human rights violations have been documented, for example, against [individuals affiliated with the security institutions of the former government](#) or [foreign forces](#), persons from Afghan civil society perceived as critical of the *de facto* government (see [3.7. Human rights defenders, activists and others perceived as critical of the Taliban](#)), and [individuals perceived to have transgressed moral and/or societal norms](#). Several regulations and instructions have also been issued by the Taliban since 15 August 2021 impacting [women’s and girls’](#) rights and freedoms. It has also been reported that the Taliban have engaged in discrimination against members of [ethnic and religious minority groups](#), including Tajiks, Salafis and Hazaras.



The lack of due process and the nature of the punishments would not qualify the justice mechanism operated by the Taliban as a legitimate form of protection. Further taking into account their record of human rights violations and discriminatory measures, it can be concluded that the Taliban do not qualify as an actor of protection who is able to provide effective, non-temporary and accessible protection.

No other actors are currently found to be in control of a significant part of the territory and able to provide protection within the meaning of Article 7 QD.

In case protection needs have been established in the home area, and in the absence of an actor who can provide protection in the meaning of Article 7 QD, the examination may continue with consideration of the applicability of IPA, if applicable in accordance with national legislation and practice.



6. Internal protection alternative

Last update: January 2023

[Article 8 QD](#)

In order to determine that internal protection is available in a particular part of the applicant's country of origin, three cumulative criteria have to be met: 'safety', 'travel and admittance' and 'reasonableness to settle'.

Figure 5. IPA: elements of the assessment.



Safety

The Taliban were reported to be in control of all the country's 34 provinces [[Security 2022](#), 2.1, p. 36]. Since the takeover, there have been reports of excessive use of force by the de facto authorities, including different forms of torture and ill-treatment and extrajudicial killings, [[Targeting 2022](#), 1.1.4 f, p. 32; 1.1.4 g, pp. 34-35]. Several profiles addressed in this common analysis are also subjected to persecution or serious harm by the Taliban as an actor. Moreover, for these and other profiles, the Taliban do not qualify as an actor who is able to provide effective, non-temporary and accessible protection, see [5. Actors of protection](#).



Therefore, the safety criterion would in general not be met. In exceptional cases, such as when the well-founded fear of persecution or real risk of serious harm is linked to a local or private actor who would not have the capacity to trace and target the applicant in the area of relocation, the safety criterion may be satisfied.

Travel and admittance

There are currently no known restrictions on travel and admittance within Afghanistan for men. The decline in armed conflict in the country following the Taliban takeover has generally led to better accessibility within the country for Afghans, with intercity travel largely unimpeded. The Taliban limited access to areas where conflict was concentrated. Taliban checkpoints 'in and around Afghan cities and towns' were also reported. An increase in Taliban checkpoints in Panjshir province as well as on Taliban checkpoints set up at the Afghanistan-Iran border in order to identify former soldiers and NRF affiliates were reported in July 2022, after clashes reportedly intensified in Afghanistan's north [[KSEI 2022](#), 10.1, pp. 68-70].



Women's ability to travel on their own in Afghanistan was already constrained by social and formal restrictions and often their freedom of movement was limited by the requirement of male consent or male chaperone. Following the takeover, the Taliban announced further restrictions on travel for women which may affect women's ability to safely and legally travel within Afghanistan. In particular, the MPVPV issued a guidance according to which women are not allowed to travel more than 72 kilometres if unaccompanied by a close male relative. This guidance also instructed taxi drivers to only transport female passengers who were respecting the Islamic dress code (wearing a *hijab*). Checkpoints were reportedly established in Kabul to ensure that these orders were properly followed, with women travelling alone being stopped and taxi drivers who transported them being punished [Targeting 2022, 5.2.3, p. 112].



The existence of Taliban checkpoints in and around cities would impact the safety of travel for profiles targeted by the Taliban. In addition, the restrictions posed on women's freedom of movement may result in the requirements of safety and legality of travel not being met, in particular for single women. For other individuals, the travel and admittance requirement is likely to be satisfied.

Reasonableness to settle

After the Taliban takeover, Afghanistan's aid-dependent economy was in 'free fall', with public services and the banking system collapsing. According to the UNOCHA's January 2022 Humanitarian Needs Overview, it was estimated that in 2022, 24.4 million people would be in need in Afghanistan, while the Afghan healthcare system was reported to be on the brink of failure [KSEI 2022, 1.1, pp. 14-16]



The dire humanitarian situation in the country has a significant impact on all elements considered under the requirement of reasonableness to settle in a different part of the country, including food security, housing and shelter, basic healthcare, and means of basic subsistence. Therefore, the reasonableness to settle criterion would generally not be met.

Conclusion



Taking into account the assessment with regard to the three criteria under Article 8 QD, it is found that IPA would in general not be applicable to any part of Afghanistan.



7. Exclusion

[Article 12\(2\) QD](#)

[Article 17 QD](#)

This chapter looks into the potential applicability of the exclusion grounds in relation to acts committed by applicants from Afghanistan.



The contents of this chapter include:

Factual circumstances in which exclusion may be relevant: [7.1 Relevant circumstances](#).

Conclusions and guidance concerning the application of the different exclusion grounds to these circumstances: [7.2 Guidance with regard to Afghanistan](#).

7.1. Relevant circumstances

Last update: January 2023

In the context of Afghanistan, numerous circumstances and different profiles may require consideration of the potential applicability of exclusion grounds. The QD does not set a time limit for the application of the grounds for exclusion. Applicants may be excluded in relation to events which occurred in the current as well as in past conflicts.

COI indicates that excludable acts are committed by many actors both in relation to the armed conflicts, as well as in the context of general criminality and human rights abuses.

Some (non-exhaustive) examples of past events which may be related to excludable acts include:

- Taliban-led insurgency against the former Afghan government (2001);
- Taliban regime and conflict between the Taliban and the Northern Alliance (1996 – 2001);
- Afghan ‘Civil War’ (1992 - 1996);
- Soviet Union invasion (1979) and the armed conflict between the Afghan government (supported by Soviet troops) and the ‘*mujahideen*’ (e.g. secret services of the People’s Democratic Party of Afghanistan (PDPA) regime, commanders or fighters from the anti-Soviet *jihad tanzeem*) (1979 - 1992);
- The ‘Saur’ Revolution of 1978, subsequent purges and the 1979 crackdown of the uprising;
- etc.



Afghan nationals have also been involved in conflicts outside Afghanistan, such as via the Fatemiyoun Brigade in Syria, which may be of relevance in the examination of exclusion grounds [See [COI Report: Syria - Actors \(December 2019\)](#), 2.3.4, p. 35].

In relation to potential exclusion considerations, see also the chapters [2. Actors of persecution or serious harm](#) and [3. Refugee status](#).



The examples mentioned in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

7.1.1. Human rights violations by armed actors since 2001

Last update: January 2023

A US-led coalition ousted the Taliban from power in late 2001, but the conflict in Afghanistan continued. After a fallback in the south and east, the Taliban reorganised and began to increase their presence in other provinces by 2006. Other AGEs operating in Afghanistan included Hezb-e Islami/Gulbuddin Hekmatyar (HIG), the Haqqani Network and Al Qaeda affiliates, including TTP, Lashkar-e Tayyiba (LeT), Lashkar-e Jhangvi (LeJ) and the Islamic Movement of Uzbekistan. This insurgency was characterised by mainly asymmetric warfare: anti-government elements used roadside and suicide bombs and complex attacks, intimidation of civilians and targeted killings to destabilise the country. This was countered by searches, clearance operations and bombings by the ANDSF and international military forces. According to the UNAMA, the security situation deteriorated after 2005. The conflict deepened throughout 2007 and 2008, directly affecting around a third of the country [[Security 2020](#), 1, pp. 19-20; [Security June 2021](#), 1, pp. 29-30].

From 2010 onwards, the Taliban-led insurgency spread into all regions of Afghanistan. Insurgent violence intensified in the run-up to the presidential elections in 2014. Since then, security sharply deteriorated across Afghanistan [[Security June 2021](#), 1, p. 30].

A 2017 report by UN Secretary General noted that the Taliban had been able to control larger parts of the country and the emergence of ISKP added 'a new, dangerous dimension' to the situation. Human Rights Watch noted that although the Taliban claimed to target government and foreign military facilities only, their indiscriminate use of force killed and injured hundreds of civilians [[Security June 2021](#), 1, p. 30].

On 29 February 2020, the US and the Taliban signed an agreement for bringing peace to Afghanistan. After signing the deal, the Taliban almost immediately resumed and intensified attacks against ANDSF. In response to these attacks, ANDSF also resumed their operations against the Taliban. Widespread fighting between the ANDSF and Taliban took place in various provinces of the country. Fighting between ANDSF and other anti-government elements was also reported [[Security 2020](#), 1.3, pp. 30-31, [Security June 2021](#), 1.1.1, p. 30; [Security September 2021](#), 1.1.1, p. 11].

After US President Joe Biden announced in April 2021 that the US would withdraw all its remaining troops from Afghanistan by September 2021, the Taliban started a sweeping advance across large swaths of rural Afghanistan. Encountering minimal resistance from the



ANDSF, the Taliban forces swiftly regained control over most of the country. Following the capture of almost all provincial capitals, they entered Kabul on 15 August 2021, prompting the collapse of the elected government of the former Islamic Republic of Afghanistan. On 6 September 2021, the Taliban claimed the capture of the Panjshir Valley, the 'last remaining enclave of resistance against their rule and on 7 September 2021 they announced the restoration of the Islamic Emirate of Afghanistan [[Security 2022](#), 1.1, p. 21; 1.2.1, p. 23].

An overview of the most important actors who may have been involved in excludable acts during this period is given below.

The former Afghan government and pro-government forces

Unlawful and arbitrary arrests, intentional killings, and summary executions by ANDSF were reported, targeting particularly members or suspected members of AGEs and their families. ANA and NDS were also responsible for indiscriminate airstrikes causing civilian casualties [[State structure](#), 2.1, pp. 26-27; [Security 2020](#), 1.3.5, pp. 36-37].

The use of torture and other ill-treatment during detention were reported from all ANDSF facilities, particularly in prisons under the command of NDS in which torture was described as common and systematic practice [[State structure](#), 3.6, pp. 46-47].

Cases of sexual abuse and exploitation of boys, including the practice of *bacha bazi* perpetrated by members of the ANDSF and pro-government militias were reported, as well as child recruitment or use of children in combat or in support role, especially within the ANP and the ALP [[State structure](#), 2.1, p. 27; 2.1.1, p. 30; 2.1.3, p.35].

Despite the efforts of the government to fight against corruption, it remained a widespread phenomenon in Afghanistan, especially within the ANDSF (ANP and ALP are perceived as the most corrupt forces), the judicial system, and some ministries, such as the Ministry of Interior. Reported crimes included extortion, bribery and embezzlement [[State structure](#), 1.8, p. 22; 2.1.2, p. 31; 2.1.3, p. 34; 3.4, p. 45].

Taliban

During the insurgency, the Taliban had a hierarchical organisation with strong leadership and operated a parallel government structure ('shadow government') across Afghanistan. They controlled large parts of Afghanistan and have committed excludable acts in every province. They have been involved in abductions, targeted killings, indiscriminate and deliberate attacks against civilians and civilian objects. The Taliban considered foreign troops and those who worked closely with them (some of the ANDSF, interpreters, spies, and contractors) to be top priority targets. Other primary targets included government officials or employees, as well as their families or those perceived as supporting the government. In more than 20 years of armed conflict, the Taliban have reportedly used children as fighters, to plant and detonate improvised explosive devices, and as suicide bombers. In areas under their control, the Taliban had established a parallel justice system to handle civil and criminal disputes. Punishments enforced by the Taliban parallel justice system included summary execution, mutilation and stoning to death [[Anti-government elements](#), 2.5, pp. 21-22; 2.6.1-2.6.2.2, pp. 22-26; [Criminal law and customary justice](#), 1.8, pp. 19-21; 2.3.3, p. 28; [KSEI 2022](#), 8.2, pp. 60-61].



Since the Taliban takeover several sources reported human right violations by the *de facto* authorities against former ANDSF members, government officials, suspected affiliates, and their family members in almost all parts of Afghanistan, despite the general amnesty that was announced directly after the takeover. These violations included extrajudicial killings, arbitrary arrests and detentions, incommunicado detentions, forced disappearances, and instances of torture and ill-treatment. There were also some reports on killing of former pro-government militias members and on extrajudicial killings, torture and ill-treatment, arbitrary arrests and incommunicado detentions of civilians suspected or accused of NRF affiliation, and executions of prisoners of war [[COI Update 2022](#), 3, p. 6; [Targeting 2022](#), 1.1.4 e, pp. 30-32; 2.1, pp. 56-63; 2.7, p. 72; 3.1, pp. 74-76; 6.5.2, pp. 146-148; [Security 2022](#), 2.1.2, p. 41].

Since September 2021, Taliban forces used force to disperse some crowds, including live ammunition, electroshock weapons, tear gas, whips, and beatings and some protesters were subjected to arbitrary detention, house raids, ill-treatment and torture. Journalists and media workers, human right defenders and activists faced violations by the *de facto* authorities which included arbitrary arrests, incommunicado detentions, torture and ill-treatment, threats or intimidation, mainly in Kabul City. There were also reports on attacks, beatings, killings, and abductions or enforced disappearances of healthcare professionals [[Targeting 2022](#), 1.2.2, pp. 38-41; 7.2, pp. 159-162; 8.2, pp. 168-172; 9.1.2, pp. 175-177].

The Taliban launched operations to restrain ISKP, and extrajudicial killings, arbitrary arrests and detentions, enforced disappearances, and incidents of torture and ill-treatment of accused ISKP affiliates were mainly reported from Nangarhar Province. In July 2022, Human Rights Watch released a report on extensive killings of alleged ISKP affiliates in eastern Afghanistan. The investigation suggested that only in the Darunta Canal in Nangarhar Province, over 100 bodies were dumped between August 2021 and April 2022 [[COI Update 2022](#), 3, p. 6; [Targeting 2022](#), 1.4, pp. 49-50].

Although the Taliban have denied that they use children in '*jihadic* operations' and their code of conduct states that 'boys without beards' are not allowed in military centres, Human Rights Watch reported in July 2022 that there are thousands of children in their ranks, often trained in *madrassas* and recruited through force and threats, deception, promises of money or other incentives [[KSEI 2022](#), 8.2, p. 61].

The *de facto* authorities were reported for excessive use of force in several instances, mainly for shooting civilians failing to stop at checkpoints and wounding people in attempts to control crowds during law enforcement operations. *De facto* judges avoided issuing harsh punishments to avoid losing support among the population. However, there were reports of Taliban fighters subjecting civilians to violence, for instance whipping alleged thieves, extrajudicial killings of individual accused of extramarital relationships, cruel, inhuman and degrading treatment and punishments including public flogging, beatings and verbal abuse of persons failing to comply with issued directives on behavioural norms. The Taliban's 'Code of Conduct on system reform relating to prisoners' reportedly prohibited the use of torture 'at any point throughout arrest, transfer or detention' and provided punishments for those resorting to torture. However, cases of detainees subjected to torture in detention or prison were reported, including torture by hanging, kicking, punching and slapping, beatings with cables and pipes, and the use of mobile electric shock devices. Since the takeover, Taliban fighters have rounded up drug addicts across Afghanistan and brought them to clinics or prisons to receive treatment. They used force, sometimes with whips and gun barrels, and the ensuing treatment lacked methadone and oftentimes counselling [[Targeting 2022](#), 1.1.4 e, pp. 29-32; 1.1.4 f, pp. 32-34; 1.1.4 g, pp. 34-36].



ISKP

ISKP, a UN-designated terrorist organisation in Afghanistan, appeared in late 2014 or early 2015. They used indiscriminate and deliberate suicide attacks to target Shia Muslims and other religious minorities like Sikhs, but also government officials and other civilians. UNAMA had indicated that ISKP's attacks on Shia minorities during 2019 constituted serious violations of international law, potentially amounting to war crimes and crimes against humanity. They also practiced summary executions, including through beheadings. ISKP were suspected to receive assistance by the Haqqani Network to plan and carry out high profile attacks [[Anti-government elements](#), 3, p. 29; 3.2, p. 31; 3.5, p. 34; 3.6-3.6.3, pp. 34-35]. Since the Taliban takeover, ISKP has reportedly targeted Taliban security convoys, checkpoints and personnel while assassinating civilians of various profiles. It also continued to conduct large-scale attacks, in particular targeting Shia Hazara [[Security 2022](#), 2.3, p. 50].

Other non-State armed groups

Other insurgent groups such as the Haqqani Network, Al Qaeda and foreign AGEs are often linked with either the Taliban or ISKP and it is sometimes difficult to distinguish their acts from those of the Taliban or ISKP [[Anti-government elements](#), 4.1, pp. 36-37; 4.2, p. 37; 4.3, pp. 38-39].

See also [2.1. Taliban and affiliated groups](#) and [2.2. Islamic State Khorasan Province \(ISKP\)](#).

All anti-government elements recruited children to use them in combat or in support roles during the conflict [[Anti-government elements](#), 2.4.1, p. 21; 3.4, p. 33;].

7.1.2. Past conflicts (1979-2001)

Last update: November 2021

The 'Saur' Revolution and the Khalq Regime (1978-1979)

The year 1978 was a turning point in Afghan history. On 27 April 1978, the Khalq faction of the People's Democratic Party of Afghanistan (PDPA), led by Nur Mohammed Taraki, and supported by military officers, overthrew the government of President Muhammad Daud Khan, and executed him and most of his family members. This event is known as the Saur Revolution [[Taliban strategies – Recruitment](#), 1.1, p. 13].

Following the coup, Taraki became the new president and Hafizullah Amin the deputy prime minister. The Khalqi government's non-Islamist ideology and its use of violence against opponents and some ethnic minorities led to armed resistance in the countryside. Arrests, torture, and executions caused many Afghans to flee the country. These events led to the creation of the Afghan refugee camps in Pakistan. The armed uprising was uncoordinated, but widespread [[Taliban strategies – Recruitment](#), 1.1, p. 13].

President Taraki cracked down on *Parcham* (the other faction of PDPA opposed to Khalq), detaining or killing hundreds of its members and supporters. An intelligence agency, the Department for the Protection of Afghanistan's Interests (AGSA), was established by Taraki, mainly in charge of carrying out arrests and executions. In September 1979, Taraki was overthrown by his deputy Amin and murdered. Following Amin's seizure of power, the Workers Intelligence Agency (Kargari Istikhbarti Muassisaas, KAM), was established in



September 1979 and the State Intelligence Agency (Khedamat-e Ettela'at-e Dawlati, KHAD) was established with the help of KGB soon after Babrak Karmal's coup in December 1979 [[Security June 2021](#), 1.1.1, pp. 26-27].

Between 1978 and 1979, Khalq jailed and executed almost 5 000 people. Victims were allegedly tortured, including beatings and electrical shocks during the interrogation inside the prison. While in power, the PDPA used torture and forced disappearance, and deliberately killed civilians. On 15 March 1979, during an uprising by rebels against the PDPA government in Herat province, Afghan pilots carried out airstrikes on the city to recapture it, which resulted in the killing of up to 25 000 people. During the same period, the Afghan government assigned insurgent assassination squads to conduct house-to-house searches in Herat city [[Security June 2021](#), 1.1.1, p. 27].

The Soviet Afghan War (1979-1989)

On 25 December 1979, the Soviet Union invaded Afghanistan and on 27 December of the same year, Soviet special forces attacked Taj Beg palace in Kabul, killed President Hafizullah Amin and his family members, and designated Babrak Karmal as the new President. The invasion was followed by a decade of armed conflict between the Afghan government, supported by Soviet troops, and armed opposition groups. The resistance became a *jihad* against 'infidel invaders' and 'the puppet government', uniting different armed factions, called the '*mujahideen*'. Typical mujahideen military operations were focused on hit-and-run tactics and ambushes, including shelling government targets, sabotage of infrastructure, assassinations, and rocket attacks on both civilian and military targets. The common *mujahideen* practice of taking shelter in and launching attacks from villages placed civilians directly in the crossfire [[Security June 2021](#), 1.1.1, p. 28; [Taliban strategies – Recruitment](#), 1.1, p. 13].

The Afghan government and Soviet troops were in control of the cities while the rural and mountainous areas were inflamed by the insurgency. Soviet and government forces employed brutal tactics considered as direct violations of international law. Common tactics included launching airstrikes on civilian areas, laying mines in rural areas to cut off resistance transport and supply routes, and conducting violent raids on villages suspected of harbouring *mujahideen*. Suspected 'collaborators' were detained and often tortured and/or disappeared [[Security 2020](#), 1.1.1, pp. 19-20; [Taliban strategies – Recruitment](#), 1.1, p. 13].

In May 1986, Dr Najibullah, head of KHAD, became general secretary of the PDPA and replaced Karmal in November 1986 as President of the Revolutionary Council. In 1989, the Soviet Union withdrew its troops from Afghanistan [[Security June 2021](#), 1.1.1, p. 28; [Taliban strategies – Recruitment](#), 1.1, p. 14].

The conflict between the Afghan Government and the Mujahideen Forces (1989-1992) and the Afghan Civil War (1992-1996)

Dr Najibullah managed to stay in control, largely depending on local commanders and their militias. The pressure from the burning insurgency caused the collapse of Najibullah's government in April 1992. After the collapse of Dr. Najibullah's regime in 1992, a period referred to as 'Civil war' saw different mujahideen groups making alliances, largely based on region and ethnicity. Tajiks and Uzbeks in the north, Hazaras in the centre, and Pashtuns in the east and south, formed competing factions. *Mujahideen* factions were composed of





Jamiat-e Islami, led by Burhanuddin Rabbani; *Shura-e Nazar* (The Council of the North), led by Ahmad Shah Massoud; *Hezb-e Islami* (founded by Gulbuddin Hekmatyar); *Hezb-e Islami* under the command of Yunus Khalis; *Ittihad-e Islami* under the command of Abdul Rasul Sayyaf); *Hezb-e-Wahdat* created in 1989 as a union of Shia-Hazara parties and *Harakat-e-Inqilab-e Islami-Afghanistan* led by Mawlawi Mohammad Nabi Mohammad [[Taliban strategies – Recruitment](#), 1.2, pp. 14-15; [Security June 2021](#), 1.1.1, p. 28].

Between April 1992 and March 1993, the battle for Kabul between *mujahideen* factions and militias took place. It was characterised by severe human rights violations, including executions, imprisonment, sexual violence, abduction of women, and forced marriages. Rape of women and girls was used by militia leaders as a weapon of war or ‘rewarding’ militants. Around 25 000 people were killed. From April 1992, *Hezb-e Islami* raided Kabul with rocket attacks destroying hundreds of homes and killing between 1 800 and 2 500 people. *Ittihad* and *Jamiat* troops, in retaliation, launched rockets on civilian residential areas while trying to target *Hezb-e Islami* positions in the south. During the same period, *Wahdat* and *Ittihad* committed severe human rights violations while fighting each other, including the abduction of Hazara people by *Ittihad* and the abduction of Pashtun, Tajiks and other non-Hazaras by *Wahdat*. For instance, Shafi Diwana (Shafi the mad), a senior commander of *Wahdat* tortured and killed prisoners in Qala Khana in Kabul. *Wahdat* also reportedly held thousands of prisoners in Dasht-e Barchi area in Kabul most of whom reportedly disappeared. During the civil war, troops belonging to *Junbesh-e Mili*, led by Dostum and stationed in Naqlia base, allegedly committed ‘rape, murder and looting’, notably in 1993 [[Security June 2021](#), 1.1.1, pp. 28-29].

The Taliban Regime (1996-2001)

Conflict between *mujahideen* factions led to the emergence in 1994 of a group called the Taliban. The founders of the Taliban were religious clerics who came together under the leadership of Mullah Mohamad Omar and agreed on taking action in relation to the significant discontent about the Rabbani government, the roadblocks, insecurity, and abuses caused by the militias and commanders. Jalaluddin Haqqani, the founder of Haqqani Network, allied with the Taliban in the mid-1990s, and served as Taliban’s Minister for Tribal and Border Affairs. The Taliban governed Afghanistan with a religious ideology based on Salafism and *Pashtunwali* [[Security June 2021](#), 1.1.1, p. 29; [Taliban strategies – Recruitment](#), 1.3, p. 15].

During the chaos of the civil war, the Taliban took control of Kandahar City in 1994. In 1996, they conquered Kabul after taking Jalalabad and Herat. After entering Kabul, the group killed President Najibullah and his brother and hanged them in Ariana circle in the city. They carried out ‘public executions and amputations of one hand and one foot for theft’. They killed thousands of people, including the deliberate and systematic killing of Hazara civilians after the group captured Mazar-e Sharif on 8 August 1998. They captured Bamyan province in May 1999, where the group destroyed two giant Buddhas statues in March 2001. By 2001, the Taliban controlled most of the Afghan territory [[Security June 2021](#), 1.1.1, p. 29; [Taliban strategies – Recruitment](#), 1.2, p. 15].





7.1.3. Criminality

Last update: January 2023

Criminal activities in Afghanistan are widely reported. Some of the crimes could trigger the considerations for exclusion, as they could qualify as serious (non-political) crimes and/or, depending on additional elements, as war crimes, crimes against humanity, or acts contrary to the purposes and principles of the UN.

Common criminality and organised crimes have been reported throughout the country, with an increase in recent years, especially in major cities such as Kabul, Jalalabad, Herat, and Mazar-e Sharif. Criminal groups target businesspersons, foreigners and local officials. Crimes reported comprised kidnappings of adults and children, robberies and burglaries, murders, extortion. Narco-trafficking and drug-related crimes are also committed in the whole country. The endemic corruption within the police (ANP and ALP), which is sometimes linked to these criminal groups, could explain rises of these groups and the inability of the authorities, or the absence of will to stop and prosecute them in order to secure law and order [[Security 2020](#), 1.4.2, pp. 42-43; 2.1.2, p. 59; [State structure](#), 2.1.2, pp. 31-32; 2.1.3, p. 34].

Although the immediate aftermath of the Taliban takeover saw a drop in the crime rate, by the second half of October 2021 sources began to report a rise in the number of crimes, including armed robberies, kidnappings and extortion described as occurring on a daily basis in the capital. There were reports of businesspersons' abductions in the capital as well as in Balkh, Kunduz, Nangarhar, Kandahar, and Herat provinces. Several sources stated that the crime levels 'have risen concurrently with the deepening of the humanitarian and economic crisis in the country,' particularly affecting the capital and other big urban areas [[Security 2022](#), 1.2.4, pp. 32-33]. The *de facto* government issued a decree banning poppy cultivation, ordered crops to be burned and farmers to be punished, and banned the production, use or transportation of other illicit drugs [[Targeting 2022](#), 1.3.2, p. 44].

Land is a primary source of conflicts and violence. Land disputes can find their roots in family, tribal or ethnic matters, as well as in agricultural matters, such as irrigation or the lack or ineffectiveness of land administration. Such conflicts happen in every province and sometimes lead to acts, such as land grabbing, illegal appropriation, violence, assassinations [[Criminal law and customary justice](#), 2.1, pp. 22-24; 2.2, pp. 24-25].

Forced evictions of minority groups reportedly took place after the Taliban takeover and were apparently facilitated or tolerated by the *de facto* authorities, affecting mainly Hazara communities in Helmand, Balkh, Daykundi, and Uruzgan provinces [[Targeting 2022](#), 6.4.3 a, pp. 136-137].

Blood feuds are also common in Afghanistan. Retributive justice is a central component of the *Pashtunwali*, which requires the restoration of honour through carrying out revenge. Blood feuds happen mainly among Pashtuns but can also occur among other ethnic groups. Blood feuds can be the result of personal violence, disputes involving lands or family conflicts, and can go on for generations and impact entire tribes or communities. Excludable acts are committed in relation to blood feuds, including violence and murders [[Criminal law and customary justice](#), 3.1, pp. 29-31].

Violence against women and children (for example sexual violence, domestic violence and early/forced marriage, child labour, child trafficking) is commonly reported in both public and



private spheres [[State structure](#), 3.3.1, p. 44; [Society-based targeting](#), 3.5, pp. 42-43; 3.8, pp. 53-55; 5, p. 67].

UN experts stated that restrictions imposed by the Taliban against women and girls since the takeover, increased the risk of exploitation including of trafficking for the purposes of child and forced marriage as well as sexual exploitation and forced labour. Reports state that since the Taliban takeover, the trafficking of Afghan children has increased and the age at which girls were sold into marriage has decreased. A decree issued by the Taliban on 3 December 2021 bans forced marriages. However, in the decree, no legal mechanisms to enforce this rule or to protect victims of forced marriage are defined, and it does not mention a minimum age for marriage. Under the *de facto* administration there are no laws in place protecting women from gender-based violence and almost all shelters that had previously offered young women and girls protection have reportedly been closed by the Taliban throughout the country [[KSEI 2022](#), 8.1, p. 60; 8.4, pp. 62-63; [Targeting 2022](#), 5.1.4, pp. 89-90; 5.1.5, pp. 90-94].

7.2. Guidance with regard to Afghanistan

7.2.1. Article 12(2)(a) and Article 17(1)(a) QD

Last update: January 2023

[Article 12\(2\)\(a\) QD](#)

[Article 17\(1\)\(a\) QD](#)

It can be noted that the ground ‘crime against peace’ is not found to be of particular relevance in the cases of applicants from Afghanistan.

According to COI, insurgent groups, former ANDSF and pro-government militias, as well as civilians in Afghanistan, can be implicated in acts that would qualify as war crimes or crimes against humanity. Reported violations of international humanitarian law by parties in the conflicts in Afghanistan could amount to war crimes.

It can be noted that, in November 2017, the Prosecutor of the ICC requested authorisation from Pre-Trial Chamber III to initiate an investigation into alleged war crimes and crimes against humanity in relation to the armed conflict in Afghanistan since 1 May 2003. The preliminary examination focuses on crimes listed in the Rome Statute allegedly committed in the context of the armed conflict between pro-government forces and anti-government forces. It includes the **crimes against humanity** of murder, and imprisonment or other severe deprivation of physical liberty, and the **war crimes** of murder, cruel treatment, outrages upon personal dignity, the passing of sentences and carrying out of executions without proper judicial authority, intentional attacks against civilians, civilian objects and humanitarian assistance missions, and treacherously killing or wounding an enemy combatant. The preliminary examination also focuses on the existence and genuineness of national proceedings in relation to these crimes. On 31 October 2022, Pre-Trial Chamber II of the



International Criminal Court (ICC) authorised the Prosecution to resume investigation, following a previous request for deferral by the (former) government of Afghanistan.⁹

In terms of qualifying the relevant acts as war crimes, armed conflicts¹⁰ in Afghanistan can be characterised as follows:

- armed conflict between PDPA government and armed opponents from the summer of 1979 until the Soviet invasion on 24 December 1979: non-international;
- Soviet-Afghan War from December 1979 until February 1989: international;
- armed conflict between ‘*mujahideen*’ forces and the government (1989-1996): non-international;
- armed conflict between the Taliban and the United Front (1996-2001): non-international;
- armed conflict of coalition led by the USA against the Taliban regime between October 2001 and June 2002: international;
- Taliban-led insurgency against the (former) Afghan government (June 2002 – August 2021): non-international.
- armed conflict between the Taliban and ISKP (2015 – ongoing): non-international
- armed conflict between the Taliban and NRF (2021 – ongoing): non-international⁽¹¹⁾

The amnesty envisaged under the National Stability and Reconciliation Law of Afghanistan and the amnesty provisions in the agreement with Hezb-e Islami / Gulbuddin Hekmatyar (HIG) from September 2016 would likely not prevent the exclusion of the applicant where individual responsibility for relevant excludable acts is established, as they would fail to meet the necessary requirements, i.e. being the expression of the democratic will of the citizens of Afghanistan and the individual having been held accountable in other ways.

7.2.2. Article 12(2)(b) and Article 17(1)(b) QD

Last update: January 2023

[Article 12\(2\)\(b\) QD](#)

[Article 17\(1\)\(b\) QD](#)

In the context of Afghanistan, widespread criminality and breakdown in law and order make the ground of ‘serious (non-political) crime’ particularly relevant. In addition to murder related to family and other private disputes, some examples of particularly relevant serious crimes may include drug trade and trafficking, trafficking in arms, human trafficking, corruption,

⁽⁹⁾ For further information, see <https://www.icc-cpi.int/afghanistan>.

⁽¹⁰⁾ Note that the assessment under Article 12(2)(a) QD and Article 17(1)(a) QD refers to the relevant international instruments defining the terms. Therefore, the assessment of whether or not an armed conflict takes place, as well as its nature, is based on international humanitarian law and may differ from the assessment in the context of Article 15(c) QD as defined in the *Diakité* judgment of the CJEU.

⁽¹¹⁾ <https://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-afghanistan>.





embezzlement and other economic crimes, illegal taxation, illegal extraction, trade or smuggling of minerals, gemstones, archaeological artefacts, etc.

Violence against women and children (for example, in relation to *bacha bazi*, in the context of child marriage, honour killings, sexual violence or some forms of domestic violence, etc.), which is widespread in Afghanistan, could also potentially amount to a serious (non-political) crime.

Some serious (non-political) crimes could be linked to an armed conflict (e.g. if they are committed in order to finance the activities of armed groups) or could amount to fundamentally inhumane acts committed as a part of a systematic or widespread attack against a civilian population, in which case they should instead be examined under Article 12(2)(a)/Article 17(1)(a) QD.

In relation to exclusion from refugee status, a crime could fall under this ground if committed in Afghanistan or any third country (for example, while the applicant resided in Pakistan or Iran, or in countries of transit, etc.). In relation to subsidiary protection, serious crimes committed by Afghan applicants in the host country, would also lead to exclusion.

7.2.3. Article 12(2)(c) and Article 17(1)(c) QD

Last update: January 2023

[Article 12\(2\)\(c\) QD](#)

[Article 17\(1\)\(c\) QD](#)

In the context of Afghanistan, (former) membership in the Taliban or in armed groups such as ISKP Hezb-e Islami, could trigger relevant considerations, in addition to the considerations under Article 12(2)(a)/Article 17(1)(a) QD or Article 12(2)(b)/Article 17(1)(b) QD.

The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under Article 12(2)(a)/Article 17(1)(a) QD.





7.2.4. Article 17(1)(d) QD

Last update: January 2023

[Article 17\(1\)\(d\) QD](#)

In the examination of the application for international protection, the exclusion ground under Article 17(1)(d) QD (danger to the community or the security of the Member State) is only applicable to persons otherwise eligible for subsidiary protection.

Unlike the other exclusion grounds, the application of this provision is based on a forward-looking assessment of risk. Nevertheless, the examination takes into account the past and/or current activities of the applicant, such as association with certain groups considered to represent a danger to the security of the Member States or criminal activities of the applicant.





Annex I. Abbreviations and glossary

AAF	Afghan Air Force
ACLED	Armed Conflict Location & Event Data Project
AFF	Afghanistan Freedom Front
AGEs	See 'anti-government elements'
ALM	Afghan Liberation Movement
ALP	Afghan Local Police, a security initiative to include armed militias in the police force, under the auspices of the Ministry of the Interior.
ANA	Afghan National Army
ANDSF	Afghan National Defence and Security Forces, see also ANSF
ANP	Afghan National Police
ANSF	Afghan National Security Forces, including Afghan National Army (ANA), Afghan National Police (ANP) and National Directorate of Security (NDS)
Anti-government elements	Armed opposition fighters, or insurgents, who are fighting against the Afghan government and its international allies. Examples of such groups of fighters are the Taliban, the Haqqani network and the Islamic Movement of Uzbekistan
Asylum Procedures Directive	Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection
<i>baad</i>	The practice of exchanging women/girls to resolve a dispute; exchanging daughters between families for marriage to avoid bride price costs.
<i>Badal/ badaal</i>	The concept of revenge or retribution in the Pashtunwali
<i>bacha bazi</i>	Dancing boys: boys or young men who are sexually exploited by men for entertainment. They are made to dance in female garb and provide sexual favours. This practice is often associated with men in power.
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CJEU	Court of Justice of the European Union
COI	Country of origin information
complex attack	A deliberate and coordinated attack that includes a suicide device, more than one attacker and more than one type of device. All three elements must be used for an attack to be considered complex.
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), as amended by Protocols Nos. 11 and 14, 4 November 1950



ECtHR	European Court of Human Rights
EU	European Union
EU+	Member States of the European Union plus Norway and Switzerland
EUAA	European Union Agency for Asylum
fatwa	A ruling or opinion given by the head of religious community in Islam.
ground engagement	Ground engagements include kinetic ground operations, stand-off attacks, crossfire and armed clashes between parties to the conflict. Ground engagements include attacks or operations in which small arms, heavy weapons and/or area weapons systems, i.e. mortars and rockets are fired.
Hanafi	Sunni jurisprudence in use in Afghanistan; one of the four schools of Sunni jurisprudence.
ICC	International Criminal Court
IDP(s)	Internally displaced person(s)
IED	Improvised Explosive Device. A bomb constructed and deployed in ways other than in conventional military action.
ILO	International Labour Organisation
IMU	Islamic Movement of Uzbekistan
IOM	International Organization for Migration
IPA	Internal protection alternative
ISKP	Islamic State Khorasan Province
jirga	A council or assembly of tribal elders held for dispute resolution; <i>jirgamar</i> refers to elders whose profession is dispute settlement
LGBTIQ	LGBTIQ people are people: who are attracted to others of their own gender (lesbian, gay) or any gender (bisexual); whose gender identity and/or expression does not correspond to the sex they were assigned at birth (trans, non-binary); who are born with sex characteristics that do not fit the typical definition of male or female (intersex); and whose identity does not fit into a binary classification of sexuality and/or gender (queer).
LWJ	Long War Journal, blog by the Foundation for Defense of Democracies, www.longwarjournal.org
mahram	A male guardian who is a relative
madrassa	Islamic religious school
Mol	Ministry of Interior Affairs of Afghanistan
mujahideen	Islamic 'holy warriors'. In the context of the conflict of Afghanistan, the term dates back to the 1980s, when it referred to Islamic fighting groups opposed to the communist regime and the military forces of the former Soviet Union in Afghanistan. Its fighters have since been called mujahideen. Currently, the Taliban refer to their fighters as mujahideen.
NATO	North Atlantic Treaty Organisation



NDS	National Directorate of Security, Afghanistan's intelligence service
NGO	Non-governmental organisation
NLFA	National Liberation Front of Afghanistan
NRF	National Resistance Front
<i>Pashtunwali</i>	A traditional social, cultural, and quasi-legal code regulating the Pashtun way of life.
PDPA	People's Democratic Party of Afghanistan
PGM	Pro-government militia
QD (Qualification Directive)	Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted
<i>Sharia</i>	The religious law of Islam; Islamic canonical law
<i>shura</i>	A decision-making community council; often formed for non-State dispute settlement; made up of a group of people with community authority (elders) to discuss and find solutions to a problem.
Targeted/ deliberate killing	Intentional, premeditated and deliberate use of lethal force by States or their agents acting under colour of law or by an organised armed group, party to an armed conflict against a specific individual who is not in the perpetrator's physical custody.
TTP	Tehrik-i Taliban Pakistan
UCDP	Uppsala Conflict Data Program
<i>Ulema</i>	Body of Muslim scholars who are recognised as having specialist knowledge of Islamic law and theology.
UN	United Nations
UNAMA	UN Assistance Mission in Afghanistan
UNDP	United Nations Development Programme
UNHCR	UN High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOCHA	UN Office for the Coordination of Humanitarian Affairs
US	United States of America
USDOS	US Department of State
WHO	World Health Organisation
<i>zina</i>	A criminal offense in Islamic law referring to unlawful sexual intercourse, fornication or adultery.





Annex II. Country of origin information references

The main COI sources used in the common analysis are the following (listed alphabetically by reference used in the text).	
Anti-government elements	<p>EUAA Country of Origin Information Report: Afghanistan, Anti-Government Elements (AGEs)</p> <p>(August 2020)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2020_08_EASO_COI_Report_Afghanistan_Anti_Governement_Elements_AGEs.pdf</p>
COI query on Hazaras, Shias	<p>EUAA Country of Origin Information Query: Afghanistan, Hazaras, Shias</p> <p>(August 2020)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2020_08_Q13_EASO_COI_Query_Response_2020_AFG_Hazara_Shia.pdf</p>
COI query on Hindus and Sikhs	<p>EUAA Country of Origin Information Query: Afghanistan, Hindus and Sikhs</p> <p>(August 2020)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2020_08_Q14_EASO_COI_Query_Response_AFG_Hindus_Sikhs.pdf</p>
COI query on humanitarian workers and healthcare professionals	<p>EUAA Country of Origin Information Query: Afghanistan, Humanitarian workers and healthcare professionals</p> <p>(August 2020)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2020_08_Q16_EASO_COI_Query_Response_AFG_Humanitarian_Healthcare_Workers.pdf</p>
COI query on journalists, media workers and human rights defenders	<p>EUAA Country of Origin Information Query: Afghanistan, Journalists, media workers and human rights defenders</p> <p>(August 2020)</p> <p>Available at:</p>





	<p>https://coi.euaa.europa.eu/administration/easo/PLib/2020_08_Q17_EASO_COI_Query_Response_AFG_Journalists_Media_Human_Rights_Activists.pdf</p>
COI query on westernisation	<p>EUAA Country of Origin Information Query: Afghanistan, Afghan nationals perceived as ‘Westernised’</p> <p>(September 2020)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2020_09_Q19_EASO_COI_Query_Response_AFG_Westernisation.pdf</p>
COI Update 2022	<p>EUAA Country of Origin Information Query: Afghanistan, Major legislative, security-related, and humanitarian developments</p> <p>(November 2022)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2022_11_Q35_EUAA_COI_Query_Response_Afghanistan_update_1_July_31_October_2022.pdf</p>
Conflict targeting	<p>EUAA Country of Origin Information Report: Afghanistan, Individuals targeted by armed actors in the conflict</p> <p>(December 2017)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/Afghanistan_targeting_conflict.pdf</p>
Country Focus 2022	<p>EUAA Country of Origin Information Report: Country Focus</p> <p>(January 2022)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2022_01_EASO_COI_Report_Afghanistan_Country_focus.pdf</p>
Criminal law and customary justice	<p>EUAA Country of Origin Information Report: Afghanistan, Criminal law, customary justice and informal dispute resolution</p> <p>(July 2020)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2020_07_EASO_COI_Report_Afghanistan_Criminal_Law_Customary_Justice_Dispute_Resolutions.pdf</p>



KSEI 2022	<p>EUAA Country of Origin Information Report: Afghanistan, Key socio-economic indicators in Afghanistan and in Kabul city</p> <p>(August 2022)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Key_socio_economic_indicators_in_Afghanistan_and_in_Kabul_city.pdf</p>
KSEI 2020	<p>EUAA Country of Origin Information Report: Afghanistan Key socio-economic indicators Focus on Kabul City, Mazar-e Sharif and Herat City</p> <p>(August 2020)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2020_08_EASO_COI_Report_Afghanistan_Key_Socio_Economic_Indicators_Forcus_Kabul_City_Mazar_Sharif_Herat_City.pdf</p>
KSEI 2017	<p>EUAA Country of Origin Information Report: Afghanistan, Key socio-economic indicators, state protection, and mobility in Kabul City, Mazar-e Sharif, and Herat City</p> <p>(August 2017)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/EASO_COI_Afghanistan_IPA_August2017.pdf</p>
Recruitment by armed groups	<p>EUAA Country of Origin Information Report: Afghanistan, Recruitment by armed groups</p> <p>(September 2016)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/Afghanistan_recruitment.pdf</p>
Security 2020	<p>EUAA Country of Origin Information Report: Afghanistan, Security situation</p> <p>(September 2020)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2020_09_EASO_COI_Report_Afghanistan_Security_situation.pdf</p>
Security June 2021	<p>EUAA Country of Origin Information Report: Afghanistan, Security situation</p>



	<p>(June 2021)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2021_06_EASO_COI_Report_Afghanistan_Security_situation.pdf</p>
Security September 2021	<p>EUAA Country of Origin Information Report: Afghanistan, Security situation update</p> <p>(September 2021)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Afghanistan_Security_situation_update.pdf</p>
Security 2022	<p>EUAA Country of Origin Information Report: Afghanistan, Security Situation</p> <p>(August 2022)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Security_situation.pdf</p>
Society-based targeting	<p>EUAA Country of Origin Information Report: Afghanistan, Individuals targeted under societal and legal norms</p> <p>(December 2017)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/Afghanistan_targeting_society.pdf</p>
State structure	<p>EUAA Country of Origin Information Report: Afghanistan, State Structure and Security Forces</p> <p>(August 2020)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2020_08_EASO_COI_Report_Afghanistan_state_structure_and_security_forces.pdf</p>
Taliban strategies - Recruitment	<p>EUAA Country of Origin Information Report: Afghanistan, Taliban strategies - Recruitment</p> <p>(July 2012)</p> <p>Available at: https://coi.euaa.europa.eu/administration/easo/PLib/EASO_COI_Report_AFG_Taliban_Recruitment.pdf</p>





Targeting 2022	EUAA Country of Origin Information Report: Afghanistan, Targeting of Individuals
	(August 2022)
	Available at: https://coi.euaa.europa.eu/administration/easo/PLib/2022_08_EUAA_COI_Report_Afghanistan_Targeting_of_individuals.pdf



