



2024 Country Talks: Afghanistan

Country of Origin Information reports and Country Guidance

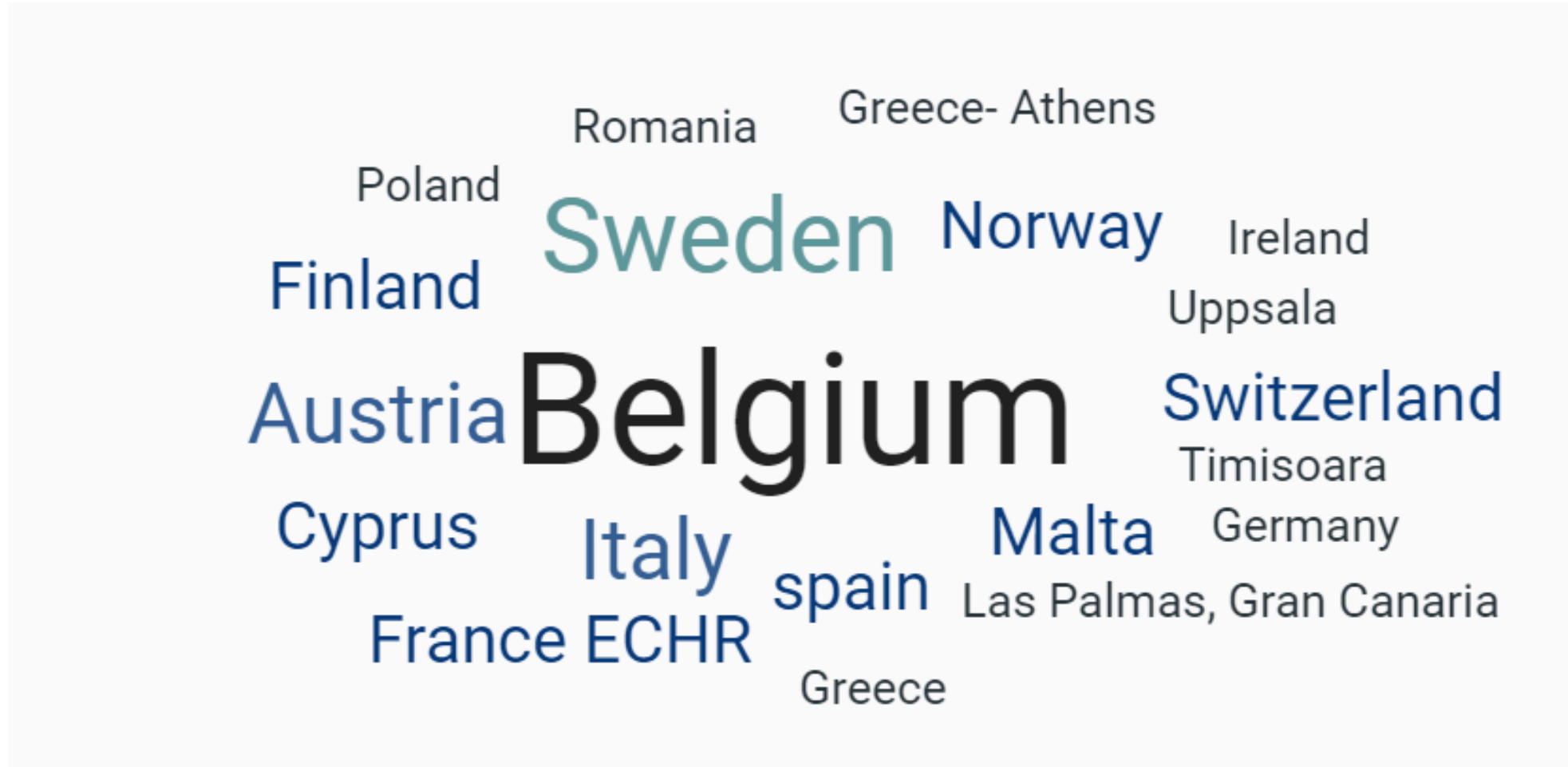
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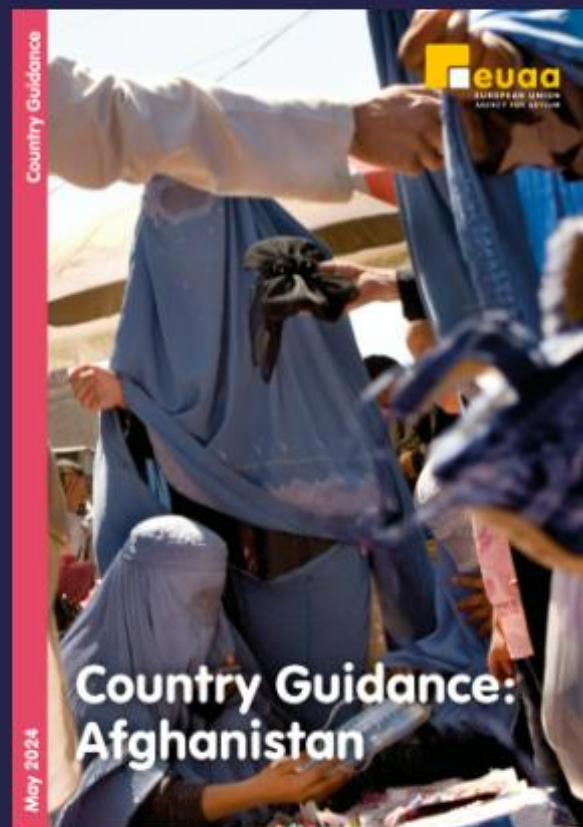
Country Guidance: Afghanistan

General guidance and methodological remarks



Country Guidance: explained

Outlines the general guidance relied upon in this analysis, as well as the methodological framework, approach and indicators used in CG docs.



Country Guidance: Afghanistan

Publication date: 23 May 2024

The 'Country Guidance: Afghanistan' represents Member States' joint assessment of the situation in the country of origin in relation to the applicable international and EU legislation on international protection. The guidance note, accompanied by the common analysis, was agreed by the Country Guidance Network of senior policy officials in March 2024 and was endorsed by the EUAA Management Board in May 2024.

In addition to this electronic publication, the 'Country Guidance: Afghanistan' (May 2024) is available in pdf format.

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Country of Origin Information and Country Guidance

Country of Origin Information

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COI QUERY

Country of Origin	Afghanistan
Title	Major legislative
Reference period	1 October 2023
Topics	1. Recognition 2. Implementat 3. Detentions 4. Security situ 5. Humanitari
Date of completion	2 February 2024
Query Code	Q13-2024
Contributing EU+ COI units	N/A

Afghanistan - Country Focus

December 2023

COI is the **factual basis** on which Country Guidance provides an assessment in the form of common analysis and guidance

In the examination of individual cases, the decision-maker always needs to refer to relevant and up-to-date COI

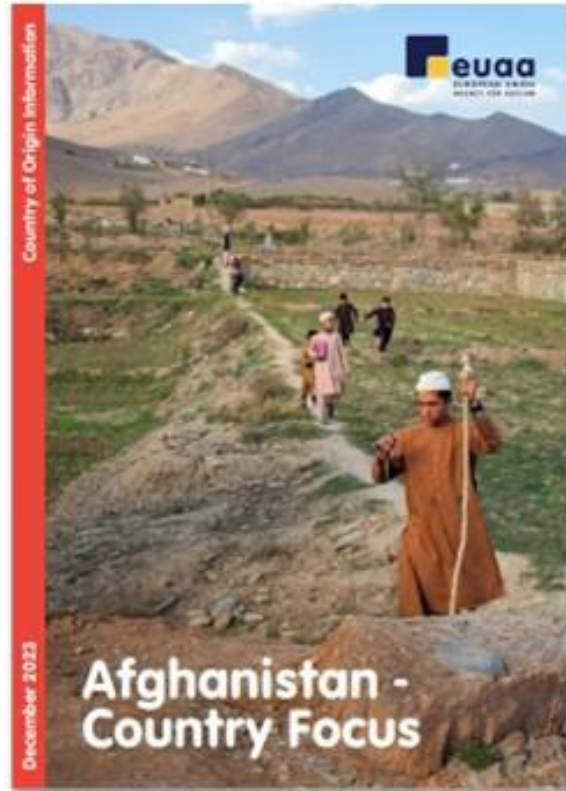
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Country Guidance: Afghanistan


May 2024

Country Guidance

Country of Origin Information Reports and Queries



COI QUERY	
Country of Origin	Afghanistan
Title	Major legislative, security-related, and humanitarian developments
Reference period	1 October 2023 to 31 January 2024
Topics	<ol style="list-style-type: none"> 1. Recognition status and territorial control 2. Implementation of sharia 3. Detentions and releases of activists 4. Security situation 5. Humanitarian situation
Date of completion	2 February 2024
Query Code	Q13-2024
Contributing EU+ COI units	N/A
Disclaimer	
<p>This response to a COI query has been elaborated according to the EUAA COI Report Methodology and EUAA Writing and Referencing Guide.</p> <p>It was produced in response to COI information requests received from the EUAA Country Guidance drafting team in the development of country guidance on Afghanistan.</p> <p>All sources used are referenced and cited in the bibliography section. A quality review has been performed in line with the above mentioned COI methodology. This document does not claim to be exhaustive or conclusive as to the merit of any particular claim to international protection. If a certain event, person or organisation is not mentioned in the report, this does not mean that the event has not taken place or that the person or organisation does not exist. Terminology used should not be regarded as indicative of a particular legal position.</p> <p>The information in the response does not necessarily reflect the opinion of EUAA and makes no political statement whatsoever. The target audience is policy makers, caseworkers, COI researchers, and decision-making authorities. Any event taking place after the reference period is not included in this query response.</p>	
1	



**ACTORS OF
PERSECUTION
OR SERIOUS
HARM**





REFUGEE STATUS





List of commonly encountered profiles of applicants for international protection

Profiles that would be **highly likely to qualify for refugee status**:

3.1. Members of the security institutions of the former government

3.2. Judges, prosecutors and former court personnel

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)

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

3.8. Journalists and media workers seen by the Taliban as critical of them or as not complying with conditions set by the Taliban

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

3.12. Individuals perceived to have transgressed religious, moral and/or societal norms by committing *zina*

3.14.3. Hindus and Sikhs

3.14.4. Salafis

3.15. Women and girls

3.17. LGBTIQ persons

3.18.1. Men directly involved in blood feuds





List of commonly encountered profiles of applicants for international protection

Further guidance is provided on potential **risk-impacting circumstances** which may affect the probability of granting refugee status to profiles such as:

3.2. Public officials and servants of the former government and judicial system (other than judges, prosecutors and former court personnel)

3.6. Persons fearing forced recruitment

3.8. Journalists and media workers (other than those seen by the Taliban as critical of them or as not complying with conditions set by the Taliban)

3.9. Educational personnel

3.10. Humanitarian workers

3.12. Individuals perceived to have transgressed religious, moral and/or societal norms (other than those perceived to have committed zina)

3.13. Individuals (perceived as) influenced by foreign values (also commonly referred to as ‘Westernised’)

3.14.2. Individuals of Hazara ethnicity and other Shias

3.14.5. Tajiks

3.16. Children

3.18.1. Individuals involved in blood feuds: women, children and men who are farther removed from the feud

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



Targeted killings after the Taliban takeover

- A **general amnesty** was issued after the Taliban takeover in 2021
 - **Targeted killings have taken place**, especially in the months following the takeover, but **cases are still being reported**
 - Victims have included individuals serving the former government in the **security forces**, the **public sector**, and the **judiciary**
 - At the same time, **thousands of people have continued to work under the Taliban** within the *de facto* state institutions, and sources **did not see signs of an orchestrated campaign** of targeted killings
 - The Taliban has been referring to **personal enmities** being the motive behind the killings, which other sources also mentioned as well as **a revenge culture**. Human Rights Watch however also pointed out that killings have taken place with the **knowledge or tacit approval** of the Taliban
 - It is **not possible to distinguish any patterns** as regards the targeting of particular profiles among civil and security personnel of the former government.
- 



Scope:

This profile refers to individuals affiliated with the previous government and members of the judiciary, including court personnel and civil servants.

Acts:

such severe nature that they amount to persecution.

Level of risk:

For **judges, prosecutors, and former court personnel** 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.

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: (imputed) political opinion. In some cases, **MPSG** and/or **religion** could also be seen as relevant grounds.



Implementation of *sharia*

- There are **uncertainties of what is legal and not**. The Taliban have issued some decrees and guidance in writing, but have continuously stated that ***sharia* is the legal framework** to be implemented
- Issued instructions are **not always implemented** or are **not implemented consistently** throughout the country
- The *de facto* state institutions work in **arbitrary and unpredictable ways**. Mainly the **Ministry for the Propagation of Virtue and Prevention of Vice (MPVPV)** has enforced restrictions
- The **MPVPV has arrested and harassed individuals transgressing issued guidelines**, such as the call on women to wear *hijab*, and the requirement for travelling women to be accompanied by a *mahram*, and calls on men not to shave and to attend congregational prayers.
- **Individuals playing music have been beaten, detained and killed**





Corporal and capital punishments

- **Courts with Taliban judges operate across the country**, but the interpretation of *sharia* has been left to the individual judges due to the lack of a clear legal framework. **There is a great variation in verdicts.**
- **Executions and lashings have been carried out**, inter alia in sport stadiums. Most lashings recorded by UNAMA related to moral crimes such as *zina*, adultery, and ‘running away from home’, but people were also lashed for homosexuality and consuming alcohol. Previous reports from 2022 have also indicated that stoning has been issued by local decision makers for moral crimes.



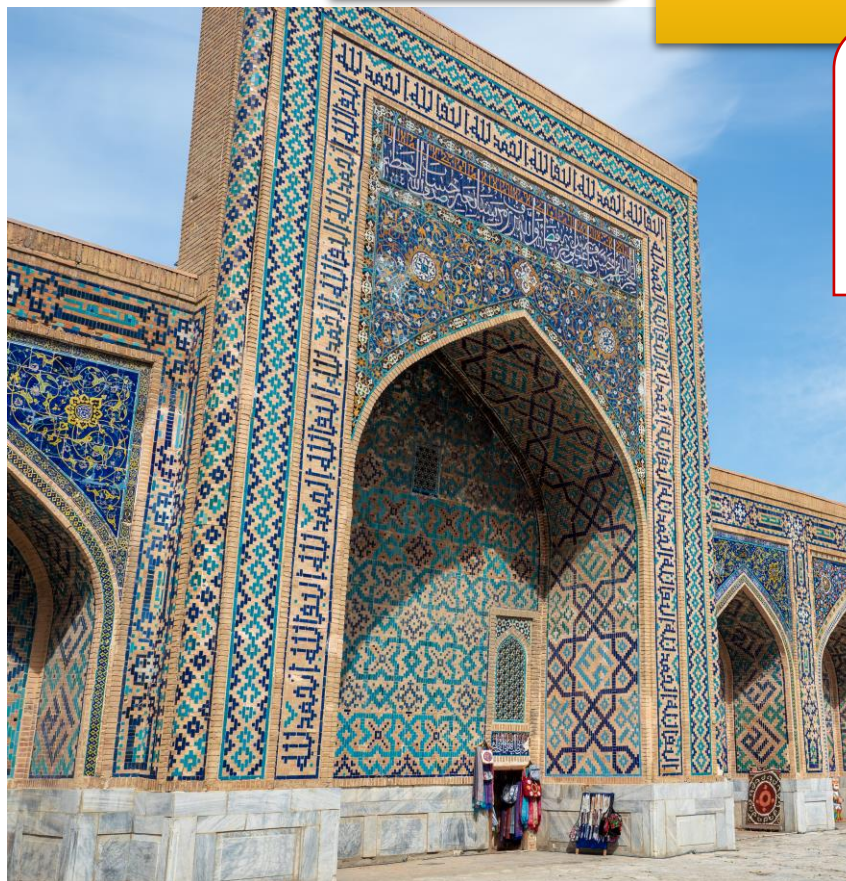
zina

dress code

alcohol and
drugs

music

other
activities
considered
immoral



Acts: such severe nature that they amount to persecution.

When the acts 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.

Level of risk:

Zina: well-founded fear of persecution would in general be substantiated.

For others under this profile, 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)

Nexus: religion and/or (imputed) political opinion or MSPG.



Western influence

- There is **lack of information on the treatment of individuals returning** from Europe, and as well as individuals ‘perceived as influenced by foreign values’.
- Senior Taliban **officials have called upon Afghans to stay in Afghanistan**, and it could be hard to get necessary travelling documents issued from the *de facto* authorities.
- **Some Afghans travel voluntarily to Afghanistan**, inter alia from Europe and the US.
- There might be **prejudice against people being deported** making people disclose they are returnees
- The Taliban reportedly have the **aim to ‘purify’ Afghan society** and **eject foreign influence**. Vast resources have been invested in building mosques and *madrassas*.
- In some areas **the Taliban have advised men not to wear Western-style clothes**.





Scope: This profile refers to persons who may be (perceived as) influenced by foreign values (also commonly referred to 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.

Acts: such severe nature that they amount to persecution. When the acts 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.

Level of risk:

Individual assessment:

- Behaviour adopted by the applicant
- Visibility of the applicant
- Area of origin and conservative environment
- Gender
- Age
- Duration of stay in a western country

Nexus: religion, (imputed) political opinion and/or MSPG.

CJEU C-646/21 ruling*

Released on 11 June 2024 after the publication of 'Country Guidance: Afghanistan'

Women, including minors, who share as a common characteristic the fact that they genuinely come to identify with the fundamental value of equality between women and men during their stay in a Member State may, depending on the circumstances in the country of origin, be regarded as belonging to a 'particular social group', constituting a 'reason for persecution' capable of leading to the recognition of refugee status.



Women and girls

- The Taliban have continuously expressed their commitment to respect **women's and girls' rights within the framework of *sharia***. They have issued several instructions restricting women's and girls' freedom of movement, expression and behaviour, access to education, employment, healthcare, justice and social protection
- The limitations of women's and girls' rights have been **large-scale, systematic and implemented with harsh enforcement methods**, according to the UN Special Rapporteur
- Women and girls have been requested to **cover their faces**, be accompanied by a ***mahram*** when travelling over 72 km, and **barred from accessing some public spaces** (e.g. recreational parks). Moreover, they have in practice been **barred from accessing secondary and university education**, as well as **barred from employment in the public sector and from working for NGOs**.
- Afghanistan has **one of the highest rates of violence against women**, and women face **limited access to justice** – inter alia due to the fact that the Taliban excluded female judges and lawyers from practicing law,





Acts: 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).

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

Nexus: Likely to be for reasons of membership of a particular social group. Other grounds, such as religion and/or (imputed) political opinion may also be substantiated.



CJEU C-621/21 ruling

According to the Court's judgement (para. 57):
“women, as a whole, may be regarded as belonging to a ‘particular social group’, within the meaning of Article 10(1)(d) of Directive 2011/95, where it is established that, in their country of origin, they are, on account of their gender, exposed to physical or mental violence, including sexual violence and domestic violence”.



SUBSIDIARY PROTECTION



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

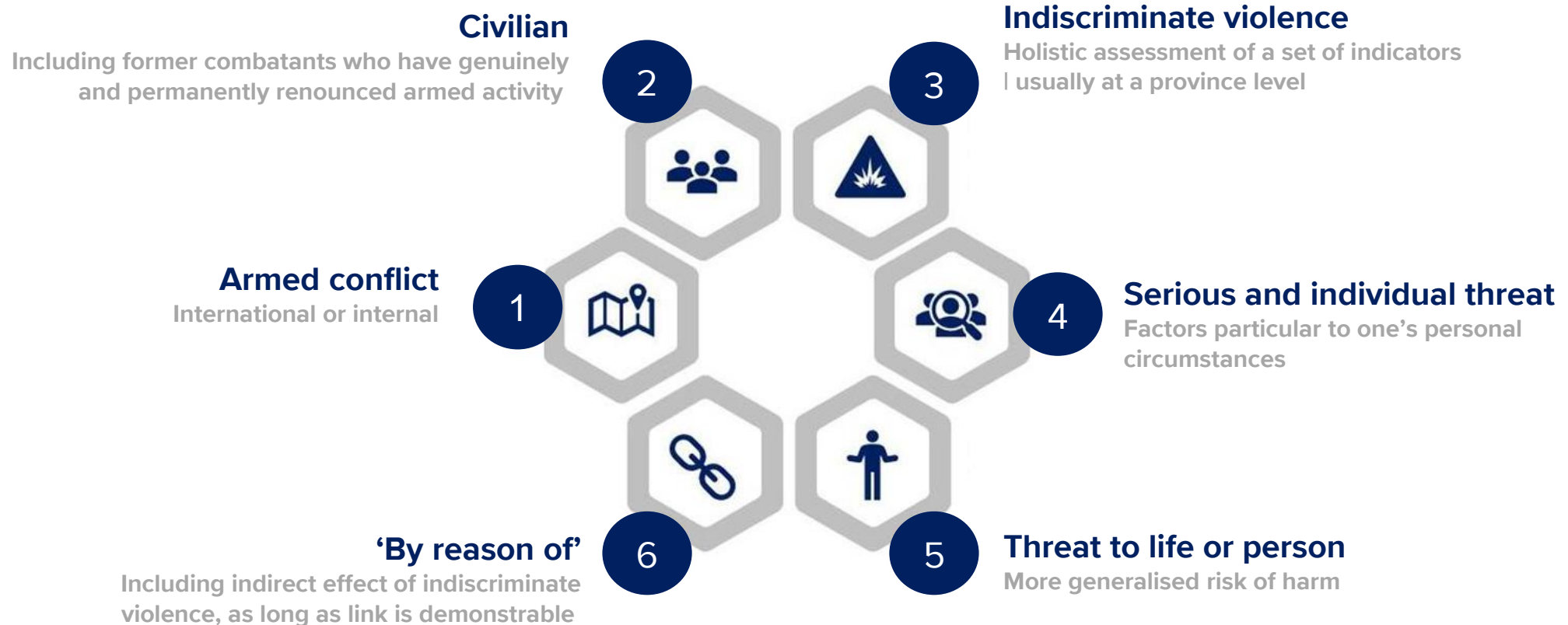
With reference to cases where there is no nexus to a Convention ground, the need for subsidiary protection under Article 15(b) QD should be examined, for example in relation to:

- ❖ **Healthcare**
- ❖ **Socio-economic conditions (e.g. as a result of forced evictions)**
- ❖ **Arbitrary arrests and detentions, prison conditions and enforced disappearances**
- ❖ **Corporal punishments**
- ❖ **Criminal violence**
- ❖ **Other circumstances**

It is important to note that serious harm must take the form of conduct of an actor (Article 6 QD).

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

Legal framework

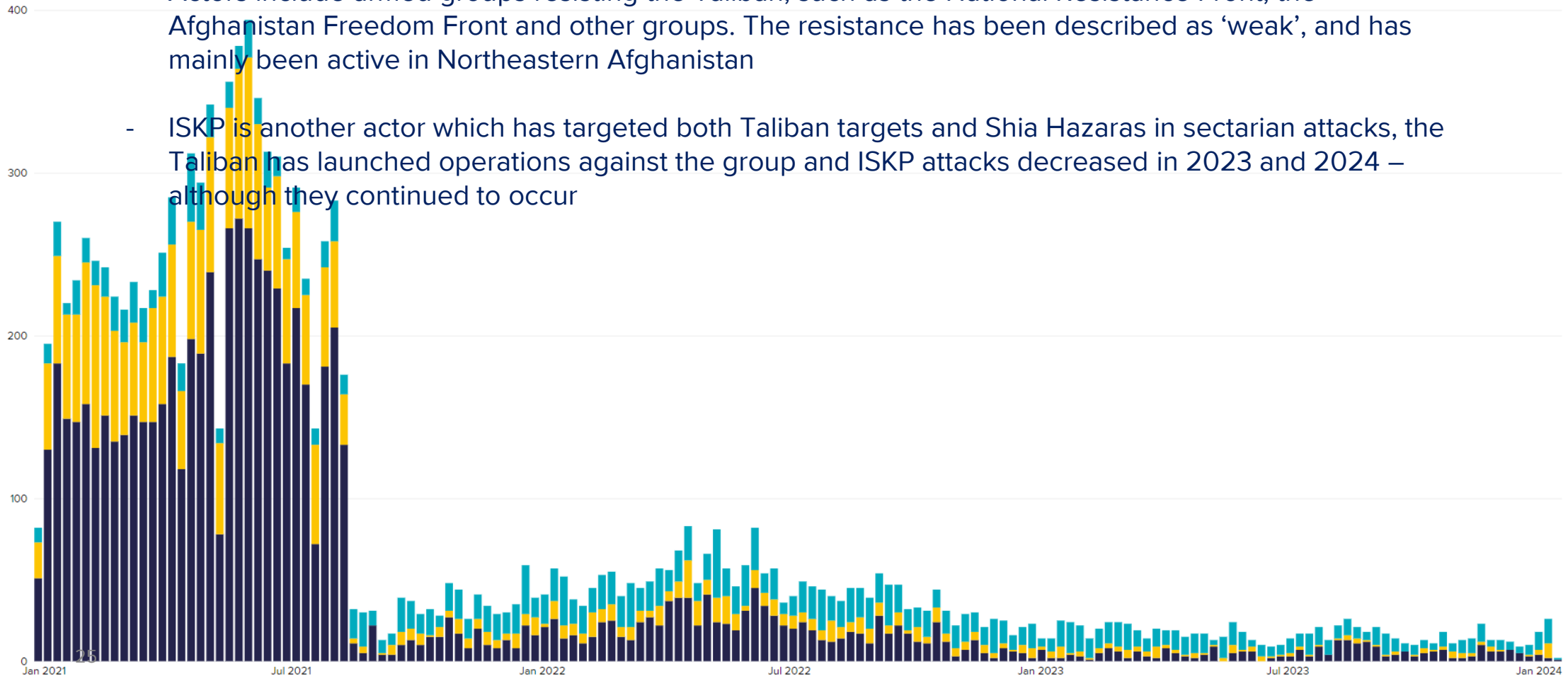


All of these elements have to be fulfilled in order to grant subsidiary protection under Article 15(c) QD



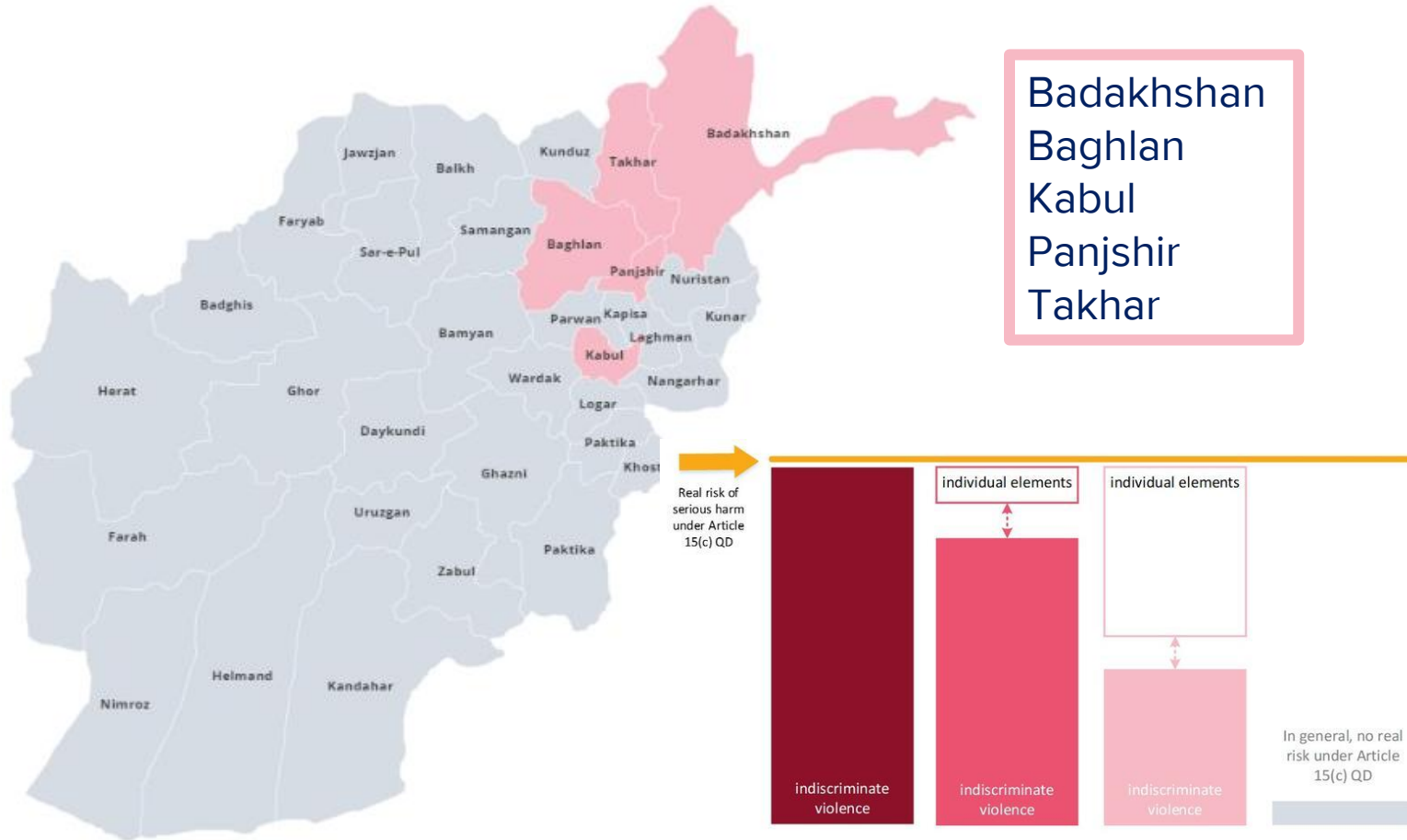
Conflict-related violence

- A general decrease of events since the Taliban takeover, peaks of violence have occurred, but the rates have still been **significantly lower than before**
- Actors include armed groups resisting the Taliban, such as the National Resistance Front, the Afghanistan Freedom Front and other groups. The resistance has been described as ‘weak’, and has mainly been active in Northeastern Afghanistan
- ISKP is another actor which has targeted both Taliban targets and Shia Hazaras in sectarian attacks, the Taliban has launched operations against the group and ISKP attacks decreased in 2023 and 2024 – although they continued to occur



Article 15(c) QD: indiscriminate violence

Holistic assessment of the level of indiscriminate violence by province



In view of the **fluidity** of the ongoing conflicts, the most recent available COI should always be taken in consideration.

Article 15(c) QD: indiscriminate violence

Holistic assessment of a set of indicators in CG | usually at a province level

4.3.4. Indiscriminate violence

a) Assessment of indiscriminate violence: general approach

b) Security situation in Afghanistan: recent events

Presence, methods and tactics of actors

Security incidents

Civilian casualties

Conflict-related displacement

c) Assessment of indiscriminate violence in Afghanistan



Article 15(c) QD: Serious and Individual Threat

Factors particular to one's personal circumstances

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.

Age and gender

Health condition

Economic situation

Knowledge of the area

Occupation and/or place of residence





**INTERNAL
PROTECTION
ALTERNATIVE**



Internal Protection Alternative



According to Article 8 QD criteria, IPA would in general NOT be applicable to any part of Afghanistan.

An aerial photograph of a dry, dusty landscape. In the foreground, two people are walking away from the camera, their bodies partially covered by large, light blue tarps. The ground is uneven and rocky. In the middle ground, a large herd of sheep is scattered across the terrain. The background shows more of the same landscape under a clear sky.

Ongoing protection needs of a wide and range of profiles targeted by the Taliban as well as by other actors

Afghan women and girls remain at risk of persecution
Persecution is likely to be for reason of **MPSG**
CJEU case n. 621/2021

No mere presence. Only 5 Provinces low level of indiscriminate violence
security incidents of a targeted nature

General lack of protection in the Country
No actors of protection

IPA not applicable to ANY part of Afghanistan

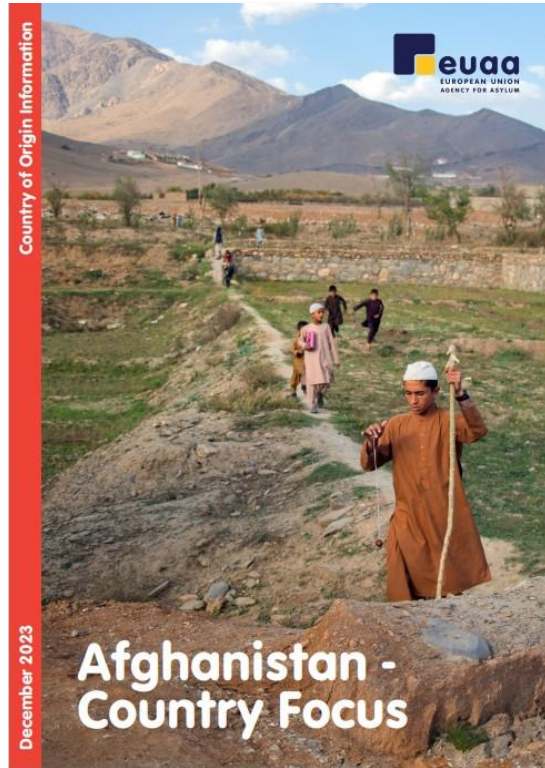




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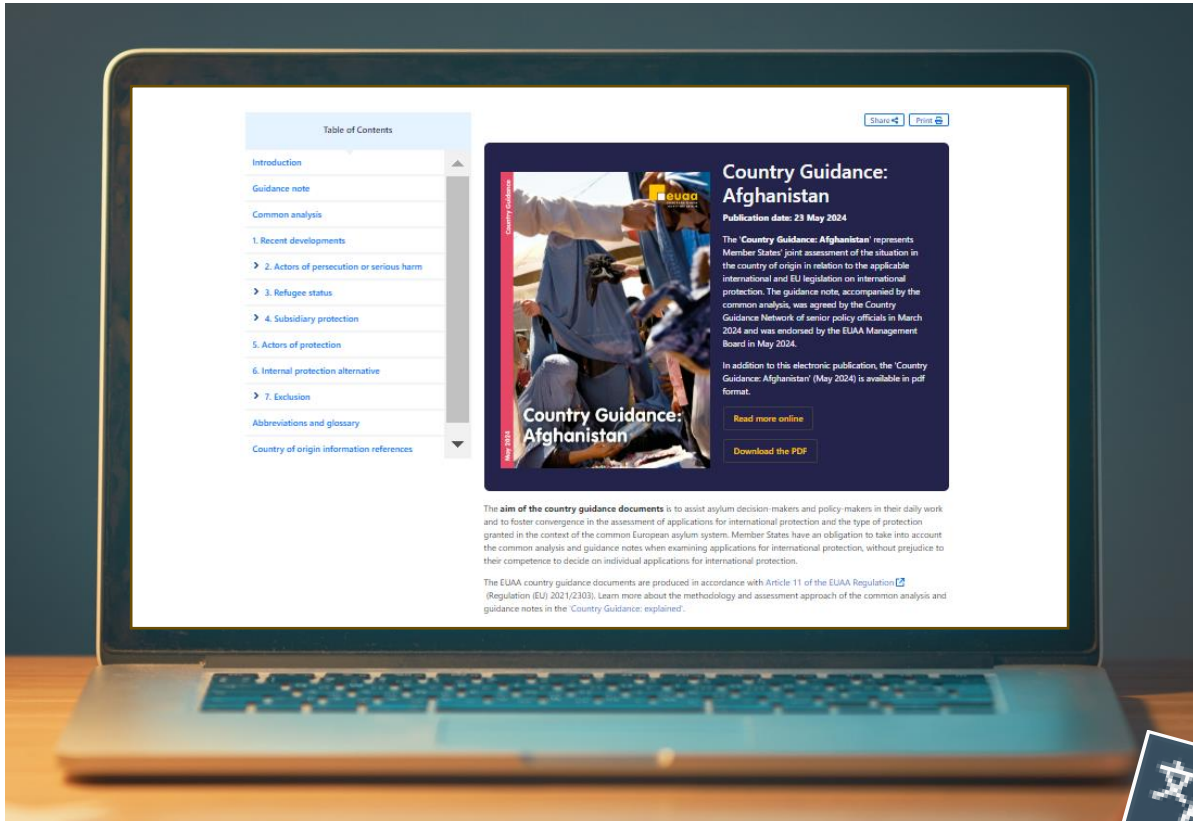


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Country Guidance: Somalia (August 2023) ★★★★★

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