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Country Guidance: Afghanistan

Common analysis and
guidance note

December 2020

The country guidance represents the common assessment of the situation in the country of origin by EU Member States.



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Country Guidance: Afghanistan

Common analysis and guidance note

The country guidance represents the common assessment of the situation in the country of origin by senior policy officials from EU Member States, in accordance with current EU legislation and jurisprudence of the Court of Justice of the European Union (CJEU).

This guidance note does not release Member States from the obligation to individually, objectively and impartially examine each application for international protection. Each decision should be taken on the basis of the individual circumstances of the applicant and the situation in Afghanistan at the moment of the decision, according to precise and up-to-date country information, obtained from various relevant sources (Article 10 of the Asylum Procedures Directive).

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

Update: December 2020

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Introduction

Why is country guidance developed?

On 21 April 2016, the Council of the European Union agreed on the creation of a senior-level policy network, involving all Member States and coordinated by EASO, with the task to carry out a joint assessment and interpretation of the situation in main countries of origin.¹ The network supports EU-level policy development based on common country of origin information (COI), by jointly interpreting such information in light of the relevant provisions of the asylum acquis and taking into account the content of the EASO training material and practical guides where appropriate. The development of common analysis and guidance notes was also included as a key area in the new mandate of the European Union Agency for Asylum proposed by the European Commission.²

The country guidance is intended as a tool for policy-makers and decision-makers in the context of the Common European Asylum System (CEAS). It aims to assist in the examination of applications for international protection by applicants from Afghanistan, and to foster convergence in decision practices across Member States.

What is the scope of this update?

The current version of the guidance updates and replaces the 'Country Guidance: Afghanistan' (June 2019).

The first 'Country Guidance: Afghanistan' was published in June 2018, followed by a focused update of several sections, published in June 2019. In the current more comprehensive update, most sections of this document have been reviewed in light of recent COI, and more specific guidance has been provided on several topics. Minor changes have also been introduced in the approach and structure of several sections. The reader is invited to consider the present document as representative of the current joint assessment of Member States of the situation in Afghanistan, replacing all previous versions of the guidance.

Is this guidance binding?

The country guidance, developed by the Member States and published by EASO, is not binding. The guidance note, accompanied by the common analysis, shall be taken into account by Member States when examining applications for international protection, without prejudice to their competence for deciding on individual applications.

Who was involved in the development of this country guidance?

This document is the result of the joint assessment by the Country Guidance Network. The work of the Network was supported by a Drafting Team of selected national experts and by EASO. The European Commission and UNHCR provided valuable input in this process.

The guidance note, accompanied by the common analysis, were finalised by the Country Guidance Network in December 2020 and endorsed by the EASO Management Board in January 2021.

¹ Council of the European Union, Outcome of the 3461st Council meeting, 21 April 2016, 8065/16, available at <http://www.consilium.europa.eu/media/22682/st08065en16.pdf>.

² European Commission, Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, 4 May 2016, 2016/0131 (COD), available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/easo_proposal_en.pdf.

What is the applicable legal framework?

In terms of applicable legal framework, the common analysis and guidance note are based on the provisions of the [1951 Geneva Convention](#)³ and of the [Qualification Directive \(QD\)](#)⁴; as well as jurisprudence of the Court of Justice of the European Union (CJEU); where appropriate, the jurisprudence of the European Court of Human Rights (ECtHR) is also taken into account.

What guidance on qualification for international protection is taken into account?

The horizontal guidance framework applied in this analysis is based primarily on the '[EASO Practical Guide: Qualification for international protection](#)' and the '[EASO Practical Guide: Exclusion](#)', as well as the '[EASO Guidance on membership of a particular social group](#)'.⁵ It also takes into account relevant Judicial Analyses, published by EASO, and in particular those on '[Qualification for International Protection \(Directive 2011/95/EU\)](#)', '[Article 15\(c\) Qualification Directive \(2011/95/EU\)](#)', and on '[Exclusion: Articles 12 and 17 Qualification Directive \(2011/95/EU\)](#)'.⁶

Relevant UNHCR guidelines available at the time of finalising this document, and in particular the [UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan](#),⁷ are also taken into account.⁸

What country of origin information has been used?

The EASO Country Guidance documents should not be considered and should not be used or referenced as sources of country of origin information (COI). The information contained herein is based on EASO COI reports⁹ and, in some instances, other sources, as indicated. Unlike the Country Guidance, these represent COI sources and can be referenced accordingly.



The country information analysed for this update includes, in particular, the following documents.

EASO COI reports

- COI Report: Afghanistan - Security Situation (September 2020) [\[EN\]](#)

³ United Nations General Assembly, 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

⁴ 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.

⁵ EASO Practical guides are available at <https://www.easo.europa.eu/practical-tools>.

⁶ Judicial analyses published by EASO are available at <https://www.easo.europa.eu/courts-and-tribunals>.

⁷ UNHCR, Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, 30 August 2018, available at <https://www.refworld.org/docid/5b8900109.html>.

⁸ UNHCR Handbook and guidelines on procedures and criteria for determining refugee status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, as well as other guidance, policy documents and UNHCR ExCom and Standing Committee conclusions are available at <https://www.refworld.org/rsd.html>.

⁹ EASO COI reports are available at <https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>.

- COI Report: Afghanistan - State Structure and Security Forces (August 2020) [\[EN\]](#)
- COI Report: Afghanistan - Key socio-economic indicators. Focus on Kabul City, Mazar-e Sharif and Herat City (August 2020) [\[EN\]](#)
- COI Report: Afghanistan - Afghanistan, Anti-Government Elements (AGEs) (August 2020) [\[EN\]](#)
- COI Report: Afghanistan - Criminal law, customary justice and informal dispute resolution (July 2020) [\[EN\]](#)

EASO COI queries

- Situation of Hazaras and Shias (2018-2020) [\[EN\]](#)
- Situation of Hindus and Sikhs (2018-2020) [\[EN\]](#)
- Humanitarian workers and healthcare professionals [\[EN\]](#)
- Journalists, media workers and human rights defenders [\[EN\]](#)
- Education sector: personnel and students [\[EN\]](#)
- Afghan nationals perceived as 'Westernised' [\[EN\]](#)

Previous EASO COI reports have also been referred to where relevant.

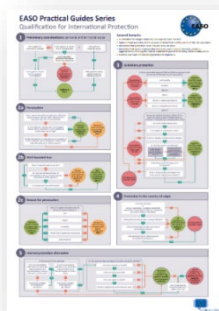
References within this document are to the respective sections of these COI reports and queries. See [Annex II. Country of origin information references](#).

Links to the documents are provided throughout the common analysis for ease of reference.

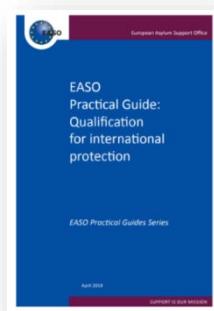
How does country guidance assist in the individual assessment of applications for international protection?

The guidance note and common analysis follow the steps of the examination of an individual application for international protection. This document looks into the relevant elements according to the QD and provides a general assessment of the situation in the country of origin, along with guidance on relevant individual circumstances that should be taken into account.

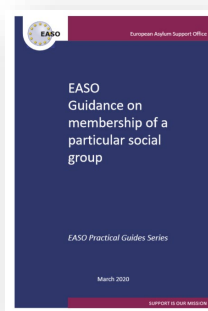
Its approach is consistent with, and should be read in conjunction with, the more detailed horizontal guidance. For an outline and additional guidance on qualification for international protection and exclusion, see:



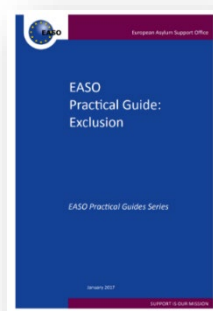
EASO Practical Guide: Qualification for international protection, Flowchart poster for practitioners^{9F9F}¹⁰



EASO Practical Guide: Qualification for international protection^{10F10F}¹¹



EASO Guidance on membership of a particular social group^{11F11F}¹²



EASO Practical Guide: Exclusion^{12F12F}¹³

How is this document structured?

The country guidance is structured into guidance note and common analysis:

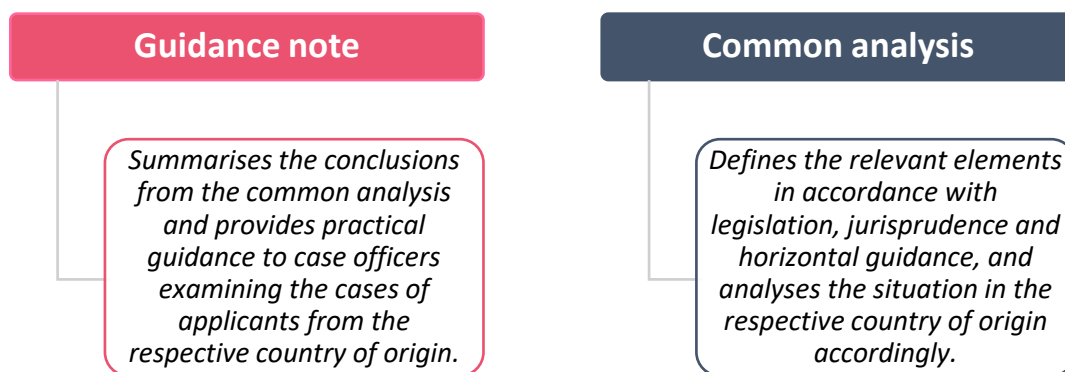


Figure 1. Country guidance elements.

For additional information and to access other available country guidance, see

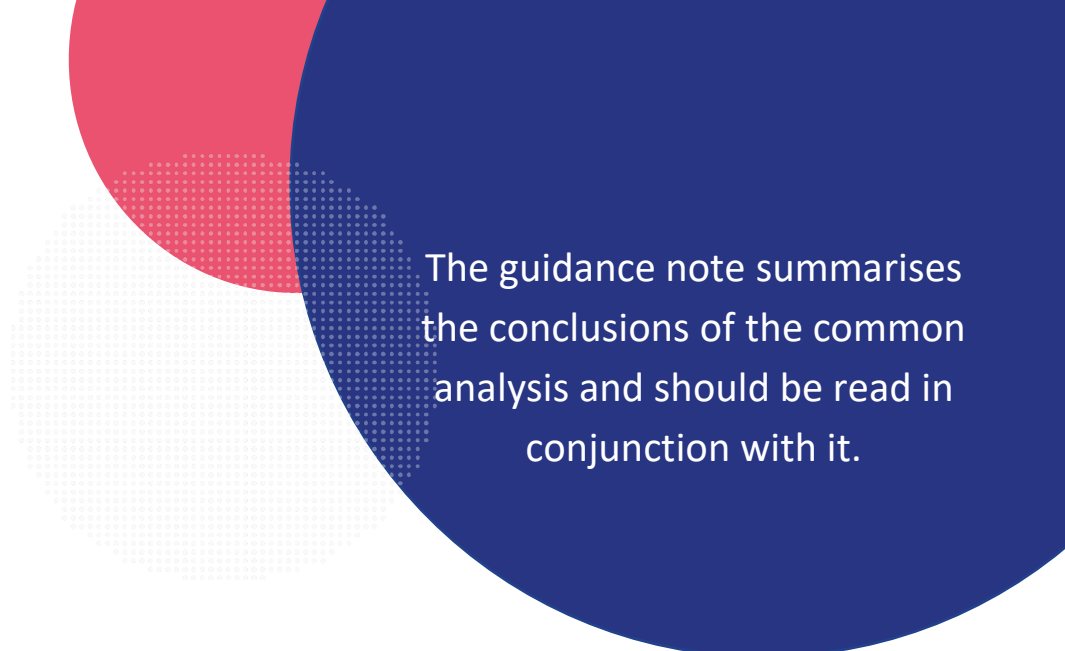
<https://www.easo.europa.eu/country-guidance>

¹⁰ 'EASO Practical Guide: Qualification for international protection', Flowchart for practitioners, available at <https://www.easo.europa.eu/sites/default/files/easo-flowchart-for-practitioner-qualification-for-international-protection-2018.pdf>.

¹¹ 'EASO Practical Guide: Qualification for international protection', available at <https://www.easo.europa.eu/sites/default/files/easo-practical-guide-qualification-for-international-protection-2018.pdf>

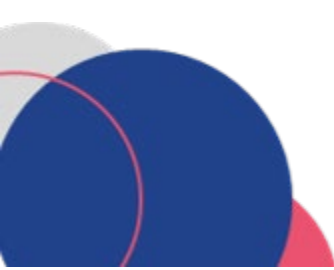
¹² 'EASO Guidance on membership of a particular social group', available at <https://www.easo.europa.eu/sites/default/files/EASO-Guidance-on%20MPSG-EN.pdf>.

¹³ 'EASO Practical Guide: Exclusion', available at <https://www.easo.europa.eu/sites/default/files/EASO%20Practical%20Guide%20-%20Exclusion%20-%28final%20for%20web%29.pdf>



The guidance note summarises the conclusions of the common analysis and should be read in conjunction with it.

Guidance note: Afghanistan



Actors of persecution or serious harm

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat, which would qualify as serious harm ([Recital 35 QD](#)). Generally, persecution or serious harm must take the form of conduct on the part of a third party ([Article 6 QD](#)).

According to [Article 6 QD](#), actors of persecution or serious harm include:

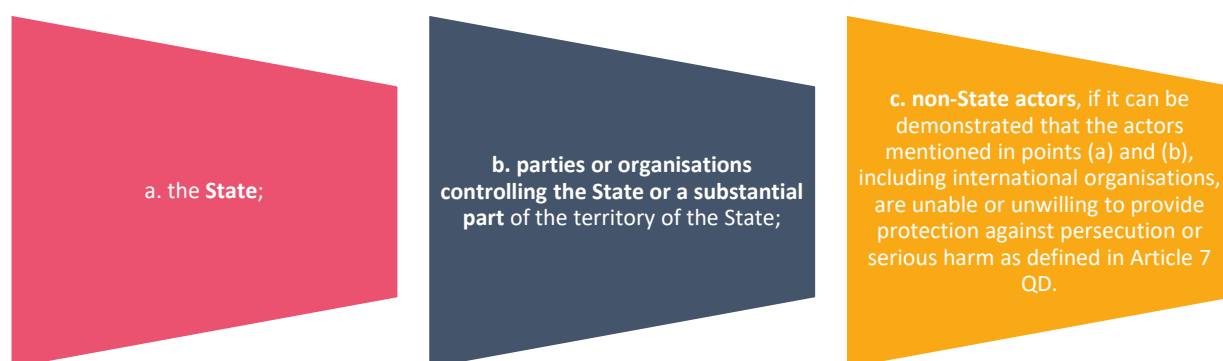


Figure 2. Actors of persecution or serious harm.



Read more in the COMMON ANALYSIS

This section includes guidance concerning some of the main actors of persecution or serious harm in Afghanistan. The list is non-exhaustive.

- The **Afghan State actors** include members of the Afghan National Security Forces (ANSF) and other authorities from the three State branches (executive, legislative and judiciary).

The Afghan National Security Forces (**ANSF**) or Afghan National Defence and Security Forces (**ANDSF**) are comprised of the Afghan National Army (**ANA**), including the Afghan Border Force, Afghan Air Force, Afghan National Civil Order Force and the recently established Afghan Territorial Army as local security force, the Afghan National Police (**ANP**), including the Afghan Local Police (**ALP**),¹⁴ and the National Directorate of Security (**NDS**), including the Afghan Special Forces.

Afghan State authorities and their associates are reported to have committed a wide range of human rights violations. Extrajudicial killings, forced disappearances, arbitrary detention, torture, and ill-treatment by all Afghan security forces have been reported. In addition, the ANP have been involved in extortion and organised crime, in particular near key smuggling routes. Recruitment and sexual exploitation of boys (*bacha bazi*) committed by Afghan security forces, in particular by the ALP was also observed. Different State agents, such as ministers, governors and ANSF personnel, are reported to have acted beyond the scope of their legal authority. Moreover, police and judicial authorities are susceptible to the influence of powerful individuals.

¹⁴ The ALP was to be dissolved by September 2020. No further information on its status was available in the COI reports consulted for the purposes of this update.



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- A number of **pro-government militias (PGMs)** continue to fight on the side of the government against the Taliban and ISKP, although the government disbanded militia groups and stopped paying them. Such militias include the Kandahar Strike Force, Paktika's Afghan Security Guards, the Khost Protection Force, and Shaheen Forces in Paktyia, Paktika and Ghazni provinces.

Pro-government armed groups caused civilian casualties and were responsible for conflict-related abductions, mainly in the context of ground engagements and search operations. There are also long-standing allegations against the Khost Protection Force of extrajudicial killings, torture, beating, and unlawful detentions.



Read more in the COMMON ANALYSIS

- **Anti-government elements:**

- **The Taliban** are considered as the most powerful anti-government group and control large parts of Afghanistan. They position themselves as the shadow government of Afghanistan, and their commission and governing bodies replicate the administrative offices and duties of a typical government. Regarding militant operations, it is a networked insurgency, with strong leadership at the top and decentralised local commanders who can mobilise resources at the district level.

The Taliban are accused of targeted killings, they have also been involved in deliberate targeting of civilians and in both indiscriminate and targeted attacks against civilian objects. They continue to operate parallel justice mechanisms, based on a strict interpretation of the *Sharia*, leading to executions by shadow courts and punishments deemed to be cruel, inhuman, and degrading. The Taliban have also been reported to use torture against detainees.

- The **Haqqani Network** is a UN-designated terrorist organisation. It maintains close ties with the Taliban and is described as a powerful faction of the Taliban, while keeping a degree of operational independence. It is believed to be responsible for complex attacks in heavily populated areas of Kabul. The Network reportedly collaborates and keeps close contact with Al Qaeda, despite the US-deal. According to reports, Haqqani and ISKP also work together, including in attacks on the Afghanistan presidential inauguration and an assault on a Sikh temple in Kabul.
- The **ISKP** is a Salafi-Jihadist organisation and a UN-designated terrorist organisation with operational ties with local groups. The group is responsible for deliberate attacks against civilians, in particular against religious minorities, such as Shia and Sikhs. Prior to its retreat from Nangarhar, caused by campaigns of Afghan and US forces as well as by attacks of the Taliban between September and November 2019, the ISKP was seen as the most resilient and successful affiliate of ISIL outside its core. Cells of the organisation reportedly continue to be present in a number of provinces and other insurgent groups are working directly with them. ISKP's strategic capability is described as limited in

Afghanistan, but ISKP is considered to be capable of mounting attacks in various parts of the country, including Kabul, albeit possibly with the tactical accommodation of the Haqqani Network.

- **Al Qaeda** is a transnational extremist Salafi jihadist organisation and UN-designated terrorist group. Sources indicate that Al Qaeda maintains relations with the Taliban and a limited presence in Afghanistan, carrying out its activities mostly under the umbrella of other AGEs, particularly the Taliban. The organisation claims responsibility for a number of attacks in Afghanistan, leading to ANSF casualties.
- **A number of foreign terrorist AGEs and fighters** operate in Afghanistan. Main groups located in the eastern provinces of Kunar, Nangarhar and Nuristan are **Tehrik-e Taliban Pakistan** (including a number of loose splinter groups), **Jaish-e Momammed** and **Lashkar-e Tayyiba**, which operate under the umbrella of the Afghan Taliban and have been involved in targeted assassinations against government officials and others. There are also several central Asian and Uighur foreign terrorist and militant groups with fighters of Uzbek, Tajik and Turkmen ethnicity that present a significant threat in northern areas of Afghanistan, such as **Eastern Turkistan Islamic Movement**, **Islamic Movement of Uzbekistan** (also known as Jundullah), **Jamaat Ansarullah Tajikistan**, **Lashkar-e Islam** and **The Salafist Group**.



Read more in the COMMON ANALYSIS

- In specific situations, **other non-State actors** of persecution or serious harm may include clans, tribes, (locally) powerful individuals, the family (e.g. in the case of LGBTIQ persons, 'honour' violence) or criminal gangs (e.g. kidnapping for ransom), etc.



Read more in the COMMON ANALYSIS

Refugee status

The ongoing armed conflict in Afghanistan has created a situation in which targeted violence and human rights abuses towards specific groups of people frequently occur.

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:

Article 2(d) of the Qualification Directive Definitions

‘refugee’ means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply;

[Article 9 QD](#) outlines how ‘persecution’ should be assessed.

[Article 10 QD](#) provides further clarification on the different reasons for persecution (race, religion, nationality, political opinion, or membership of a particular social group). A link (nexus) between those reasons and the persecution or the absence of protection should be established in order for the applicant to qualify for refugee status.

Guidance on specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.

An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information. Factors to take into account in this assessment may include, for example:

- home area of the applicant, presence of the potential actor of persecution and their capacity to target a person of interest;
- nature of the applicant’s actions (whether or not they are perceived negatively and/or whether or not individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution); noting, however, that the applicant does not need to be individually identified by the actor of persecution, as long as his or her fear of persecution is well-founded;
- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals, network);
- etc.

The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant’s well-founded fear, unless there are good reasons to consider that such persecution will not be repeated ([Article 4\(4\) QD](#)).



Read more in the COMMON ANALYSIS

Guidance on particular profiles with regard to qualification for 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 conclusions regarding each profile should be viewed without prejudice to the credibility assessment of the applicant's claims.



When reading the table below, the following should be borne in mind:

- An individual applicant could fall under **more than one profile** included in this guidance note. The protection needs associated with all such circumstances should be fully examined.
- The **risk analysis** paragraphs focus on the level of risk and some of the relevant risk-impacting circumstances. Further guidance with regard to the qualification of the acts as persecution is available within the respective sections of the common analysis.
- The table below summarises the conclusions with regard to different profiles and sub-profiles and aims at providing a practical tool to case officers. While examples are provided with regard to sub-profiles at differentiated risk and circumstances which may increase or decrease the risk, these **examples are non-exhaustive** and to be taken into account in light of all circumstances in the individual case.
- **Persons who belonged to a certain profile in the past or family members** of an individual falling under a certain profile may have protection needs similarly to those outlined for the respective profile. This is not explicitly mentioned in the table below, however, it should be taken into account in the individual assessment.
- The **potential nexus** paragraphs indicate a possible connection to the reasons for persecution according to [Article 10 QD](#). The common analysis sections provide further guidance whether a nexus to a reason for persecution would in general be substantiated or may be substantiated depending on the individual circumstances in the case.
- For some profiles, the connection may also be between the **absence of protection** against persecution and one or more of the reasons under [Article 10 QD](#) ([Article 9\(3\) QD](#)).

2.1 Members of the security forces and pro-

Risk analysis for **individuals that are most frequently targeted by insurgent groups** (e.g. officers of NDS, members of PGMs and police chiefs): Well-founded fear of persecution would in general be substantiated.

government militias

Risk analysis for other individuals under this profile: Not all individuals would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of work and visibility of the applicant
- gender
- area of origin and presence of insurgent groups (in particular, in relation to insurgents' checkpoints)
- period since leaving the forces
- personal enmities
- etc.

Potential nexus: (imputed) political opinion.

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

 Read more in the COMMON ANALYSIS

2.2 Government officials, including judges, prosecutors, and judicial staff; and those perceived as supporting the government

Risk analysis: Not all individuals would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of work and visibility of the applicant
- being linked to ministries at the forefront of the fight against insurgents (e.g. Ministry of Defence, Ministry of Interior Affairs, etc.)
- high position within the State, government (e.g. governors, senators, provincial and district officials, judges, prosecutors, other judicial staff)
- prominent position within the community
- originating from contested areas or areas with insurgent presence
- personal enmities
- open statements against the Taliban
- etc.

Potential nexus: (imputed) political opinion.

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

 Read more in the COMMON ANALYSIS

2.3 Individuals working for foreign military troops or perceived as supporting them

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

Risk analysis for other individuals under this profile: Not all individuals would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- specific role and visibility of the applicant
- being on the payroll of foreign troops
- origin from a contested area or areas with insurgent presence
- etc.

Potential nexus: (imputed) political opinion.

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

 Read more in the COMMON ANALYSIS

2.4 Religious leaders

Risk analysis: Not all individuals would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- public expression of support for the government or condemnation of insurgents' actions
- performing ceremonies for killed members of the security forces
- etc.

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

 Read more in the COMMON ANALYSIS

2.5 Members of insurgent groups and civilians perceived as supporting them

Risk analysis for members of insurgent groups: Well-founded fear of persecution by the State would in general be substantiated. In addition, for some applicants under this profile well-founded fear of persecution by other insurgent groups may be substantiated, depending on the group they belong to, their area of origin, and the reach of the actor of persecution.

Risk analysis for civilians perceived as supporting insurgent groups: Not all individuals would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin
- family ties
- tribal association
- etc.

Potential nexus: (imputed) political opinion.

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

 Read more in the COMMON ANALYSIS

2.6 Persons fearing forced recruitment by armed groups

Risk analysis: Not all individuals would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- age (belonging to the age group of young adults)
- military background
- area of origin and the presence/influence of armed groups
- increased intensity of the conflict
- position of the clan in the conflict
- poor socio-economic situation of the family
- etc.

Potential nexus: 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.

 Read more in the COMMON ANALYSIS

2.7 Educational personnel

Risk analysis: Not all individuals would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- gender (i.e. female teachers)
- origin from contested areas and areas under ISKP influence
- the individual or the institution not following insurgent directives and/or curriculum
- speaking out against the Taliban
- position of local commanders
- links to foreign sponsors
- etc.

Potential nexus: (imputed) political opinion.

In the case of individuals persecuted for using a curriculum perceived as contravening the insurgents' interpretation of Islam, also potential nexus: religion.

 Read more in the COMMON ANALYSIS

2.8 Humanitarian workers and healthcare professionals

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances, could include:

- gender (i.e. women)
- nature of activities (national/international NGO with activities related to polio vaccination, de-mining, promoting women's rights, etc.)
- link with government or foreign donors

- origin from contested areas
- level of (perceived) cooperation with armed groups
- speaking out against a party in the conflict
- etc.

Potential nexus: (imputed) political opinion.

 Read more in the COMMON ANALYSIS

2.9 Journalists, media workers and human rights defenders

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances, could include:

- nature of activities (e.g. journalists and media workers covering conflict-related topics and events, the political situation, corruption, and human rights abuses would be at a particularly high risk)
- visibility of activities and public profile
- gender (additional/higher risk for women)
- area of origin
- etc.

Potential nexus: (imputed) political opinion.

 Read more in the COMMON ANALYSIS

2.10 Children

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

2.10.1 Violence against children: overview

Risk analysis: Not all children would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- 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
- poor socio-economic situation of the child and 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

2.10.2 Child marriage

See the section [2.11.2 Harmful traditional marriage practices](#) under the profile [2.11 Women](#).

 Read more in the COMMON ANALYSIS

2.10.3 Child recruitment

Risk analysis: Not all children would face the level of risk required to establish well-founded fear of persecution in the form of child recruitment. Risk-impacting circumstances could include:

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

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

See also [2.6 Persons fearing forced recruitment by armed groups](#) and [2.10.1 Violence against children: overview](#).

 Read more in the COMMON ANALYSIS

2.10.4 Child labour and child trafficking

Risk analysis: Not all children would face the level of risk required to establish well-founded fear of persecution in relation to child labour and/or child trafficking. Risk-impacting circumstances could include:

- age
- gender
- family status
- poor socio-economic status of the child and his or her family
- being in an IDP situation
- drug addiction
- etc.

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

 Read more in the COMMON ANALYSIS

2.10.5 Education of children and girls in particular

Risk analysis: The general deficiencies in the educational system, and the limited opportunities for education cannot as such be considered persecution, as they are not the result of a third party's deliberate actions. However, in the case of deliberate restrictions on access to education, in particular for girls, this could amount to persecution.

Potential nexus: The individual circumstances of the child should be taken into account. For example, a link could be established to (imputed) political opinion and/or religion in the case of girls attending school in a Taliban-controlled area.

 Read more in the COMMON ANALYSIS

2.10.6 Children without a support network in Afghanistan

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, [2.10.4 Child labour and child trafficking](#).

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

 Read more in the COMMON ANALYSIS

2.11 Women

The different forms of violence against women in Afghanistan are often significantly interlinked. Therefore, the following subsections should be read in conjunction.

2.11.1 Violence against women and girls: overview

Risk analysis: Not all women and girls would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- perception of traditional gender roles in the family
- poor socio-economic situation
- family status (the risk of sexual and gender-based violence against women and adolescent girls is higher for those without a male protector, female heads of households, etc.)
- being in an IDP situation
- type of work and work environment (for women working outside the home)
- etc.

Potential nexus: (imputed) political opinion or religion (e.g. when persecution is by Taliban), and/or membership of a particular social group (see examples below).

 Read more in the COMMON ANALYSIS

2.11.2 Harmful traditional marriage practices

Risk analysis: Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to traditional marriage practices. Risk-impacting circumstances could include:

- young age (in particular, under 16)
- area of origin (particularly affecting rural areas)
- ethnicity (e.g. Pashtun)
- perception of traditional gender roles in the family
- poor socio-economic situation of the family
- local power/influence of the (potential) husband and his family or network
- etc.

Potential nexus: membership of a particular social group (e.g. in relation to refusal to enter into a forced or child marriage).

 Read more in the COMMON ANALYSIS

2.11.3 Women in public roles

Risk analysis: Not all women under this sub-profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin (particularly affecting rural areas)
- conservative environment
- visibility of the applicant (e.g. nature of the work, public statements perceived negatively by the actor of persecution)
- perception of traditional gender roles by the family or network
- etc.

Potential nexus: (imputed) political opinion or religion (e.g. when persecution is by Taliban), and/or membership of a particular social group (e.g. in case of female human rights defenders).

 Read more in the COMMON ANALYSIS

2.11.4 Women perceived to have transgressed moral codes

See the profile [2.12 Individuals perceived to have transgressed moral codes](#).

 Read more in the COMMON ANALYSIS

2.11.5 Women perceived as 'Westernised'

See the profile [2.13 Individuals perceived as 'Westernised'](#).

 Read more in the COMMON ANALYSIS

2.11.6 Single women and female heads of households

Risk analysis: Not all women and girls under this sub-profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- personal status
- area of origin and residence
- perception of traditional gender roles in the family or community
- economic situation
- availability of civil documentation
- education
- etc.

Potential nexus: membership of a particular social group (e.g. divorced women).

 Read more in the COMMON ANALYSIS

2.12 Individuals perceived to have transgressed moral codes

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- gender (the risk is higher for women, including with regard to the absence of protection)
- area of origin (particularly affecting rural areas)
- conservative environment
- perception of traditional gender roles by the family
- power/influence of the actors involved
- etc.

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

 Read more in the COMMON ANALYSIS

2.13 Individuals perceived as 'Westernised'

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- gender (the risk is higher for women and lower for men)
- behaviours adopted by the applicant
- area of origin (particularly affecting rural areas)
- conservative environment
- perception of traditional gender roles by the family
- age (it may be difficult for children to (re-)adjust to Afghanistan's social restrictions)
- visibility of the applicant
- etc.

Potential nexus: The individual circumstances of the applicant need to be taken into account. In some cases, persecution may be for reasons of religion and/or (imputed) political opinion or membership of a particular social group.

See also profiles [2.11.3 Women in public roles](#), [2.12 Individuals perceived to have transgressed moral codes](#) and [2.16 Individuals perceived to have committed blasphemy and/or apostasy](#).

 Read more in the COMMON ANALYSIS

2.14 LGBTIQ

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

2.15 Persons living with disabilities and persons with severe medical issues

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. 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.

 Read more in the COMMON ANALYSIS

2.16 Individuals considered to have committed blasphemy and/or apostasy

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

Potential nexus: religion.

 Read more in the COMMON ANALYSIS

2.17.1 Individuals of Hazara ethnicity

Risk analysis: Being a Hazara in itself would normally not lead to the level of risk required to establish well-founded fear of persecution. In most cases where a well-founded fear of persecution is substantiated, it would be related to circumstances falling under other profiles included in this guidance, such as the profiles on [2.17.2 Shia, including Ismaili](#), [2.1 Members of the security forces and pro-government militias](#), [2.2. Government officials, including judges, prosecutors, and judicial staff](#); and those perceived as supporting the government, [2.8. Humanitarian workers and healthcare professionals](#), etc.

Risk-impacting circumstances could include:

- area of origin and area of work (depending on the actor of persecution), profession
- political activism
- etc.

Potential nexus: (imputed) religion (see profile [2.17.2 Shia, including Ismaili](#)), (imputed) political opinion (e.g. links to the government, perceived support for Iran), and/or race (ethnicity).

 Read more in the COMMON ANALYSIS

2.17.2 Shia, including Ismaili

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin (areas where ISKP has operational capacity presence)
- participation in religious practices
- political activism
- etc.

Potential nexus: religion.

 Read more in the COMMON ANALYSIS

2.17.3 Hindus and Sikhs

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, in particular their area of origin (e.g. areas where ISKP has operational capacity), etc.

Potential nexus: religion.

 Read more in the COMMON ANALYSIS

2.17.4 Baha'i

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

Potential nexus: religion.

See also [2.16. Individuals considered to have committed blasphemy and/or apostasy](#).

 Read more in the COMMON ANALYSIS

2.18.1 Blood feuds

Risk analysis for men directly involved in a blood feud: Well-founded fear of persecution would in general be substantiated.

Risk analysis for women, children and men who are farther removed from the feud: Not all individuals would face the level of risk required to establish a well-founded fear of persecution. 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 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.

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

 Read more in the COMMON ANALYSIS

2.18.2 Land disputes

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- violent nature of the dispute
- power/influence of the actors involved in the land dispute
- areas of origin with weak rule of law
- 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, land dispute leading to a blood feud, etc.).

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

 Read more in the COMMON ANALYSIS

2.19 Individuals accused of ordinary crimes

Risk analysis: Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin of the applicant and the prevalent justice mechanisms
- nature of the crime for which he or she is prosecuted
- envisaged punishment
- etc.

Potential nexus: In general, no nexus to a Convention reason. This is without prejudice to the assessment in cases where the prosecution is motivated by a Convention ground or initiated or conducted on a discriminatory basis related to a Convention ground.

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

 Read more in the COMMON ANALYSIS

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

Risk analysis: In general, the treatment faced by individuals under this profile would not amount to persecution. In exceptional cases, the accumulation of measures could amount to persecution.

Potential nexus: In general, no nexus to a Convention ground.

 Read more in the COMMON ANALYSIS

Subsidiary protection

The contents of this section include:

[Article 15\(a\) QD](#): death penalty or execution

[Article 15\(b\) QD](#): torture or inhuman or degrading treatment or punishment

[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

Article 15(a) QD

Death penalty or execution

Death penalty is envisaged under both, the Afghan Penal Code and Islamic law. The new Penal Code is reported to significantly limit the number of crimes punishable by the death penalty. When the death penalty is imposed by the State, execution orders must go through all judicial instances and be signed by the Afghan president. Approximately 700 people were on death row for 'ordinary crimes' or crimes against internal or external security in November 2019 waiting for presidential sign-off on their executions. The death penalty is rarely carried out in practice. There were reportedly 5 executions in 2017, 3 in 2018, and none was reported in 2019.

Insurgents, in the areas under their control, impose punishments through parallel justice systems, based on a strict interpretation of the *Sharia*. This includes instances of executions, including public executions by stoning and shooting.

In the cases of the mentioned profiles for which death penalty or execution may be a real risk, there would often be a nexus to a Convention ground (for example, [2.14 LGBTIQ](#), [2.16 Individuals considered to have committed blasphemy and/or apostasy](#), [2.5 Members of insurgent groups and civilians perceived as supporting them](#), etc.), and those individuals would qualify for refugee status.

In cases where there is no nexus to a Convention ground (for example, in some cases of [2.19 Individuals accused of ordinary crimes](#)), the need for subsidiary protection under [Article 15\(a\) QD](#) should be examined.

Please note that [exclusion](#) considerations could be relevant.



Read more in the COMMON ANALYSIS

Article 15(b) QD

Torture or inhuman or degrading treatment or punishment

In the cases of applicants for whom torture or inhuman or degrading treatment or punishment may be a real risk, there would often be a nexus to a reason for persecution under the definition of a refugee, and such individuals would, therefore, qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground and the applicant would not qualify for refugee status, the need for subsidiary protection under [Article 15\(b\) QD](#) should be examined.

When examining the need for protection under [Article 15\(b\) QD](#), the following considerations should be taken into account:

- **Healthcare unavailability and socio-economic conditions:** It is important to note that serious harm must take the form of conduct on the part of a third party ([Article 6 QD](#)). In themselves, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) are not considered to fall within the scope of inhuman or degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct on the part of a third party, in particular the intentional deprivation of the applicant of appropriate healthcare.¹⁵ See also the profiles of [2.15 Persons living with disabilities and persons with severe medical issues](#) and [2.20 Individuals who were born in Iran or Pakistan and/or who lived there for a long period of time](#).
- **Arbitrary arrests, illegal detention, and prison conditions:** 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 of actors (linked to the State, to militias, to strongmen or to insurgent groups) are widespread in Afghanistan. In general, human rights are not respected in these illegal detention facilities and persons who face a real risk of being illegally detained by these actors may be in need of protection. When assessing the conditions of detention, the following elements can, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world. Furthermore, it can be assessed that in cases where the prosecution or punishment is grossly unfair or disproportionate, or where subjecting a person 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 also be stressed that in official and unofficial detention centres, torture often takes place. See also the profile of [2.19 Individuals accused of ordinary crimes](#).
- **Corporal punishments:** Article 29 of the Constitution of Afghanistan prohibits ‘punishment contrary to human dignity’, and Afghanistan is a party to the CAT since 1987. However, corporal punishments by the State are permitted by law in Afghanistan due to the pluralistic legal system, whereby Islamic and civil laws interact with one another, allowing individual judges and courts to determine how to prescribe punishments under either code. Corporal punishment, including

¹⁵ CJEU, *Mohamed M'Bodj v État belge*, C-542/13, Grand Chamber, judgment of 18 December 2014, paras. 35-36. See also CJEU, *MP v Secretary of State for the Home Department*, C-353/16, judgment of 24 April 2018, paras. 57, 59.

the use of lashings and beatings, are more frequent in areas controlled by AGEs. In territories under their control, the Taliban operate a parallel justice system based on a strict interpretation of the *Sharia*. In addition to executions (see [Article 15\(a\) QD](#)), the operation of this system leads to punishments reported by UNAMA to be cruel, inhumane, and degrading. See also the profile of [2.19 Individuals accused of ordinary crimes](#).

- **Criminal violence:** Common criminality and organised crime 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. Reported crimes comprised kidnappings of adults and children, robberies and burglaries, murders, extortion. Criminal groups targeted businessmen, local officials and ordinary people, and foreigners and wealthy Afghans were indicated as the main targets. Where there is no nexus to a reason for persecution under the refugee definition, the risk of crimes such as the above may qualify under [Article 15\(b\) QD](#).

Other cases for which a real risk of serious harm under [Article 15\(b\) QD](#) may exist are, inter alia, some situations under the profile of [2.10 Children](#), [2.18.2 Land disputes](#), etc.

Please note that [exclusion](#) considerations could be relevant.



Read more in the COMMON ANALYSIS

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

The necessary elements in order to apply [Article 15\(c\) QD](#) are:



Figure 3. Article 15(c) QD: elements of the assessment.

In order to apply [Article 15\(c\) QD](#), the above elements should be established cumulatively.

➔ Read more in the COMMON ANALYSIS

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

- a. **Armed conflict:** Internal armed conflict within the meaning of [Article 15\(c\) QD](#) takes place in the territory of Afghanistan and the security situation in the country is volatile.

➔ Read more in the COMMON ANALYSIS

- b. **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:

- **Insurgents / AGEs:** members of armed groups pursuing political, ideological or economic objectives, such as the Taliban, ISKP, IMU, the Haqqani Network, Al Qaeda, Jundullah, as well as armed criminal groups directly engaged in hostile acts on behalf of a party.
- **ANSF:** including the ANA, parts of ANP, NDS, as well as ALP.
- **PGMs:** different paramilitary initiatives that have been developed and formalised to support the Afghan government and to assist the formal armed forces of Afghanistan, such as the Khost Protection Force.

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.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon

return. The fact that the person took part in hostilities in the past would not necessarily mean that [Article 15\(c\) QD](#) would not be applicable to him or her.

➔ Read more in the COMMON ANALYSIS

- c. Indiscriminate violence:** Indiscriminate violence takes place to a different degree in different parts of the territory of Afghanistan. The map below summarises and illustrates the assessment of indiscriminate violence per province. This assessment is based on a holistic analysis, including quantitative and qualitative information for the reference period (1 March 2019 - 30 June 2020). Up-to-date country of origin information should always inform the individual assessment.

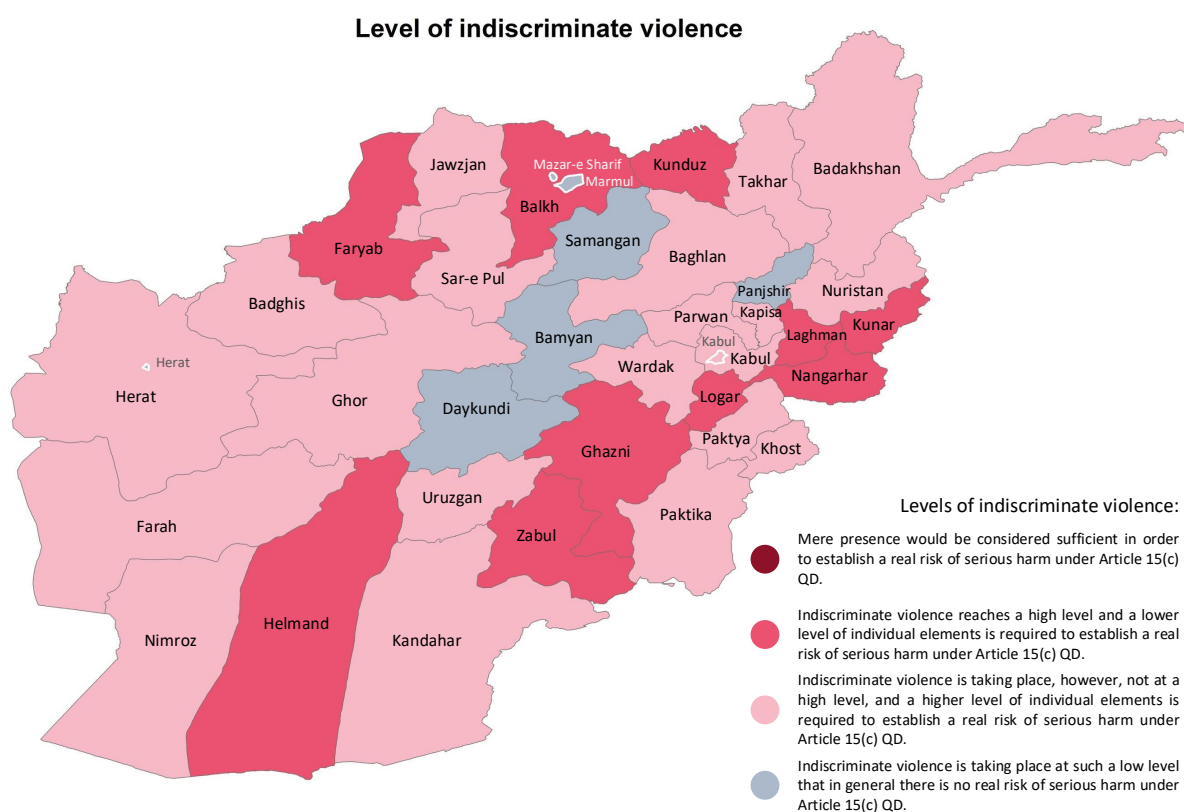


Figure 4. Afghanistan, level of indiscriminate violence in a situation of armed conflict (based on data as of 30 June 2020).

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.¹⁶

For the purposes of the guidance note, the provinces of Afghanistan are categorised as follows:

¹⁶ The past update of the ‘Country Guidance: Afghanistan’ (June 2019) had found that ‘the degree of indiscriminate violence reaches such a high level in Nangarhar, except the capital city of Jalalabad, that substantial grounds are shown for believing that a civilian, returned to the province, would, solely on account of his or her presence on the territory of the province, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.’

Provinces where 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under [Article 15\(c\) QD](#), 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](#).

This includes the following provinces:

[Balkh](#) (except the capital city Mazar-e Sharif and the district of Marmul), [Faryab](#), [Ghazni](#), [Helmand](#), [Kunar](#), [Kunduz](#), [Laghman](#), [Logar](#), [Nangarhar](#), [Zabul](#).

Provinces where indiscriminate violence is taking place, however not at a high level and, accordingly, **a higher level of individual elements** is required in order 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](#).

This includes the following provinces:

[Badakhshan](#), [Badghis](#), [Baghlan](#), [Farah](#), [Ghor](#), [Herat](#) (except Herat City), [Jawzjan](#), [Kabul](#) (including Kabul City), [Kandahar](#), [Kapisa](#), [Khost](#), [Nimroz](#), [Nuristan](#), [Paktika](#), [Paktya/Paktia](#), [Parwan](#), [Sar-e Pul](#), [Takhar](#), [Uruzgan](#), [Wardak](#).

Provinces where indiscriminate violence is taking place at such a low level that **in general there is no real risk for a civilian** to be personally affected by reason of indiscriminate violence within the meaning of [Article 15\(c\) QD](#). However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.

This includes the provinces [Bamyan](#), [Daikundi/Daykundi](#), [Panjshir](#), and [Samangan](#), as well as [Herat City](#), [Mazar-e Sharif](#) and the district of [Marmul](#).



Read more in the COMMON ANALYSIS

- d. **Serious and individual threat:** Certain applicants may be considered at enhanced risk of indiscriminate violence, including its direct and indirect consequences due to, inter alia: geographical proximity to areas which are targeted by violence, age, gender, health condition and disabilities, lack of a social network, etc.

Profiles at enhanced risk of indiscriminate violence could include, for example:

- Civilians who lack the capacity to properly assess a situation and therefore expose themselves to risks related to indiscriminate violence (e.g. children – depending on their environment, family background, parents or guardians, and level of maturity; mentally disabled persons).
- Civilians who are less able to avoid risks of indiscriminate violence by way of seeking temporary shelter from fighting or attacks (e.g. persons with disabilities or serious illnesses; those in an extremely dire economic situation).

- Civilians who may be substantially and materially affected by violence because of their geographical proximity to a possible target (e.g. government buildings, police or military bases, places of worship).

Information about the methods and tactics used in a particular province or area within the province could further inform the individual assessment. For example, children may be particularly affected by unexploded remnants of war, and people originating from a contested area may be particularly affected by ground engagements and airstrikes, etc.

 Read more in the COMMON ANALYSIS

- e. **Threat to life or person:** The risk of harm as per [Article 15\(c\) QD](#) is formulated as a ‘threat to a civilian’s life or person’ rather than as a (threat of) a specific act of violence. Some of the commonly reported types of harm to civilians’ life or person in Afghanistan include killings, injuries, abductions, disabilities caused by landmines, etc.

 Read more in the COMMON ANALYSIS

- f. **Nexus:** The nexus ‘by reason of’ refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian’s life or person) and includes:

- Harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict, *and*
- Harm which is indirectly caused by the indiscriminate violence in a situation of armed conflict. Indirect effects are only considered to a certain extent and as long as there is a demonstrable link with the indiscriminate violence, 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, limited access to healthcare facilities. 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

Article 7 QD stipulates that protection can only be provided by:

a. the **State**;

b. **parties or organisations controlling the State or a substantial part of the territory of the State**;

provided they are **willing and able** to offer protection, which must be:

effective and of a **non-temporary nature**.

Such protection is generally provided when the actors mentioned take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by **operating an effective legal system for the detection, prosecution and punishment** of acts constituting persecution or serious harm,

and when the applicant has **access to such protection**.

The State

In general, the judiciary in Afghanistan is described as underfunded, understaffed, inadequately trained, largely ineffective, and as subject to threats, bias, political influence, and pervasive corruption. The general insecurity, threats, and targeted attacks on employees in the judiciary sector are additional challenges to provide justice services.

Despite the existence of a formal justice system, many disputes, ranging from disagreements over land to criminal acts, are settled outside of the formal court system by informal justice mechanisms, such as *jirgas* and *shuras*. Traditional justice mechanisms remained the main recourse for many, especially in rural areas. However, traditional and informal forms of justice continued to be implemented in Afghanistan contrary to the principle of the rule of law, human rights standards and Afghan laws.

The capability of the Government in Afghanistan to protect human rights is also undermined in many districts by the prevailing insecurity and the high number of attacks by insurgents. Although the Afghan government maintained its control in Kabul, provincial capitals, major population centres, most district centres, and most portions of major ground lines of communications, the Taliban threatened district centres and contested several positions of main ground lines of communications.

Police presence is stronger in the cities and police officers are required to follow guidelines such as the ANP Code of Conduct and Use of Force Policy. However, police response is characterised as unreliable and inconsistent, the police has a weak investigative capacity, lacking forensic training and technical knowledge. The police force is also accused of widespread corruption, involvement in organised crime, patronage, and abuse of power.

The World Justice Project's Rule of Law Index 2020 ranks Afghanistan 122nd out of 128 countries, allocating it to the last place in the 'order and security' factor.

It can be concluded that the Afghan State has taken certain measures to improve its law enforcement and justice system and its presence and control are relatively stronger in the cities. However, these systems are still weak and, in general, unable to effectively detect, prosecute and punish acts that constitute persecution or serious harm. Therefore, the criteria of protection provided by the State under [Article 7 QD](#) would generally not be met.



Read more in the COMMON ANALYSIS

Parties or organisations controlling the State or a substantial part of the territory of the State

Many areas in Afghanistan are influenced by insurgent groups; however, the Taliban are the only insurgent group controlling substantial parts of the territory and controlling certain public services, such as healthcare and education, in those areas. In 2020, in territories under their control, the group continued to operate a parallel justice system based on a strict interpretation of the Sharia, leading to executions by shadow courts and punishments deemed by UNAMA to be cruel, inhumane, and degrading. An increasing number of Afghans across the country were reported to seek justice in Taliban courts due to feeling frustrated with the State's bureaucracy, corruption, and lengthy processing times.

The lack of due process and the nature of the punishments would not qualify the parallel justice mechanism operated by the Taliban as a legitimate form of protection. Further taking into account their aim to overthrow and replace the Afghan State, and their record of human rights violations, 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.



Read more in the COMMON ANALYSIS

Where no actor of protection meeting the requirements of [Article 7 QD](#) can be identified in the home area of the applicant, the assessment may proceed with examination of the availability of internal protection alternative.

Internal protection alternative

IPA should only be examined after it has been established that the applicant has a well-founded fear of persecution or faces a real risk of serious harm and that the authorities or other relevant actors of protection are unable or unwilling to protect him or her in the home area. In such cases, if IPA applies, it can be determined that the applicant is not in need of international protection.

The required elements in order to apply [Article 8 QD](#) are:

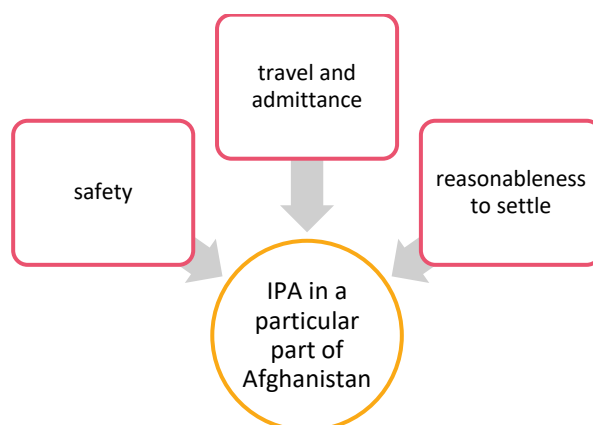


Figure 5. Internal protection alternative: elements of the assessment.

In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Afghanistan, as well as the individual circumstances of the applicant. The burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements to indicate that IPA should not be applied to him or her.

[→](#) Read more in the COMMON ANALYSIS

Part of the country

The first step in the analysis of IPA is to identify a particular part of the country with regard to which the criteria of [Article 8 QD](#) would be examined in the individual case. Existing ties with the place, such as previous experience and/or availability of a support network could, for example, be taken into account when focusing on a particular part of the country.

For the purposes of this document, the analysis focuses on the possibility of applying IPA with regard to the three cities of Kabul, Herat and Mazar-e Sharif.

The selection of the three cities for this joint assessment does not prevent case officers from considering the application of IPA to other areas of Afghanistan, provided that all criteria are met.

[→](#) Read more in the COMMON ANALYSIS

Safety

The criterion of safety would be satisfied where there is no well-founded fear of persecution or real risk of serious harm, or where protection is available.

Absence of persecution or serious harm

The assessment should take into account:

► **general security situation**

The general situation in Kabul, Herat and Mazar-e Sharif, should be assessed in accordance with the analysis under the section on [Article 15\(c\) QD](#). Looking at the indicators in this regard, it can be concluded that the general security situation in the cities of Kabul, Herat and Mazar-e Sharif does not preclude the consideration of the three cities as IPA. However, a careful examination of the safety requirement with regard to IPA should take place, particularly when assessing the availability of IPA to Kabul.

► **actor of persecution or serious harm and their reach**

In case where the person fears persecution or serious harm by the Afghan State, there is a presumption that IPA would not be available. In specific cases, where the reach of a certain State actor is clearly limited to a particular geographical area, the criterion of safety may be satisfied with regard to other parts of Afghanistan.

Individuals threatened by AGEs often relocate to the cities for their safety.

When assessing the safety of IPA in case of persecution or serious harm by the Taliban, particular consideration should be given to the individual circumstances of the applicant, the capacity of the Taliban to track and target individuals in the cities, the way the applicant is perceived by the Taliban and whether or not a personal enmity is at stake, etc.

For individuals who fear persecution or serious harm by other armed groups such as the Haqqani Network or ISKP, the reach of the particular group and their ability to track and target individuals in the cities should be individually assessed; in most cases the requirement of safety could be satisfied. The operational capacity of such groups to undertake high profile attacks in Kabul and Herat should be taken into account in the individual assessment.

In some cases, where the applicant faces persecution or serious harm for reasons related to the prevalent social norms in Afghanistan and the actor of persecution or serious harm can be the Afghan society at large (e.g. for LGBTIQ persons or for individuals considered to have committed blasphemy and/or apostasy), IPA would in general not be safe. It should also be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation, in order to avoid the risk of persecution or serious harm.¹⁷

For certain particularly vulnerable individuals, such as women, children and persons with visible mental or physical disabilities, if the actor of persecution or serious harm is the family or the community of the applicant (e.g. forced marriage, honour crime), taking into account the lack of State protection and their vulnerability to potential new forms of persecution or serious harm, IPA would in general not be safe.

¹⁷ CJEU, *Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel*, joined cases C-199/12 to C-201/12, judgment of 7 November 2013 (X, Y and Z), paras. 70-76; CJEU, *Bundesrepublik Deutschland v Y and Z*, joined cases C-71/11 and C-99/11, Grand Chamber, judgment of 5 September 2012 (Y and Z), para. 80.

See the section [Actors of persecution or serious harm](#).

► **whether or not the profile of the applicant is considered as a priority target and/or a threat by the actor of persecution or serious harm**

The profile of the applicant could make him or her a priority target for the State or for insurgent groups, increasing the likelihood that the actor of persecution or serious harm would attempt to trace the applicant in the potential IPA location.

► **personal enmity**

Some private disputes, including those based on honour and blood feuds, could strengthen the determination of the actor of persecution or serious harm to trace the applicant.

► **other risk-enhancing circumstances**

The information under the section [Refugee status](#) should be used to assist in this assessment.

Availability of protection against persecution or serious harm

Alternatively, it may be determined that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm, as defined in [Article 7 QD](#), in the area where IPA is considered.

Taking into consideration that the Afghan State is in general unable to provide protection, which is effective, non-temporary and accessible, the applicability of IPA would depend on establishing the absence of persecution or serious harm in the area in question.



Read more in the COMMON ANALYSIS

Travel and admittance

In case the criterion of 'safety' is satisfied, as a next step, case officers have to establish whether an applicant can:

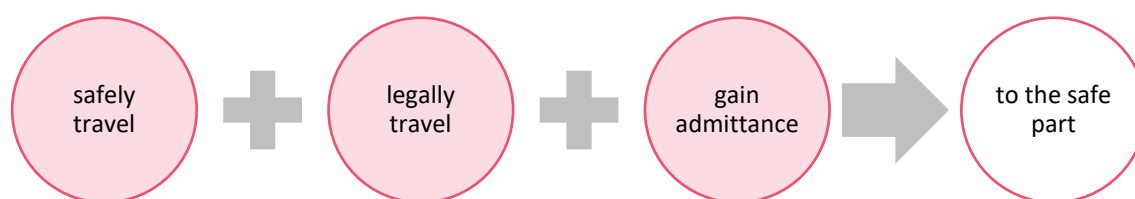


Figure 6. Travel and admittance as requirements for IPA.

- ✓ **Safely travel:** Based on available COI, it is concluded that, in general, a person can access the cities of Kabul, Herat and Mazar-e Sharif without serious risk.
- ✓ **Legally travel:** There are no legal or administrative restrictions for Afghans to travel in Afghanistan, including into the cities of Kabul, Herat and Mazar-e Sharif.
- ✓ **Gain admittance to:** There are no legal or administrative restrictions or requirement for Afghans to be admitted in any part of the country, including the cities of Kabul, Herat and Mazar-e Sharif. The cities of Kabul, Herat and Mazar-e Sharif are under the control of the government. It is, therefore, concluded that the person would be allowed to gain admittance to the three cities.

The individual circumstances of the applicant should also be taken into account in this context. Careful examination is required especially in cases of women who would be travelling without a male companion, as their travel within Afghanistan may be subject to social restrictions.



Impact of the Covid-19 pandemic: It should be noted that the Afghan State has introduced temporary measures to prevent the spread of the COVID-19 virus, for example by imposing lockdowns in various cities. Flight connections have also been subject to recent changes. New developments might change the situation significantly. Therefore, the impact on travel and admittance should be assessed in light of the most up-to-date COI available.

For those applicants who meet the 'safety' criterion, the assessment of the availability of IPA the cities of Kabul, Herat and Mazar-e Sharif should proceed with an assessment of the **requirements of safety and legality of travel and of gaining admittance**.

No general impediments related to safety and legality of travel and to gaining admittance are identified with regard to the three cities. However, the individual circumstances of the applicant as well as the impact of COVID-19 related restrictions should be duly taken into account.



Read more in the COMMON ANALYSIS

Reasonableness to settle

According to [Article 8 QD](#), IPA can only apply if the applicant 'can reasonably be expected to settle' in the proposed area of internal protection.

In applying the reasonableness test, it should be examined whether the basic needs of the applicant would be satisfied, such as food, shelter and hygiene. Additionally, due consideration has to be given to the opportunity for the person to ensure his or her own and his or her family's subsistence and to the availability of basic healthcare.

General situation

The following elements should be examined based on available country of origin information:

- the situation with regard to food security;
- the availability of basic infrastructure and services, such as:
 - shelter and housing;
 - basic healthcare;
 - hygiene, including water and sanitation;
- the availability of basic subsistence that ensures access to food, hygiene and shelter, such as through employment, existing financial means, support by a network or humanitarian aid.

The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

The general circumstances prevailing in the cities of Kabul, Herat and Mazar-e Sharif, assessed in relation to the factors above, do not preclude the reasonableness to settle in the cities. The assessment should take into account the individual circumstances of the applicant. A person's ability to navigate the above circumstances will mostly depend on access to a support network or financial means. The impact of COVID-19 on the economic situation, as well as on the healthcare system, should also be considered.



Read more in the COMMON ANALYSIS

Individual circumstances

In addition to the general situation in the area of potential IPA, the assessment whether it is reasonable for the applicant to settle in that part of the country should take into account the individual circumstances of the applicant, such as:

- age
- gender
- state of health (illness or disabilities)
- ethnicity and linguistic background
- religion
- documentation
- local knowledge
- professional and educational background and financial means
- support network
- etc.

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms, which would have an impact when determining to what extent it would be reasonable for the applicant to settle in a particular area. It should be noted that these factors are not absolute, and they would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA.



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Conclusions on reasonableness

For those applicants who meet the 'safety' and 'travel and admittance' requirements under [Article 8\(1\) QD](#), the availability of IPA in Kabul, Herat or Mazar-e Sharif will depend on the assessment of the **reasonableness to settle** there.

The general conclusions on the reasonableness of IPA for particular profiles of applicants are based on an assessment of the general situation in cities of Kabul, Herat and Mazar-e Sharif, and the individual circumstances of such applicants.

It could be substantiated that IPA in the cities of Kabul, Herat and Mazar-e Sharif, may be reasonable for single able-bodied men, and for married couples of working age without children and with no additional vulnerabilities (where sufficient basic subsistence can be ensured for the couple).

Although the situation related to settling in the three cities entails certain hardships, such applicants may be able to ensure their basic subsistence, housing, shelter and hygiene, and access to basic healthcare, taking into account their individual circumstances. The existence of a support network could assist the applicant in accessing the means to ensure one's subsistence.

In the case of families with children, IPA would in general not be reasonable, where the family lacks sufficient financial means or a support network in the respective part of Afghanistan. The situation of children should also be taken into account, with their best interests as a primary consideration.

In general, where there is a lack of sufficient financial means or a support network in the respective part of Afghanistan, IPA would also not be reasonable for applicants with severe illnesses or disabilities and for elderly people.

For applicants who were born and/or lived outside Afghanistan for a very long period of time, IPA may not be reasonable if they do not have a support network which would assist them in accessing means of basic subsistence.

In general, IPA would also not be reasonable for women without a male support network and children without a support network in the respective part of Afghanistan.

Exclusion

Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

The examples in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

Applying the exclusion clauses, where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

Exclusion should be applied in the following cases:

Grounds for exclusion			
Refugee status	■	a crime against peace, a war crime, or a crime against humanity	Subsidiary protection
	■	a serious non-political crime outside the country of refuge prior to his or her admission as a refugee	
	■	acts contrary to the principles and purposes of the United Nations	
	■	a crime against peace, a war crime, or a crime against humanity	
	■	a serious crime	
	■	acts contrary to the principles and purposes of the United Nations	
	■	constituting a danger to the community or to the security of the Member State in which the applicant is present	
	■	other crime(s) (under certain circumstances)	

It should be underlined that the determining authority has the burden of proof to establish the elements of the respective exclusion grounds and the individual responsibility of the applicant, while the applicant remains under an obligation to cooperate in establishing all facts and circumstances relevant to his or her application.



Read more in the COMMON ANALYSIS

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 occurring in the current conflict as well as in past conflicts (e.g. the 'Saur' Revolution and Khalq Regime (1978-1979), the Soviet Afghan War (1979-1989), the conflict between the Afghan Government and the Mujahideen Forces (1989-1992) and the Afghan Civil War (1992-1996), the Taliban Regime (1996-2001)). Afghan nationals have also been involved in conflicts outside

Afghanistan, which may be of relevance for exclusion considerations. 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.



Read more in the COMMON ANALYSIS

The following subsections provide guidance on the potential applicability of the exclusion grounds in the context of Afghanistan.

a. Crime against peace, war crime, crime against humanity

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, ANSF 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 all parties in the current and in past conflicts in Afghanistan could amount to war crimes.¹⁸

In terms of qualifying the relevant acts as war crimes, armed conflicts¹⁹ taking place 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 Afghan government (June 2002 – ongoing), as well as conflict between different AGEs (2015 – ongoing): non-international.

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.

¹⁸ See also <https://www.icc-cpi.int/afghanistan>.

¹⁹ 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.

b. Serious (non-political) crime

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.

c. Acts contrary to the purposes and principles of the United Nations

In the context of Afghanistan, (former) membership in armed groups such as ISKP, the Taliban or 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](#).

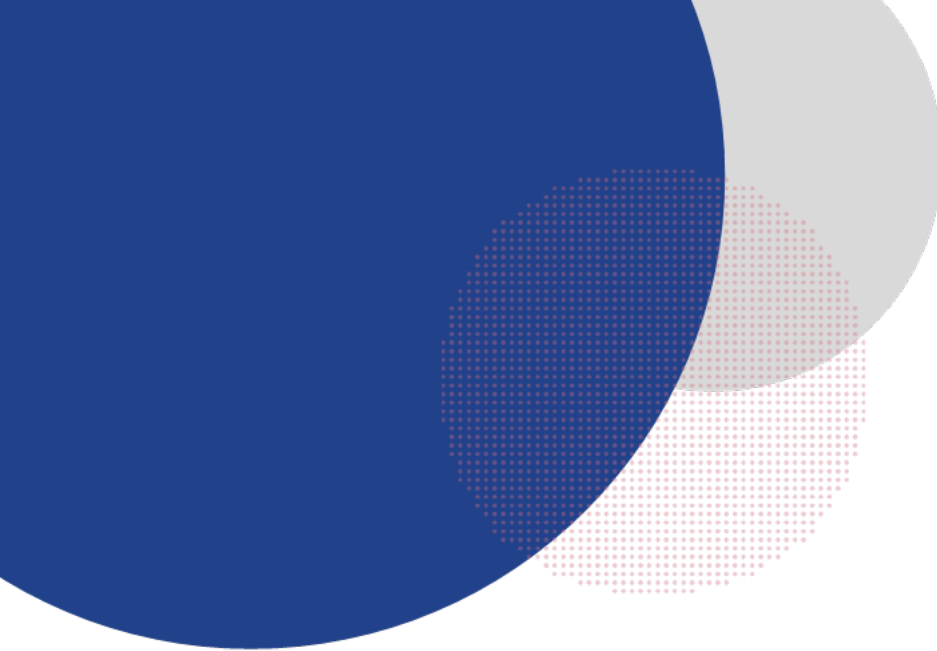
The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant’s activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify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

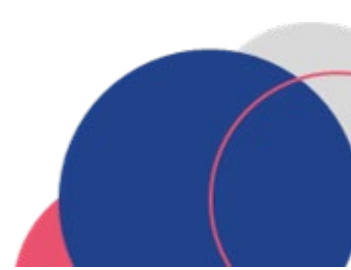
d. Danger to the community or the security of the Member State

In the examination of the application for international protection, the exclusion ground under [Article 17\(1\)\(d\) QD](#) 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.



Common analysis: Afghanistan



1. Actors of persecution or serious harm

This chapter looks into the topic of ‘actors of persecution or serious harm’. It focuses on the main actors in Afghanistan, their areas of presence and control, the violations they have reportedly committed, and, where applicable, their structure and organisation.

The contents of this chapter include:

[Preliminary remarks](#)

[Overview: areas of control](#)

[1.1 The Afghan State and pro-government elements](#)

[1.2 Anti-Government Elements](#)

[1.3 Other non-State actors](#)

Preliminary remarks

[Article 6 QD](#) defines ‘actors of persecution or serious harm’ as follows:

Article 6 of the Qualification Directive Actors of persecution or serious harm

Actors of persecution or serious harm include:

- a) the State;
- b) parties or organisations controlling the State or a substantial part of the territory of the State;
- c) non-State actors, if it can be demonstrated that the actors mentioned in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 7.

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat which would qualify as serious harm ([Recital 35 QD](#)). Generally, persecution or serious harm must always take the form of conduct on the part of a third party ([Article 6 QD](#)). For example, it cannot simply be the result of general shortcomings in the health system of the country of origin.²⁰

The notion of **State** within the meaning of [Article 6\(a\) QD](#) should be broadly interpreted. It encompasses any organ exercising legislative, executive, judicial or any other functions and acting at any level, be it central, federal, regional, provincial, or local. It could, for example, include the civil service, armed forces, security, and police forces, etc. In some cases, a private entity may also be given State powers and therefore be considered a State actor of persecution or serious harm.

Parties or organisations controlling the State or a substantial part of the territory of the State can refer to two possible scenarios:

- Parties or organisations amounting to de facto State actors because they exercise elements of governmental authority; or

²⁰ CJEU, *Mohamed M'Bodj v État belge*, C-542/13, judgment of 18 December 2014 (*M'Bodj*), paras. 35-36.

- Parties or organisations controlling a substantial part of the State's territory in the context of an armed conflict.

Non-State actors against whom protection is not effectively provided are also recognised as actors of persecution or serious harm in the meaning of [Article 6 QD](#). Non-State actors could, for example, include individuals and groups, such as clans and tribes, guerrillas and paramilitaries, warlords, extremist religious groups or terrorists, criminals, political parties and family members, including members of the extended family, etc.

Overview: areas of control

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 the different types of actors within the meaning of [Article 6 QD](#) might often be difficult to make. International or foreign actors present in Afghanistan could also be considered as actors of persecution or serious harm in some instances.

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

Territorial control in Afghanistan is divided between the **Government of Afghanistan** and the **Taliban**. The Long War Journal (LWJ) considered 133 districts of Afghanistan (33 %) to be under the control of government or to have undetermined status, 189 districts (47 %) to be contested, 75 districts (19 %) to be held by the Taliban, one district was assessed as 'unconfirmable Taliban claim of control'. 15 million people were living in areas controlled by the government or having undetermined status, while 13 million Afghans found themselves in contested areas, and 4.5 million in Taliban-controlled areas [[Security situation 2020](#), 1.5.3].

Operational presence of other insurgent groups is listed below. It should be noted that due to affiliations with other insurgent groups, the regional scope of a group might be broader.

- The **Haqqani Network** has increased its influence in areas outside of its normal operation regions in Paktika, Paktya and Khost provinces in eastern Afghanistan since Sirajuddin Haqqani became the Deputy Leader of the Taliban in 2015. According to a recent source, Haqqani fighters are actively based in Paktya, Kandahar, Helmand and eastern provinces, and the Network carries out attacks in Kabul [[Anti-government elements](#), 4.1].
- After US operations during November 2019, aiming at pushing the **Islamic State Khorasan Province (ISKP)** out of their usual territory in Nangarhar, fighters of ISKP withdrew to Kunar and the north. Sources report on ISKP cells being present throughout Afghanistan, including in Kunar, Herat and Kabul City [[Anti-government elements](#), 3.2].
- It is reported that **Al Qaeda** is covertly active in 12 provinces: Badakhshan, Ghazni, Helmand, Khost, Kunar, Kunduz, Logar, Nangarhar, Nimruz, Nuristan, Paktya and Zabul [[Anti-government elements](#), 4.2].
- **Foreign terrorist AGEs and fighters** also operate in Afghanistan. Main groups located in the eastern provinces of Kunar, Nangarhar and Nuristan are Tehrik-e Taliban Pakistan (including a number of loose splinter groups), Jaish-e Momammed and Lashkar-e Tayyiba. There are also several central Asian and Uighur foreign terrorist and militant groups with fighters of

Uzbek, Tajik und Turkmen ethnicity that present a significant threat in northern areas of Afghanistan [[Anti-government elements](#), 4.3].

1.1 The Afghan State and pro-government elements

Afghan State actors include, for example, members of the Afghan National Security Forces (ANSF) and other authorities from the three State branches (executive, legislative and judiciary). Pro-government militias (PGMs) are also considered State actors.

The **ANSF** or Afghan National Defence and Security Forces (**ANDSF**) are comprised of the Afghan National Army (**ANA**), including the Afghan Border Force, Afghan Air Force, Afghan National Civil Order Force and the recently established Afghan Territorial Army as local security force, the Afghan National Police (**ANP**), including the Afghan Local Police (**ALP**),²¹ and the National Directorate of Security (**NDS**), including the Afghan Special Forces [[State structure](#), 2.1; [Security situation 2020](#), 1.2.1].

Afghan State authorities and their associates are reported to have committed a wide range of human rights violations. Sources report on extrajudicial killings, forced disappearances, arbitrary detention, torture, and ill-treatment by all Afghan security forces. Moreover, family members of Taliban fighters were intentionally killed by ANSF in retaliation for Taliban attacks against them. High level of civilian harm from the use of force during search operations ('night raids') by NDS Special Forces was also documented, including the intentional killing of civilians, some of which amounted to summary executions [[Security situation 2020](#), 1.2.1; [State structure](#), 2.1.4].

In addition, the ANP have been involved in extortion and organised crime, in particular near key smuggling routes. Recruitment and sexual exploitation of boys (*bacha bazi*) committed by Afghan security forces, in particular by the ALP was also observed [[State structure](#), 2.1.4; [Security situation 2020](#), 1.2.1; see also the section [2.10.1 Violence against children: overview](#)].

Different **State agents** such as ministers, governors and ANSF personnel are reported to have acted beyond the scope of their legal authority. Moreover, police and judicial authorities are susceptible to the influence of powerful individuals [[Conflict targeting](#), 2; [Key socio-economic indicators 2017](#), 3.4.4.1, 3.5.3, 3.5.4].

A number of PGMs are still fighting on the side of the government against Taliban and ISKP, although the government disbanded militia groups and stopped paying them. Such militias include the Kandahar Strike Force, Paktika's Afghan Security Guards, the Khost Protection Force and Shaheen Forces in Paktya, Paktika and Ghazni provinces. Pro-government armed groups caused civilian casualties and were responsible for conflict-related abductions, mainly in the context of ground engagements and search operations. There are also long-standing allegations against the Khost Protection Force of extrajudicial killings, torture, beating and unlawful detentions [[Security situation 2020](#), 1.2.1].

The Afghan government does not control the whole territory of the State, some parts are under the control of insurgent groups, in particular the Taliban (see [Overview: areas of control](#)). However, the

²¹ The ALP was to be dissolved by September 2020 [[State structure](#), 2.1.3]. No further information on its status was available in the COI reports consulted for the purposes of this update.

State is able to target individuals throughout the territory and it is particularly found to target individuals in areas where control is contested [[Conflict targeting](#), 1.1.4.1, 2.4]. For further information regarding contested areas, see the section [Article 15\(c\) QD](#) below.



For further information on human rights violations committed by the Afghan State and pro-government elements and their relevance as potential exclusion grounds, see [6. Exclusion](#).

1.2 Anti-Government Elements

A number of armed insurgent groups, or Anti-Government Elements (AGEs) are operating on the territory of Afghanistan. The groups are responsible for a wide range of human rights violations. Their targets differ, often depending on the political or military objectives of the respective group.

The most significant groups are listed in this section.

a. Taliban

The Taliban are considered as the most powerful group and control large parts of Afghanistan (see [Overview: areas of control](#)). They position themselves as the shadow government of Afghanistan, and their commission and governing bodies replicate the administrative offices and duties of a typical government. The Taliban have become an organised political movement and have evolved to become a local governance actor in the country by gaining and holding territory and thereby undertaking some responsibility for the well-being of local communities. Regarding militant operations, it is a networked insurgency, with strong leadership at the top and decentralised local commanders who can mobilise resources at the district level [[Anti-government elements](#), 2.1].

Throughout the US-Taliban negotiations, and despite the reshuffling of its provincial appointments, the Taliban leadership has been able to maintain unity within the rank and file, although there are deepening divisions around cutting ties with Al Qaeda. For the most part, the leadership has been united in favour of pursuing the talks with the US. However, some splinter groups of the Taliban are opposing the US deal and possible leadership divisions could impact the potential peace process [[Anti-government elements](#), 2.1].

The Taliban are accused of targeted killings and have also been involved in deliberate targeting of civilians and in both indiscriminate and targeted attacks against civilian objects. They continued to operate parallel justice mechanisms, based on a strict interpretation of the *Sharia*, leading to executions by shadow courts and punishments deemed to be cruel, inhumane and degrading. The Taliban have also been reported to use torture against detainees [[Anti-government elements](#), 2.5; [Criminal law and customary justice](#), 1.8].

b. Haqqani Network

The Haqqani Network is a UN-designated terrorist organisation. It maintains close ties with the Taliban and is described as a powerful faction of the Taliban while keeping a degree of operational independence. It is believed to be responsible for complex attacks in heavily populated areas of Kabul. The Network reportedly collaborates and keeps close contact with Al Qaeda, despite the US deal. According to reports, Haqqani and ISKP also work together, including in attacks on the Afghanistan presidential inauguration and an assault on a Sikh temple in Kabul [[Anti-government elements](#), 4.1; [Security situation 2020](#), 1.2.2].

c. ISKP

The ISKP is a Salafi-Jihadist organisation and a UN-designated terrorist organisation with operational ties with local groups. The group is responsible for deliberate attacks against civilians, in particular against religious minorities such as Shia and Sikhs. Prior to its retreat from Nangarhar, caused by campaigns of Afghan and US forces as well as by attacks of the Taliban between September and November 2019, ISKP was seen as the most resilient and successful affiliate of ISIL outside its core. Cells of the organisation reportedly continue to be present in a number of provinces and other insurgent groups are working directly with them, for example in some districts of Badakhshan province. ISKP's strategic capability is described as limited in Afghanistan, but ISKP is considered to be capable of mounting attacks in various parts of the country, including Kabul, albeit possibly with the tactical accommodation of the Haqqani Network [[Anti-government elements](#), 3].

d. Al Qaeda

Al Qaeda is a transnational extremist Salafi jihadist organisation and UN-designated terrorist group. Sources indicate that Al Qaeda maintains relations with the Taliban and a limited presence in Afghanistan, carrying out its activities mostly under the umbrella of other AGEs, particularly the Taliban. The organisation claims responsibility for a number of attacks in Afghanistan, leading to ANSF casualties [[Anti-government elements](#), 4.2].

e. Foreign terrorist AGEs and fighters

Besides the above listed groups, a number of foreign terrorist AGEs and fighters operate in Afghanistan. Main groups located in the eastern provinces of Kunar, Nangarhar and Nuristan are **Tehrik-e Taliban Pakistan** (including a number of loose splinter groups), **Jaish-e Momammed** and **Lashkar-e Tayyiba**. These groups operate under the umbrella of the Afghan Taliban and have been involved in targeted assassinations against government officials and others. There are also several central Asian and Uighur foreign terrorist and militant groups with fighters of Uzbek, Tajik and Turkmen ethnicity that present a significant threat in northern areas of Afghanistan, such as **Eastern Turkistan Islamic Movement**, **Islamic Movement of Uzbekistan** (also known as Jundullah), **Jamaat Ansarullah Tajikistan**, **Lashkar-e Islam** and **The Salafist Group** [[Anti-government elements](#), 4.3].



For further information on human rights violations committed by AGEs and their relevance as potential exclusion grounds, see [6. Exclusion](#).

The reach of an insurgent group depends on its power position, including its networks or other cooperation mechanisms. For example, while the Taliban are mostly present in rural areas, it is also reported that they run a network of informants and conduct intelligence gathering in the cities. Information suggests that they will persecute certain individuals even in major cities, depending on the profile and their individual circumstances [[Conflict targeting](#), 1.4.2, 1.4.3].

Depending on the regional situation and the position of the particular insurgent group, those could be considered either as parties or organisations controlling a substantial part of Afghanistan (currently, only potentially applicable to the Taliban) or as non-State actors. Their respective qualification under [Article 6\(b\) or \(c\) QD](#) would depend on whether or not they are found to control

a substantial part of the territory of the Afghanistan, and should take into consideration the volatile situation of the conflict in Afghanistan.

1.3 Other non-State actors

Human rights violations, which could amount to persecution or serious harm, 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 the so-called 'honour killings' committed by family members [[Society-based targeting](#), 3.4 - 3.7; [Criminal law and customary justice](#), 3; see also the profiles [2.11 Women](#), [2.14 LGBTIQ](#), [2.12 Individuals perceived to have transgressed moral codes](#), 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; [Society-based targeting](#), 1.5, 6.4; [Conflict targeting](#), 2.6].

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 [2.18 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](#). It is reported, for example, that kidnapping for ransom and extortion have become an increasingly widespread form of criminality in major cities in Afghanistan in recent years [[Security situation 2020](#) , 1.4.2; [Society-based targeting](#), 8.5].

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.

Finally, it should be noted that persecution or serious harm by non-State actors has to be assessed in light of the availability of protection according to [Article 7 QD](#) [see [4. Actors of protection](#)].

2. Refugee status

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 ([Article 2\(d\) QD](#)). Furthermore, it proceeds with the analysis of information concerning 20 particular profiles of applicants for international protection in relation to qualification for refugee status. For each profile, and in some cases the relevant sub-profiles, it provides: COI summary, risk analysis (including findings whether the treatment the profile risks would amount to persecution and assessment of the level of risk), and conclusions with regard to the potential nexus to a reason for persecution.

The contents of this chapter include:

[Preliminary remarks](#)

[Analysis of particular profiles with regard to qualification for refugee status](#)

- [2.1 Members of the security forces and pro-government militias](#)
- [2.2 Government officials, including judges, prosecutors, and judicial staff; and those perceived as supporting the government](#)
- [2.3 Individuals working for foreign military troops or perceived as supporting them](#)
- [2.4 Religious leaders](#)
- [2.5 Members of insurgent groups and civilians perceived as supporting them](#)
- [2.6 Persons fearing forced recruitment by armed groups](#)
- [2.7 Educational personnel](#)
- [2.8 Humanitarian workers and healthcare professionals](#)
- [2.9 Journalists, media workers and human rights defenders](#)
- [2.10 Children](#)
 - [2.10.1 Violence against children: overview](#)
 - [2.10.2 Child marriage](#)
 - [2.10.3 Child recruitment](#)
 - [2.10.4 Child labour and child trafficking](#)
 - [2.10.5 Education of children and girls in particular](#)
 - [2.10.6 Children without a support network in Afghanistan](#)
- [2.11 Women](#)
 - [2.11.1 Violence against women and girls: overview](#)
 - [2.11.2 Harmful traditional marriage practices](#)
 - [2.11.3 Women in public roles](#)
 - [2.11.4 Women perceived to have transgressed moral codes](#)
 - [2.11.5 Women perceived as 'Westernised'](#)
 - [2.11.6 Single women and female heads of households](#)
- [2.12 Individuals perceived to have transgressed moral codes](#)
- [2.13 Individuals perceived as 'Westernised'](#)
- [2.14 LGBTIQ](#)
- [2.15 Persons living with disabilities and persons with severe medical issues](#)
- [2.16 Individuals considered to have committed blasphemy and/or apostasy](#)
- [2.17 Ethnic and religious minorities](#)
 - [2.17.1 Individuals of Hazara ethnicity](#)
 - [2.17.2 Shia, including Ismaili](#)
 - [2.17.3 Hindus and Sikhs](#)
 - [2.17.4 Baha'i](#)
- [2.18 Individuals involved in blood feuds and land disputes](#)

[2.18.1 Blood feuds](#)

[2.18.2 Land disputes](#)

[2.19 Individuals accused of ordinary crimes](#)

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

Preliminary remarks

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:

Article 2(d) of the Qualification Directive Definitions

‘refugee’ means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply;

According to [Article 9\(1\) QD](#):

Article 9(1) of the Qualification Directive Acts of persecution

In order to be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention, an act must:

- a) be sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
- b) be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in point (a).

In order for a person to qualify as a refugee, there must be a connection (nexus) between one or more of the specific reasons for persecution (race, religion, nationality, political opinion or membership of a particular social group), on the one hand, and the acts of persecution under [Article 9\(1\) QD](#) or the absence of protection against such acts ([Article 9\(3\) QD](#)), on the other.

The applicability of the respective reason(s) should be assessed in relation to [Article 10 QD](#).

Common analysis regarding specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.

An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information. Factors to take into account in this assessment may include, for example:

- home area²² of the applicant, presence of the potential actor of persecution and their capacity to target a person of interest;
- nature of the applicant's actions (whether or not they are perceived negatively and/or whether or not individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution); noting, however, that the applicant does not need to be individually identified by the actor of persecution, as long as his or her fear of persecution is well-founded;
- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals, network);
- etc.

The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant's well-founded fear, unless there are good reasons to consider that such persecution will not be repeated ([Article 4\(4\) QD](#)). On the other hand, it should be noted that in order to establish well-founded fear of persecution there is no requirement of past persecution or threats. The risk assessment should be forward-looking.

A well-founded fear of being persecuted may also be based on events which have taken place and/or on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin ([Article 5 QD](#)).

Once the required level of persecution as well as nexus have been established in relation to the home area of the applicant, the availability of protection in accordance with [Article 7 QD](#) should be explored (see the chapter [4. Actors of protection](#)). Where such protection is not available, the examination may continue with consideration of the applicability of internal protection alternative under [Article 8 QD](#), if applicable according to national legislation and practice (see the chapter [5. Internal protection alternative](#)).

In some cases, where the applicant would otherwise qualify for refugee status, exclusion grounds would be applicable. In the context of Afghanistan, various actors have been reported to commit excludable acts (see the chapter [6. Exclusion](#)). The sections below make specific references to the relevance of exclusion considerations for certain profiles.

Where the applicant does not qualify for refugee status, in particular where the requirement of nexus is not satisfied, the examination should proceed in order to determine his or her eligibility for subsidiary protection (see the chapter [3. Subsidiary protection](#)).

For further general guidance on qualification as a refugee, see '[EASO Practical Guide: Qualification for international protection](#)'.

²² Protection needs are firstly assessed with regard to the applicant's home area in the country of origin. The 'home area' in the country of origin is identified on the basis of the strength of the applicant's connections with a particular area in that country. The home area may be the area of birth or upbringing or a different area where the applicant settled and lived, therefore having close connections to it.

Analysis of particular profiles with regard to qualification for refugee status

This chapter refers to some of the profiles of applicants from Afghanistan, encountered in the caseload of EU Member States. **It represents a non-exhaustive list and the fact that a certain profile is included in it or not is without prejudice to the determination of their protection needs.**

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 with regard to sub-profiles at a differentiated risk and to circumstances, 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**.

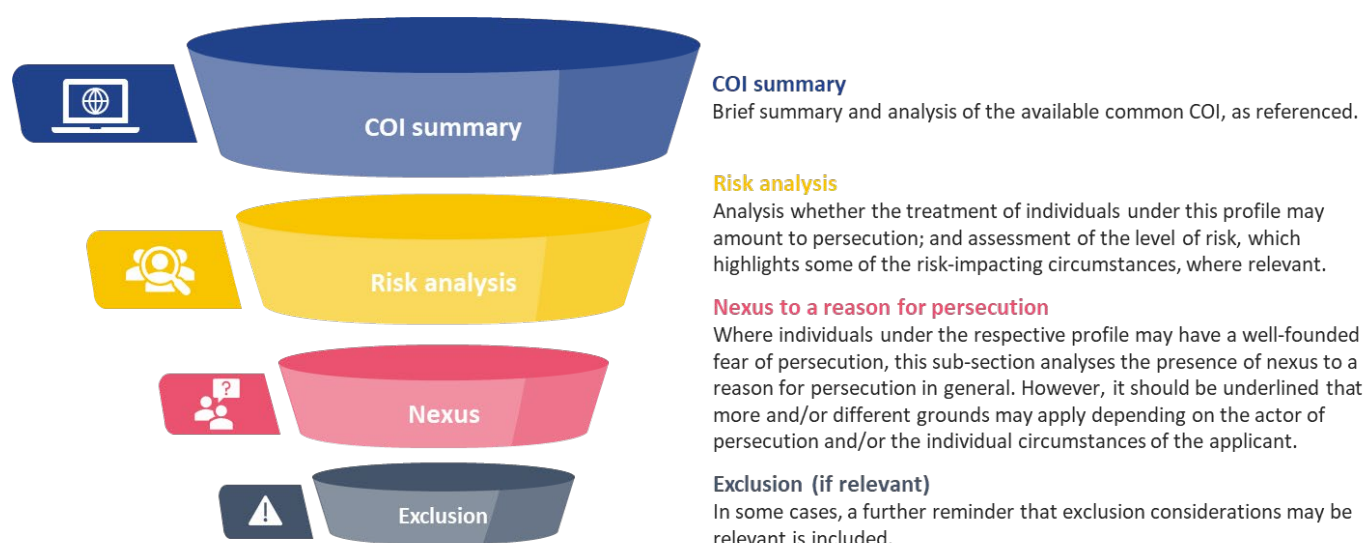
However, in the individual assessment, it may be relevant to take into account the time that has passed and whether the applicant had remained in Afghanistan for a long period of time without encountering persecution.

Family members, merely due to their relation to the refugee, may be at risk of persecution in such a manner that could be the basis for refugee status. It should also be noted that individuals belonging to the family of a person qualifying for international protection could have their own protection needs.

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, the sections below provide:



2.1 Members of the security forces and pro-government militias

This profile refers to members of the Afghan security forces (ANSF), including the Afghan National Army (ANA), the Afghan National Police (ANP) and the National Directorate of Security (NDS), as well as the Afghan Local Police (ALP), as well as members of pro-government militias (PGMs).

COI summary

ANSF personnel on duty or off-duty alike are a frequent target of insurgent attacks and are considered priority targets for the Taliban. In January 2019, President Ghani stated that more than 45 000 members of the security forces have been killed since he took office in 2014. After the Doha Agreement in February 2020, the Taliban have increased their attacks on government forces, mainly in rural areas. Such attacks have occurred at places where ANSF personnel gather, for example, at army bases, police stations and checkpoints. ANSF members are reportedly singled out and targeted while travelling on the road, for example at mobile checkpoints of AGEs. Targeting may also take place in the form of deliberate killings and abductions, which are explicitly legitimised by the Taliban *Layeha* (code of conduct). According to the *Layeha*, the Taliban are instructed to make ANSF members surrender and/or join the group. The *Layeha* delegates *Ta'ziri* (punishment) authority to the Imam, deputy Imam, provincial judge or in their absence to the provincial governor to order the execution of an allegedly guilty ANSF detainee or any other employee/official of the Government arrested by the group. The AGEs have also been reported to use torture against detainees, including ANSF personnel [[Anti-government elements](#), 1.2.1, 2.5, 2.6.1; [State structure](#), 2.1; [Security situation 2020](#), 1.1.1, 1.3, 1.5.2].

Available sources indicate that officers of NDS, members of PGMs and police chiefs are most frequently targeted by the Taliban [[Security situation 2020](#), 1.2.1, 1.3.3, 1.3.4, 2; [Anti-government elements](#), 2.6; [Conflict targeting](#), 1.2.1].

It is also reported that the Taliban often threaten and target female security officers [[Anti-government elements](#), 2.6.1.1].

Individuals under this profile are also seen as legitimate target by other insurgent groups, for example the ISKP and foreign anti-government elements [[Security situation 2020](#), 1.2.2, 1.5.2].

It should be noted that family members of security forces have also been targeted by insurgents. Moreover, family members are often pressured to convince their relative to give up his or her position in the security forces. There are also reports of former members of the ANSF who have been targeted after having left the ANSF [[Anti-government elements](#), 2.6.1; [Conflict targeting](#), 1.3.1, 1.4.1].

Risk analysis

Certain risks for members of security forces are inherent to their duties and the activities they take part in, and those would not amount to persecution or serious harm. However, risks outside the performance of their duties, could be of such severe nature that they would amount to persecution (e.g. targeted killing outside of fighting, abduction, torture).

In the case of individuals that are most frequently targeted (e.g. officers of NDS, members of PGMs and police chiefs), well-founded fear of persecution would in general be substantiated.

In the case of other individuals under this profile, the individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of work and visibility of the applicant, gender, area of origin and presence of insurgent groups (in particular, in relation to insurgents' checkpoints), period since leaving the forces, personal enmities, etc.

Family members of some individuals under this profile could also be at risk of treatment that would amount to persecution.

Nexus to a reason for persecution

Available information indicates that the persecution of this profile is for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see [6. Exclusion](#)).

2.2 Government officials, including judges, prosecutors, and judicial staff; and those perceived as supporting the government

This profile refers to governmental officials, such as governors, council members, civil servants, as well as members of the judiciary like judges, prosecutors, and other judicial staff, etc. It includes officials and those working for the courts at central, as well as provincial and district level. It also refers to individuals perceived as supporting the government (for example, members of political groups, community elders, civilians perceived as spies, employees of foreign embassies and international organisations, etc.).

COI summary

Employees of ministries which are at the forefront of the fight against insurgents, for example the Ministry of Defence, the Ministry of Interior Affairs, and the Ministry of Justice, have regularly been targeted by the Taliban. To a lesser degree, employees of other ministries not involved directly in the fight against insurgents have also been targeted; personal enmity or open statements against the Taliban could be seen as relevant circumstances in this regard [[Anti-government elements](#), 2.6.2; [Conflict targeting](#), 1.2.2; [Security situation 2020](#), 1.3.3, 1.3.4].

Judges, prosecutors, and other judicial staff are important targets for the Taliban. Targeted killings, abductions and threats have been reported. Judges also frequently receive threats from local leaders or armed groups [[State structure](#), 3.3; [Conflict targeting](#), 1.2.2; [Security situation 2020](#), 1.3.3, 1.3.4, 1.4.2].

There are reports of civilians being threatened and/or killed for being employees or (perceived) supporters or spies for the government. Important targets for AGEs are tribal or community elders and heads of villages suspected of cooperating with the government, as well as local or provincial council members or government officials [[Anti-government elements](#), 2.6.2; [Security situation 2020](#), 1.3.3, 1.3.4, 2; [Conflict targeting](#), 1.2.2, 1.5.1.1].

Threats, targeted killings and parallel justice punishment of individuals accused of criticising the Taliban or supporting the government are also documented [[Anti-government elements](#), 2.6.2; [Criminal law and customary justice](#), 1.8].

Individuals under this profile are also seen as a legitimate target by other insurgent groups, for example the ISKP and foreign AGEs [[Security situation 2020](#), 1.2.2, 1.5.2, [Anti-government elements](#), 3.5, 3.6, 4.3].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, abduction, parallel justice procedures).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: being linked to ministries at the forefront of the fight against insurgents (e.g. Ministry of Defence, Ministry of Interior Affairs, etc.), high position within the State (e.g. governors, senators, provincial and district officials, judges, prosecutors, other judicial staff), prominent position within the community, originating from contested areas or areas with insurgent presence, personal enmities or open statements against the Taliban, etc.

Nexus to a reason for persecution

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



Exclusion considerations could be relevant to this profile (see [6. Exclusion](#)).

2.3 Individuals working for foreign military troops or perceived as supporting them

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

COI summary

Personnel working for foreign military troops, in particular interpreters, are seen as 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). They have also publicly defined them as criminals who actively participate in the killing of Afghan population and have stated that they shall be excluded from the Afghan society. Members of forces collaborating with foreign troops, contractors and 'spies' are considered responsible by AGEs for killing Afghan civilians and are considered targets. Individuals not on the payroll of the foreign forces but doing general maintenance jobs, are not as systematically targeted, although attacks occur [[Anti-government elements](#), 2.6.2.3; [Conflict targeting](#), 1.2.3].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. Interpreters are regarded as a top priority target and in general, well-founded fear of persecution would be substantiated. For others under this profile, the individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: specific role and visibility of the applicant, being on the payroll of foreign troops, origin from a contested area or areas with insurgent presence, etc.

Nexus to a reason for persecution

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



Exclusion considerations could be relevant to this profile (see [6. Exclusion](#)).

2.4 Religious leaders

This profile refers to religious leaders, such as members of *Ulemas*, teachers in *madrassas*, imams and theologists of Islam.

COI summary

[[Anti-government elements](#), 2.6.2.4; [Conflict targeting](#), 1.2.5, 1.5.1; [State structure](#), 2.1.4; [Security situation 2020](#), 2.16.3]

A high number of religious figures have been killed in recent years. Reportedly, targeting mostly happens in contested areas, but also in cities.

The reasons for targeting religious leaders are diverse but must be seen in the context of *Ulemas* being considered capable to delegitimise the insurgents' religious ideology. Non-exhaustive examples of targeting include:

- ▶ religious figures who have publicly expressed support for government views, including preaching in support of ANSF, conducting funeral ceremonies for killed members of the security forces;
- ▶ religious figures who have publicly condemned civilian casualties caused by insurgents or have expressed criticism of certain insurgent tactics on religious grounds;
- ▶ religious figures who have publicly rejected the insurgents' ideology because they are following a more moderate or another form of Islam.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: public expression of support for the government or condemnation of insurgents' actions, performing ceremonies for killed members of the security forces, etc.

Nexus to a reason for persecution

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

2.5 Members of insurgent groups and civilians perceived as supporting them

This profile refers to all insurgent groups in Afghanistan, as well as civilians perceived as supporting them. They include those who identify themselves as 'Taliban' as well as parties and organised armed groups, such as IMU, the Haqqani Network, Islamic Jihad Union, Lashkari Tayyiba, Jaysh Muhammed, groups identifying themselves as 'Daesh'/ISKP, and other armed groups pursuing political, ideological or economic objectives, including armed criminal groups directly engaged in hostile acts on behalf of a party to the conflict.

COI summary

a. Targeting by the State

Insurgent groups, as well as people suspected of supporting them, are reported to face the death penalty, extrajudicial killings, targeted attacks, torture, arbitrary arrests, and illegal detention. There are also reports of incidents of extrajudicial killings and killings by ANSF abusing their position of power. Conflict-related detainees are often subjected to torture and ill-treatment. Convictions by Afghan courts are often based solely on confessions extracted through torture and ill-treatment, although the use of confessions extracted this way is prohibited by the Criminal Procedure Code [[State structure](#), 2.1., 3.6, [Conflict targeting](#), 2.1, 2.2].

Targeting of civilians by the government happens based on family ties, kinship, and tribal association, in particular where a certain tribe is associated with insurgents' leadership (e.g. Ishaqzai) or in retaliation for Taliban attacks. ALP and pro-government militias have mainly targeted and killed civilians because they are suspected of being related to or of helping the insurgents. Incidents in which the ANSF, in particular NDS, shot and killed or injured civilians believing them to be (related to) Anti-Government Elements are also reported [[Security situation 2020](#), 1.2.1, 1.3.5; [State structure](#), 2.1; [Conflict targeting](#), 2.1, 2.2.2, 2.6].

b. Targeting by other insurgent groups

Some of the insurgent groups reportedly maintain ties and work together on certain instances. For instance, Haqqani maintains close ties with the Taliban. It is also reported to work together on certain occasions with ISKP, and to keep close contact and collaborate with Al Qaeda. However, in other occasions insurgent groups can be seen as enemies of each other, especially Taliban and members of the ISKP, whose militants in 2019 have largely been pushed out of their strongholds in parts of Nangarhar by ANSF and coalition forces, as well as by the Taliban. Many ISKP members surrendered together with their families. In addition to violent clashes with the Taliban (e.g. fighting

over control), there are also some reports of specific targeting as well as executions by the Taliban of members of such groups [[Anti-government elements](#), 2, 3; [Conflict targeting](#), 1.2.8, 1.1.5.3, 1.5.1].

Similarly, other insurgent groups, such as the ISKP, are reported to target Taliban fighters or persons suspected of spying for them [[Anti-government elements](#), 3; [Conflict targeting](#), 1.5.1].

There are also reports of ISKP killing its own members due to infighting in the group [[Conflict targeting](#), 1.5.1] and of members of AGEs being targeted because they left the group or took part in the peace process [[Criminal law and customary justice](#), 1.8].

Risk analysis

In itself, the prosecution of the criminal acts of the insurgents (e.g. killing, planning of attacks on civilians, abductions by insurgents, etc.) and targeting in accordance with the rules of international humanitarian law do not amount to persecution.

However, the acts to which individuals under this profile could be exposed when the State acts beyond its legitimate powers (e.g. extrajudicial killings, torture, arbitrary arrests) or when imposing the death penalty would amount to persecution due to their severe nature. Moreover, individuals under this profile could be exposed to acts by other insurgent groups that would amount to persecution (e.g. killings, executions).

For members of insurgent groups, well-founded fear of persecution by the State would in general be substantiated. In addition, for some applicants under this profile well-founded fear of persecution by other insurgent groups may be substantiated, depending on the group they belong to, their area of origin and the reach of the actor of persecution.

In the case of civilians perceived as supporting insurgent groups, not all individuals would face the level of risk required to establish a well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of origin, family ties, tribal association, etc.

Nexus to a reason for persecution

Available information indicates that the persecution of this profile is for reasons of (imputed) political opinion.



Exclusion considerations could be relevant to this profile (see [6. Exclusion](#)).

2.6 Persons fearing forced recruitment by armed groups

This profile refers to persons who claim to be targeted by actors in the conflict in order to be recruited by force and against their will. Different armed groups resort to forced recruitment, including the Taliban, ISKP, as well as PGMs, etc. For the topic of child recruitment, see the separate section [2.10.3 Child recruitment](#).

COI summary

a. Forced recruitment by the Taliban

The Taliban typically recruit unemployed Pashtun males from rural communities who are educated in madrassas. It is reported that they have no shortage of volunteers/recruits [[Anti-government elements](#), 2.2, 2.4].

The Taliban only make use of forced recruitment in exceptional cases. It is, for example, reported that the Taliban try to recruit persons with a military background, such as members of the ANSF. The Taliban also make use of forced recruitment in situations of acute pressure. Pressure and coercion to join the Taliban are not always violent and would often be exercised through the family, clan or religious network, depending on the local circumstances. It can be said that the consequences of not obeying are 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; [Recruitment by armed groups](#), 1.5, 5.2.1.3, 5.2.1.4].

Although the Taliban has an internal policy of not recruiting children, child recruitment, in particular of post-puberty boys, is documented. [[Anti-government elements](#), 2.4; [Recruitment by armed groups](#), 5.2.1.2]. For more information on child recruitment by the Taliban, see [2.10.3 Child recruitment](#).

b. Forced recruitment by ISKP

ISKP's urban cells are mainly composed of urban middle-class men and women who have joined the group for ideological reasons.

In rural areas with firm ISKP presence and/or where fighting is taking place, pressure is put on communities to fully support and help ISKP. As far as recruitment is concerned, the focus lies on recruiting (former) Taliban and Al Qaeda fighters, especially those who oppose the peace process with the US and the Afghan government. Active recruitment of children also takes place in areas where ISKP operate [[Anti-government elements](#), 3.4; [Recruitment by armed groups](#), 2.1.4, 5.2]. For more information on child recruitment by the ISKP, see [2.10.3 Child recruitment](#).

c. Forced recruitment by PGMs

It is reported that PGMs in some areas make use of direct coercion to join them, including coercion of children. This depends on the local commander and the dynamics of the local conflict [[Recruitment by armed groups](#), 4.2].

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).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: age (belonging to the age group young adults), military background, area of origin and the presence/influence of armed groups, increased intensity of the conflict, position of the clan in the conflict, poor socio-economic situation of the family, etc.

With regard to child recruitment, see the section [2.10.3 Child recruitment](#).

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.

2.7 Educational personnel

This profile refers to people working in educational facilities, including government supported education, religious schools, and private institutions. Students could also be affected by association.

COI summary

The current objective of the insurgents is not to close schools, but rather to put pressure and gain control over them. Taliban leadership regularly issues statements proclaiming a ban on attacks on education. On a local level, depending on the local commander and the population, agreements between insurgents and educational facilities are often made. However, Taliban have reportedly closed government-sponsored madrassas claiming that they were not in accordance with the Taliban principles. Targeting of individuals due to the mere fact that they work in educational facilities is not common in Afghanistan. Nevertheless, incidents take place. Attacks on schools and killing, injuring, or abducting of educational personnel and students have been reported. In 2019, the United Nations Assistance Mission in Afghanistan (UNAMA) documented 29 incidents in which AGEs deliberately attacked schools and education personnel, including burning of schools, abduction of teachers, forced closure of schools and direct attacks against students and education personnel. During the first quarter of 2020, the Taliban carried out summary execution and deliberate attacks against education personnel in Afghanistan, according to UNAMA. In these cases, this is related to the local dynamics of the conflict and its specific actors. Violent incidents targeting female teachers and female pupils, including sexual violence and harassment, are also reported [[COI query on education sector](#), 2; [Conflict targeting](#), 1.2.4, 1.5.1, 2.4; [Key socio-economic indicators 2020](#), 2.5].

Risk analysis

Educational personnel could be exposed to acts that are of such severe nature that they would amount to persecution (e.g. kidnapping, killing).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not 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 contested areas and areas under ISKP influence, the individual or the institution not following insurgent directives and/or curriculum, speaking out against the Taliban, position of local commanders, links to foreign sponsors, etc.

Nexus to a reason for persecution

Available information indicates that the persecution of this profile is 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 insurgents' interpretation of Islam.

2.8 Humanitarian workers and healthcare professionals

This profile refers to healthcare workers and those working for national and international non-governmental organisations (NGOs).

COI summary

The Taliban increasingly try to present themselves as a government overseeing the delivery of services, and accordingly interacts with aid organisations. However, incidents of targeting healthcare workers are reported, including killings, threats, intimidation, harassment, and abduction of healthcare personnel. Clinics often bargain a deal with the insurgents in order to be able to operate in a certain area. It is reported that the situation for healthcare workers differs from area to area, depending to the degree of control versus contestation by insurgent groups. Disruption of activities, kidnappings, confiscation of ambulances, looting and forced closure of clinics have also been reported [[COI query on humanitarian workers and healthcare professionals](#); [Key socio-economic indicators 2020](#), 2.6.2].

In some cases, NGO workers were targeted by insurgents as a result of their activities being perceived as non-neutral or in violation of cultural or religious norms; for example, promoting women's rights. Other examples include 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). It is also reported that healthcare workers are threatened to provide better services for certain communities, more specifically with regard to COVID-19 measures [[COI query on humanitarian workers and healthcare professionals](#)].

In addition, incidents have been reported of humanitarian workers, including healthcare professionals, who were accused by State actors or PGMs of maintaining contacts with insurgents and were therefore targeted [[Conflict targeting](#), 1.2.6, 2.4].

Incidents with Taliban or (pro-)State actors often occurred in cases where hospitals and aid workers were accused of having treated (or refusing to treat) wounded fighters or were accused of spying or covert support of the other side in the conflict [[Conflict targeting](#), 1.2.6, 2.4].

ISKP considers humanitarian workers as legitimate targets because of links with foreign organisations or donors [[COI query on humanitarian workers and healthcare professionals](#)].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. abduction, killing).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not 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 (national/international NGO with activities related to polio vaccination, demining, promoting women's rights, etc.), link with government or foreign donors, origin from contested areas, level of (perceived) cooperation with armed groups, speaking out against a party in the conflict, etc.

Nexus to a reason for persecution

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

2.9 Journalists, media workers and human rights defenders

This profile refers to journalists, media workers and civil society representatives.

COI summary

Journalists, media workers, commentators and human rights defenders can be targeted by insurgent groups as well as by State actors, warlords, powerful local figures, and organised criminal groups. This is especially the case for those who report on human rights issues (especially women's rights), critically cover activities of parties in the conflict, expose corruption, criticise impunity or publicly express certain opinions. Journalists are often intimidated and threatened by parties in the conflict in order to cover their version of events. Women journalists are priority targets and are especially vulnerable in those regions where fundamentalist propaganda is adhered to. There are reports of killing, beating, intimidation, detention and mistreatment of journalists.

Human rights defenders' work can also be considered dangerous throughout Afghanistan because human rights are often seen as an alien, Western or a non-Islamic concept. Intimidation, harassment, threats and violence against human rights defenders and activists by both the authorities and AGEs are documented [[COI query on journalists, media workers and human rights defenders](#); [State structure](#), 1.8.1; [Conflict targeting](#), 1.2.9, 1.5.1, 2.3.; see also the section [2.11.3. Women in public roles](#)].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, detention, beatings).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: nature of activities (e.g. journalists and media workers covering conflict-related topics and events, the political situation, corruption and human rights abuses would be at a particularly high risk), visibility of activities and public profile, gender (higher risk for women), area of origin, etc.

Nexus to a reason for persecution

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

2.10 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 those children in Afghanistan may be exposed to.

The contents of this section include:

- [2.10.1 Violence against children: overview](#)
- [2.10.2 Child marriage](#)
- [2.10.3 Child recruitment](#)
- [2.10.4 Child labour and child trafficking](#)
- [2.10.5 Education of children and girls in particular](#)
- [2.10.6 Children without a support network in Afghanistan](#)

2.10.1 Violence against children: overview

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 remains a pervasive problem, with girls being most frequently abused in their families or communities [[Society-based targeting](#), 5; [Key socio-economic indicators 2017](#), 4.1].

Although the Child Rights Protection Law was enacted by President Ghani in March 2019, the ratification of the legislation remained blocked by the *Wolesi Jirga* due to a disagreement over the definition of a child [[Security situation 2020](#), 1.4.5].

The practice of *bacha bazi* has resurfaced since the end of the Taliban ruling. Sources report that young boys, with 14 as an average age, are abducted and disappeared into the practice or can be 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 have little to no support from the State and the perpetrators are seldom prosecuted in the context of a weak rule of law, corruption, and official complicity with law enforcement perpetrators. Under the new provisions of the Penal Code, prosecution of victims of *bacha bazi* is outlawed; however, instances of jailing boys that were dancing were reported [[Key socio-economic indicators 2017](#), 4.3.3; [Society-based targeting](#), 5.1; [State Structure](#), 2.1, 2.1.4].

For violence against girls, see also [2.11.1 Violence against women and girls: overview](#).

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.

Not all children would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: 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, poor socio-economic situation of the child and the family, etc.

Nexus to a reason for persecution

Available information indicates that in the case of violence against children, 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.

In individual cases, a link could be established to membership of a particular social group. For example, (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.

2.10.2 Child marriage

See the section [2.11.2. Harmful traditional marriage practices](#).

2.10.3 Child recruitment

COI summary

Article 3 of the Afghan Law on the prohibition of child recruitment in the military institutions prohibits child recruitment in the military units. Article 4 of the same law envisages a punishment for the perpetrators from 6 months to one-year imprisonment. However, despite the progress made by the ANSF in preventing child recruitment, the use of children by ANSF remained a concern in 2019. Even though to a lesser extent than the ALP, the ANP continued to use children in combat and in support roles at checkpoints. Moreover, it was observed that Afghan security forces, in particular the ALP, recruited boys specifically to use them for *bacha bazi* (sexual exploitation of children) in every province of the country [[State structure](#), 2.1, 2.1.1, 2.1.3; [Security situation 2020](#), 1.4.5].

Noting that the number of recruited children must be higher than reported, UNAMA documented the recruitment and use of 64 boys in 2019: 58 by the Taliban, 3 by the ANSF, and 3 by pro-government armed groups (ALP and PGMs). As for 2020, an increase in the number of reports in connection to the recruitment and use of children by the ANSF across the country was reported, however reports have not been verified yet [[Security situation 2020](#), 1.4.5; [Key socio-economic indicators 2020](#), 2.2.5].

Boys recruited by the Taliban were used to plant IEDs, carry explosives, collect intelligence, conduct suicide attacks, and engage in hostilities. It was also indicated that the Taliban used children as suicide bombers by manipulating them with money or false religious justifications or by forcing them. In southern provinces, the Taliban used children not only as suicide bombers but also as human shields, or to plant IEDs. In exchange, the Taliban payed money to some families and provided protection to others who sent their children to the Taliban's schools (madrasas). Most of the children who were exposed to such risks came from poor families or rural areas. Some children were also reportedly taken to Pakistan for military training [[Anti-government elements](#), 2.4.1; [Security situation 2020](#), 1.4.5; [Recruitment by armed groups](#), 5.2.1.2].

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

See also [2.6. Individuals at risk of forced recruitment by armed groups](#) and [2.10.1. Violence against children: overview](#).

Risk analysis

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

Not all children would face the level of risk required to establish well-founded fear of persecution in the form of child recruitment. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution 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 applicant need to be taken into account to determine whether or not a nexus to a reason for persecution can be substantiated.

2.10.4 Child labour and child trafficking

COI summary

Afghanistan has ratified all key international conventions concerning child labour and trafficking, and has established its own laws and regulations, adopting its first Child Rights Protection law in 2019. However, the law has 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* [[Key socio-economic indicators 2020](#), 2.2.5; [Security situation 2020](#), 1.4.5]

The Afghan labour law sets the minimum age for employment at 15 years to work up to 35 hours per week in non-hazardous work, allows 14-year olds to work as apprentices, and prohibits children younger than 14 years from working under any circumstances. The law bans the employment of children in hazardous work in general. However, it was reported that the Afghan government failed to enforce the law [[Key socio-economic indicators 2020](#), 2.2.5].

There are no official overall numbers regarding the percentage of working children, but reportedly 30 % of children in Afghanistan were engaged in child labour as of 2019, with some regional variances. Boys are predominantly (but not exclusively) engaged in child labour, and the percentage of children working increases with age. Many IDP families also reportedly relied on child labour to meet their basic needs [[Key socio-economic indicators 2020](#), 2.2.5; [Key socio-economic indicators 2017](#), 4.3.2].

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 work to pay off their parents’ debt [[Key socio-economic indicators 2020](#), 2.2.5, [Key socio-economic indicators 2017](#), 4.3.2].

The most at-risk populations vulnerable to trafficking were found to be unaccompanied minors, boys in juvenile detention facilities, working children, drug-addicted children, and children in orphanages. Some children were also reportedly sold into sex trafficking by their families. In previous years, the government took some steps to investigate and combat human trafficking. However, more recently the USDOS has found that the State’s response did not fully meet the minimum standards for the

elimination of trafficking and that it was not making significant efforts to do so [[Key socio-economic indicators 2020](#), 2.2.5; [State structure](#) 3.3; [Key socio-economic indicators 2017](#), 4.3.2].

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.²³ The impact of child labour on access to education should also be taken into account (see the subsection [2.10.5 Education of children and girls in particular](#)). Other risks, such as involvement in criminal activities and trafficking should also be considered.

Not all children would face the level of risk required to establish well-founded fear of persecution in relation to child labour and/or child trafficking. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: age, gender, family status, socio-economic status of the child and his or her family, being in an IDP situation, drug addiction, etc.

Nexus to a reason for persecution

Available information indicates that in the case of child labour and child trafficking, the individual circumstances of the child need to be taken into account to determine whether or not a nexus to a reason for persecution can be substantiated.

2.10.5 Education of children and girls in particular

COI summary

Attending formal education, either in public schools, private schools, or madrasas, is compulsory in Afghanistan until the 9th grade. However, reportedly around 3.7 million children were out of school across Afghanistan in 2018 and 60 % of them were girls. Most of the out-of-school children lived in rural areas, while the attendance rates, particularly for girls, were considerably higher in urban areas. Generally, there were more schools for boys than for girls in Afghanistan, with access of girls to a school notably higher in regions controlled by the government than in regions under the control of AGEs [[Key socio-economic indicators 2020](#), 2.5, 2.5.1].

Groups of marginalised children who were disproportionately excluded from and deprived of access to school comprised children with disabilities (including psychosocial issues), children from ethnic, linguistic, and religious minority groups, children living in urban slums and on the street, children whose families migrate seasonally for work, and refugee and IDP children. Engagement in child labour was an additional factor for a considerable drop in school performance [[Key socio-economic indicators 2020](#), 2.5].

Other challenges faced by the Afghan educational system include insecurity, shortages and damages of school buildings, shortage of textbooks and teaching materials and resources, shortage of teachers (especially female teachers), the alleged appointment of teachers on the basis of cronyism and bribery, lack of inclusive facilities at schools, cultural norms which deprioritise education for

²³ 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.

girls, as well as poverty, rural access issues, and long travel distances to schools for many children. The 2019 presidential election period revealed a peak in targeting school facilities due to the use of government-owned schools as polling centres and caused long-term impact on the access to education. Schools have also been used for military purposes by the government and pro-government forces [[Key socio-economic indicators 2020](#), 2.5.1; [COI query on education sector](#); [Security situation 2020](#), 1.4.5].

Deliberate attacks on schools and education personnel and students by AGEs were also reported. Attacks against girls' schools carried out by both ISKP and the Taliban have been documented. The Taliban regularly issue statements claiming to be in support of education and proclaiming an absolute ban on attacks on schools. It was observed that such attacks were no longer systematic but continued to take place. UNAMA indicated that throughout 2019, the Taliban carried out numerous attacks that severely affected educational institutions (including damages to 28 schools) and educational personnel. The current objective of insurgents appears not to be school closures, but rather gaining control over them through the choice of curriculum, the recruitment of teachers, and regular inspections [[COI query on education sector](#); [Conflict targeting](#), 1.2.4.3; see also the profile [2.7 Educational personnel](#)].

It was indicated that the Taliban's position had changed from a complete opposition towards government schools to an oversight of education services in some provinces, mainly due to local pressure. Generally, what happens with schools is considered to vary depending on the local commander and the population. The behaviour of the Taliban towards girls' education also appears contradictory. Although the Taliban officially indicated that they would not oppose girls' education anymore, deliberate restriction on the access of women and girls to education and closure of girls' schools continued to occur, especially concerning girls beyond sixth grade (12 years) in areas under their control. Very few Taliban actually allow girls to attend schools after their puberty, and others do not allow girls' schools at all [[COI query on education sector](#)].

In general, in the cities of Kabul, Herat and Mazar-e Sharif, educational facilities are present and access to schools is better. In the cities, lack of financial resources or lack of documentation (for IDPs and returnees), seem to be the major impediments to a child's education [[Key socio-economic indicators 2020](#), 2.5.1; [COI query on education sector](#)].

Risk analysis

The general deficiencies in the educational system, and the limited opportunities for education cannot as such be considered persecution, as they are not the result of a third party's deliberate actions.²⁴ However, in the case of deliberate restrictions on access to education, in particular for girls, this could amount to persecution.

Nexus to a reason for persecution

Where well-founded fear of persecution is substantiated, the individual circumstances of the child should be taken into account to determine whether or not a nexus to a reason for persecution can be substantiated. For example, a link could be established to (imputed) political opinion and/or religion in the case of girls attending school in a Taliban-controlled area.

²⁴ CJEU, *M'Bodj*, paras. 35-36.

2.10.6 Children without a support network in Afghanistan

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

In general, it can be said that the Afghan orphanage system is insufficient, accommodating approximately 10 % of the orphans in Afghanistan. There are 84 children's protection action network centres and 78 residential orphanages. The living conditions in the facilities are also poor, lacking running water, heating, education, and recreational facilities. The Afghan State lacks money and means to support all orphans [[Key socio-economic indicators 2017](#), 4.3.1].

Children in orphanages reported mental, physical and sexual abuse, and were sometimes victims of human trafficking [[Key socio-economic indicators 2017](#), 4.3.1]. The shelters, furthermore, often lack the capacity to support traumatised minors [[Key socio-economic indicators 2017](#), 4.4.4].

Children without a support network who fall outside the orphanage system will most likely have to fend for themselves. Street children often resort to negative coping mechanisms, such as street vending, garbage collecting, crime or drug abuse, and are vulnerable to trafficking and exploitation, including sexual exploitation [[Key socio-economic indicators 2017](#), 4.3.2, 4.3.3, 4.4].

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, [2.10.4 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 or not a nexus to a reason for persecution can be substantiated.

2.11 Women

The position of women and girls in Afghanistan is characterised by deeply engrained attitudes, strong cultural beliefs and societal structures that reinforce discrimination. Gender-based human rights violations are common.

The contents of this section include:

- [2.11.1 Violence against women and girls: overview](#)
- [2.11.2 Harmful traditional marriage practices](#)
- [2.11.3 Women in public roles](#)
- [2.11.4 Women perceived to have transgressed moral codes](#)
- [2.11.5 Women perceived as 'Westernised'](#)
- [2.11.6 Single women and female heads of households](#)

It should be noted that the different forms of violence against women in Afghanistan are often significantly interlinked. Therefore, the following subsections should be read in conjunction.

2.11.1 Violence against women and girls: overview

COI summary

Women and girls continue to suffer from gender-based violence across Afghanistan. In general, violence against women and girls is a pervasive problem, regardless of the ethnic group and is perpetrated by both private and State actors. The implementation and awareness of the Elimination of Violence Against Women law (EVAW) is described as limited. Perpetrators of attacks against women continued to enjoy impunity [[Criminal law and customary justice](#), 1.4].

Moreover, the Taliban exacted punishments such as lashings and executions against women based on their own justice system. Extrajudicial trials against women were also documented in areas controlled by anti-government armed groups [[Criminal law and customary justice](#), 1.8; [State structure](#), 3.3.1.].

Large segments of the Afghan society deem domestic violence, such as wife battery, acceptable; and while rape is punishable under law, marital rape is not addressed. Women who flee their husband and seek help from the government have been known to be returned by the police to their families or to be imprisoned for ‘moral crimes’ [[Society-based targeting](#), 3.4, 3.5, 3.6.4, 3.8.4; [State Structure](#), 3.3.1].

In some cases, women do reach shelters; however, shelter space is insufficient. The estimated number of such shelters varied between 14 and 29; and six of them were reportedly in Kabul. As these are located in the cities, it is very difficult for women from rural areas to access them. The women that reside there were in an especially vulnerable situation, often having no male support network. Safe houses and shelters are viewed by society as places of immorality, associated with ‘Western ideas’, or blamed for breaking up families or social order [[Society-based targeting](#), 3.5, 3.8.5; [Key socio-economic indicators 2017](#), 3.8.5].

Sexual harassment in the workplace, including in the security forces, and public harassment, including in urban areas, are common problems in Afghanistan. Acid attacks on women have also been reported, including in Kabul and Herat. Reported reasons for violent assaults against women in public include, for example, rejecting marriage proposals, seeking divorce, or going to school [[Society-based targeting](#), 3.2, 3.4, 3.5; [Key socio-economic indicators 2020](#), 2.2.4].

In general, women’s access to justice, courts, and legal assistance for gender-based violence is limited. Women who press charges are stigmatised and distrusted. Female victims of domestic violence and sexual abuse did not seek legal assistance either due to lack of awareness about their rights or due to the fear of being returned to their families or the perpetrators. Moreover, some female victims were reportedly demanded sexual favours by the government officials in exchange of service when they tried to report their cases to the government institutions. The few reported cases on violent incidents against women were not investigated, or women had to withdraw their complaints due to pressure. Often mediation was used instead of a legal recourse to resolve the complaints. If the perpetrator was not the husband, women victims of sexual violence, abuse or rape

could also be at risk of punishment for *zina* [[Society-based targeting](#), 3.5, 3.8.1, 3.8.4; [State Structure](#), 3.3.1; [Criminal law and, customary justice](#), 1.2; [Key socio-economic indicators 2017](#), 3.8].

Many cases of gender-based violence and discrimination against women and girls were referred to *jirgas* and *shuras* for advice or resolution, especially in rural and remote areas. Decisions made by the informal justice mechanisms were reported to frequently discriminate against women [[Criminal law and customary justice](#), 2.3.2].

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.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: perception of traditional gender roles in the family, poor socio-economic situation, family status (the risk of sexual and gender-based violence against women and adolescent girls is higher for those without a male protector, female heads of households, etc.), being in an IDP situation, type of work and work environment (for women working outside the home), etc.

Nexus to a reason for persecution

Available information indicates that violence against women may be for reasons of (imputed) political opinion or religion (e.g. when persecution is by Taliban), and/or membership of a particular social group (see examples below).



The connection may also be between the absence of protection against persecution and one or more of the reasons under [Article 10 QD](#) ([Article 9\(3\) QD](#)).

2.11.2 Harmful traditional marriage practices

COI summary

Marriage in Afghanistan operates on a spectrum from choice to force. Coerced marriage, especially of girls and women, is a frequent occurrence in Afghanistan [[Key socio-economic indicators 2017](#), 4.1; [Society-based targeting](#), 3.4].

Traditional marriage practices are common and can often create or lead to situations of forced marriage and violence against women. Such common practices include:

- betrothal as a child, especially under the Pashtunwali
- polygamy
- exchanging of unmarried daughters between families
- *baad*, whereby girls are bartered to settle family debts or disputes, particularly among Pashtuns and in rural areas.
- etc.

[[Society-based targeting](#), 3.4; [Criminal law and customary justice](#), 3.2].

According to Afghan civil law, as well as Islamic law, consent is required in order to enter into marriage. Afghan civil law further stipulates that the minimum age is 16. However, this law is not effectively implemented in practice. People in Afghanistan have little opportunity to make their own choices with regard to marriage. Child marriage is a widespread practice, mainly occurring in rural areas. According to a survey conducted in 2015, 45 % of Afghan women are married by the age of 18 [[Society-based targeting](#), 3.4].

Baad is prohibited by Article 25 of the 2009 ERAW, but this law is rarely implemented or enforced. No cases of arrest and/or prosecution of jirga elders or family members were reported in Afghanistan in connection with the *baad* practice as of August 2019 [[Criminal law and customary justice](#), 3.3].

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, 3.7.; [Criminal law and customary justice](#), 3.3].

Traditional marriage practices can also be linked to other forms of violence, such as battery and sexual abuse [[Society-based targeting](#), 3.4, 3.5].

Women seeking protection face a gender-biased and discriminatory justice system [[Key-socio-economic indicators 2017](#), 3.8; see also the section [2.11.1 Violence against women and girls: overview](#)].

Risk analysis

Traditional marriage practices in Afghanistan could amount to persecution, depending on the specific practice and the individual circumstances of the applicant. They could, furthermore, be linked to other forms of violence, such as gender-based and honour-based violence.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to harmful traditional marriage practices. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: young age (in particular, under 16), area of origin (particularly affecting rural areas), ethnicity (e.g. Pashtun), perception of traditional gender roles in the family, poor socio-economic situation of the family, local power/influence of the (potential) husband and his family or network, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of a particular social group. For example, refusal to enter into forced or child marriage may result in honour-based violence for reasons of membership of a particular social group in relation to a common background which cannot be changed (refusal to marry) and/or a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it (the right to choose whom to marry) and the distinct identity of such women and girls in Afghanistan (as they would be considered as violating the honour of the family).



The connection may also be between the absence of protection against persecution and one or more of the reasons under [Article 10 QD](#) ([Article 9\(3\) QD](#)).

2.11.3 Women in public roles

This subsection refers to women who are considered to have a public role in Afghanistan, such as a position in the government, law enforcement, education, healthcare, NGOs, or media.

COI summary

For women, there are many societal and family restrictions. For example, the participation of women in the ANSF remained a taboo in society although the importance of women within the police was reported in the press and female police officers have been recruited. Most women in public roles face intimidation, threats, violence, or killings. Women who work outside the home, in general, encounter frequent sexual harassment and abuse at the workplace and may be considered by society as transgressing moral codes and bringing dishonour to the family (e.g. women in law enforcement) and as being non-Afghan or Western (e.g. women in journalism). Female human rights defenders are considered to be in a particularly difficult situation because they were not only targeted for their work, but also for challenging social and religious patriarchal norms [[Anti-government elements](#), 2.6.1.1; [State structure](#), 2.1.2, 3.6; [Conflict targeting](#), 1.1.5.3, 1.2.1.1, 1.2.4.4, 1.2.9.1, 1.2.9.2; [Society-based targeting](#), 3.1, 3.3.2, 3.3.3].

Women in public roles (for example, women journalists, female members of ANSF) could be subjected to mistreatment by insurgent groups, by the woman's family or clan, as well as by society in general [[Anti-Government Elements](#), 2.6.1.1; [Society-based targeting](#), 3.3].

Women seeking protection face a gender-biased and discriminatory justice system [[Key-socio-economic indicators 2017](#), 3.8; see also the section [2.11.1 Violence against women and girls: overview](#)].

Risk analysis

The acts to which women in public roles could be exposed are of such severe nature that they would amount to persecution (e.g. violence and killings).

Not all women under this sub-profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of origin (particularly affecting rural areas), conservative environment, visibility of the applicant (e.g. nature of the work, public statements perceived negatively by the actor of persecution), perception of traditional gender roles by the family or network, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of (imputed) political opinion or religion (e.g. when persecution is by Taliban), and/or membership of a particular social group in relation to a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it (for example, in case of female human rights defenders) and the distinct identity of such women in Afghanistan (as they would be considered as violating social/gender norms).



The connection may also be between the absence of protection against persecution and one or more of the reasons under [Article 10 QD](#) ([Article 9\(3\) QD](#)).

2.11.4 Women perceived to have transgressed moral codes

See the profile [2.12 Individuals perceived to have transgressed moral codes](#).

2.11.5 Women perceived as 'Westernised'

See the profile [2.13 Individuals perceived as 'Westernised'](#).

2.11.6 Single women and female heads of households

COI summary

The Afghan society is male-dominated. However, traditional family units were disrupted because of the high number of men killed on the battlefield or in the course of violence, as a result of which women, the elderly, and sometimes children had to take the role of their households' breadwinner. It was noted that female-headed households were significantly more food insecure than those headed by men. In particular, female-headed displaced households were more vulnerable with regard to having stable income sources and employment and were often blocked from accessing certain services and legal protection due to lack of documentation [[Key socio-economic indicators 2020](#), 2.3.3].

According to social customs, women's freedom of movement is limited by the requirement of male consent or male protection. Women who go outside alone or go to work are frequently subjected to sexual harassment in the streets. Unmarried women face the most restrictions, particularly in rural areas, among middle and lower classes, and among Pashtuns. Living alone is, furthermore, associated with inappropriate behaviour and could potentially lead to accusations of 'moral crimes' [[Key socio-economic indicators 2020](#), 3.3, [Key socio-economic indicators 2017](#), 5.5.; [Society-based targeting](#), 3.8.6].

There are no recent statistics on divorce in Afghanistan, but it can be said that divorce is considered a taboo in most of Afghan society, particularly in rural communities. It is not frequently pursued and is more easily granted to men than to women. Divorced women are in a precarious situation where they may not be able to return to their father's family home or may be seen as a burden to them. Divorced women and widows were reported to face difficulties in claiming their rights over land and properties. They also face negative societal attitudes and harassment [[Key socio-economic indicators 2020](#), 3.8; [Society-based targeting](#), 3.8.3, 3.8.6].

Women seeking protection face a gender-biased and discriminatory justice system [[Key-socio-economic indicators 2017](#), 3.8; see also the section [2.11.1 Violence against women and girls: overview](#)].

Risk analysis

The individual assessment of whether or not discrimination of single women and female heads of households 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.

Moreover, being a single woman or female head of household considerably enhances the risk for such women to be exposed to acts, which, due to their severity, repetitiveness or accumulation could amount to persecution.

Not all women under this sub-profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: personal status, area of origin and residence, perception of traditional gender roles in the family or community, economic situation, availability of civil documentation, education, etc.

Nexus to a reason for persecution

Available information indicates that, where well-founded fear of persecution could be substantiated, it may be for reasons of membership of a particular social group (e.g. divorced women, due to their common background which cannot be changed and distinct identity in Afghanistan, in relation to divorce being a societal taboo).



The connection may also be between the absence of protection against persecution and one or more of the reasons under [Article 10 QD](#) ([Article 9\(3\) QD](#)).

2.12 Individuals perceived to have transgressed moral codes

This profile refers to individuals whose actions or status are perceived as transgressing moral codes and as shameful to family honour.

COI summary

Honour-based violence, especially but not exclusively against women, is a common occurrence in Afghanistan. The accusation of dishonour against a woman alone can bring perceived shame to the family. The Penal Code prescribes less severe punishments for killings done to defend honour. Offenders of attacks against women often enjoy impunity [[State structure](#), 3.3.1; [Society-based targeting](#), 3.7, 7.2].

Zina is a moral crime perceived in Afghanistan as shameful and can be applied to women, as well as to men. This is a broad concept of all behaviour outside the norm: sex outside marriage, illicit sexual relations, adultery and pre-marital sex. *Zina* can also be imputed to a woman in case of rape or sexual assault. It can lead to death threats and honour violence, including honour killings. *Zina* is punishable under both the Penal Code and the *Sharia*. Prosecution for *zina* affects women to a larger degree; punishment is also harsher for women. It is reported that during 2019, those detained for 'moral crimes' continued to be primarily women [[Criminal law and customary justice](#), 1.2; [Society-based targeting](#), 3.5, 3.6].

Individuals and couples found to have committed *zina* are commonly sentenced by government courts to imprisonment and corporal punishments are carried out. In 2019, there were reports of criminal charges based on interpretations of Islamic law, for example reports of officials charging women and men with immorality or running away from home, and reports of police often detaining women for *zina* at the request of family members. In rural areas, where the government has less or

no control, there have been reports of extrajudicial punishments by insurgent groups, such as the Taliban, and local powerbrokers, including executions, lashings and beatings [[Criminal law and customary justice](#), 1.2, 1.6, 1.8; [State structure](#), 3.3.1; [Society-based targeting](#), 3.6.5].

Women seeking protection face deficiencies in the implementation and awareness of relevant laws, as well as a gender-biased and discriminatory justice system. Women who flee home are often brought back to their family by the police or are imprisoned for ‘moral crimes’. In detention, they face further sexual abuse or harassment by officials [[Criminal law and customary justice](#), 1.6; [Society-based targeting](#), 3.6.4, 3.8.4; [State structure](#), 3.2. See also the section [2.11.1 Violence against women and girls: overview](#)].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. imprisonment, corporal punishment and killing).

The State could potentially be considered an actor of persecution. Persecution could also be by insurgent groups, as well as by the family and/or by society in general, as there is a low societal tolerance in Afghanistan for transgressing moral and honour codes.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender (the risk is higher for women, including with regard to the absence of protection), area of origin (particularly affecting rural areas), conservative environment, perception of traditional gender roles by the family, power/influence of the actors involved, 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 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.



The connection may also be between the absence of protection against persecution and one or more of the reasons under [Article 10 QD](#) ([Article 9\(3\) QD](#)).

2.13 Individuals perceived as ‘Westernised’

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

COI summary

[[COI query on westernisation](#); [Society-based targeting](#), 8.2, 8.10]

In relation to being perceived as ‘Westernised’, a distinction should be made in terms of attitudes towards men, on the one hand, and women, on the other.

Afghan women and children who have become accustomed to the freedoms and independence in the West may have difficulties adjusting to Afghanistan's social restrictions. Women can also be seen as 'Westernised' when they work outside the home, take part in public life, or have higher education. Women perceived as 'Westernised' may be perceived as contravening cultural, social, and religious norms, and may be subjected to violence from their family, conservative elements in society and insurgents.

With regard to men, societal attitudes towards 'Westernised' individuals are mixed. Men with 'Western' values or who return from western countries can be regarded with suspicion and may face stigmatisation or rejection.

In a 2019 study on the whereabouts and experiences of deported Afghans, a source noted that, to be seen as 'Westernised' can result in threats to the returnees by their family members and neighbours. The same source also reported cases in which returnees were attacked in public because they were seen as 'traitors' or 'unbelievers'.

Segments of society, mostly in cities (e.g. Kabul city), are open to Western views, whereas other segments, mostly in rural or conservative environments, are opposed.

Afghans identifying with Western values may also be targeted by insurgent groups, since they can be perceived as un-Islamic, or pro-government, or can be considered spies.

See also profiles [2.11.3 Women in public roles](#), [2.12 Individuals perceived to have transgressed moral codes](#), and [2.16 Individuals considered to have committed blasphemy and/or apostasy](#).

Risk analysis

The acts to which individuals under this profile could be exposed could amount to persecution (e.g. violence by family members, conservative elements in society and insurgents).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: gender (the risk is higher for women and lower for men), the behaviours adopted by the applicant, area of origin (particularly affecting rural areas), conservative environment, perception of traditional gender roles by the family, age (it may be difficult for children to (re-)adjust to Afghanistan's social restrictions), visibility of the applicant, etc.

Nexus to a reason for persecution

Available information indicates that in the case of Individuals perceived as 'Westernised', 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.

In some cases, persecution may be for reasons of religion and/or (imputed) political opinion or membership of a particular social group. For example, individuals under this profile may have a well-founded fear of persecution based on a shared characteristic or 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). 'Westernised' persons, in particular women, could also be considered to have a distinct identity in the context of Afghanistan, because they can be perceived as being different and may face stigmatisation by the surrounding society.



A thorough individual assessment should take place to establish whether the particular characteristic or belief is fundamental to the identity or conscience of the applicant.

2.14 LGBTIQ

This profile refers to persons who are perceived as not conforming to 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 those communities was not available in the COI reports used for the purpose of this guidance.

COI summary

In Afghan society, sexuality is not a concept that is discussed. Therefore, little information can be obtained about LGBTIQ individuals and their position in society [[Society-based targeting](#), 4].

For issues related to the practice of *bacha bazi*, which is not considered homosexuality in Afghan society, please see the specific subsection [2.10.1 Violence against children: overview](#).

Both in the Penal Code and in the *Sharia*, same-sex activity is punishable, including by death penalty. Although the Afghan State has not implemented the death penalty for consensual same-sex acts between adults in private, imprisonment and police harassment, including robbing and rape of gay men, is reported [[Society-based targeting](#), 4.1].

Targeting and extrajudicial punishment by insurgent groups also take place. In 2015, it was reported that the Taliban had sentenced two men and a teenager to execution for homosexuality [[Society-based targeting](#), 4.1].

LGBTIQ individuals also face a threat by their family and society. Same-sex practices remain hidden and are highly stigmatised if mentioned publicly. Identifying as having a sexual orientation or identity outside the expected norms of heterosexuality is a societal taboo and is seen as un-Islamic. Sources report discrimination, including in health services and employment, assaults, threats, rape, blackmail, and arrest [[Society-based targeting](#), 4.2].

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].

Risk analysis

The acts to which LGBTIQ individuals could be exposed are of such severe nature that they would amount to persecution (e.g. rape, execution, killings).

The State could be considered an actor of persecution. Persecution could also be by insurgent groups, as well as by their family and/or the society in general, as there is a low societal tolerance in Afghanistan for individuals with sexual or gender identities deviating from the 'norm'.

It has to be noted that an applicant cannot be expected to conceal their sexual orientation or gender identity.²⁵

In the case of LGBTIQ applicants, in general, well-founded fear of persecution would be substantiated.

Nexus to a reason for persecution

Available information indicates that the persecution of this profile is 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.²⁶

2.15 Persons living with disabilities and persons with severe medical issues

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

The Afghan government lacks funds to operate and sustain its healthcare facilities. Most healthcare is provided by NGOs. Hospitals, especially outside the cities, are in general unable to provide adequate care and common medications. Besides public healthcare facilities, there is also a widely used but very expensive private sector. Approximately 90 % of Afghans have access to healthcare facilities within a two-hour distance [[Key socio-economic indicators 2020](#), 2.6].

Mental healthcare facilities are often under-equipped and qualitative mental healthcare is scarce. The country still suffers from lack of trained professionals [[Key socio-economic indicators 2020](#), 2.6.2, 2.6.3].

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 are largely concentrated in a few urban centres [[Key socio-economic indicators 2020](#), 2.6].

Risk analysis

The lack of personnel and adequate infrastructure to appropriately address the needs of people with (severe) medical issues would not meet the requirement that an actor of persecution or serious harm is identified in accordance with Article 6 QD, unless the individual is intentionally deprived of healthcare.²⁷

²⁵ CJEU, X, Y and Z, paras. 70-76.

²⁶ CJEU, X, Y and Z, paras. 45-49.

²⁷ CJEU, *M'Bodj*, paras. 35-36. See also CJEU, *MP v Secretary of State for the Home Department*, C-353/16, judgment of 24 April 2018 (*MP*), paras. 57, 59.

In the case of persons living with mental and physical disabilities, the individual assessment whether or not 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.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not 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

Available information indicates that the persecution of persons living with noticeable mental or physical disabilities 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.

2.16 Individuals considered to have committed blasphemy and/or apostasy

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 (converts), 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

In Afghanistan, blasphemy is punishable by death or imprisonment of up to 20 years. Individuals who have committed blasphemy have three days to withdraw their behaviours or face the death penalty. Additionally, a 2004 law prohibits writings and published materials, which are considered offensive to Islam or other faiths. Some cases of imprisonment sentences on charges of blasphemy were reported. There is low societal tolerance in Afghanistan for criticism of Islam, the latter is seen contrary to the religion and can be prosecuted as blasphemy ([Society-based targeting](#), 2.2, 2.4).

Apostasy is also punishable by death, imprisonment, or confiscation of property. Apostasy is a serious offence and although it is reportedly rarely prosecuted, this has occurred in past years. Children of apostates are still considered Muslims unless they reach adulthood without returning to Islam, in which case they may also be put to death. Individuals perceived as apostates face the risk of violent attacks, which may lead to death, without being taken before a court ([Criminal law and customary justice](#), 1.2; [Society-based targeting](#), 2.1, 2.2, 2.4).

The Taliban see those individuals who preach against them or contravene their interpretations of Islam as 'apostates' ([Society-based targeting](#), 2.7; [Anti-government elements](#), 2).

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' ([Society-based targeting](#), 2.8; [Anti-government elements](#), 3).

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](#), 2.4].

In particular, conversion from Islam to another faith is considered as a serious offence under Islamic law. It is punishable with the death penalty by beheading for men, and with life imprisonment for women. Under Islamic law, individuals will be given three days to recant the conversion or face punishment. They are also perceived with hostility by society [[Society-based targeting](#), 2.1, 2.3].

There is an increasing number of Afghan converts to Christianity, but there have only been a few converts visible in the past decade in Afghanistan. The State deals with them by asking them to recant or face expulsion from the country [[Society-based targeting](#), 2.3].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. death penalty, killing, violent attacks).

When considering such applications, the case officer should take into account that it cannot reasonably be expected that an applicant will abstain from his or her religious practices.²⁸ It should be noted that the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs ([Article 10\(1\)\(b\) QD](#)).

In the case of those considered apostates or blasphemers, in general, well-founded fear of persecution would be substantiated.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of religion.

2.17 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:

- [2.17.1 Individuals of Hazara ethnicity](#)
- [2.17.2 Shia, including Ismaili](#)
- [2.17.3 Hindus and Sikhs](#)
- [2.17.4 Baha'i](#)

2.17.1 Individuals of Hazara ethnicity

This profile includes people who belong to the Hazara ethnicity. Mostly, persons of Hazara ethnicity are of Shia religion and the two profiles should be read in conjunction.

²⁸ CJEU, *Y and Z*, para 80.

The majority of the Hazara population inhabits the Hazarajat. Hazara are also well represented in most cities, including Kabul.

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

COI summary

Since the fall of the Taliban regime, the Hazara have improved their position in society. The Afghan Constitution includes the Hazara as one of the people that comprise the nation of Afghanistan and Hazara occupy various positions in government administration. There is no information on mistreatment by the State [[COI query on Hazaras, Shias](#), 1.1, 1.2].

Attacks by insurgent groups can mainly be attributed to ISKP, who consider Hazara / Shia legitimate targets. These attacks have significantly affected the Hazara population in 2018 and, to a lesser extent, in 2019 and the first months of 2020. Attacks by ISKP targeted places where Hazara/Shia gather, such as religious commemorations, weddings, and sites (e.g. hospitals) in Hazara-dominated neighbourhoods in large cities, including Kabul and Herat. Such attacks could be related to their religion (see the profile [2.17.2 Shia, including Ismaili](#)). Among other reasons, the ISKP also reportedly targets the Hazara 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, 1.4; [Anti-government elements](#), 3.3, 3.6.1].

There are instances of Hazara civilians being abducted or killed while travelling along the roads by other insurgent groups such as the Taliban. In reported incidents where Hazara road passengers were singled out and killed or abducted, other reasons could often be identified, such as non-political communal disputes or the individual being an ANSF member, having a job in the government or the NGO sector, etc., linking these incidents to other profiles such as [2.1 Members of the security forces and pro-government militias](#), [2.2 Government officials, including judges, prosecutors and judicial staff](#); and those perceived as supporting the government, [2.8 Humanitarian workers and healthcare professionals](#) [[COI query on Hazaras, Shias](#), 1.3, 1.4; [Anti-government elements](#), 3.6.1; 2.5; [Security situation 2020](#), 1.2, 1.5.2, 2.1; [Conflict targeting](#), 1.2.10].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, abduction, sectarian attacks).

Being a Hazara in itself would normally not lead to the level of risk required to establish well-founded fear of persecution. In most cases where a well-founded fear of persecution is substantiated, it would be related to circumstances falling under other profiles included in this guidance, such as the profiles on [2.17.2 Shia, including Ismaili](#), [2.1 Members of the security forces and pro-government militias](#), [2.2 Government officials, including judges, prosecutors, and judicial staff](#); and those perceived as supporting the government, [2.8 Humanitarian workers and healthcare professionals](#), etc. The individual assessment should also take into account risk-impacting circumstances, such as the area of origin and area of work (depending on the actor of persecution), profession, political activism, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of (imputed) religion (see profile [2.17.2 Shia, including Ismaili](#)), (imputed) political opinion (e.g. links to the government, perceived support for Iran), and/or race (ethnicity).

2.17.2 Shia, including Ismaili

This profile includes people who belong to the Shia religion. In Afghanistan, 10 to 15 % of the population are Shia Muslim. The majority of the Shia are ethnic Hazara and the two profiles should be read in conjunction (see [2.17.1 Individuals of Hazara ethnicity](#)).

COI summary

The Shia community is disproportionately represented among civilian casualties in Kabul and Herat. There are reports of attacks against the Shia, especially on places where Shia gather, such as mosques, and during religious commemorations or weddings [[COI query on Hazaras, Shias](#); [Security situation 2020](#), 1.2, 1.5.2, 2.1].

The ISKP reportedly sees Shias as a legitimate target for killing as they are seen as heretical. The group continued to target Shias in 2019 and in early 2020. The territorial control of the ISKP is limited, however they have been able to carry out attacks in different parts of the country [[COI query on Hazaras, Shias](#); [Anti-government elements](#), 3.6.1].

Instances of discrimination against the Shia community are also reported [[COI query on Hazaras, Shias](#), 1.1, 1.2; [Conflict targeting](#), 1.2.10, 1.5.1.1, 2.5].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. sectarian attacks). When the acts in question are (solely) discriminatory measures, the individual assessment of whether or not discrimination 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.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of origin (areas where ISKP has operational capacity present higher risk), participation in religious practices, political activism, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of religion.

2.17.3 Hindus and Sikhs

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

COI summary

[[COI query on Hindus and Sikhs](#), 1.1, 1.2, 1.3, 1.4; [Security situation 2020](#), 2.1; [Society-based targeting](#), 2.6; [Anti-government elements](#), 3.6.2]

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 a few hundreds or thousands today. Hindus and Sikhs currently mostly live in Nangarhar, Ghazni and in Kabul.

Under the Constitution and laws, Hindus and Sikhs are recognised and protected as equal citizens with Muslims. No incidents of mistreatment by the State or by the Taliban were reported during 2018 to 2020. Members of these minority communities sometimes serve in the government.

Attacks, including killings, on Hindus and Sikhs 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.

Sources indicate that Hindus and Sikhs celebrate discreetly in order not to provoke attention of Muslims and have inconspicuous places of worship. A survey released in February 2019 showed that almost all Hindus and Sikhs in Afghanistan fear for their personal safety (96.8 %), mostly to encounter ISKP (90.6 %).

There are also reports of instances of societal discrimination against Hindus and Sikhs, including in the fields of employment, education, and performance of religious rituals.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. sectarian attacks). When the acts in question are (solely) discriminatory measures, the individual assessment of whether or not discrimination 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.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, in particular their area of origin (e.g. areas where ISKP has operational capacity), etc.

Nexus to a reason for persecution

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

2.17.4 Baha'i

This profile includes people who belong to the Baha'i religion.

COI summary

Sources indicate that the Baha'i faith is considered a form of blasphemy, based on a *fatwa* issued in 2007 by the General Directorate of Fatwa and Accounts, under the Supreme Court. Under the ruling, Baha'i practitioners and converts to the faith are viewed as 'infidels' or 'apostates'. However, there are no reports of Baha'i practitioners being charged for either crimes as of 2016 [[Society-based targeting](#), 2.5].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. death penalty, violent attacks).

In the case of the Baha'i (considered blasphemers or apostates), in general, well-founded fear of persecution would be substantiated.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is for reasons of religion.

See also the profile concerning [2.16 Individuals considered to have committed blasphemy and/or apostasy](#).

2.18 Individuals involved in blood feuds and land disputes

2.18.1 Blood feuds

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, 3; [Society-based targeting](#), 7.1, 7.7.4].

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; [Society-based targeting](#), 7.1, 7.3, 7.7.4].

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.

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; [Society-based targeting](#), 7.6; see also [2.10.1. Violence against children: overview](#) and [2.11.2. Harmful traditional marriage practices](#)].

In some instances, blood feuds could be avoided through seeking the forgiveness (*nanawatai*) of the injured party and requesting that they forego *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; [Society-based targeting](#), 7.7.1].

Risk analysis

Family members involved in a blood feud could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. killing).

For men directly involved in a blood feud, in general, well-founded fear of persecution would be substantiated. For women, for children and for men who are farther removed from the feud, the individual assessment of whether or not 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 [6. Exclusion](#)).

2.18.2 Land disputes

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 [2.18.1. 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; [Society-based targeting](#), 6.1].

A weak rule of law leads 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 display a bias towards the powerful, wealthy, men, elites and dominant ethnicities [[Criminal law and customary justice](#), 2.3; [State structure](#), 3; [Society-based targeting](#), 6.4.1, 6.4.4, 7.7.4].

Land disputes were reported to be the most common cases heard by the Taliban courts [[Criminal law and customary justice](#), 2.3.3].

Risk analysis

The loss of land itself would normally not 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).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether or not 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, power/influence of the actors involved in the land dispute, areas of origin with weak rule of law, 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, land dispute leading to a [blood feud](#), etc.).



Exclusion considerations could be relevant to this profile (see [6. Exclusion](#)).

2.19 Individuals accused of ordinary crimes

This profile refers to people who are accused of ordinary crimes in Afghanistan, such as crimes against property, life, physical integrity, etc.

COI summary

In Afghanistan, there are multiple sources of law, both codified and unwritten. Courts apply provisions of the Afghan Constitution and other laws. However, in cases where there is no provision under the Constitution or the Penal Code, *Hanafi* jurisprudence and customary laws are applied. Corruption and lack of independence of the judiciary have been reported [[Criminal law and customary justice](#), 1; [State structure](#), 1.8; [Society-based targeting](#), 1].

The State justice system is accessible within city districts or at the centre of rural districts, whereas there is limited access in the peripheries of the cities and rural areas. In those areas, traditional justice mechanisms such as *jirgas* and *shuras* are widely used. Although corporal punishment is prohibited by law, it is used regularly in rural areas. Capital punishment is rarely carried out by the government, although instances of capital punishment for ordinary crimes have been reported [[State structure](#), 3; [Society-based targeting](#), 1].

In areas under their control and even in areas far beyond their control, insurgents operate parallel justice mechanisms where an increasing part of the Afghan population seek justice. These courts impose harsh extrajudicial punishments, including beatings, lashing, public executions by shooting and stoning [[State structure](#), 3; [Society-based targeting](#), 1.6].

Risk analysis

Capital punishment, irrespective of the nature of the crime, is considered to amount to persecution. See also, the section [3.1 Article 15\(a\) QD](#). Corporal punishment would also amount to persecution. See also the section [3.2 Article 15\(b\) QD](#).

In other cases, prosecution for an ordinary crime by the State and through traditional justice mechanisms does not normally amount to persecution. However, violations of the due process of law and/or disproportionate or discriminatory punishments could amount to such severe violations

of basic human rights. Being subjected to a parallel justice mechanism run by an insurgent group would amount to persecution.

The assessment of well-founded fear should take into account individual circumstances such as the area of origin of the applicant and the prevalent justice mechanisms, the nature of the crime for which he or she is prosecuted, the envisaged punishment, etc.

Nexus to a reason for persecution

Available information indicates that in the case of individuals accused of ordinary crimes, there is in general no nexus to a Convention reason for persecution. This is without prejudice to the assessment in cases where the prosecution is motivated by a Convention ground or initiated or conducted on a discriminatory basis related to a Convention ground.



Exclusion considerations could be relevant to this profile (see [6. Exclusion](#)).

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

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

[[Society-based targeting](#), 8.7; [Key socio-economic indicators 2020](#), 1.2, 2.2.3, 2.3.4, 2.4.2, 2.5.2, 2.6.5, 2.7.4]

Over 8 million Afghans returned to the country since 2002, mainly from neighbouring Iran and Pakistan. Returnees from Iran were reported to comprise mostly young men, whereas returnees from Pakistan were mostly families. Many of them settled in Kabul regardless of their place of origin in Afghanistan, and without any government support settled according to their capacity. A third of all Afghan returnees have settled in Kabul and Nangarhar.

This combined with high numbers of IDPs, 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 live in precarious situations.

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.

Afghans who grew up in Iran and are perceived as 'Iranised' or 'not Afghan enough' may sometimes receive offensive comments.

Risk analysis

In general, the treatment faced by individuals under this profile would not amount to persecution. In exceptional cases and based on additional individual circumstances, the accumulation of measures,

including violations of human rights which is sufficiently severe as to affect an individual in a similar manner, could 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.

3. Subsidiary protection

This chapter addresses the EU-regulated status of subsidiary protection and the situations in which, 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](#) (see also [Article 10\(2\) APD](#)).

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 expands further and 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’. The sub-section on ‘indiscriminate violence’ includes an [assessment of the situation in each province](#) in Afghanistan.

3.1 Article 15(a) QD

As noted in the chapter [2. 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, [2.14 LGBTIQ](#), [2.16 Individuals considered to have committed blasphemy and/or apostasy](#), [2.5 Members of insurgent groups and civilians perceived as supporting them](#), etc.), and those individuals would qualify for refugee status. In cases where there is no nexus to a Convention ground (for example, in some cases of [2.19 Individuals accused of ordinary crimes](#)), the need for subsidiary protection under [Article 15\(a\) QD](#) should be examined.

Under [Article 15\(a\) QD](#), serious harm consists of the death penalty or execution:

- The **death penalty** is as such, and under any circumstances, considered as a serious harm under [Article 15\(a\) QD](#). The sentence does not need to have already been imposed. The mere existence of a real risk that on return a death penalty may be imposed on the applicant could be considered sufficient to substantiate the need of subsidiary protection.
- As the addition of the term ‘**execution**’ suggests, [Article 15\(a\) QD](#) also encompasses the intentional killing of a person by non-State actors exercising some kind of authority. It may also include extrajudicial killings, but an element of intentional and formalised punishment needs to be present.

Death penalty is envisaged under both, the Afghan Penal Code and Islamic law. The new Penal Code is reported to significantly limit the number of crimes punishable by the death penalty. When the death penalty is imposed by the State, execution orders must go through all judicial instances and be signed by the Afghan president. Approximately 700 people were on death row for ‘ordinary crimes’ or crimes against internal or external security in November 2019 waiting for presidential sign-off on their executions. The death penalty is rarely carried out in practice. There were reportedly 5

executions in 2017, 3 in 2018, and none was reported in 2019 [[Criminal law and customary justice](#), 1.6; [Society-based targeting](#), 1.4.1].

Insurgents, in the areas under their control, impose punishments through parallel justice systems, based on a strict interpretation of the *Sharia*. This includes instances of executions, including public executions by stoning and shooting [[Criminal law and customary justice](#), 1.8, 2.3.3; [Anti-government elements](#), 2.5; [Society-based targeting](#), 1.6].

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 [6. Exclusion](#)).

3.2 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.

Under [Article 15\(b\) QD](#), serious harm consists of torture or inhuman or degrading treatment or punishment of an applicant in the country of origin.

[Article 15\(b\) QD](#) corresponds in general to [Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms \(ECHR\)](#). The jurisprudence of the European Court of Human Rights (ECtHR), therefore, provides relevant guidance in order to assess whether a treatment may qualify as serious harm under [Article 15\(b\) QD](#).

Torture is an aggravated and deliberate form of cruel, inhuman or degrading treatment to which a special stigma is attached.

- ▶ According to relevant international instruments, such as the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(CAT\)](#), ‘**torture**’ is understood as:
 - ✓ an intentional act
 - ✓ that inflicts severe pain or suffering, whether physical or mental
 - ✓ for such purposes as obtaining from the person subjected to torture or from a third person information or a confession, punishing the former for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind.

The distinction between torture and inhuman or degrading treatment or punishment is more a difference of degree than of nature. These terms cover a wide range of ill-treatment that reach a certain level of severity.

- ▶ ‘**Inhuman**’ refers to treatment or punishment which deliberately causes intense mental or physical suffering (which does not reach the threshold of torture).
- ▶ ‘**Degrading**’ refers to treatment or punishment which arouses in the victim feelings of fear, anguish and inferiority capable of humiliating or debasing them.

The assessment whether a treatment or punishment is inhuman or degrading further implies a subjective consideration by the person who suffers such treatment or punishment. No specific purpose on the part of the perpetrator (e.g. obtaining information or a confession, punishing, intimidating) is required in this regard.

When examining the need for protection under [Article 15\(b\) QD](#), the following considerations should be taken into account:

- **Healthcare unavailability and socio-economic conditions:** It is important to note that serious harm must take the form of conduct on the part of a third party ([Article 6 QD](#)). In themselves,

the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of IDPs, difficulties in finding livelihood opportunities, housing) are not considered to fall within the scope of inhuman or degrading treatment under [Article 15\(b\) QD](#), unless there is intentional conduct on the part of a third party, in particular the intentional deprivation of the applicant of appropriate healthcare.²⁹

See also the profiles of [2.15 Persons living with disabilities and persons with severe medical issues](#) and [2.20 Individuals who were born in Iran or Pakistan and/or who lived there for a long period of time](#).

- **Arbitrary arrests, illegal detention, and prison conditions:** 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 of actors (linked to the State, to militias, to strongmen or to insurgent groups) are widespread in Afghanistan. In general, human rights are not respected in these illegal detention facilities and persons who face a real risk of being illegally detained by these actors may be in need of protection.

When assessing the conditions of detention, the following elements can, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world. Furthermore, it can be assessed that in cases where the prosecution or punishment is grossly unfair or disproportionate, or where subjecting a person 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 also be stressed that in official and unofficial detention centres, torture often takes place [[State structure](#), 2.1.1, 2.1.2, 2.1.3, 2.1.4, 3.6].

See also the profile of [2.19 Individuals accused of ordinary crimes](#).

- **Corporal punishments:** Article 29 of the Constitution of Afghanistan prohibits ‘punishment contrary to human dignity’, and Afghanistan is a party to the CAT since 1987. However, corporal punishments by the State are permitted by law in Afghanistan due to the pluralistic legal system, whereby Islamic and civil laws interact with one another, allowing individual judges and courts to determine how to prescribe punishments under either code. Corporal punishment, including the use of lashings and beatings, are more frequent in areas controlled by AGEs. In territories under their control, the Taliban operate a parallel justice system based on a strict interpretation of the *Sharia*. In addition to executions (see [Article 15\(a\) QD](#)), the operation of this system leads to punishments reported by UNAMA to be cruel, inhumane, and degrading [[Anti-Government Elements](#), 2.5; [Criminal law and customary justice](#), 1.6, 1.8].

See also the profile of [2.19 Individuals accused of ordinary crimes](#).

²⁹ CJEU, *M’Bodj*, paras. 35-36. See also CJEU, *MP*, paras. 57, 59.

- **Criminal violence:** Common criminality and organised crime 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. Reported crimes comprised kidnappings of adults and children, robberies and burglaries, murders, extortion. Criminal groups targeted businessmen, local officials and ordinary people, and foreigners and wealthy Afghans were indicated as the main targets [[Security Situation 2020](#), 1.4.2, 2.1.2; [Society-based targeting](#), 8.5]. Where there is no nexus to a reason for persecution under the refugee definition, the risk of crimes such as the above may qualify under [Article 15\(b\) QD](#).

Other cases for which a real risk of serious harm under [Article 15\(b\) QD](#) may exist are, inter alia, some situations under the profile of [2.10 Children](#), [2.18.2 Land disputes](#), etc.



In some cases, those at risk of torture or inhuman or degrading treatment or punishment (for example, because of mistreatment in prisons) may also have committed or contributed to excludable acts as defined in [Article 17 QD](#). Therefore, although the criteria of [Article 15\(b\) QD](#) would be met, exclusion considerations should be examined (see [6. Exclusion](#)).

3.3 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 section include:

[Preliminary remarks](#)

[Armed conflict \(international or internal\)](#)

[Qualification of a person as a ‘civilian’](#)

[Indiscriminate violence](#)

⊙ [Badakhshan](#)

⊙ [Badghis](#)

⊙ [Baghlan](#)

⊙ [Balkh](#)

⊙ [Bamyan](#)

⊙ [Daikundi/Daykundi](#)

⊙ [Farah](#)

⊙ [Faryab](#)

⊙ [Ghazni](#)

⊙ [Ghor](#)

⊙ [Helmand](#)

⊙ [Herat](#)

⊙ [Jawzjan](#)

⊙ [Kabul](#)

⊙ [Kandahar](#)

⊙ [Kapisa](#)

⊙ [Khost](#)

⊙ [Kunar](#)

⊙ [Kunduz](#)

⊙ [Laghman](#)

⊙ [Logar](#)

⊙ [Nangarhar](#)

⊙ [Nimroz](#)

⊙ [Nuristan](#)

⊙ [Paktika](#)

⊙ [Paktya/Paktia](#)

⊙ [Panjshir](#)

⊙ [Parwan](#)

[☉ Samangan](#)

[☉ Sar-e Pul](#)

[☉ Takhar](#)

[☉ Uruzgan](#)

[☉ Wardak](#)

[☉ Zabul](#)

[Serious and individual threat](#)

[Qualification of the harm as a 'threat to \(a civilian's\) life or person'](#)

[Nexus/'by reason of'](#)

Preliminary remarks

Reference period

The following assessment is based on the EASO COI report on the security situation in Afghanistan, published in September 2020 [[Security situation 2020](#)]. The general reference period for this chapter is **1 January 2019 - 30 June 2020**. Events taking place after 30 June 2020 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.

Legal framework

[Article 15\(c\) QD](#) defines the third type of harm that constitutes a ground for qualification for subsidiary protection. It covers a more general risk of harm and the protection needs which may arise from armed conflict situations.

Under [Article 15\(c\) QD](#), serious harm consists of **serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict**.

In addition to the applicable EU legal instruments, this analysis builds on the most relevant European case law. Two judgments of the CJEU³⁰ and one judgment of the ECtHR have been taken into account in particular:

³⁰ It can be noted that two other relevant cases are currently pending at the CJEU: [Case C-901/19](#) (Request for a preliminary ruling from the Verwaltungsgerichtshof Baden-Württemberg, Germany) concerns the relationship between substantiating a 'mere presence' level of indiscriminate violence and a minimum number of civilian casualties already being established. [Case C-579/20](#) (Request for a preliminary ruling from Staatssecretaris van Justitie en Veiligheid, the Netherlands) concerns the application of Article 15(c) QD when the level of 'mere presence' is not reached and the application of a 'sliding scale'.

- **CJEU, *Diakité* judgment:**³¹ The judgment is of particular importance for the interpretation of relevant concepts, and in particular of ‘internal armed conflict’.
- **CJEU, *Elgafaji* judgment:**³² The judgment is of importance with regard to the appreciation of the degree of indiscriminate violence and in particular with regard to the application of the ‘sliding scale’. In this judgment, the CJEU further discusses the ‘serious harm’ under the provision of [Article 15\(c\) QD](#) in comparison to the other grounds for granting subsidiary protection and considers the relation between [Article 15\(c\) QD](#) and the ECHR, in particular [Article 3 ECHR](#).
- **ECtHR, *Sufi and Elmi* judgment:**³³ It should be noted that ECtHR jurisprudence on [Article 3 ECHR](#) is not of direct applicability when discussing the scope and elements of [Article 15\(c\) QD](#). However, the elements outlined in *Sufi and Elmi* with regard to the assessment of the security situation in a country, and the degree of generalised violence, were consulted in order to design the [indicators of indiscriminate violence](#) for the purposes of this common analysis.

The elements to examine under [Article 15\(c\) QD](#) are:

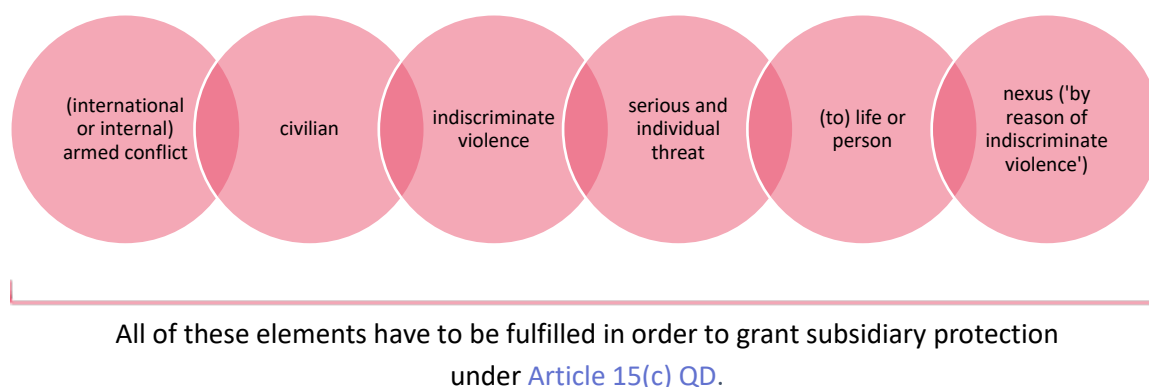


Figure 7. Elements of the legal provision of Article 15(c) QD.

Common analysis and assessment of the factual preconditions for the possible application of [Article 15\(c\) QD](#) with regard to the situation in Afghanistan is provided in the sub-sections below.

Armed conflict (international or internal)

A definition of an international or an internal armed conflict within the meaning of [Article 15\(c\) QD](#) is not provided by the QD itself. In *Diakité*, the CJEU interprets the concept of ‘internal armed conflict’

³¹ CJEU, *Aboubacar Diakité v Commissaire général aux réfugiés et aux apatrides*, C-285/12, judgment of 30 January 2014 (*Diakité*).

³² CJEU, *Elgafaji v Staatssecretaris van Justitie*, C-465/07, Grand Chamber, judgment of 17 February 2009 (*Elgafaji*).

³³ ECtHR, *Sufi and Elmi v United Kingdom*, Applications nos. 8319/07 and 11449/07, judgment of 28 June 2011 (*Sufi and Elmi*).

under [Article 15\(c\) QD](#) and concludes that it must be given an interpretation, which is autonomous from international humanitarian law:

*...internal armed conflict exists, for the purposes of applying that provision, if a State's armed forces confront one or more armed groups or if two or more armed groups confront each other. It is not necessary for that conflict to be categorised as 'armed conflict not of an international character' under international humanitarian law;*³⁴

In *Diakité*, the CJEU sets a low threshold to assess whether an armed conflict is taking place, noting that,

*nor is it necessary to carry out, in addition to an appraisal of the level of violence present in the territory concerned, a separate assessment of the intensity of the armed confrontations, the level of organisation of the armed forces involved or the duration of the conflict.*³⁵

Furthermore, in the context of [Article 15\(c\) QD](#), differentiation between 'international' or 'internal' armed conflict is not necessary, as the provision is equally applicable in situations of international and internal armed conflict.

It should also be noted that an armed conflict can be taking place only in parts of the territory.

According to COI, confrontations between the pro-government forces and anti-government groups, as well as confrontations between different insurgent groups, take place across Afghanistan.

Given the interpretation of the concept of 'internal armed conflict' by the CJEU, and based on the COI, it can be concluded that an internal armed conflict, in the meaning of [Article 15\(c\) QD](#), takes place in the territory of Afghanistan and the security situation in the country is volatile.

With regard to the provinces, the assessment has to proceed to examine whether the remaining criteria under [Article 15\(c\) QD](#) are also (cumulatively) met.

Qualification of a person as a 'civilian'

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.

The QD itself does not provide a definition of the term 'civilian'. In light of the interpretative guidance given by CJEU in *Diakité*, the term should be read by reference to its usual meaning in everyday language, whilst taking into account the context in which it occurs and the purposes of the rules of which it is a part. Therefore, the term 'civilian' could be considered to refer to a person who

³⁴ CJEU, *Diakité*, para 35.

³⁵ *ibid.*

is not a member of any of the parties in the conflict and is not taking part in the hostilities, including those who are no longer taking part in hostilities.

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:

- **Insurgents/AGEs:** members of armed groups pursuing political, ideological or economic objectives, such as the Taliban, ISKP, IMU, the Haqqani Network, Al Qaeda, Jundullah, as well as armed criminal groups directly engaged in hostile acts on behalf of a party to the conflict.
- **ANSF:** including the ANA, parts of ANP,³⁶ NDS, as well as the ALP.
- **PGMs:** different paramilitary initiatives that have been developed and formalised to support the Afghan government and to assist the formal armed forces of Afghanistan, such as the Khost Protection Force.

See also the chapter [1. 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.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that [Article 15\(c\) QD](#) would not be applicable to him or her. For example, the assessment should take into account whether the person had voluntarily taken part in the armed conflict; those who willingly joined the armed groups are unlikely to be considered civilians.

In case of doubt regarding the civilian status of a person, a protection-oriented approach should be taken, which is also in line with international humanitarian law, and the person should be considered a civilian.



Exclusion considerations may also apply (see [6. Exclusion](#)).

Indiscriminate violence

‘Indiscriminate violence’ refers to the source of the specific type of serious harm defined in [Article 15\(c\) QD](#). The CJEU in *Elgafaji* notes that the term ‘indiscriminate’ implies that the violence,

*may extend to people irrespective of their personal circumstances.*³⁷

³⁶ In Afghanistan, the ANP takes up an active combat role in the fight against insurgents. Therefore, (part of) ANP members are considered to fall outside the scope of Article 15(c) QD.

³⁷ CJEU, *Elgafaji*, para. 34.

Some acts of violence may be indiscriminate by their nature, for example: (suicide) bombings, attacks and armed confrontations in areas that are inhabited or frequented by civilians (e.g. marketplaces, public roads, healthcare facilities).

Based on *Elgafaji*, in situations where indiscriminate violence is taking place, the following differentiation can be made with regard to its level:

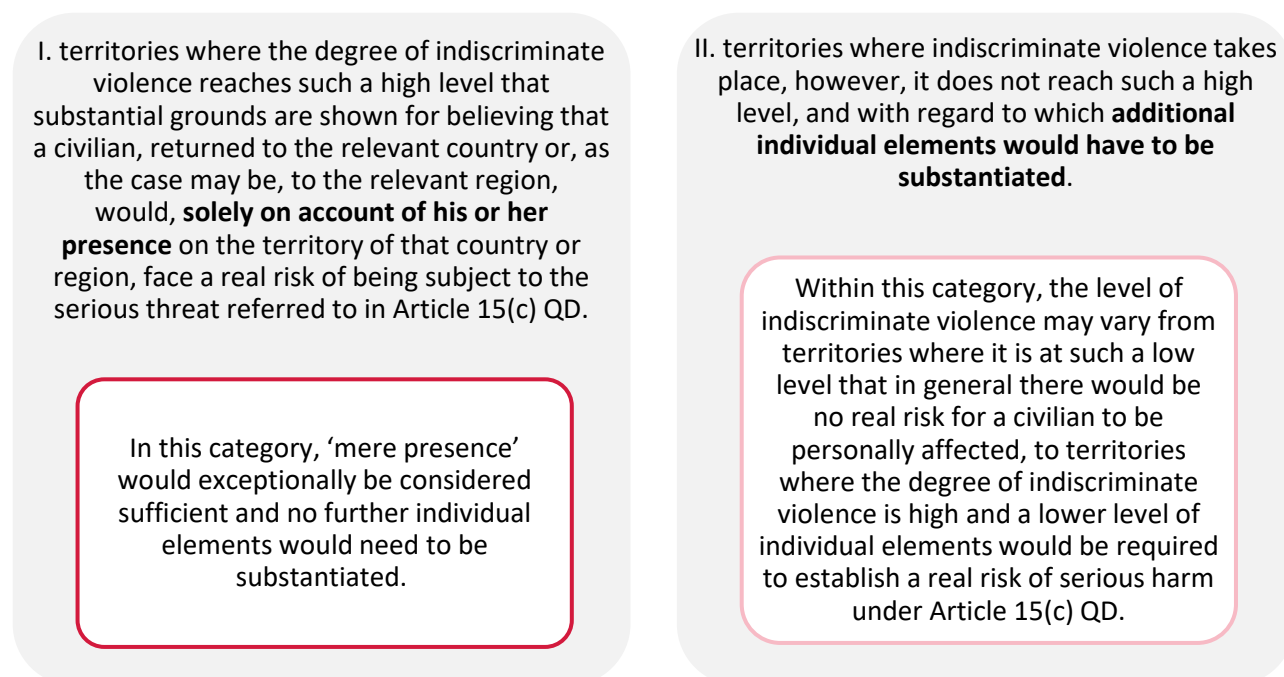


Figure 8. Levels of indiscriminate violence on the basis of CJEU, *Elgafaji*.³⁸

With regard to the second category, *Elgafaji* provides guidance on how the serious and individual threat has to be assessed, an approach commonly referred to as the 'sliding scale':

*(...) the more the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstances, the lower the level of indiscriminate violence required for him to be eligible for subsidiary protection.*³⁹

Risk-impacting elements related to the personal circumstances of the applicant should, therefore, be taken into account. See the sub-section [Serious and individual threat](#).

The graph below illustrates the further differentiated standard scale applied in country guidance documents with regard to the levels of indiscriminate violence and the respective degree of individual elements required in order to find that a real risk of serious harm under [Article 15\(c\) QD](#) is substantiated for the applicant:

³⁸ CJEU, *Elgafaji*, para. 43.

³⁹ CJEU, *Elgafaji*, para. 39.

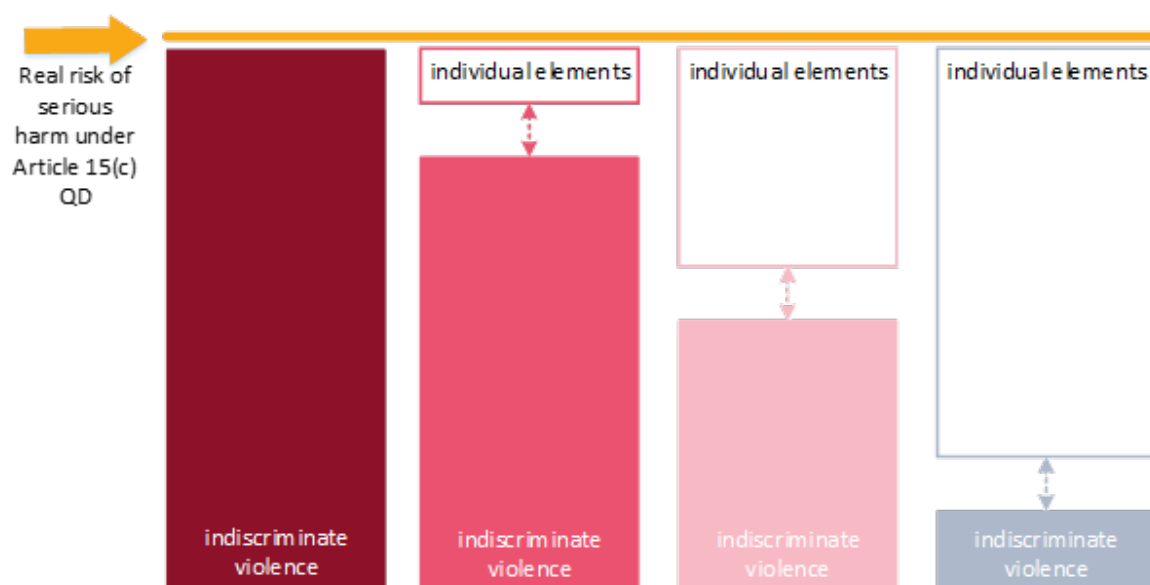


Figure 9. Indiscriminate violence and individual elements in establishing real risk of serious harm under Article 15(c) QD.

The different levels of indiscriminate violence can be described as follows:

I. Territories where ‘mere presence’ would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD.

Territories where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, **solely on account of his or her presence** on the territory of that country or region, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

II. Territories where real risk of serious harm under Article 15(c) QD may be established if the applicant is specifically affected by reason of factors particular to his or her personal circumstances (based on a ‘sliding scale’).

Territories where ‘mere presence’ in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD, 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.

Territories where indiscriminate violence is taking place, however not at a high level and, accordingly, a **higher level of individual elements** is required in order 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.

Territories where indiscriminate violence is taking place at such a low level that **in general there is no real risk for a civilian** to be personally affected by reason of indiscriminate violence within the meaning of Article 15(c) QD.

It should be noted that in armed conflicts the targeting of civilians may have nexus to one of the reasons for persecution according the refugee definition. Therefore, refugee status may be granted as noted in the section above (see, for example, the profiles [2.2 Government officials, including judges, prosecutors and judicial staff; and those perceived as supporting the government](#), [2.4 Religious leaders](#), [2.7 Educational personnel](#), [2.8 Humanitarian workers and healthcare professionals](#), [2.9 Journalists, media workers and human rights defenders](#), and [2.17 Ethnic and religious minorities](#)). Such targeted violence, furthermore, would not be considered ‘indiscriminate’.

Indicators of indiscriminate violence

The common analysis below regarding the degree of indiscriminate violence taking place in the different provinces of Afghanistan combines quantitative and qualitative elements in a holistic and inclusive assessment.

The indicators applied are formulated in reference to the ECtHR judgment in *Sufi and Elmi*:

*(...) first, whether the parties to the conflict were either employing methods and tactics of warfare which increased the risk of civilian casualties or directly targeting civilians; secondly, whether the use of such methods and/or tactics was widespread among the parties to the conflict; thirdly, whether the fighting was localised or widespread; and finally, the number of civilians killed, injured and displaced as a result of the fighting.*⁴⁰

These indicators were further developed and adapted in order to be applied as a general approach to assessing the element of ‘indiscriminate violence’, irrespective of the country of origin in question. The security situation in the respective territories is assessed by taking into account the following elements:

○ Presence of actors in the conflict

This indicator looks into the presence of actors in the conflict in the respective province. In this regard, the assessment of the Long War Journal (LWJ) is taken into account. The source relies on primary data and research based on open-source information, such as press reports and information provided by government agencies, including the Resolute Support Mission / Special Inspector General for Afghanistan Reconstruction (SIGAR) assessment, and by the Taliban. The definitions applied by the LWJ are as follows:

- **‘Contested’** district may mean that the government may be in control of the district centre, but little else, and the Taliban controls large areas or all of the areas outside of the district centre.

⁴⁰ ECtHR, *Sufi and Elmi*, para. 241.

- **‘Controlled’** district may mean the Taliban is openly administering a district, providing services and security, and also running the local courts.
- **‘Unconfirmed’** district means that some level of claim-of-control is made by the Taliban, but either has not yet been - or cannot be - independently verified by LWJ research.

Districts are also defined as **‘under government control or undetermined’** in line with the LWJ assessment.

This indicator also refers to the reported presence of other insurgent groups, such as ISKP, Haqqani Network, etc.

The presence of Afghan security forces and their international allies is not systematically mentioned under this indicator. However, examples of incidents often refer to their activities in the province.

○ Nature of methods and tactics

Some methods and tactics used in an armed conflict are by their nature more indiscriminate than others and create a more substantial risk for civilians. Therefore, information on these is particularly relevant in the assessment of risk under [Article 15\(c\) QD](#).

Under this indicator, the sections below outline the leading causes of civilian casualties recorded by UNAMA. In addition, examples of incidents are provided as illustration of the methods and tactics used by the actors present in the province. It should be underlined that these examples are only for illustrative purposes and are by no means exhaustive or conclusive.

○ Number of incidents

The number of security incidents is an important indicator, pointing to the intensity of hostilities in a certain area. In relation to this indicator, data collected by the Armed Conflict Location & Event Data Project (ACLED) is consistently presented per province.

ACLED collects data on several types of violent incidents in Afghanistan: battles, violence against civilians, explosions/remote violence, riots, protests, and strategic developments. Each incident is coded with the time and place, type of violent incident, the parties involved, and the number of fatalities. The COI summaries per governorate within this common analysis focus in particular on the number of incidents coded as follows:

✓ **Battles:** violent clashes between at least two armed groups.

Battles can occur between armed and organised state, non-state, and external groups, and in any combination therein. Subevents of battles are armed clashes, government regains territory and non-state actor overtakes territory. The subevent type ‘armed clash’ occurs when ‘armed, organised groups engage in a battle, and no reports indicate a change in territorial control’.

✓ **Explosions/remote violence:** events where an explosion, bomb or other explosive device was used to engage in conflict.

They include one-sided violent events in which the tool for engaging in conflict creates asymmetry by taking away the ability of the target to engage or defend themselves and their location. They include air / drone strikes, suicide bombs, shelling / artillery / missile attack, remote explosive / landmine / IED, grenade, chemical weapon.

✓ **Violence against civilians:** violent events where an organised armed group deliberately inflicts violence upon unarmed non-combatants.

‘Violence against civilians’ includes attempts at inflicting harm (e.g. beating, shooting, torture, rape, mutilation, etc.) or forcibly disappearing (e.g. kidnapping and disappearances) civilian actors.

For further information on the data, see [Security situation 2020](#), Sources.

In order to provide an indication of the relative intensity of incidents, the number of security incidents is furthermore presented as a weekly average for the reporting period.

○ Geographical scope

This indicator looks into how spread the violence is and whether it affects the whole of the province or certain parts of it. The general approach under this section is to provide assessment at province level. Some information on district level is provided within the sub-sections and may be taken into account for further analysis.⁴¹ Certain districts are, for example, mentioned in relation to reported security incidents, as well as under further impact on the civilian population.

The accessibility of the area should also be taken into account.

In general, a differentiation can be made in the security situation in rural and urban areas, particularly with regard to provincial capitals. In June 2020, USDOS reported that the Afghan government maintained its control in ‘Kabul, provincial capitals, major population centres, most district centres, and most portions of major ground lines of communications’. While the urban areas, including the bigger cities, continue to experience insurgent attacks, it can be noted that the nature of incidents often differs.

For some provinces, and in particular Kabul, Herat, and Balkh, the situation in the capital cities is specifically addressed.

○ Civilian casualties

This is considered a key indicator when assessing (the level of) indiscriminate violence in the context of [Article 15\(c\) QD](#).

The two main sources used are referred to under this indicator.

For 2019, reference is made to the number of civilian casualties reported by UNAMA. It is further weighted by the estimated population in the province and presented as ‘number of civilian casualties per 100 000 inhabitants’, rounded to the nearest whole number.⁴²

⁴¹ A note should be made that in the absence of an official list of districts, in principle the administrative divisions of the provinces used by UNOCHA are followed, in line with the *Security situation 2020* report. In some instances, the text refers to ‘unofficial’ districts (created before 2004 by the previous government, often by splitting existing districts) and ‘temporary’ districts (approved after the entry into force of the Constitution in 2004 by the President due to security or other considerations, but not yet approved by the Parliament).

⁴² These calculations are based on the exact number of inhabitants according to official estimates, while the approximate population numbers cited in the summaries are rounded to the nearest 1 000.

For the first half of 2020, the COI summaries refer to the categorisation of provinces by number of civilian casualties reported per quarter by RS. In addition, the number of civilian casualties reported by UNAMA is included, where available.

○ Displacement

This indicator refers to conflict-induced (internal) displacement from and within the province, as well as to the province or a city, where relevant.

In addition to the indicators above, some examples of further impact of the armed conflicts on the life of civilians are mentioned and taken into account in the assessment.

None of the indicators above would be sufficient by itself to assess the level of indiscriminate violence and the risk it creates for the civilian population in a particular area. Therefore, a holistic approach has been applied, taking into account all different elements.

It should, furthermore, be noted that the COI used as a basis for this assessment cannot be considered a complete representation of the extent of indiscriminate violence and its impact on the life of civilians. Concerns with regard to underreporting should be underlined.

Indiscriminate violence in Afghanistan

[Main COI references: [Security situation 2020](#), 1.3, 1.4.1] ⁴³

In this sub-section, some highlights concerning the indicators above are presented in terms of recent trends in the situation in Afghanistan, before looking into the assessment of indiscriminate violence at provincial level.

According to several UN reports, issued between June 2019 and June 2020, the security situation in Afghanistan remained volatile during the mentioned period. In their annual report released in February 2020, UNAMA indicated that there were significant fluctuations in violence throughout 2019, coinciding with gains and setbacks made during negotiations between the Taliban and the US in Doha. The first half of the year [2019] was characterised by an intense campaign of airstrikes by international military forces and search operations by Afghan forces, particularly by the NDS Special Forces.

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 ANSF. The group carried out more than 4 500 attacks in 45 days across Afghanistan. Since the US-Taliban agreement, Taliban attacks have been less frequent in cities, but have continued to target Afghan government forces in rural areas.

In response to the Taliban attacks, ANSF have also resumed their operations against the Taliban. ANSF and the Taliban were reportedly fighting each other in Takhar, Jawzjan, Paktya, Helmand,

⁴³ In addition, the UNAMA 'Afghanistan, Protection of Civilians in Armed Conflict 2019' and the UNAMA 'Afghanistan, Protection of Civilians in Armed Conflict - Midyear Report: 1 January – 30 June 2020' have been consulted directly. The report is available at https://unama.unmissions.org/sites/default/files/unama_poc_midyear_report_2020_-_27_july-revised_10_august.pdf [accessed 10 December 2020].

Khost, Ghor, Kunduz, Badghis, Kandahar, Samangan, Faryab, Ghazni, Logar, Herat and Badakhshan provinces of Afghanistan. Widespread fighting between the ANSF and AGEs over the control of the Afghan highways was also reported in June 2020. As a result of continued fighting between the Taliban and AGEs, insecurity has significantly increased on the highways, including on the Kabul-Logar-Paktia, Kabul-Baghlan, Baghlan-Kunduz, Pul-e Khumri-Samangan, Kabul-Jalalabad and Kabul-Kandahar highways. In the context of Afghanistan, all actors in the conflict engage in activities which (indiscriminately) affect civilians.

According to UNAMA reporting for 2019, AGEs were responsible for 62 % of civilian casualties, including 47 % caused by the Taliban, 12 % by ISKP, and the remaining 3 % attributed to undetermined and other AGEs. The third quarter of 2019 was particularly violent, registering the highest number of civilian casualties of any quarter since UNAMA began systematic documentation in 2009. The main factors contributing to the spike in civilian casualties were suicide and non-suicide IED attacks by AGEs, primarily by the Taliban, along with election-related violence. In the first half of 2019, the number of civilian casualties attributed to pro-government forces was higher than that caused by AGEs; this was 'a trend that UNAMA had not documented before 2019'. UNAMA attributed 28 % of the civilian casualties in 2019 to pro-government forces, including 16 % caused by ANSF, around 8 % by international military forces, nearly 2 % by pro-government armed groups, and just under 3 % by undetermined or multiple pro-government forces. Civilian casualties caused by pro-government armed groups occurred mainly in the context of ground engagements (40 %) and search operations (34 %).

In 2019, UNAMA documented 10 392 civilian casualties, including 3 403 deaths and 6 989 injured as a result of the armed conflict, with a 5 % decrease compared to 2018. This decrease was due to the reduction in civilian casualties caused by ISKP, while civilian casualties caused by other actors increased, notably by the Taliban and by international military forces.

The conflict in Afghanistan continued to be one of the deadliest in the world for civilians. Between 1 January and 30 June 2020, UNAMA documented 3 458 civilian casualties including 1 282 deaths and 2 176 injured, with a 13 % decrease compared to the same period in 2019. This also represented the lowest number of civilian casualties recorded for the first half of the year since 2012. The overall decrease was due to the significant drop in civilian casualties caused by airstrikes by international forces and the reduced activity of ISKP. At the same time, during the first quarter of 2020, UNAMA stated it was 'gravely concerned with the acceleration in violence observed in March 2020, mainly by the Taliban against Afghan national security forces, and the consequent increase in the number of civilian casualties and harm caused, particularly in the northern and north-eastern regions'. According to SIGAR, during the second quarter of 2020, civilian casualties increased by nearly 60 % compared to the first quarter of the year, and by 18 % compared to the same period in 2019.

The Taliban, along with other militant groups, continued to carry out high-profile attacks in 2019. According to UNAMA, suicide attacks, including complex attacks by the Taliban, caused 1 499 civilian casualties, including 165 deaths and 1 334 injured, in 2019, which represented 133 % increase compared to 2018. During the first six months of 2020, UNAMA documented 342 civilian deaths and 428 injured caused by deliberate attacks on civilians, which represented 21 % of the overall civilian casualties.



The figure below illustrates the proportion of civilian casualties by type of incident in 2019 and the first half of 2020.

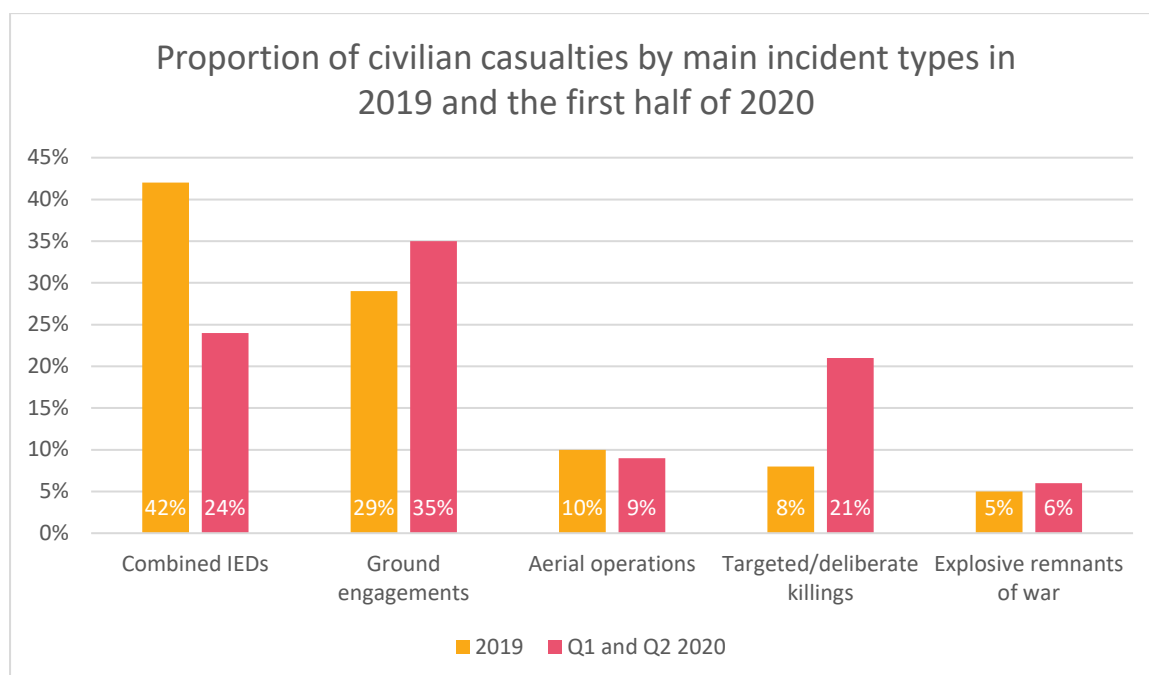


Figure 10. UNAMA, Proportion of civilian casualties by main incident types in 2019 compared to the first half of 2020.

- Combined improvised explosive devices (IEDs):** In 2019, UNAMA documented 4 336 civilian casualties (885 killed and 3 451 injured) resulting from suicide and non-suicide IED attacks combined, making these types of incidents the leading cause for civilian casualties. It further indicated a surge in harm to civilians from **non-suicide IED attacks** in 2019, which caused 2 258 civilian casualties, a 24 % increase compared to 2018. 22 % of all civilian casualties were caused by non-suicide IEDs, which were in themselves the second leading cause of civilian casualties in 2019 behind ground engagements. The Taliban and ISKP reportedly increased their non-suicide IEDs attacks in 2019. Civilian casualties attributed to the Taliban from this tactic increased by 21 %, whereas those attributed to ISKP increased by 183 %. In 2019, **suicide IED attacks**, including complex attacks, by AGEs caused 2 078 civilian casualties, representing a 26 % decrease as compared to 2018, mainly linked to a drop in these attacks by ISKP.

During the period of **1 January to 30 June 2020**, the use of IEDs was the second leading cause of civilian casualties following ground engagements. They were the leading cause of the civilian casualties by AGEs, and resulted in 688 civilian casualties, including 217 deaths and 471 injured. The widespread use of pressure-plate IEDs by the Taliban caused around half of the civilian casualties (45 %) from IEDs, representing 50 % increase compared to the same period in 2019.

- Ground engagements:** In 2019, UNAMA observed the lowest number of civilian casualties caused by ground engagements since 2013. However, ground engagements remained the second leading cause for civilian casualties, after suicide and non-suicide IEDs attacks, and represented 29 % of all attacks. UNAMA documented 3 057 civilian casualties, including 763 killed and 2 294 injured, registering a 10 % decrease compared to 2018.

During the **first six months of 2020**, ground engagements were the leading cause of civilian casualties, and represented 35 % of total civilian casualties. They resulted in 1 195 civilian casualties, including 336 deaths and 859 injured.

- **Aerial operations:** According to UNAMA, 10 % of the overall casualties in **2019** were caused by the airstrikes. In particular, 219 airstrikes were carried out by pro-government forces, which caused 1 045 civilian casualties, including 700 deaths and 345 injured, with a 3 % increase compared to 2018.

During the **first half of 2020**, civilian casualties caused by airstrikes represented 9 % of the overall civilian casualties. UNAMA indicated that there has been 43 % decrease in overall civilian casualties by airstrikes during the mentioned period, due to an important reduction in activity by the international military forces following the signing of the US-Taliban agreement in February 2020. At the same time, UNAMA expressed concerns over the increase in civilian casualties caused by the Afghan Air Force (AAF), noting that during the first six months of 2020 the number of civilian casualties caused by AAF's airstrikes tripled compared to the same period in 2019.

- **Targeted killings and conflict-related abduction:** In **2019**, UNAMA documented that 8 % of civilian casualties were the result of **targeted / deliberate killings**. In the **first half of 2020**, attacks classified as 'targeted killings', which included mass shooting incidents, were the third leading cause for civilian casualties overall, but the main cause of civilian deaths.

In addition, in **2019** UNAMA documented 218 incidents of **conflict-related abductions** that affected 1 006 civilians and caused 50 civilian deaths and five injured, a 46 % decrease in the number of civilians abducted compared to 2018; however, the number of abductees who were killed remained at the same level as in 2018. During the **first six months of 2020**, UNAMA verified 28 incidents of abductions of civilians that resulted in 68 civilian casualties (40 killed and 28 injured), representing more than a five-fold increase in civilian casualties resulting from this incident type as compared to the first six months of 2019.

- **Explosive remnants of war:** In **2019**, UNAMA documented 520 civilian casualties, including 149 deaths and 371 injured caused by explosive remnants of war, with a 6 % increase compared to 2018. 78 %, or 403, of those casualties were children. During the **first half of 2020**, UNAMA verified 218 civilian casualties (59 killed and 159 injured) from explosive remnants of war, over 80 % of whom were children.

Assessment per province

The next sections provide detailed information and assessment of the level of indiscriminate violence and the risk it represents for civilians in Afghanistan per province. The map below summarises and illustrates the assessment of indiscriminate violence per province:

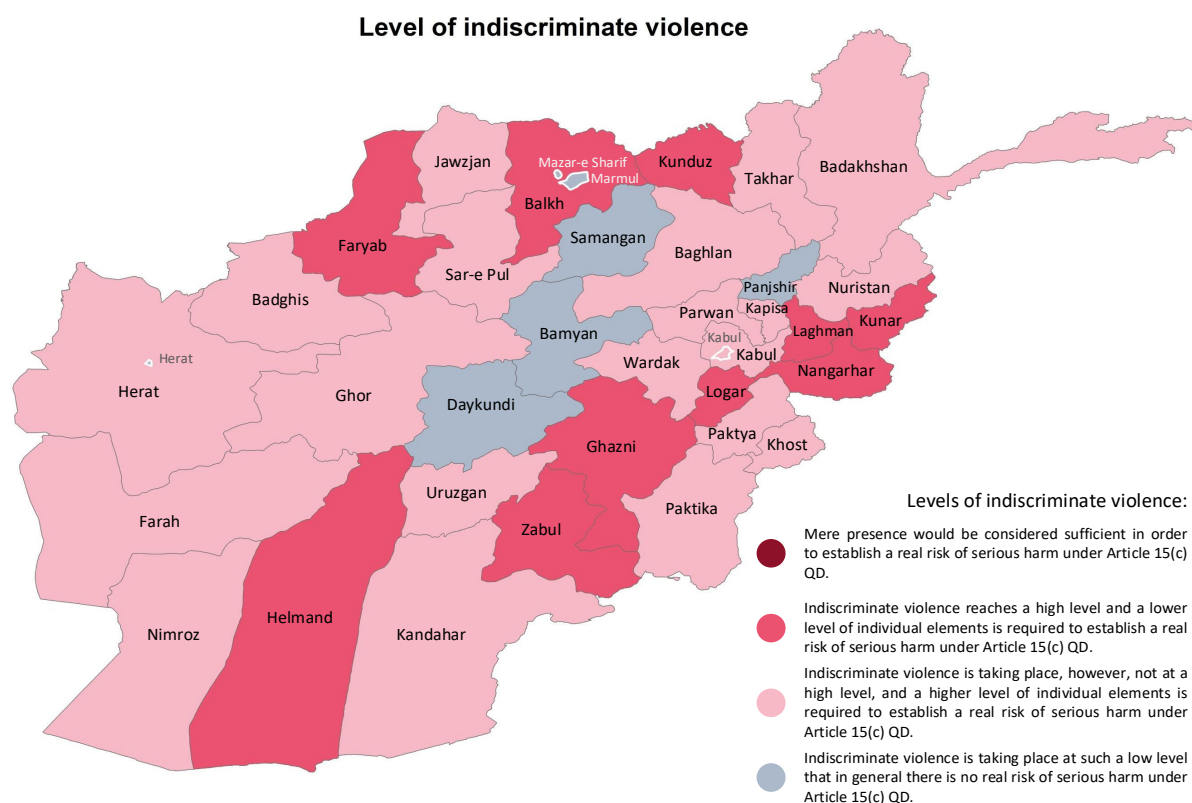


Figure 11. Afghanistan, level of indiscriminate violence in a situation of armed conflict (based on data as of 30 June 2020).

📍 Badakhshan

[Main COI reference: [Security situation 2020](#), 2.2]

The province of Badakhshan has a population of approximately 1 055 000. It is located in the north-eastern region of Afghanistan and borders Takhar, Panjshir and Nuristan, and shares an international border with Tajikistan, China and Pakistan. The province is divided into 28 districts. The main ethnic groups in the province are Tajiks and Uzbeks. As of July 2020, scheduled passenger services between the province capital Fayzabad and Kabul were provided.

It was reported that the Taliban had become increasingly successful in the province since 2015. Besides local Taliban fighters, Tajik, Uzbek, Uighur, and, to a lesser extent, Russian and Turkmen nationals were reportedly fighting in several districts of the province in 2017 and continued to be present in 2019 and 2020. Some of the foreign fighters are embedded within local Taliban structures, fighting alongside Afghan AGEs. Al Qaeda has been trying to strengthen its presence in Badakhshan. Small pockets of ISKP emerging in the province have also been reported.

20 of Badakhshan's 28 districts were categorised by LWJ as contested, six as under government control, and two districts are considered under Taliban control.

ACLED collected data on 276 violent events in the period from 1 March 2019 to 30 June 2020 (average of 4 incidents per week), of which 186 were coded as 'battles', 81 as 'explosions/remote violence' and nine as 'violence against civilians'.

Armed clashes between Afghan security forces supported by members of PGMs and Taliban fighters took place in all of the province's districts. The majority of those armed clashes were attacks by the Taliban on Afghan security forces or attacks on military or police facilities, such as checkpoints, military bases, and sometimes attacks on vehicles. Security operations of Afghan security forces against AGEs aimed at recapturing districts, some of them backed by airstrikes, for example in Warduj and Nesay districts, have also been reported. Taliban or unidentified armed groups used roadside bombs and IEDs to target Afghan and international security forces and government officials. Some of these incidents caused civilian casualties. Other incidents categorised as 'violence against civilians' included the killing of MoI officials and of civilians accused of being government spies by the Taliban or by unidentified armed men.

Due to conflict in Nesay district, the main roads in some of the district's villages were closed. Within the framework of its attacks on healthcare initiative, WHO registered the closure and reopening of health facilities.

UNAMA documented 106 civilian casualties (48 deaths and 58 injured) in 2019, representing 10 civilian victims per 100 000 inhabitants. This is an increase of 68 % compared to 2018. Leading causes of casualties were airstrikes, followed by ground engagements and targeted/deliberate killings.

RS ranked Badakhshan in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020, and between 26 and 50 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 33 208 persons were displaced from the province of Badakhshan, of which 97 % were displaced within the province itself. No conflict-induced internal displacement was reported from other provinces to Badakhshan in this period.

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 and, accordingly, a higher level of individual elements is required in order 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.

📍 Badghis

[Main COI reference: [Security situation 2020](#), 2.3]

The province of Badghis has a population of approximately 550 000, mainly Tajiks, Pashtuns, Uzbeks, and Turkmens. It is situated in western Afghanistan and borders Herat, Faryab and Ghor, and shares an international border with Turkmenistan. It is divided into seven districts. The roads of Badghis have been reported to be in bad condition and mostly unsafe because of insurgent and criminal activity.

Anti-government groups are active in several of the districts, control parts of the province and often carry out insurgency activities. ISKP presence is also reported.

Four of the districts in the province were categorised by LWJ as contested. The districts Muqur, Ghormash, and Bala Murghab were considered under Taliban control.

ACLED collected data on 388 violent events in the period from 1 March 2019 to 30 June 2020 (average of 5.6 incidents per week), of which 241 were coded as 'battles', 133 'remote violence' and 14 incidents of 'violence against civilians'.

Western provinces, including Badghis, have experienced an increase in insurgent activities, with Taliban besieging areas of the region. Continued armed clashes between Taliban fighters and Afghan security forces took place in the province. It is reported that Taliban also set up checkpoints and blocked roads, sometimes leading to severe food and supply shortages. Incidents with civilian casualties included, for example airstrikes, mainly in Bala Murghab district.

UNAMA documented 161 civilian casualties (77 deaths and 84 injured) in 2019, representing 29 civilian victims per 100 000 inhabitants. This was an increase of 104 % compared to 2018. The leading causes for the civilian casualties were ground engagements, airstrikes, and non-suicide IEDs.

RS ranked Badghis in the category of provinces where the number of civilian casualties was between 26 and 50 for the first quarter of 2020, and between 0 and 25 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 29 359 persons were displaced from the province of Badghis, of which 84 % in the province itself (mainly in Bala Murghab and Qala-I Naw). Almost no internal displacement from other provinces to Badghis was reported in this period.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Badghis**, however not at a high level and, accordingly, a higher level of individual elements is required in order 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.

📍 Baghlan

[Main COI reference: [Security situation 2020](#), 2.4]

Baghlan province has a population of approximately 1 015 000. The main ethnic groups in the province are Tajiks, Pashtuns and Hazaras. It borders the provinces of Bamyan, Samangan, Kunduz, Takhar, Panjshir, Parwan, and Balkh on a short stretch, and is divided into 15 districts. Baghlan's capital, Pul-e-Khumri, is known to be an economic hub connected to eight other provinces by the Kabul-North highway - the major transit route between Kabul and the north of the country - which is also of strategic importance for military operations and considered to be decisive for the security situation in the province. The stretch on Highway One between Kabul and Pul-e-Khumri was described by a source as sufficiently safe. On the road further north, however, several incidents and road closures and obstructions as a result of clashes and non-State armed groups' presence and activity were reported.

Baghlan is among the provinces with a high Taliban presence and Afghan forces have been engaged in deadly battles in parts of it. Baghlan is considered to be one of the most Taliban-controlled or influenced provinces in the north-eastern region. Besides Taliban fighters, local pro-government militias supported by the NDS are reportedly active in the province. Jundullah, which has affiliated itself with ISKP, also had presence in the province. However, reference was only made to the existence of smaller groups of ISKP supporters, with no security incidents specifically attributed to ISKP within the reporting period.

The majority of the districts were categorised by LWJ as contested, with two districts considered under Taliban control, and one district categorised as under government control.

ACLED collected data on 444 violent events in the period from 1 March 2019 to 30 June 2020 (average of 6.4 incidents per week), of which 304 were coded as 'battles', 118 as 'explosions/remote violence' and 22 as 'violence against civilians'.

Most violent incidents in Baghlan province have been battles, mainly consisting of armed clashes. The majority of attacks were by the Taliban on Afghan security forces, including PGMs, or attacks on military or police facilities, such as checkpoints, bases and headquarters, and on convoys. These incidents at times resulted in civilian casualties. Taliban presence led to regular attacks, fighting and security operations in some areas of Pul-e-Khumri. Baghlan was one of the provinces in the north-east where security forces' operations focused, for example, to recapture certain areas in the province. More than the half of the incidents of explosions / remote violence were incidents where the Taliban or unidentified armed groups used roadside bombs or IEDs or magnetic bombs to target security forces. Over one third of this type of incidents were air / drone strikes, mostly carried out by Afghan forces, also causing civilian casualties. Few incidents of shelling were also reported. Incidents categorised as violence against civilians included kidnappings and killings, as well as attacks on trucks. Electoral violence, such as attacks on polling centres, rocket shelling, and blocking of main roads was also reported. Heavy fighting took place when the Taliban launched an offensive on the provincial capital on 1 September 2019, resulting in civilian casualties and displacement. Checkpoints established by the Taliban were obstructing traffic to the north. Telecommunications and road movement were intermittently disrupted.

Further impact on civilians included the extortion of money from fuel trucks passing through Baghlan, as well as damage on power lines and towers by Taliban attacks.

UNAMA documented 349 civilian casualties (123 deaths and 226 injured) in 2019, representing 34 civilian victims per 100 000 inhabitants. This was an increase of 34 % compared to 2018. Leading

causes of casualties were ground engagements, followed by and targeted / deliberate killings and non-suicide IEDs.

RS ranked Baghlan in the category of provinces where the number of civilian casualties was between 26 and 50 for the first quarter of 2020, and between 0 and 25 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 46 669 persons were displaced from the province of Baghlan, of which 93 % were displaced within the province itself. The largest displacement occurred in Pu-e-Khumri district, especially after the Taliban's offensive on the provincial capital. No conflict-induced displacement from other provinces to Baghlan was reported in this period.

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 and, accordingly, a higher level of individual elements is required in order 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.

📍 Balkh

[Main COI reference: [Security situation 2020](#), 2.5]

Balkh province has a population of approximately 1 509 000. It is an ethnically diverse province. It is situated in the northern part of Afghanistan, sharing an international border with Uzbekistan, Turkmenistan and Tajikistan, and bordering Kunduz, Baghlan, Samangan, Sar-e Pul, and Jawzjan. It consists of 15 districts. The provincial capital is Mazar-e Sharif. A highway is leading to the Uzbek border crossing point, branching off the Ring Road east of Mazar-e Sharif. A highway connecting Balkh to Bamyan is under construction.

Up until early 2019, Balkh was usually described as one of the relatively calm and most stable provinces. The resignation of the former governor of Balkh, former warlord Atta Mohammad Noor, was considered a contributing factor to the worsening security situation in Balkh. Subsequently, criminal activities increased in Balkh's capital. Compared to other northern regions, the Taliban had a much smaller presence in Balkh. Nevertheless, their influence reportedly increased in 2019 and there were reports of Taliban activity in nearly all of Balkh's districts. It was also indicated that ISKP had increased its influence in all provinces in the northern region, including Balkh. However, no security incidents were specifically attributed to ISKP within the reporting period.

The majority of districts in Balkh were categorised by the LWJ as under government control, with three districts categorised as contested and one district categorised as under Taliban control.

ACLED collected data on 811 violent events in the period from 1 March 2019 to 30 June 2020 (average of 11.7 incidents per week), of which 631 were coded as 'battles', 162 as 'explosions/remote violence' and 18 as 'violence against civilians'. Balkh district stood out as the district where most violent incidents were recorded during this period. On the other hand, ACLED did not record any security incidents during this period in the district of Marmul.

The security situation in Balkh province has been deteriorating in 2019 and in the first months of 2020 Balkh was reportedly one of the four most active areas of conflict. Most of the violent incidents in the province were armed clashes, with the majority of attacks by the Taliban on Afghan security forces, including members of PGMs, or attacks on military or police facilities, such as checkpoints, bases, and on convoys and vehicles, as well as attacks on government officials and employees. Heavy

fighting and clashes were reported in several districts, leading to casualties. Operations and attacks were carried out by Afghan security forces against AGEs, some of them backed by airstrikes. AGEs used roadside bombs or IEDs to target security forces or government officials. Some of these incidents resulted in casualties among civilians. Violence against civilians also included abductions and killings by the Taliban. UNAMA also noted a consistent pattern in the use of civilian locations by AGEs when carrying out their attacks in Afghanistan, which exposed civilians to risks of attack by pro-government forces.

Further impact on civilians included the setup of Taliban checkpoints along the Mazar-Shiberghan Highway, looting of medical supplies, and blocked access to water and communication networks in Balkh district.

UNAMA documented 277 civilian casualties (108 deaths and 169 injured) in 2019, representing 18 civilian victims per 100 000 inhabitants. This was an increase of 22 % compared to 2018. Leading causes of civilian casualties were ground engagements, followed by non-suicide IEDs and targeted killings. In the first half of 2020, UNAMA ranked Balkh province first in terms of civilians most affected by the conflict, documenting 344 civilian casualties in the province.

RS ranked Balkh in the category of provinces where the number of civilian casualties was between 51 and 75 for the first quarter of 2020; between 51 and 75 civilian casualties were also recorded in the second quarter.

In the period 1 March 2019 – 30 June 2020, 22 253 persons were displaced from the province of Balkh, of whom more than 99 % were displaced within the province itself. In addition, some internal displacement to Balkh was reported from Faryab province, and to a lesser extent from Jawzjan and Sar-e Pul provinces.

Focus on the provincial capital: Mazar-e Sharif

Mazar-e Sharif is the provincial capital of Balkh. Its population is reported to be approximately 485 000. Dubbed a 'Silk Route crossroad', Balkh – and more specifically Mazar-e Sharif – is an import/export hub, as well as a regional trading centre. An airport with scheduled passenger services to national and international destinations is located 8 kilometres from Mazar-e Sharif, in the district of Marmul.

The resignation of Atta Mohammed Noor as governor of Balkh in December 2017 reportedly led to an increase in criminal activities, such as armed robberies, murder, clashes, and kidnapping in Mazar-e Sharif. In the reporting period, the city was also the scene of clashes in the context of political disputes and powerplay. These incidents resulted in civilian casualties and damages on civilian houses.

The district of the capital city is categorised as under government control by LWJ.

The conflict pattern in Mazar-e Sharif district, which includes the provincial capital, was different from the general pattern in Balkh province and in its different districts. Mazar-e Sharif was also one of the districts in Balkh province where a lower number of incidents were reported. ACLED registered 19 violent incidents in Mazar-e Sharif district between 1 March 2019 and 30 June 2020 (average of 0.3 incidents per week), representing around 2 % of all violent events recorded by ACLED in Balkh province in that period. While ACLED categorised at least 65 % of the violent incidents in the different districts of Balkh province

as battles, in Mazar-e Sharif this event type represented 37 % of all violent incidents. Over half of the reported violent incidents in Mazar-e Sharif were landmine or IED explosions, whereas in the other districts that type of incidents represented under 25 %, and in most districts even under 10 %, of all violent incidents. No airstrikes were reported in Mazar-e Sharif.

In the period 1 March 2019 – 30 June 2020, no conflict-related displacement was reported from Mazar-e Sharif. Mazar-e Sharif hosted about one third of all IDPs displaced within and to Balkh province.

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 **Balkh**, however, indiscriminate violence in most parts of the province 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.

In the provincial capital of **Mazar-e Sharif** and in the district of **Marmul**, indiscriminate violence is taking place at such a low level that in general there is no real risk for a civilian to be personally affected by reason of indiscriminate violence within the meaning of Article 15(c) QD. However, individual elements always need to be taken into account as they as they could put the applicant in risk-enhancing situations.

🕒 **Bamyan**

[Main COI reference: [Security situation 2020](#), 2.6]

The province of Bamyan has a population of approximately 496 000. The main ethnic groups in Bamyan are the Hazara, followed by Tajiks and Pashtuns. The province borders Samangan, Baghlan, Parwan, Wardak, Ghazni, Daykundi, Sar-e Pul and Ghor. It consists of seven districts. The province is dubbed the ‘unofficial Hazara capital’ and part of the Hazarajat. Bamyan can be reached from Kabul by the Kabul-Bamyan highway, via the province of Wardak, via Parwan, or via passenger services to Bamyan’s airport.

All districts of Bamyan were categorised by LWJ as under government control or undetermined.

According to sources, the Taliban have some presence in Bamyan. Infiltration from neighbouring Baghlan and subsequent attacks at checkpoints and abductions were reported. Due to the presence of non-State armed groups, in September 2019, a tense situation was reported in the districts Kahmard and Shibar. At the beginning of 2020, the Taliban made new appointments for their shadow government in the province. The relative stability of Bamyan can be linked to the social cohesion among its inhabitants and the active involvement of religious leaders in peace processes in the province.

No incidents related to ISKP have been recorded in the province.

ACLED collected data on 15 violent events in the period from 1 March 2019 to 30 June 2020 (average of 0.2 incidents per week), of which 14 were coded as 'battles' and one as 'violence against civilians'.

Examples of incidents included attacks by Taliban insurgents on Afghan security forces in the second half of 2019 in Kahmard, Shibar, Sayghan and Bamyan districts, attacks on polling centres during presidential elections, and an incident of sexual violence committed by two senior security officials.

UNAMA documented 5 civilian casualties (3 death and 2 injured) in 2019, representing 1 civilian victim per 100 000 inhabitants. This was a decrease of 29 % compared to 2018. The leading cause for the civilian casualties were explosive remnants of war.

RS ranked Bamyan in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020; between 0 and 25 civilian casualties were also recorded in the second quarter.

In the period 1 March 2019 – 30 June 2020, 175 persons were displaced from the province of Bamyan, all of them leaving for Kabul province. In the same period, 730 persons were displaced to the province of Bamyan, all coming from Jalrez district in Wardak.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Bamyan** at such a low level that in general there is no real risk for a civilian to be personally affected by reason of indiscriminate violence within the meaning of Article 15(c) QD. However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.

Daikundi/Daykundi

[Main COI reference: [Security situation 2020](#), 2.7]

Daykundi province has a population of approximately 517 000. Daykundi is part of the 'Hazarajat' and has a majority Hazara population, with a minority of Pashtuns, Balochs and Sayed/Sadat. It borders Ghor, Bamyan, Ghazni, Uruzgan and Helmand. It consists of ten districts. Daykundi has an airport where small planes can land.

Daykundi is considered as one of the more stable provinces in Afghanistan, due to the social cohesion among its inhabitants. However, attacks by the Taliban have been reported and a deterioration of the security situation in some districts could be observed.

Most of Daykundi's districts were categorised by LWJ as under government control. Gizab/Patoo was indicated as contested, and Kajran district as 'unconfirmable'.

According to sources, Taliban infiltration from insecure areas in neighbouring provinces took place and resulted in several Taliban attacks, mainly in the districts of Kajran and Gizab/Patoo.

No security incidents specifically related to ISKP have been reported.

ACLED collected data on 40 violent events in the period from 1 March 2019 to 30 June 2020 (average of 0.6 incidents per week), of which 29 were coded as 'battles', eight as 'explosions/remote violence' and three as 'violence against civilians'.

'Battles' included mostly armed clashes, in which Taliban attacked security forces or vice versa. Air/drone strikes were reported in Kajran district. Also, in May 2019 in Nawmesh district civilians were killed when their vehicle hit a roadside bomb.

UNAMA documented 70 civilian casualties (44 death and 26 injured) in 2019, representing 14 civilian victims per 100 000 inhabitants. This was an increase of 71 % compared to 2018. The leading cause for the civilian casualties were non-suicide IEDs, followed by ground engagements and aerial operations.

RS ranked Daykundi in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020; between 0 and 25 civilian casualties were also recorded in the second quarter.

In the period 1 March 2019 – 30 June 2020, 2 390 persons were displaced from the province of Daykundi, the majority of whom found refuge in the province itself. Most of the IDPs were displaced from Kajran and Gizab/Patoo districts. No conflict-induced internal displacement to Daykundi province from other provinces was reported in this period.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Daykundi** at such a low level that in general there is no real risk for a civilian to be personally affected by reason of indiscriminate violence within the meaning of Article 15(c) QD. However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.

◉ Farah

[Main COI reference: [Security situation 2020](#), 2.8]

The province of Farah has approximately 563 000 inhabitants. Most of its inhabitants are Pashtuns. It is located in the western part of Afghanistan. It borders Herat, Ghor, Helmand and Nimroz, and shares an international border with Iran. The province is divided into 11 districts. Part of the Ring Road leads through Farah, connecting the province with Herat City in the north and with the provinces of Nimroz and Helmand. Farah is of strategic interest to insurgents and pro-government strongmen because of its transport routes into bordering Iran.

Five of the districts in the province were categorised by LWJ as under Taliban control, five districts (including Farah city) were categorised as contested, and one was under governmental control.

The Taliban traditionally have a strong presence in Farah and occupy strategic areas, such as the border area and important traffic routes. Government presence in the province is limited;

No incidents related to ISKP were reported.

ACLED collected data on 441 violent events in the period from 1 March 2019 to 30 June 2020 (average of 6.3 incidents per week), of which 277 were coded as 'battles', 148 as 'explosions/remote violence' and 16 as 'violence against civilians'.

Intense fighting took place between the Taliban and Afghan security forces. Other examples of incidents include Taliban attacks on district capitals and on the provincial capital. In various instances, civilians were killed when travelling on the road, being hit by roadside bombs. Civilian casualties were also reported due to airstrikes by foreign troops on drug production factories.

Further impact on the civilian population included the destruction of health centres in the province.

In 2019, UNAMA documented 147 civilian casualties (87 deaths and 60 injured), representing 26 civilian victims per 100 000 inhabitants. This was a decrease of 47 % compared to 2018. The leading causes for the civilian casualties were non-suicide IEDs, ground engagements and airstrikes.

RS ranked Farah in the category of provinces where the number of civilian casualties was between 26 and 50 for the first quarter of 2020; between 26 and 50 civilian casualties were also recorded in the second quarter.

In the period 1 March 2019 – 30 June 2020, 17 830 persons were displaced from the province of Farah, of whom 86 % were displaced in the province itself. No conflict-induced displacement from other provinces to Farah was reported in this period.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Farah**, however not at a high level and, accordingly, a higher level of individual elements is required in order 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.

📍 Faryab

[Main COI reference: [Security situation 2020](#), 2.9]

The province of Faryab is situated in the north-western region of Afghanistan and has a population of approximately 1 109 000. The main ethnic group in the province are Uzbeks. Faryab borders Jawzjan, Sar-e Pul, Ghor and Badghis, and has an international border with Turkmenistan. It consists of 14 districts. Faryab is strategically important, as it connects the western parts of the country with the north. A part of the Ring Road leads through Faryab, connecting the province with the neighbouring Jawzjan and the regional centre Mazar-e Sharif in Balkh. Scheduled air passenger services between Maymana and Kabul are provided.

Faryab is reportedly among the most insecure provinces in the north of Afghanistan and an active front in the conflict. Very widespread Taliban presence has been reported in the province, with the group also recruiting among Uzbeks for high-level posts. There is active fighting for control over certain regions.

Seven of the districts of the province were categorised by LWJ as contested, five districts were categorised as under Taliban control and two districts were categorised as under government control.

Sources report presence of small groups of ISKP (and IMU) in the province, although no incidents related to ISKP have been reported.

ACLED collected data on 579 violent events in the period from 1 March 2019 to 30 June 2020 (average of 8.3 incidents per week), 422 of which were coded as 'battles', 135 as 'explosions/remote violence' and 22 as 'violence against civilians'. Qaysar and Pashtunkot stood out as districts where most incidents were reported.

Examples of incidents include mainly attacks of Taliban on Afghan security forces, as well as intense attacks on villages and districts centres, resulting into hour-long clashes. Civilian casualties were reported following Taliban attacks on security forces. Other casualties were the result of air / drone strikes and mortar shelling.

Further impact on the civilian population included Taliban fighting over control of highways and the setup of checkpoints on important highways.

UNAMA documented 665 civilian casualties (199 deaths and 466 injured) in 2019, representing 60 civilian victims per 100 000 inhabitants. This was an increase of 3 % compared to 2018. The leading causes for the civilian casualties were ground engagements, followed by airstrikes and explosive remnants of war. UNAMA ranked Faryab among the five provinces where civilians were most affected by the conflict, documenting 233 civilian casualties in the province in the first half of 2020.

RS ranked Faryab in the category of provinces where the number of civilian casualties was between 51 and 75 for the first quarter of 2020; between 51 and 75 civilian casualties were also recorded in the second quarter.

In the period 1 March 2019 – 30 June 2020, 38 222 persons were displaced from the province of Faryab, mostly from Pashtunkot, Khwasjasabzposh and Garziwan districts. 71 % of the IDPs remained in the province itself. In addition, some internal displacement was reported to Faryab from Badghis, Balkh, Ghor, Jawzjan, Kunduz and Sar-e Pul provinces.

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 **Faryab**, 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.

📍 Ghazni

[Main COI reference: [Security situation 2020](#), 2.10]

The province of Ghazni has a population of approximately 1 363 000. The main ethnic groups in Ghazni are Pashtuns, Hazara and Tajiks. The province is located in the south-east of Afghanistan, bordering Bamyan, Wardak, Logar, Paktya, Paktika, Zabul, Uruzgan and Daykundi. It consists of 19 districts. Ghazni City is considered a ‘key intersection’, as it is situated on the Ring Road connecting the capital Kabul with the major population centre Kandahar in the south.

Eleven of the districts of the province were categorised by LWJ as under Taliban control and eight districts were categorised as contested.

Throughout 2019 and the first months of 2020, Ghazni continued to be highly contested and a major battlefield between Taliban insurgents and the Afghan government, backed by US forces. As of October 2019, the Taliban controlled almost all Pashtun populated districts of the province, while government forces controlled Ghazni City and Hazara-populated districts of the province (Jaghori, Malistan and Nawur). UNAMA also documented ISKP activity in Ghazni province, which caused civilian casualties. Some Al Qaeda cells were also reportedly present. The government forces controlled most of the district centres.

ACLED collected data on 1 291 violent events in the period from 1 March 2019 to 30 June 2020 (average of 18.5 incidents per week), of which 830 were coded as ‘battles’, 423 as ‘explosions/remote violence’, and 38 as ‘violence against civilians’.

Examples of incidents include attacks along main roads, clashes between the Taliban and government forces, airstrikes causing civilian casualties, and operations conducted by Afghan security forces during which people were harassed or harmed. Attacks by ISKP against civilians were also reported.

Further impact on the civilian population included destruction of civilian property, extortion and forced taxation, intimidations by armed groups, road checkpoints, and police abuses.

UNAMA documented 673 civilian casualties (213 deaths and 460 injured) in 2019, representing 49 civilian victims per 100 000 inhabitants. This was an increase of 3 % compared to 2019. Leading causes of casualties were suicide IEDs and non-suicide IEDs, and ground engagements.

RS recorded between 0 and 25 civilian casualties in Ghazni in the first quarter of 2020, reporting an increase in the number of civilian casualties in the second quarter of the year, with over 126 casualties recorded.

In the period 1 March 2019 – 30 June 2020, 3 742 persons were displaced from the province of Ghazni, the majority within the province itself. No conflict-induced internal displacement to Ghazni province from other provinces was reported in the same period.

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 **Ghazni**, 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.

📍 Ghor

[Main COI reference: [Security situation 2020](#), 2.11]

The province of Ghor has approximately 764 000 inhabitants and is mainly populated by Tajiks, followed by Hazara and Aimaq. It is located in central towards north-western Afghanistan and borders the provinces of Herat, Badghis, Faryab, Sar-e Pul, Bamyān, Daykundi, Helmand and Farah. Ghor is divided into 10 districts.

Ghor is reported as being known for its ‘particularly confusing pattern of conflicts’, involving insurgent groups and ‘freelancing’ militias, with unclear dividing lines between them. Besides strong presence of Taliban insurgents, armed groups partially affiliated to political parties in the central government are present in the province. The ‘insurgent’ activities of some groups can be hardly distinguished from crime, and allegiances have been shifting several times in the past. Traditionally, government presence is weak in Ghor.

Half of the districts of the province were categorised by LWJ as contested, the rest as under government control or undetermined.

ACLED collected data on 222 violent events in the period from 1 March 2019 to 30 June 2020 (average of 3.2 incidents per week), of which 145 were coded as ‘battles’, 56 as ‘explosions/remote violence’ and 21 as ‘violence against civilians’.

Examples of incidents include the frequent use of roadside bombs by insurgents, causing civilian casualties, and attacks of Taliban against security forces.

UNAMA documented 77 civilian casualties (62 death and 15 injured) in 2019, representing 10 civilian victims per 100 000 inhabitants. This was an increase of 20 % compared to 2018. The leading cause for the civilian casualties were targeted/deliberate killings, ground engagements and non-suicide IEDs.

RS ranked Ghor in the category of provinces where the number of civilian casualties was between 26 and 50 for the first quarter of 2020, and between 51 and 75 in the second quarter.

In the period 1 March 2019 – 30 June 2020, 10 512 persons were displaced from the province of Ghor, almost all relocating in the same province. Almost no internal displacement from other provinces to the province of Ghor was reported in this period.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Ghor**, however not at a high level and, accordingly, a higher level of individual elements is required in order 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.

📍 Helmand

[Main COI reference: [Security situation 2020](#), 2.12]

The province of Helmand has approximately 1 446 000 inhabitants, mainly Pashtun. It is situated in southern Afghanistan, bordering the provinces of Nimroz, Farah, Ghor, Daykundi, Uruzgan and Kandahar. In the south, Helmand shares an international border with Pakistan. Helmand is the largest province of Afghanistan. It consists of 15 districts. The province has a significant geo-strategic importance as a section of the Ring Road runs through it, connecting the major population centre Herat City with Kandahar and the capital Kabul. A domestic airport with scheduled passenger service reportedly exists in Lashkargah.

Helmand is one of Afghanistan's most volatile provinces, with significant fighting for control between insurgents and Afghan security forces. Since 2018, security forces have conducted several offensive operations to push the Taliban away from certain districts. The Taliban regularly stormed the provincial capital of Lashkargah; until now government defended the city.

Seven of the districts of the province were categorised by LWJ as under Taliban control and the rest of the districts were categorised as contested.

Al Qaeda is allegedly present in Helmand; no presence of ISKP fighters has been reported.

ACLED collected data on 1 650 violent events in the period from 1 March 2019 to 30 June 2020 (average of 23.7 incidents per week) of which 1 154 were coded as 'battles', 474 as 'explosions/remote violence' and 22 as 'violence against civilians', with a noticeable decrease in the total number of incidents in the second quarter of 2020.

Examples of incidents include the frequent use of IEDs by insurgents, inflicting considerable casualties among civilians and limiting the freedom of movement in the province. Numerous airstrikes were also reported, including against Al Qaeda fighters, but often generating civilian casualties, for example, in an incident where a wedding procession was accidentally targeted.

UNAMA documented 675 civilian casualties (284 deaths and 391 injured) in 2019, representing 47 civilian victims per 100 000 inhabitants. This was a decrease of 23 % compared to 2018. The leading causes for the civilian casualties were IEDs, followed by airstrikes.

RS ranked Helmand in the category of provinces where the number of civilian casualties was between 76 and 100 for the first quarter of 2020; between 76 and 100 civilian casualties were also recorded in the second quarter.

In the period 1 March 2019 – 30 June 2020, 9 233 persons were displaced from the province of Helmand, almost all relocating within the province. In the same period, 103 persons arrived at Helmand's district Nahr-e Saraj from Daykundi province.

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 **Helmand**, 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.

Herat

[Main COI reference: [Security situation 2020](#), 2.13]

The province of Herat has a population of approximately 2 141 000. The main ethnic groups in the province are Pashtuns, Tajiks and Hazaras. It is located in the west of Afghanistan and is divided in 20 districts, including four temporary districts. Herat borders Badghis, Ghor, and Farah, and shares international borders with Iran and Turkmenistan. The provincial capital of Herat is Herat City. The province is connected to other major cities by the Ring Road and can be reached by Herat International Airport.

According to LWJ, seven of the districts of Herat were contested, while one district (Farsi) was categorised as 'unconfirmable Taliban claim of control'.

It is reported that Herat has been among the relatively calm provinces in the west of Afghanistan, but some districts are contested or controlled by Taliban militants. According to sources, the government controls all district centres.

ISKP presence is not mentioned in the province.

ACLED collected data on 529 violent events in the period from 1 March 2019 to 30 June 2020 (average of 7.6 incidents per week), of which 360 were coded as 'battles', 141 as 'explosions/remote violence', and 28 as 'violence against civilians'.

Examples of incidents include the killing of civilians through roadside bombs and attacks on government outposts and security forces. Civilian casualties have also been reported in relation to airstrikes targeting key Taliban members, for example in Shindand district.

Further impact on the civilian population included, for example, district roads being reported as unsafe because of armed robbers.

UNAMA documented 400 civilian casualties (144 death and 256 injured) in 2019, representing 19 civilian victims per 100 000 inhabitants. This was an increase of 54 % compared to 2018. The leading

cause for the civilian casualties were non-suicide IEDs, ground engagements, and targeted/deliberate killings.

RS ranked Herat in the category of provinces where the number of civilian casualties was between 51 and 75 for the first quarter of 2020, and between 101 and 125 during the second quarter.

In the period 1 March 2019 – 30 June 2020, 3 761 persons were displaced from the province of Herat, almost all of them within the province itself. In the same period, more than 5 000 people from other provinces were internally displaced in the province of Herat, mainly coming from Badghis.

Focus on the provincial capital: Herat City

Herat City is the provincial capital of Herat and has approximately 574 000 inhabitants. An airport with scheduled passenger services to national and international destinations is located in the vicinity of the city.

According to LWJ, Herat City is categorised as under government control.

The city of Herat witnessed a series of security incidents, including targeted killings and attacks on the police in late 2019 and early 2020. A high level of criminality was also reported in the city.

ACLED registered 62 violent events in the district of the city between 1 March 2019 and 30 June 2020 (average of 0.9 incidents per week), of which 44 were coded as 'battles', 11 as 'explosions/remote violence' and seven as 'violence against civilians'.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Herat**, however not at a high level and, accordingly, a higher level of individual elements is required in order 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.

In the provincial capital of **Herat City**, indiscriminate violence is taking place at such a low level that in general there is no real risk for a civilian to be personally affected by reason of indiscriminate violence within the meaning of Article 15(c) QD. However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.

📍 **Jawzjan**

[Main COI reference: [Security situation 2020](#), 2.14]

Jawzjan has a population of approximately 602 000 and is situated in the north of Afghanistan. The main ethnic groups in the province are Uzbek and Turkmen. It borders Balkh, Sar-e Pul, and Faryab, as well as Turkmenistan. The province is divided in 11 districts. The Ring Road connects the provincial capital of Jawzjan, Shiberghan, with the major population centre Mazar-e Sharif in Balkh, as well as Faryab to the west. Another main road connects the neighbouring Sar-e Pul to the Ring Road in Shiberghan. The road between Mazar-e Sharif and the provincial capital Shiberghan remained contested in January 2020.

The Taliban, including AGEs under their leadership, and Central Asian groups have a widespread presence in Jawzjan province. The Islamic Movement of Uzbekistan also operates in the province, where it maintains links to splinter groups. No security incidents specifically attributed to ISKP were recorded, although there were reports of an insider attack, claiming that the attackers were former members of groups affiliated with ISKP.

According to LWJ, five districts were contested; three districts were categorised as under government control, and three districts were categorised as under Taliban control.

ACLED collected data on 244 violent incidents in the period from 1 March 2019 to 30 June 2020 (average of 3.5 incidents per week), of which 180 were coded as 'battles', 58 as 'explosions/remote violence', and six as 'violence against civilians'.

Most of the violent incidents in the province have been armed clashes, with the majority of attacks by the Taliban on Afghan security forces, including PGMs or local uprising forces, or attacks on their facilities, such as checkpoints, headquarters and military bases. The Taliban attacked some district centres, and some of the attacks resulted in hour-long clashes. AGEs also used roadside bombs or IEDs to target security forces. Operations, attacks and airstrikes were carried out by Afghan security forces. At times, these incidents resulted in civilian casualties. Violence against civilians included killings by AGEs, arson in several shops and schools by AGEs, and an abduction of elderly civilians. Electoral violence and increased road insecurity were also reported.

Further impact on the civilian population included, for example, taxing of commercial and logistic vehicles by AGEs due to their control of the road between Mazar-e Sharif and the provincial capital Shiberghan. Furthermore, the Taliban attacked the district hospital in Aqcha district and set fire to telecom towers in Drazab.

UNAMA documented 123 civilian casualties (29 deaths and 94 injured) in 2019, representing 20 civilian victims per 100 000 inhabitants. This was a decrease of 33 % compared to 2018. Leading causes for the civilian casualties were ground engagements, followed by explosive remnants of war and non-suicide IEDs.

RS ranked Jawzjan in the category of provinces where the number of civilian casualties was between 26 and 50 for the first quarter of 2020, and between 0 and 25 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 4 186 persons were displaced from the province of Jawzjan, of whom more than 67 % were displaced within the province itself. In the same period, Jawzjan hosted a large group of IDPs from Faryab province.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Jawzjan**, however not at a high level and, accordingly, a higher level of individual elements is required in order 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.

○ Kabul

[Main COI reference: [Security situation 2020](#), 2.15]

Kabul province is located in central Afghanistan and has a population of approximately 5 205 000. The main ethnic groups in Kabul are Tajik, Pashtun and Hazara. The province is divided in 15 districts.

It borders Parwan, Kapisa, Laghman, Nangarhar, Logar, and Wardak. Major roads depart from Kabul City and connect the capital with the rest of the country.

In Kabul province, outside of Kabul city, the major insurgent actor were the Taliban, whereas ISKP was primarily active in the provincial capital.

According to LWJ, all districts of Kabul province are categorised as under government control or undetermined.

ACLED collected data on 339 violent events in the period from 1 March 2019 to 30 June 2020 in the province (average of 4.9 incidents per week), of which 172 were coded as 'battles', 132 as 'explosions/remote violence', and 35 as 'violence against civilians'.

Examples of incidents include airstrikes by Afghan security forces in Surobi district, killing and wounding Taliban insurgents. There were also reports of security forces as well as civilians being killed in attacks by the Taliban, and reports of explosions, for example attacks on Afghan security forces' outposts in Surobi district. Roadside attacks occurred in Paghman district, killing security forces and civilians. ISKP is reportedly active and capable of carrying out attacks in Kabul and caused civilian casualties in the province in 2019.

UNAMA documented 1 563 civilian casualties (261 deaths and 1 302 injured) in the province in 2019, representing 30 civilian victims per 100 000 inhabitants. This was a decrease of 16 % compared to 2018. The leading causes for the civilian casualties were suicide IEDs, followed by (non-suicide) IEDs and targeted killings. The majority of the victims were in Kabul City. In the first half of 2020, UNAMA recorded 338 civilian casualties in Kabul.

According to RS, Kabul province suffered the highest countrywide number of civilian casualties (208) in the first quarter of 2020, also representing the most substantial countrywide increase (151 %) compared to the last quarter of 2019. In the second quarter of 2020, RS recorded over 126 civilian casualties in Kabul province.

In the period 1 March 2019 – 30 June 2020, 27 persons were displaced from Paghman district, to the neighbouring Laghman province. In the same period, 4 062 persons were displaced to the province of Kabul, the majority of them to the capital city. The latter represents a decrease compared to the 10 598 persons displaced to the province in the period 1 January 2018 – 28 February 2019 [[Security situation 2019](#), 2.1].

Focus on the capital: Kabul City

[[Security situation 2020](#), 2.1]

Kabul is the capital of Afghanistan. It is reported that the city, which before 2001 counted 12 wards, expanded to 22 wards as a result of its significant demographic growth and horizontal expansion. Its population is officially reported to be 4 117 414. Kabul City hosts an airport, which is served by international and domestic passenger flights.

The Taliban, including the Haqqani Network, as well as the ISKP are active in the capital. According to LWJ, the Kabul City is considered as under government control or undetermined.

Because of frequent high-profile attacks in the city throughout 2017, the Afghan government announced in August 2017 the development of a new security plan for Kabul, called the 'Green Belt'. Moreover, a special unit within the Afghan police called the Crisis Response Unit was created, in order to prevent and respond to attacks.

ACLED collected data on 142 violent events in Kabul City in the period from 1 March 2019 to 30 June 2020 (average of 2 incidents per week), of which 49 were coded as 'battles', 71 as 'explosions/remote' violence and 22 as 'violence against civilians'.

The picture of conflict in Kabul City is characterised by asymmetric tactical warfare, with suicide bombers and IEDs as weapons of attack. The attacks mainly targeted civilians, including the civilian government administration, places of worship, educational facilities, election-related sites, and other 'soft' targets. The Taliban strategy in the third quarter of 2019 combined several high-profile attacks in Kabul City with continuous peace negotiations for US troops withdrawal.

Examples of incidents include several attacks by the ISKP which maintained an active cell in Kabul despite a decreased activity of the group in 2019. In June 2020, the UN Security Council reported on a 'tactical accommodation' between the Haqqani Network and ISKP in Kabul. According to sources, security concerns in Kabul were not limited to AGEs attacks but also include a significant rise in criminality. Several sources reported on an ineffective police response to Kabul's rapidly expanding crime scene.

The single most deadly incident documented by UNAMA in 2019 was an ISKP-claimed suicide attack on the Dubai City Wedding Hall in August. The ceremony was mainly attended by Shia Muslims, and the attack resulted in 234 civilian casualties. The Taliban also carried out attacks in the capital, killing and wounding civilians. One of the most prominent security incidents occurred in July 2019 during an attack against the Ministry of Defence, which caused a large impact on the surrounding neighbourhoods and resulted in 151 civilian casualties.

After an increase in the first half of 2018, the number of high-profile suicide and complex attacks in Kabul started to decrease from the second half of 2018 and further into 2019. According to the UN Secretary General, this can be attributed to successful interdiction efforts and enhanced security measures by ANSF forces in the capital. As in the rest of the country, violence in Kabul intensified during the third quarter of 2019.

High-profile attacks have become less frequent as the insurgents shifted toward targeted assassinations. An increase in targeted killings was reported in Kabul City. In contrast to previous years, UNAMA documented a 35 % decrease in civilian casualties from sectarian-motivated attacks (mainly attributed to ISKP) in 2019.

No displacement from the capital was recorded in the period 1 March 2019 - 30 June 2020, while during the same period, 4 062 persons were displaced to Kabul district. The IDPs arriving and residing in Kabul add pressure on the community, basic services and social infrastructure, strongly affecting the absorption capacity of the city.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Kabul** and in **Kabul City**, however not at a high level and, accordingly, a higher level of individual elements is required in order 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.

📍 Kandahar

[Main COI reference: [Security situation 2020](#), 2.16]

The province of Kandahar has a population of approximately 1 400 000, mainly Pashtuns. It is situated in the south of Afghanistan, bordering Uruzgan and Zabul to the north, Helmand to the west, and Pakistan to the south and east. Kandahar is divided in 18 districts, including two temporary districts. The Ring Road connects the provincial capital of Kandahar with the major population centres of Herat and Kabul. Kandahar has an airport with scheduled passenger services to domestic and international destinations.

Kandahar is reportedly the 'birthplace' of the Taliban and therefore has symbolic importance for the group. A relative stability was reported in the central parts of the province, attributed of the role played by local strongman and Police Chief General Abdul Razeq. After his assassination in October 2018, the security situation deteriorated, especially in remote areas, while the central parts remained relatively stable. Most districts were under Taliban control; only the district centres were in the government's hands. In order to prevent further expansion, the government carries out armed operations, including airstrikes. The Taliban have been unable to launch large scale attacks on the city of Kandahar, however terrorist attacks and targeted killings have taken place.

According to LWJ, four districts were categorised as under Taliban control and eight other districts were contested.

It is reported that NDS arrested several top leaders of ISKP in the province.

ACLED collected data on 1 197 violent events in the period from 1 March 2019 to 30 June 2020 (average of 17.2 incidents per week), of which 687 were coded as 'battles', 475 as 'explosions/remote violence', and 35 as 'violence against civilians'.

Examples of incidents include numerous IEDs, which killed civilians, as well as targeted killings, which mainly occurred in the city of Kandahar. Furthermore, airstrikes against Taliban positions were observed. One of the most important causes of civilian deaths in the province were search operations ('night raids') by NDS Special Forces.

UNAMA documented 467 civilian casualties (121 death and 346 injured) in 2019, representing 33 civilian victims per 100 000 inhabitants. This was a decrease of 13 % compared to 2018. The leading cause for the civilian casualties were non-suicide and suicide IEDs, followed by search operations.

RS ranked Kandahar in the category of provinces where the number of civilian casualties was between 26 and 50 for the first quarter of 2020, and between 101-125 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 5 051 persons were displaced from the province of Kandahar, mainly within the province itself. In the same period, 5 286 persons were displaced to the

province of Kandahar from other provinces, including Helmand, Farah, Daykundi, Uruzgan, and Jawzjan.

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 and, accordingly, a higher level of individual elements is required in order 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.

📍 Kapisa

[Main COI reference: [Security situation 2020](#), 2.17]

The province of Kapisa has a population of approximately 488 000. The main ethnic groups in Kapisa are Tajik, Pashtun, and Nuristani. The province is situated in central-eastern Afghanistan, surrounded by the provinces of Panjshir, Laghman, Kabul and Parwan. Kapisa is divided in seven districts. A primary road connects the capital of Kapisa to Kabul City. The province is considered of strategic importance due to its location.

According to LWJ, three districts in Kapisa province were contested and the other four were under government control or undetermined.

Taliban activity was reported in the province. Some presence of ISKP was also reported.

ACLED collected data on 265 violent events in the period from 1 March 2019 to 30 June 2020 (average of 3.8 incidents per week), of which 206 were coded as 'battles', 49 as 'explosions/remote violence' and 10 as 'violence against civilians'.

Examples of incidents include armed clashes led by the Taliban against Afghan security forces, attacks on checkpoints held by military or police forces, as well as attacks on police convoys. Operations and attacks by Afghan security forces were carried out against Taliban in several operations in Nejrab district in April 2019. Airstrikes by US forces were also reported, causing civilian casualties.

Further impact on the civilian population included the collection of *ushr* taxes from Tagab's residents by the Taliban as well as by the ALP.

UNAMA documented 124 civilian casualties (49 deaths and 75 injured) in 2019, representing 25 civilian victims per 100 000 inhabitants. This was a decrease of 11 % compared to 2018. The leading causes for the civilian casualties were ground engagements, followed by non-suicide IEDs and airstrikes.

RS ranked Kapisa in the category of provinces where the number of civilian casualties was between 51 and 75 for the first quarter of 2020; between 51 and 75 civilian casualties were also recorded in the second quarter.

In the period 1 March 2019 – 30 June 2020, 924 persons were displaced from the province of Kapisa, mainly within the province itself or in the neighbouring Kabul and Parwan provinces. In the same period, 193 persons were displaced to Kapisa province from other provinces.

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 and, accordingly, a higher level of individual

elements is required in order 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.

📍 Khost

[Main COI reference: [Security situation 2020](#), 2.18]

The province of Khost has a population of approximately 637 000. The province is primarily inhabited by Pashtuns, with approximately 1 % Tajik. It is situated in the eastern part of Afghanistan, bordering the provinces of Paktika and Paktya, and sharing an international border with Pakistan. The province is divided in 13 districts. The so-called Khost-Gardez Pass connects Khost with neighbouring Paktya, with Logar, and ultimately with Kabul.

Taliban activity is reported in the province. The Haqqani network has been most active in western Khost, Paktya and Paktika. In 2017, the UN Security Council reported the presence of individuals affiliated to Al Qaeda in Khost.

On the government side, a 'campaign force' named Khost Protection Force (KPF) has reportedly been the most influential security actor in the province.

According to LWJ, eight of the districts of Khost were contested, with the remaining five districts categorised as under government control or undetermined.

ACLED collected data on 342 violent events in the period from 1 March 2019 to 30 June 2020 (average of 4.9 incidents per week), of which 196 were coded as 'battles', 130 as 'explosions/remote violence' and 16 as 'violence against civilians'.

Examples of incidents include insurgent activities as well as operations by Afghan security forces. Throughout the reporting period, the Afghan security forces led several operations against the Haqqani Network in Khost. While expressing concern over reported cases of summary executions, unlawful and arbitrary detentions and of torture by the KPF, UNAMA noted that there was a 'significant drop' in civilian deaths attributed to KPF, compared to 2018.

Further impact on the civilian population included, for example, human rights violations and arbitrary arrests attributed to the KPF.

UNAMA documented 197 civilian casualties (51 deaths and 146 injured) in 2019, representing 31 civilian victims per 100 000 inhabitants. This was an increase of 13 % compared to 2018. The leading causes for the civilian casualties were non-suicide IEDs, followed by targeted killings and search operations.

RS ranked Khost in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020, and between 76 and 100 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 2 828 persons were displaced from Khost, all within the province itself. In the same period, 791 persons were displaced to Khost from other provinces. During the reporting period, Khost City's district was the only destination of these IDPs.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Khost**, however not at a high level and, accordingly, a higher level of individual elements is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk serious harm within the meaning of Article 15(c) QD.

📍 Kunar

[Main COI reference: [Security situation 2020](#), 2.19]

Kunar is located in eastern Afghanistan, on the Afghan-Pakistani border and has a population of approximately 499 000, mainly Pashtuns. The province is divided in 16 districts and borders Nuristan, Nangarhar, and Laghman. The main ethnic groups are Pashtuns, followed by Pashai and Nuristani. A national highway from Jalalabad passes through the districts of Nurgal, Chawkay, Narang, Asadabad, Shigal, and leads to Asmar.

Kunar is described as strongly controlled/influenced by the Taliban, as well as one of the border areas where 'many foreign terrorist fighter groups operate and have established safe havens'. As of May 2020, Kunar was one of the 12 provinces where Al Qaeda was said to be covertly active. Sources also reported the presence of ISKP fighters or bases in western parts of the province.

According to LWJ, most of the districts in Kunar province were contested, with the exception of the district of the provincial capital, Asadabad, which was categorised as under government control or undetermined, and the district of Chapadara, which was categorised as under Taliban control.

ACLED collected data on 271 violent events in the period from 1 March 2019 to 30 June 2020 (average of 3.9 incidents per week), of which 164 were coded as 'battles', 100 as 'explosions/remote violence' and 7 as 'violence against civilians'.

Examples of incidents include clashes between ISKP forces and Afghan security forces, as well as clashes between the Taliban and the ISKP. Battles mainly took place in Sarkani district. Airstrikes as well as military ground operations by Afghan security forces were reported in several districts, causing civilian casualties. ACLED also listed 21 incidents under the sub-category 'shelling/artillery/missile attacks', which included several cross-border incidents initiated by the Pakistani military forces.

Further impact on the civilian population included, for example, threats by insurgents to healthcare personnel in order to stop vaccination campaigns, including for polio.

UNAMA documented 256 civilian casualties (77 deaths and 179 injured) in 2019, representing 51 civilian victims per 100 000 inhabitants. This was a decrease of 36 % compared to 2018. The leading causes for the civilian casualties were ground engagements, followed explosive remnants of war and targeted/deliberate killings.

RS ranked Kunar in the category of provinces where the number of civilian casualties was between 26 and 50 for the first quarter of 2020, and between 0 and 25 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 58 043 persons were displaced from the province of Kunar, over 45 000 of them within the province itself. No conflict-induced internal displacement from other provinces to Kunar was reported in this period.

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 **Kunar**, 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.

📍 Kunduz

[Main COI reference: [Security situation 2020](#), 2.20]

Kunduz has a population of approximately 1 137 000. The main ethnic group in the province are Pashtuns. It is located in northern Afghanistan and is divided in 10 districts. The province borders Takhar, Baghlan, Balkh, and shares an international border with Tajikistan. Kunduz has always been a strategic crossing point. A section of the Asian Highway AH-7 from Kabul passes through the provinces of Parwan and Baghlan and connects Kabul with Kunduz and the border crossing to Tajikistan. The Kunduz-Takhar Highway passes through the district of Khanabad and connects the province with Takhar and Badakhshan.

Strong presence of insurgent groups, especially the Taliban, was reported in almost all parts of Kunduz province. In January 2020, Kunduz was, together with Baghlan, considered to be the most Taliban-controlled or influenced province in the north-eastern region.

According to LWJ, three districts were categorised as under Taliban control; the other districts as contested.

ISKP has reportedly set up bases in the northern provinces of Afghanistan, including in Kunduz. Moreover, an insurgent group called Jabha-ye Qariha, which is known as the military wing of Jundullah, is purportedly active along the Afghan-Tajik border, allied with the Taliban. The presence of foreign fighters in the province was also reported.

ACLED collected data on 629 violent events in the period from 1 March 2019 to 30 June 2020 (average of 9 incidents per week), of which 446 were coded as 'battles', 153 as 'explosions/remote violence' and 30 as 'violence against civilians'.

Most of the violent incidents in the province were armed clashes, with the majority of attacks by the Taliban on Afghan security forces, including PGMs, or attacks on their facilities, such as checkpoints, headquarters, and military bases, as well as on convoys and vehicles. Significant examples include Taliban attacks on the provincial capital at the end of August 2019, with heavy fighting causing 61 civilian casualties. Operations and attacks of Afghan security forces backed by airstrikes also resulted in civilian casualties at times. Incidents where the Taliban or unidentified armed groups used roadside bombs and IEDs to target Afghan and international security forces or government officials as well as incidents of shelling – attributed to both the Taliban and Afghan security forces - have also been reported. Examples of electoral violence included damages on telecommunication towers across Kunduz and rocket attacks on the provincial capital by the Taliban.

Further impact on the civilian population included blocked access to roads and the setup of mobile checkpoints on the Kunduz-Baghlan and Kunduz-Takhar highways by the Taliban. Fighting between AGEs and security forces also impacted humanitarian partners' access to people in need.

UNAMA documented 492 civilian casualties (141 deaths and 351 injured) in 2019, representing 43 civilian victims per 100 000 inhabitants. This was an increase of 46 % compared to 2018. Leading causes for the casualties were ground engagements, followed by non-suicide IEDs and airstrikes. In

the first half of 2020, UNAMA ranked Kunduz province fifth in terms of civilians most affected by the conflict, documenting 205 civilian casualties in the province.

RS ranked Kunduz in the category of provinces where the number of civilian casualties was between 76 and 100 for the first quarter of 2020, and between 51 and 75 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 31 274 persons were displaced from the province of Kunduz. In addition to the 30 289 people displaced within the province, Kunduz hosted IDPs from Takhar province and in 2020 some from Faryab province.

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 **Kunduz**, 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.

📍 Laghman

[Main COI reference: [Security situation 2020](#), 2.21]

Laghman has a population of approximately 493 000. It is located in eastern Afghanistan and borders on the provinces of Panjshir, Nuristan, Kunar, Nangarhar, Kabul and Kapisa. The main ethnic groups are Pashtuns, Tajiks and Pashai tribes. The province is divided in six districts. The Kabul-Jalalabad section of Asian Highway AH-1 passes through Qarghayi district. The province is mostly mountainous, a fact that has favoured the insurgents in the past.

It is reported that Laghman has seen a rise in activities by the Taliban and ISKP militants in some remote districts. The UN Secretary General described Laghman as one of the ISKP’s ‘strongholds’ in Afghanistan.

According to LWJ, three of the districts were categorised as contested and the other three were categorised as under government control or undetermined.

ACLED collected data on 292 violent events in the period from 1 March 2019 to 30 June 2020 (average of 4.2 incidents per week), of which 198 were coded as ‘battles’, 77 as ‘explosions/remote violence’, and 17 as ‘violence against civilians’.

Examples of incidents include military operations as well as airstrikes, carried out by Afghan security forces and killing insurgents. Clashes between Taliban insurgents and ANSF fighters were reported in Alishang district throughout 2019. Incidents have been reported of civilians, including children, killed in a roadside bombing and after the detonation of unexploded ordnances in the districts of Alishang and Mehtarlam. In March 2020, the ISKP shadow governor for Laghman and 30 fighters of the group surrendered to ANSF.

UNAMA documented 282 civilian casualties (80 deaths and 202 injured) in 2019, representing 57 civilian victims per 100 000 inhabitants. This was an increase of 4 % compared to 2018. The leading causes for the civilian casualties were ground engagements, followed by non-suicide IEDs, and suicide IEDs.

RS ranked Laghman in the category of provinces where the number of civilian casualties was between 51 and 75 for the first quarter of 2020, and between 76 and 100 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 4 816 persons were displaced from the province of Laghman, almost all within the province itself. In the same period, some internal displacement was reported to Laghman from Kabul and Nangarhar provinces.

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 **Laghman**, 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.

📍 Logar

[Main COI reference: [Security situation 2020](#), 2.22]

Logar province has a population of approximately 434 000. The main ethnic groups are Pashtun, Tajik and Hazara. It is located in central Afghanistan and is divided in 7 districts. The province borders Kabul, Nangarhar, Paktya, Ghazni and Wardak. The Kabul-Gardez-Khost highway passes through the districts of Mohammad Agha and Pul-e-Alam. Logar province has served as a strategic crossing-point for Taliban fighters, not only due to its proximity to Kabul, but also because it provided easy access to AGEs’ fronts in the nearby provinces, as well as in Pakistan.

In 2019 – 2020, Logar was described by sources as being among the provinces in the central region of the country where the Taliban had influence and control and were regularly attacking government forces in both the provincial capital and the districts. Logar was also one of the 12 provinces in which Al Qaeda was reportedly ‘covertly active’. No security incidents specifically attributed to ISKP were recorded by ACLED.

Three of the districts of Logar were categorised by LWJ as under Taliban control, three as contested, and one district as under government control or undetermined.

ACLED collected data on 468 violent events in the period from 1 March 2019 to 30 June 2020 (average of 6.7 incidents per week), of which 295 were coded as ‘battles’, 148 as ‘explosions/remote violence’ and 25 as ‘violence against civilians’.

Examples of incidents include military operations as well as airstrikes, carried out by government security forces (AAF, NDS). Incidents of civilians being killed in attacks by the Taliban, including bombings, were also reported. Furthermore, Taliban militants attacked drivers on the main roads and government employees in June 2020.

Further impact on the civilian population included, for example, closure of schools and *madrasas* due to the threats by Taliban insurgents. In November 2019, the alleged sexual abuse of hundreds of boys from several schools in rural areas of Logar province was reported.

UNAMA documented 218 civilian casualties (95 deaths and 123 injured) in 2019, representing 50 civilian victims per 100 000 inhabitants. This was an increase of 52 % compared to 2018. The leading causes for the civilian casualties were airstrikes, followed by ground engagements, targeted killings, and complex attacks.

RS ranked Logar in the category of provinces where the number of civilian casualties was between 26 and 50 for the first quarter of 2020, and between 101 and 125 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 1 925 persons were displaced from Logar, the majority of whom (1 155) within the province itself. No conflict-induced internal displacement to Logar province from other provinces was reported in this period.

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 **Logar**, 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.

📍 Nangarhar

[Main COI reference: [Security situation 2020](#), 2.23, 1.2.2, 1.5.1]

Nangarhar province has a population of approximately 1 702 000. The main ethnic groups are Pashtuns, Pashai, Arabs and Tajiks. It is located in eastern Afghanistan, on the Afghan-Pakistani border and has served as an unofficial crossing-point for local and foreign militias. Nangarhar borders the provinces of Laghman, Kunar, Logar and Kabul, and shares an international border with Pakistan. Asian Highway AH-1 passes through the province and reaches the Afghan-Pakistani border. The province is divided into 22 districts.

The insurgency in Nangarhar is fragmented, undermined by internal power struggles, with commanders and fighters involved in criminal activities. Examples of the various Afghan and foreign groups present in the province include the Taliban, Hezb-e Islami, as well as Salafi groups, and foreign groups, such as Al Qaeda, Lashkar-e Islam, Tehrik-e Taliban Pakistan and splinter groups of the latter. Although Nangarhar was still described as an ISKP stronghold by February 2019, from the fall of 2019, military operations simultaneously led by ANSF and coalition forces, and operations by the Taliban, pressured the group into leaving the areas under its control in southern Nangarhar and in Kunar. Inter-tribal fighting was also reported. The Taliban were able to consolidate their presence in areas that they cleared from ISKP and thus were the strongest armed group in Nangarhar.

Seven districts within the province were categorised by LWJ as contested, ten districts were under government control or undetermined, and five districts were considered under Taliban control.

ACLED collected data on 705 violent events in the period from 1 March 2019 to 30 June 2020 (average of 10.1 incidents per week), of which 387 were coded as ‘battles’, 293 as ‘explosions/remote violence’ and 25 as ‘violence against civilians’.

Examples of incidents include a number of airstrikes carried out by pro-government forces against ISKP and the Taliban, clashes between the Taliban and ISKP, and suicide attacks against civilian targets by insurgents.

Further impact on the civilian population included, for example, the closure of health clinics and violence against humanitarian personnel or facilities.

UNAMA reported 1 070 civilian casualties (356 deaths and 714 injured) in 2019, representing 63 civilian victims per 100 000 inhabitants. This was a decrease of 41 % compared to 2018. The leading causes for the civilian casualties were non-suicide IEDs, followed by ground engagements and suicide IEDs. UNAMA explained this 'significant decrease' by a drop in ground engagements initiated by ISKP in Nangarhar over 2019, even though the number of incidents attributed to ISKP (such as IED discoveries, detonations and armed clashes) has been increasing. In the first half of 2020, UNAMA recorded a total of 281 civilian casualties in Nangarhar.

As for RS, it recorded between 101 and 125 civilian casualties in Nangarhar in the first quarter of 2020. In the second quarter of 2020, RS indicated Nangarhar as the province that experienced the highest number of civilian casualties countrywide, with 259 civilian casualties recorded. This represented a more than double increase compared to the previous quarter.

In the period 1 March 2019 – 30 June 2020, 38 640 persons were displaced from the province of Nangarhar, mainly within the province itself. In the same period, 10 155 persons were displaced to Nangarhar province from Kunar.

Looking at the indicators, and in particular the significant decrease in ground engagements initiated by ISKP and the number of civilian casualties in the province, it can be concluded that 'mere presence' in the area would no longer be sufficient to establish a real risk of serious harm under Article 15(c) QD in the province of **Nangarhar**.⁴⁴ 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.

◉ Nimroz

[Main COI reference: [Security situation 2020](#), 2.24]

Nimroz province has a population of approximately 184 000, mainly Baluch. It is located in the south-west of Afghanistan and borders Farah and Helmand, as well as Iran and Pakistan. Nimroz is divided into six districts. The province is an important smuggling and trafficking route because of its vicinity to Iran, Pakistan and Helmand. The city of Zaranj hosts a domestic airport.

The influence of Iran in the province is high. In the context of 'the worst drought in living memory', Iran was accused of sabotaging an important water dam project in the province. The Taliban are very active in most parts of the province. It is reported that they set up checkpoints to charge taxes on vehicles carrying goods. In-fighting for control of drug-trafficking routes has been reported between Taliban and fighters loyal to Mullah Rasul.

According to the LWJ, most areas in the province were controlled by Taliban, apart from the district centres and the province capital, Zaranj, which were under government control.

⁴⁴ The past update of the 'Country Guidance: Afghanistan' (June 2019) had found that 'the degree of indiscriminate violence reaches such a high level in Nangarhar, except the capital city of Jalalabad, that substantial grounds are shown for believing that a civilian, returned to the province, would, solely on account of his or her presence on the territory of the province, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.'

ACLED collected data on 142 violent events in the period from 1 March 2019 to 30 June 2020 (average of 2 incidents per week), of which 109 were coded as 'battles', 30 as 'explosions/remote violence' and three as 'violence against civilians'.

Examples of incidents include a campaign of strikes by US forces against Taliban drug labs in the province, sometimes resulting in civilian casualties. According to sources, clashes erupted between Taliban and Afghan security forces, mainly in Kashrod and Delaram districts. The Taliban also often attacked military and police checkpoints in the province.

UNAMA documented 62 civilian casualties (30 death and 32 injured) in 2019, representing 34 civilian victims per 100 000 inhabitants. This was a decrease of 24 % compared to 2018. The leading cause for the civilian casualties were airstrikes, followed by ground engagements and explosive remnants of war.

RS ranked Nimroz in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020; between 0 and 25 civilian casualties were also recorded in the second quarter.

In the period 1 March 2019 – 30 June 2020, 2 557 persons were displaced from the province of Nimroz, all of them relocating in the provincial capital Zaranj. In the same period, 597 were displaced to Nimroz's provincial capital, Zaranj, from Farah province.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Nimroz**, however not at a high level and, accordingly, a higher level of individual elements is required in order 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.

○ Nuristan

[Main COI reference: [Security situation 2020](#), 2.25]

Nuristan province has a population of approximately 164 000. The main ethnic group is the Nuristani, with smaller communities of Pashai, Pashtuns, Gujars, Tajiks, and Pashtun. It is located in eastern Afghanistan on the Afghan-Pakistani border. It borders the provinces of Badakhshan, Kunar, Laghman, and Panjshir. The province is divided into eight districts. The villages are isolated from each other, as well as from the district centres. Most of the roads are only travelable by pack animals due to poor road conditions. Nuristan is known as a key support route for numerous insurgents.

In addition to the influential position of the Taliban in the region, ISKP is also reported to be active in the province since 2016. According to UN Security Council, Al Qaeda is also 'covertly active' in the province. It is reported that the presence of the Afghan police is limited to district centres.

Five of the districts of Nuristan were categorised by LWJ as contested, while three as under government control or undetermined.

ACLED collected data on 52 incidents in the period from 1 March 2019 to 30 June 2020 (average of 0.7 incidents per week), of which 39 coded as 'battles', 11 as 'explosions/remote violence' and 2 as 'violence against civilians'.

Examples of incidents include clashes between Taliban and Afghan forces, who fought over control of checkpoints and an ALP outpost. Afghan forces were accused of randomly firing at civilians and injuring one in Waygal district in April 2019.

The Taliban also forced a significant number of health centres to close. In August 2019 a polio immunisation campaign was disrupted. Further impact on the population included the closing of polling centres decided by the MoI ahead of the presidential election of September 2019, because Afghan security forces could not ensure their protection.

UNAMA documented 22 civilian casualties (8 deaths and 14 injured) in 2019, representing 13 civilian victims per 100 000 inhabitants. This was a decrease of 8 % compared to 2018. The leading causes for the civilian casualties were ground engagements, followed by targeted/deliberate killings and non-suicide IEDs.

RS ranked Nuristan in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020; between 0 and 25 civilian casualties were also recorded in the second quarter.

In the period 1 March 2019 – 30 June 2020, 551 persons were displaced from the province of Nuristan, half of them within the province itself, while the other half was headed to Panjshir province. In the same period, 1 404 persons were internally displaced to Nuristan from neighbouring Kunar.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Nuristan**, however not at a high level and, accordingly, a higher level of individual elements is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm the meaning of Article 15(c) QD.

📍 Paktika

[Main COI reference: [Security situation 2020](#), 2.26]

Paktika has a population of approximately 775 000. The main ethnic group is the Pashtun, with a Tajik minority in the cities of Sharana and Urgun. The province is located in eastern Afghanistan and borders Pakistan and the provinces of Ghazni, Paktya, Khost, and Zabul. It is divided into 19 official and four unofficial districts. A national highway connects the provinces of Ghazni and Paktika and continues to the Afghan-Pakistani border.

The influence of the Taliban is high. Nine of the districts of the province are categorised by LWJ as contested, four as under government control or undetermined, and six as under Taliban control.

In April 2020, LWJ described Paktika as ‘a bastion of the Haqqani Network’. As of June 2019, 1 800 – 2 000 fighters of the network were reportedly leading the Taliban operations in Loya Paktya, with the help of militants belonging to the Tehrik-e Taliban Pakistan. Al Qaeda was also reportedly trying to strengthen its position in the Afghanistan-Pakistan border region, in Paktika’s Bermel district. In a June 2019 report, the UN Security Council noted that foreign groups active in Loya Paktya benefitted from the ‘remote terrain’ and the limited capacity of the security forces to reach these areas.

The presence of Pakistan’s paramilitary forces has also been reported, notably in Gomal district, where they set up barbed wire along the border, thus capturing parcels of Afghan territory in November 2019.

ACLED collected data on 325 violent events in the period from 1 March 2019 to 30 June 2020 (average of 4.7 incidents per week), of which 214 were listed as 'battles', 87 as 'explosions/remote violence' and 24 as 'violence against civilians'.

Examples of incidents include armed clashes initiated by the Taliban and Afghan security forces and allied militias, including police raids. Other security incidents were related to airstrikes carried out by Afghan and US security forces against the militants, including the Haqqani network and the Taliban, which also caused civilian casualties.

Further impact on the civilian population included, for example, the targeted attacks on health facilities. As of March 2020, the highway crossing Wazakhah district had reportedly been blocked by the Taliban for several years in Goshta area.

UNAMA documented 168 civilian casualties (128 deaths and 40 injured) in 2019, representing 22 civilian victims per 100 000 inhabitants. This was an increase of 11 % compared to 2018. The leading causes for the civilian casualties were search operations, followed by non-suicide IEDs and airstrikes.

RS ranked Paktika in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020, and between 26 and 50 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 2 317 persons were displaced from the province of Paktika, mainly within the province itself. No conflict-induced internal displacement from other provinces to Paktika was reported in this period.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Paktika**, however not at a high level and, accordingly, a higher level of individual elements is required in order 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.

📍 Paktia/Paktia

[Main COI reference: [Security situation 2020](#), 2.27]

Paktia is located in eastern Afghanistan and has a population of approximately 612 000. The main ethnic groups are Pashtuns, followed by Tajiks. The province is divided into 15 districts, including four temporary districts. It borders Pakistan and the provinces of Logar, Khost, Paktika, and Ghazni. The Kabul-Gardez highway connects the provincial capital to Kabul City and the Gardez-Khost highway runs to the Afghan-Pakistani border.

Paktia province is witnessing an active insurgency, which is reportedly constrained by strong tribal affiliations and cohesive local communities. The province is a stronghold of the Taliban, but the Haqqani Network has also become powerful in the province. The network allied with Al Qaeda foreign fighters in order to reach the provincial capital and potentially Kabul by demanding transit rights through Zurmat valley. The presence of the Tehrik-e Taliban Pakistan is also reported.

LWJ considered four of the districts as contested, two districts as under Taliban control, and the remaining four districts, including the capital Gardez, under government control or undetermined.

ACLED collected data on 651 violent events in the period from 1 March 2019 to 30 June 2020 (average of 9.4 incidents per week), of which 450 were coded as 'battles', 176 as 'explosions/remote violence' and 25 as 'violence against civilians'.

Example of incidents include two suicide attacks in Gardez in March and May 2020, and a long-lasting clash, in June 2019, between the Taliban and a police unit in Ahmadaba district. During the September 2019 presidential election, only five of twenty-two polling centres in Zurmat district were actually open. Afghan and foreign security forces carried out operations and airstrikes against insurgents in the districts of Ahmadabad, Zurmat and Sayedkaram, which also caused civilian casualties. Further examples of incidents include a Taliban attack on a convoy of provincial officials and the kidnapping of passengers on the Kabul-Gardez highway. It was also reported that militants allegedly belonging to the Khost Protection Force executed civilians on more than one occasions. ISKP attacked a Shia mosque and at least 38 worshippers were killed.

Further impact on the civilian population included, for example, collection of taxes by the Taliban from truck drivers going from Paktya to Ghazni, and the closure of polling centres.

UNAMA documented 218 civilian casualties (78 deaths and 140 injured) in 2019, representing 36 civilian victims per 100 000 inhabitants. This is a decrease of 49 % compared to 2018. The leading causes for the civilian casualties were ground engagements, followed by targeted/deliberate killings and search operations.

RS ranked Paktya in the category of provinces where the number of civilian casualties was between 26 and 50 or the first quarter of 2020, and between 76 and 100 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 2 541 persons were displaced from the province of Paktya, mainly within the province itself. In the same period, 161 persons were internally displaced to Paktya, coming from Logar.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Paktya**, however not at high level and, accordingly, a higher level of individual elements is required in order 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.

🕒 Panjshir

[Main COI reference: [Security situation 2020](#), 2.28]

Panjshir is located in central Afghanistan and has a population of approximately 170 000. The main ethnic group is Tajik. The province is divided into eight districts, including one temporary district. It borders Baghlan, Takhar, Badakhshan, Nuristan, Laghman, Kapisa and Parwan. Panjshir is isolated and difficult to access. The local population is known for their historical opposition to the Taliban. Many Panjshiris have been members of the Afghan political and military elite.

Panjshir province has been described as being among the provinces that are less affected by conflict-driven violence. A possible Taliban infiltration in Paryan district in August 2019 was identified. In response to this potential threat, dozens of former *mujahideen* fighters and members of public uprising forces were reportedly mobilising alongside the ANSF to defend the area. Sources also mentioned Panjshir as an area where ISKP has been recruiting for its Kabul cell. However, no security incidents specifically attributed to ISKP have been recorded in Panjshir province between 1 March 2019 and 30 June 2020 by ACLED.

LWJ considered all districts of the province under government control or undetermined.

ACLED collected data on six violent events in Panjshir in the period from 1 March 2019 to 30 June 2020 (average of 0.1 incidents per week), of which four were coded as 'battles', one as 'explosions/remote violence' and one as 'violence against civilians'.

Example of incidents include clashes between Taliban militants and ANSF forces in 2019.

UNAMA documented no civilian casualties in 2019.

RS ranked Panjshir in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020; between 0 and 25 civilian casualties were also recorded in the second quarter.

In the period 1 March 2019 – 30 June 2020, no displacement from the province of Panjshir was reported. In the same period, 1 057 persons were displaced to Panjshir from other provinces.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Panjshir** at such a low level that in general there is no real risk for a civilian to be personally affected by reason of indiscriminate violence within the meaning of Article 15(c) QD. However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.

📍 Parwan

[Main COI reference: [Security situation 2020](#), 2.29]

Parwan province is located in the central part of Afghanistan and has population of approximately 738 000. The main ethnic groups are Tajiks, Pashtuns and Hazaras. The province borders Baghlan, Panjshir, Kapisa, Kabul, Wardak and Bamiyan. It is divided into 10 districts. The Salang Pass Tunnel connects Kabul to northern Afghanistan and a highway from Kabul to Kunduz runs through the province; another highway connects Parwan and Bamiyan provinces. The province also hosts the Bagram Air Base, the largest NATO military base in Afghanistan.

The province is described as among the relatively calm provinces in Afghanistan. Remote areas, such as the Ghorband Valley, have been reported as the most insecure regions of Parwan. Taliban's presence has been reported in some districts of Parwan. The presence of ISKP was also noted, after one incident attributed to the group occurred between March 2019 and June 2020.

LWJ considered half of the districts under government control or undetermined and the other half contested.

ACLED collected data on 187 violent events in the period from 1 March 2019 to 30 June 2020 (average of 2.7 incidents per week), of which 93 were coded as 'battles', 81 as 'explosions/remote violence' and 13 as 'violence against civilians'.

Examples of incidents include fighting between Taliban and Afghan security forces in several districts of the province in 2019, such as Bagram, Charikar, Shinwari and Ghorband. The Taliban also launched attacks against the Bagram airbase, attacked Afghan and international security forces near the capital, and assaulted security checkpoints in Siya Girid and Koh-e Safi districts. In March 2020, explosives detonated at the site of electricity transmission towers in Charikar City, causing several civilian casualties among employees. Shelling, artillery and missile attacks, as well as some air/drone strikes were also reported.

Further impact on the civilian population included the closure of some schools due to Taliban pressure and an attack on a polling centre in September 2019.

UNAMA documented 246 civilian casualties (65 deaths and 181 injured) in 2019, representing 33 civilian victims per 100 000 inhabitants. This was an increase of 500 % compared to 2018. The leading causes for the civilian casualties were suicide IEDs, followed by ground engagements and search operations.

RS ranked Parwan in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020, and between 26 and 50 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 42 persons were displaced from the province of Parwan. In the same period, 441 persons were displaced to Parwan coming from other provinces.

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 and, accordingly, a higher level of individual elements is required in order 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.

◉ Samangan

[Main COI reference: [Security situation 2020](#), 2.30]

Samangan province has a population of approximately 430 000. Ethnic groups present in Samangan are Tajiks, Uzbeks, Pashtuns, Hazaras, Arabs, Tatars and Aimaq. The province is located in the north of Afghanistan. It lies strategically, to the north of the Hindu Kush, and borders Balkh, Baghlan, Bamiyan, and Sar-e Pul. It is divided into seven districts. The section of the Ring Road from Kabul to Mazar-e Sharif crosses districts of the province.

The Taliban are active in the province, in particular in the Dara-e-Suf-e-Payin district, where the district's coal mines are considered to be a driving force that exacerbates the conflict in the district. According to governmental sources, as of April 2018, 'dozens' of illegal armed groups were active in Samangan, as were pro-government militias. No security incidents specifically attributed to ISKP were recorded by ACLED in Samangan between 1 March 2019 and 30 June 2020.

According to LWJ, five districts were considered under government control, the district of Dara-e-Sufe-Payin was categorised as under Taliban control, and one district was contested.

ACLED collected data on 84 violent events in the period from 1 March 2019 to 30 June 2020 (average of 1.2 incidents per week), of which 70 were coded as 'battles', 10 as 'explosions/remote violence' and four as 'violence against civilians'.

Most of the violent incidents in the province were armed clashes, with the majority of attacks by the Taliban on Afghan security forces, including PGMs or local uprising forces, or attacks on their facilities, such as checkpoints and military bases. Operations and attacks have also been carried out by Afghan security forces, for example in Dara-e-Suf-e-Payin district where the Taliban launched several attacks in the reporting period. Other incidents include airstrikes by Afghan security forces and few incidents with use of IEDs causing civilian casualties. The Taliban have also abducted civilians in order to extort money, others have been killed by them.

Further impact on the civilian population included the temporary closure of healthcare facilities in Dara-e-Suf-e-Payin district.

UNAMA documented 45 civilian casualties (11 deaths and 34 injured) in 2019, representing 10 civilian victims per 100 000 inhabitants. This was a decrease of 2 % compared to 2018. Leading causes for the civilian casualties were ground engagements, followed by targeted/deliberate killings and non-suicide IEDs.

RS ranked Samangan in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020, and between 0 and 25 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 3 570 persons were displaced from the province of Samangan, of whom more than 95 % were displaced within the province itself. No conflict-induced displacement from other provinces to Samangan was reported in the same period.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Samangan** at such a low level that in general there is no real risk for a civilian to be personally affected by reason of indiscriminate violence within the meaning of Article 15(c) QD. However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.

🕒 Sar-e Pul

[Main COI reference: [Security situation 2020](#), 2.31]

Sar-e Pul has a population of approximately 621 000. The main ethnic group in the province are Uzbeks. It is located in the northern part of Afghanistan and borders Jawzjan, Balkh, Samangan, Bamyan, Ghor, and Faryab. Sar-e Pul is divided into seven districts. A highway from Shiberghan, Jawzjan province, connects the provincial capital of Sar-e Pul with the Mazar-e Sharif – Herat section of the Ring Road (Highway One).

Since 2012, Sar-e Pul province has become a ‘Taliban stronghold’. It is considered to be one of the most Taliban-controlled or influenced provinces in the northern region. Militants from the Islamic Jihad Union have operated alongside the Taliban since 2015. There is no evidence of ISKP presence in the province.

According to LWJ, five of the districts were contested, considering only the district of Kohestanat under Taliban control, and the district of Balkhab under government control.

ACLED collected data on 142 violent incidents in the period from 1 March 2019 to 30 June 2020 (average of 2 incidents per week), of which 117 were coded as ‘battles’, 17 as ‘explosions/remote violence’ and eight as ‘violence against civilians’.

Most of the violent incidents in the province were armed clashes, with the majority of attacks by the Taliban on Afghan security forces, including PGMs or government representatives, attacks on their facilities, such as checkpoints and military bases, and attacks on convoys. At times these incidents resulted in civilian casualties. Operations and attacks carried out by Afghan security forces against AGEs were also reported, resulting in the displacement of people from their villages. Incidents of explosions/remote violence, such as incidents of rocket or mortar fire, both by the Taliban and ANSF, roadside bombings and the explosion of a rocket shell, also caused civilian casualties. Reported violence against civilians included killings, for example by the Taliban and ANSF for refusing to follow

orders or for unknown or unclear reasons. Kidnapping and release of a healthcare team was also reported. Polling sites were attacked by the Taliban, resulting in civilian casualties.

UNAMA documented 217 civilian casualties (48 deaths and 169 injured) in 2019, representing 35 victims per 100 000 inhabitants. This was an increase of 115 % compared to 2018. Leading causes of casualties were ground engagements, followed by explosive remnants of war, and non-suicide IEDs.

RS ranked Sar-e Pul in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020, and between 26 and 50 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 7 357 persons were displaced from the province of Sar-e Pul, of whom 79 % were displaced within the province itself. In April 2019 and January 2020, Sar-e Pul province also hosted IDPs from Faryab and Jawzjan.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Sar-e Pul**, however not at a high level and, accordingly, a higher level of individual elements is required in order 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.

○ Takhar

[Main COI reference: [Security situation 2020](#), 2.32]

Takhar province has a population of approximately 1 093 000. The main ethnic groups in the province are Uzbeks and Tajiks. Takhar is located in the north-east of Afghanistan and is divided in 17 districts. It borders Badakhshan, Panjshir, Baghlan, and Kunduz, and Tajikistan to the north. The Kunduz-Takhar highway runs through the districts of Kalafgan, Taloqan and Bangi.

The presence of the Taliban had grown in most parts of Takhar over the past few years. Besides the Taliban, militants from the ISKP, IMU and its splinter group Jundallah are active along the border with Tajikistan. Reportedly, a small number of Islamic Jihad Union fighters are also active in parts of Takhar province. No security incidents specifically attributed to ISKP were recorded within the reporting period.

According to LWJ, six of the districts in Takhar province were contested, four were Taliban-controlled and seven were under government control.

ACLED collected data on 292 violent incidents in the period from 1 March 2019 to 30 June 2020 (average of 4.2 incidents per week), of which 205 were coded as 'battles', 76 as 'explosions/remote violence' and 11 as 'violence against civilians'.

Most of the violent incidents in the province have been armed clashes, with the majority of attacks by the Taliban on Afghan security forces, including PGMs and ALP, attacks on military or police facilities, such as checkpoints, bases and headquarters, or attacks on vehicles and convoys. Some of these incidents resulted in civilian casualties and destruction of houses. The Taliban also attacked various districts, for example the provincial capital Taloqan, in July 2019. Takhar was one of the provinces in the north-east where security forces' operations focused. Operations and attacks carried out by Afghan security forces against AGEs were reported, several backed by airstrikes, and some resulting in civilian casualties. Incidents where the Taliban or unidentified armed groups used roadside bombs and IEDs or rockets and shelling to target security forces or government officials, also caused civilian casualties. Reported violence against civilians included killings by Afghan security

forces, the Taliban and unidentified armed men, for example of a doctor, a cook working at a military base, a tribal elder, and an imam. There were reports on abductions on the Kunduz-Takhar Highway. Electoral violence was reported, with several attacks in various parts of the province. The destruction of towers of cell phone companies by the Taliban was also reported.

Further impact on the civilian population included, for example, the closure of the Kunduz-Takhar Highway, as well as the setup of checkpoint on the highway, and the destruction of bridges by the Taliban. The Taliban reportedly also set fire to a girls' school and closed several healthcare facilities.

UNAMA documented 192 civilian casualties (60 deaths and 132 injured) in 2019, representing 18 civilian victims per 100 000 inhabitants. This was an increase of 70 % compared to 2018. Leading causes for the civilian casualties were ground engagements, followed by airstrikes and non-suicide IEDs.

RS ranked Takhar in the category of provinces where the number of civilian casualties was between 26 and 50 for the first quarter of 2020, and between 51 and 75 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 85 127 persons were displaced from the province of Takhar, 96 % of whom were displaced within the province itself, nearly all seeking refuge in Taloqan and Farkhar districts. In November and December 2019, Takhar also hosted IDPs from Baghlan.

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 and, accordingly, a higher level of individual elements is required in order 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.

Uruzgan

[Main COI reference: [Security situation 2020](#), 2.33]

Uruzgan province has a population of approximately 436 000. The main ethnic group in the province is Pashtun. Uruzgan is located in the central part of Afghanistan. It is divided into five districts and borders Daykundi, Ghazni, Zabul, Kandahar, and Helmand. The Kandahar-Uruzgan highway runs through the districts of Chora and Tirinkot. The city of Tirinkot hosts an airport with domestic scheduled passenger flights.

The Taliban are very active in all parts of the province, while government authority is very weak and limited to the provincial capital. Bases of security forces are the only government's presence in the countryside and are often attacked. In some districts of the province, like Khas Uruzgan, Hazaras have lived in self-governed enclaves under local agreements with the Taliban. Sources also reported ISKP activity in the province, particularly in Chora district.

One district of Uruzgan province was categorised by LWJ as under Taliban control and the others as contested.

ACLED collected data on 642 violent events in the period from 1 March 2019 to 30 June 2020 (average of 9.2 incidents per week), of which 435 were coded as 'battles', 199 as 'explosions/remote violence', and eight as 'violence against civilians'.

Examples of incidents include attacks of AGEs on security forces and the frequent use of airstrikes by US and Afghan forces against positions of Taliban. Ongoing military operations in order to clear the Kandahar-Uruzgan highway from Taliban insurgents were reported in February 2019.

UNAMA documented 145 civilian casualties (73 deaths and 72 injured) in 2019, representing 33 civilian victims per 100 000 inhabitants. This was a decrease of 16 % compared to 2018. The leading causes for the civilian casualties were ground engagements, followed by airstrikes and non-suicide IEDs.

RS ranked Uruzgan in the category of provinces where the number of civilian casualties was between 26 and 50 for the first quarter of 2020, and between 0 and 25 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 4 371 persons were displaced from the province of Uruzgan, most of them relocating in the same province. In the same period, 377 persons from Kandahar province sought refuge in Uruzgan.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Uruzgan**, however not at a high level and, accordingly, a higher level of individual elements is required in order 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.

◉ Wardak

[Main COI reference: [Security situation 2020](#), 2.34]

Wardak province, also known as Maidan Wardak, is located in the central part of Afghanistan and has a population of approximately 660 000. The main ethnic groups are Pashtuns, followed by Hazaras and Tajik enclaves. The province is divided into nine districts and borders Parwan, Bamyan, Kabul, Logar, and Ghazni. The Kabul-Kandahar highway, which is of strategic importance, crosses the province's districts of Maidan Shahr, Narkh and Saydabad.

Wardak province is considered a 'relatively volatile' province, with the Taliban active in most of its districts. Intense fighting between militant groups and government forces has been reported in several parts of the province, with civilians often caught in the crossfire. The Haqqani Network reportedly expanded to Wardak province in the past and merged there with jihadist groups. Groups affiliated to ISKP appeared in 2016 and one incident related to the group was documented by ACLED between 1 March 2019 and 30 June 2020.

Most districts of the province were categorised by LWJ as contested. Three districts were categorised as under government control or undetermined, and the district of Saydabad as under Taliban control.

ACLED collected data on 604 violent events in the period from 1 March 2019 to 30 June 2020 (average of 8.7 incidents per week), of which 388 were coded as 'battles', 184 as 'explosions/remote violence' and 32 as 'violence against civilians'.

Examples of incidents include intensive night raids and airstrikes. Narkh and Jalrez districts were also affected by attacks on security vehicles. Many of Wardak's highways were described as 'not safe for civilians'. In May 2019, the Taliban attacked a Hazara populated neighbourhood in Markaz-e Behsud district. Mid-July 2019, reportedly in reaction to an NDS raid on a health clinic, the Taliban forced the closure of 42 clinics.

Further impact on the civilian population included the application of a strict form of the *Sharia* law in most of the districts. The Taliban reportedly banned shops and bakeries in the bazaar and set up checkpoints on a provincial road and temporarily captured strategic posts along main roads to Kabul, thereby restricting movement between provinces.

UNAMA documented 184 civilian casualties (108 deaths and 76 injured) in 2018, representing 28 civilian victims per 100 000 inhabitants. This was a decrease of 18 % compared to 2018. The leading causes for the civilian casualties were ground engagements, followed by airstrikes and search operations.

RS ranked Wardak in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020, and between 26 and 50 for the second quarter.

In the period 1 March 2019 to 30 June 2020, 2 865 persons were displaced from the province of Wardak, the majority of whom within the province itself. In the same period, 35 persons were displaced to Wardak coming from other provinces.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the province of **Wardak**, however not at a high level and, accordingly, a higher level of individual elements is required in order 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.

📍 Zabul

[Main COI reference: [Security situation 2020](#), 2.35]

Zabul province has approximately 384 000 inhabitants, mainly Pashtun and Baluch. It is located in the southern part of Afghanistan and is divided into 11 districts. The province borders Kandahar, Uruzgan, Ghazni, Paktika, and shares an international border with Pakistan. The Kabul-Kandahar highway, which is of strategic importance and a key supply route for the south, passes through remote areas of the province, many of which are not under government control. Many conflict-related incidents take place along some highway sections.

Zabul province is considered a 'Taliban stronghold' in the 'volatile south'. The province sees a weak presence of the Afghan government, which is limited to the fortress in Qalat and to some military outposts in the southern districts. The majority of the population lives across numerous villages in rural areas. Besides local Taliban insurgents, ISKP fighters and Al Qaeda operatives are reportedly active in several districts of the province.

The Taliban control or contest most of Zabul, where government forces are under constant attack. Taliban insurgents have been carrying out activities related to terrorism such as shootings, suicide attacks and planting IEDs that resulted in casualties among civilians, the Afghan security forces, and the insurgents themselves. The Taliban control most of the northern districts and the government was only militarily present in seven districts in the south. Apart from Qalat one other district was mainly under government control.

According to LWJ, five of the districts in Zabul province were contested, five Taliban-controlled and one was under government control.

ACLED collected data on 722 violent events in the period from 1 March 2019 to 30 June 2020 (average of 10.4 incidents per week), of which 479 were coded as 'battles', 221 as 'remote violence'

and 22 as 'violence against civilians'. Since the first months of 2020, the number of incidents significantly decreased.

Examples of incidents include attacks on military outposts, mainly along Highway One in Shah Joi district, and the complete destruction of the provincial hospital in Qalat by a bomb explosion. Airstrikes by US forces also took place and killed Taliban leaders and commanders.

UNAMA documented 496 civilian casualties (142 deaths and 354 injured) in 2019, representing 129 civilian victims per 100 000 inhabitants. This was an increase of 69 % compared to 2018. The leading causes for the civilian casualties were ground engagements, followed by suicide IEDs and airstrikes.

RS ranked Zabul in the category of provinces where the number of civilian casualties was between 0 and 25 for the first quarter of 2020, and between 26 and 50 for the second quarter.

In the period 1 March 2019 – 30 June 2020, 4 417 persons were displaced within the province of Zabul, most of them leaving for the provincial capital Qalat.

Despite the exceptionally high number of civilian casualties per 100 000 inhabitants recorded in Zabul in 2019, information regarding 2020 shows a decrease in the level of indiscriminate violence, including a significant decrease in the number of civilian casualties. Therefore, it can be concluded that 'mere presence' in the area would not currently be sufficient to establish a real risk of serious harm under Article 15(c) QD in the province of **Zabul**, 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.

Serious and individual threat

The CJEU in *Elgafaji* notes:

*While it is admittedly true that collective factors play a significant role in the application of Article 15(c) of the Directive, in that the person concerned belongs, like other people, to a circle of potential victims of indiscriminate violence in situations of international or internal armed conflict, it is nevertheless the case that that provision must be subject to a coherent interpretation in relation to the other two situations referred to in Article 15 of the Directive and must, therefore, be interpreted by close reference to that individualisation.*⁴⁵

However, the existence of a serious and individual threat to the life or person of an applicant for subsidiary protection is:

*(...) not subject to the condition that that applicant adduce evidence that he is specifically targeted by reason of factors particular to his personal circumstances.*⁴⁶

Furthermore:

*- the existence of such a threat can exceptionally be considered to be established where the degree of indiscriminate violence characterising the armed conflict taking place (...) reaches such a high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to that threat.*⁴⁷

For territories where the indiscriminate violence does not reach such a high level, the more the applicant is able to show that he or she is specifically affected by reason of factors particular to his or her personal circumstances, the lower the level of indiscriminate violence required for him or her to be eligible for subsidiary protection.⁴⁸ See [Indiscriminate violence](#).

Certain applicants may be considered at enhanced risk of indiscriminate violence, including its direct and indirect consequences due to, inter alia: geographical proximity to areas which are targeted by violence, age, gender, health condition and disabilities, lack of a social network, etc.

Profiles at enhanced risk of indiscriminate violence could include, for example:

- Civilians who lack the capacity to properly assess a situation and therefore expose themselves to risks related to indiscriminate violence (e.g. children – depending on their environment, family background, parents or guardians, and level of maturity; mentally disabled persons).

⁴⁵ CJEU, *Elgafaji*, para. 38.

⁴⁶ CJEU, *Elgafaji*, para. 43.

⁴⁷ *ibid.*

⁴⁸ CJEU, *Elgafaji*, para. 39.

- Civilians who are less able to avoid risks of indiscriminate violence by way of seeking temporary shelter from fighting or attacks (e.g. persons with disabilities or serious illnesses; those in an extremely dire economic situation).
- Civilians who may be substantially and materially affected by violence because of their geographical proximity to a possible target (e.g. government buildings, police or military bases, places of worship).

This is a non-exhaustive list. It is also non-conclusive, and individual elements would always need to be taken into account.

Information about the methods and tactics used in a particular province or area within the province could further inform the individual assessment. For example, children may be particularly affected by unexploded remnants of war, and people originating from a contested area may be particularly affected by ground engagements and airstrikes, etc.

Qualification of the harm as a ‘threat to (a civilian’s) life or person’

Neither the QD, nor the CJEU in its jurisprudence, have defined the terms ‘threat to (a civilian’s) life or person’.

The CJEU has held that [Article 15\(c\) QD](#) has an additional scope to [Article 3 ECHR](#) and, therefore, has to be interpreted independently, but with due regard to fundamental rights as they are guaranteed under the ECHR.⁴⁹

By comparing the provisions of [Article 15\(a\)](#) and [Article 15\(b\) QD](#), which indicate a particular type of harm, with the provision of [Article 15\(c\) QD](#), the CJEU further concludes that the harm under the latter:

*(...) covers a more general risk of harm. Reference is made, more generally, to a ‘threat ... to a civilian’s life or person’ rather than to specific acts of violence. Furthermore, that threat is inherent in a general situation of ‘international or internal armed conflict’.*⁵⁰

Some of the commonly reported types of harm to civilians’ life or person in Afghanistan include killings, injuries, abductions, disabilities caused by landmines, etc.

Nexus/‘by reason of’

Subsidiary protection under [Article 15\(c\) QD](#) is granted to any person in respect of whom substantial grounds have been shown for believing that he or she, if returned, would face a real risk of a serious and individual threat to his or her life or person **by reason of** indiscriminate violence.

The nexus ‘by reason of’ refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian’s life or person).

⁴⁹ CJEU, *Elgafaji*, para. 28.

⁵⁰ CJEU, *Elgafaji*, paras. 33-34.

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.

4. Actors of protection

[Article 7 QD](#) stipulates the requirements for actors of protection:

Article 7(1)(2) of the Qualification Directive Actors of protection

1. Protection against persecution or serious harm can only be provided by:
 - a) The State; or
 - b) Parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State;provided they are willing and able to offer protection in accordance with paragraph 2.
2. Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under points (a) and (b) of paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.

The contents of this chapter include:

[The State](#): outlining and analysing the capacity of the government of Afghanistan to provide protection in accordance with Article 7 QD;

[Parties or organisations, including international organisations](#): analysing whether the Taliban could qualify as actors of protection under Article 7 QD.

The State

The term ‘**State**’ ([Article 7\(1\)\(a\) QD](#)) encompasses any organ exercising legislative, executive, judicial or any other functions and acting at any level, be it central, federal, regional, provincial or local. Sometimes, private entities may also be given State powers and made responsible for providing protection under the control of the State.

In order to qualify as an actor of protection, the State has to be **able and willing** to protect persons under its jurisdiction.

The protection in the country of origin has to meet three cumulative conditions. It has to be:

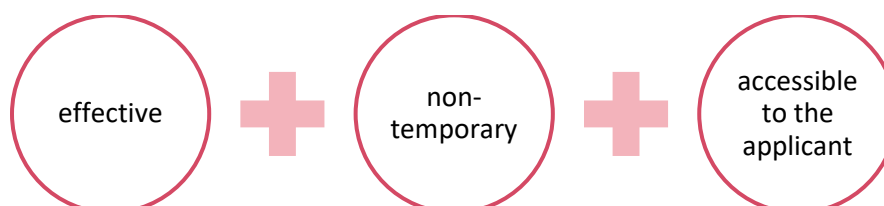


Figure 12. Requirements to the protection in the country of origin in accordance with Article 7 QD.

It should also be kept in mind that effective protection is presumed not to be available where the State or agents of the State are the actors of persecution or serious harm ([Recital 27 QD](#)).

According to Article 1 of the 2004 Constitution, Afghanistan is an Islamic Republic with a president as head of state exercising his authority in all three branches (executive, legislative and judiciary). The Afghan Government is comprised of 24 ministries, which work under the chairmanship of the President. Following the 2019 disputed election result, President Ghani and his main contender Abdullah Abdullah, signed a power-sharing agreement on 17 May 2020, which recognised Ghani as the President and Abdullah as the leader of the High Council of National Reconciliation with executive powers; in addition giving to the latter the right to appoint 50 % of the cabinet. The Afghan legislative branch is called the National Assembly and is a bi-cameral parliament, comprising of the *Walesi Jirga* (Lower House) and *Meshrana Jirga* (Upper House). The Loya Jirga represents the citizens of Afghanistan and consists of members of the National Assembly, presidents of the provincial as well as district assemblies. Ministers, Chief Justice and members of the Supreme Court, as well as the attorney general, participate in the Loya Jirga sessions without voting rights [[State structure](#), 1.2 – 1.4, 1.6].

Under the Afghan Constitution, citizens have the right to a fair trial in an independent judicial system. The judiciary in Afghanistan comprises the Supreme Court as well as Courts of Appeal and Primary Courts located in all 34 provinces. The primary courts deal with all matters of ordinary criminal, civil, and family jurisdiction. Within the capital city of each province, there are courts of appeal, which have jurisdiction over the primary courts and courts for juveniles, commercial, and family issues. The Supreme Court has no judicial or administrative authority over the executive and the legislative branches [[Key socio-economic indicators 2017](#), 3.5.1].

In urban centres, the formal justice system is stronger compared to rural areas, where the central government is weak and lacks presence [[Key socio-economic indicators 2017](#), 3.5.2]. In general, the judiciary in Afghanistan is described as underfunded, understaffed, inadequately trained, largely ineffective, and as subject to threats, bias, political influence, and pervasive corruption. The general insecurity, threats and targeted attacks on employees in the judiciary sector are additional challenges to provide justice services [[State Structure](#), 3.3; [Security situation 2020](#), 1.4.2].

Despite the existence of a formal justice system, many disputes, ranging from disagreements over land to criminal acts, are settled outside of the formal court system by informal justice mechanisms. Such mechanisms are complex systems and can involve numerous justice actors ranging from *jirgas* and *shuras*, to include also individual religious scholars, jurists, community members, NGOs and national institutions. Traditional justice mechanisms remained the main recourse for many, especially in rural areas. However, traditional and informal forms of justice continued to be implemented in Afghanistan contrary to the principle of the rule of law, human rights standards and Afghan laws [[Criminal law and customary justice](#), 1.1, 1.7; [State structure](#), 3].

The Afghanistan law on prisons and detention centres provides safeguards for the rights of prisoners and detainees. However, many people were imprisoned by the Afghan Government based on terrorism laws, and individuals were detained with no definite detention period. Detainees have been reportedly tortured to confess. Torture or ill-treatment practices of juveniles were also reported in ANSF custody. Poor prison conditions are also reported. Death penalty is envisaged under both, the Afghan Penal Code and Islamic law though it is rarely carried out in practice [[State structure](#), 3.6.; [Criminal law and customary justice](#), 1.6].

The capability of the Government in Afghanistan to protect human rights is also undermined in many districts by the prevailing insecurity and the high number of attacks by insurgents [[Security situation 2019](#), 1.4.2]. Although the Afghan government maintained its control in Kabul, provincial capitals, major population centres, most district centres, and most portions of major ground lines of communications, the Taliban threatened district centres and contested several positions of main ground lines of communications [[Security situation 2020](#), 1.5.3].

The World Justice Project's Rule of Law Index 2020 ranks Afghanistan 122nd out of 128 countries, allocating it to the last place in the 'order and security' factor.

The police are reportedly heavily militarised and primarily focused on their role as first line of defence against insurgents in administrative centres. Police presence is stronger in the cities and police officers are required to follow guidelines such as the ANP Code of Conduct and Use of Force Policy. However, police response is characterised as unreliable and inconsistent, the police has a weak investigative capacity, lacking forensic training and technical knowledge. The police force is accused of widespread corruption, involvement in organised crime, patronage, and abuse of power: individuals in the institutions may abuse their position of power and use extortion to supplement their low incomes. Arbitrary arrest and detention by the police continued to occur and torture is endemic in the police force. Inaction, incompetence, impunity, and corruption result in underperformance: there is a reported rise in criminality, and widespread community violence, especially in the cities. An inability to prevent regular large-scale attacks with high casualty numbers, and targeted killings, is also observed [[State structure](#), 2.1.2.; [Security situation 2020](#), 1.4.2].

Family and domestic matters are typically kept private and the police do not get involved [[Key socio-economic indicators 2017](#), 3.4.4].

It can be concluded that the Afghan State has taken certain measures to improve its law enforcement and justice system and its presence and control are relatively stronger in the cities. However, these systems are still weak and, in general, unable to effectively detect, prosecute and punish acts that constitute persecution or serious harm. Therefore, the criteria of protection provided by the State under [Article 7 QD](#) would generally not be met.

Parties or organisations

In the context of [Article 7 QD](#), it is necessary that the parties or organisations control the State or a substantial part of the territory of the State. In order to consider that parties or organisations control a region or a larger area within the territory of the State, it should be established that they exercise governmental functions. Furthermore, those parties or organisations have to be willing and able to provide protection against persecution or serious harm as defined in [Article 7\(2\) QD](#).

Many areas in Afghanistan are influenced by insurgent groups; however, the Taliban are the only insurgent group controlling substantial parts of the territory.

The Taliban position themselves as the shadow government of Afghanistan, and their commission and governing bodies replicate the administrative offices and duties of a typical government. They are described as becoming an organised political movement operating a parallel administration in large swaths of Afghanistan, and as evolving to become a local governance actor in the country by

gaining and holding territory and thereby undertaking some responsibility for the well-being of local communities. In 2020, in territories under their control, the group continued to operate a parallel justice system based on a strict interpretation of the Sharia, leading to executions by shadow courts and punishments deemed by UNAMA to be cruel, inhuman, and degrading. An increasing number of Afghans across the country were reported to seek justice in Taliban courts due to feeling frustrated with the State's bureaucracy, corruption, and lengthy processing times [[Anti-Government Elements](#), 2.1. 2.5; [Criminal law and customary justice](#), 1.8].

The lack of due process and the nature of the punishments would not qualify the parallel justice mechanism operated by the Taliban as a legitimate form of protection. Further taking into account their aim to overthrow and replace the Afghan State, and their record of human rights violations, 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.

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.

5. Internal protection alternative

This chapter looks into the topic of internal protection alternative (IPA). It analyses the situation in Afghanistan in relation to the requirements of [Article 8 QD](#):

Article 8 of the Qualification Directive Internal protection

1. As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin, he or she:
 - (a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or
 - (b) has access to protection against persecution or serious harm as defined in Article 7;and he or she can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.
2. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, Member States shall ensure that precise and up-to-date information is obtained from relevant sources, such as the United Nations High Commissioner for Refugees and the European Asylum Support Office.

It should be noted that the provision of [Article 8 QD](#) is an optional one. Therefore, the relevance of this chapter to the practice in Member States will depend on the transposition of [Article 8 QD](#) and/or the concept of IPA in national legislation and its implementation in practice.

In national legislation and practice, IPA may also be referred to as 'internal flight alternative', 'internal relocation', etc.

The contents of this chapter include:

[Preliminary remarks](#)

[Part of the country](#)

[Safety](#)

[Travel and admittance](#)

[Reasonableness to settle](#)

Preliminary remarks

IPA should only be examined after it has been established that the applicant has a well-founded fear of persecution or faces a real risk of serious harm and that the authorities or other relevant actors of

protection are unable or unwilling to protect him or her in the home area. In such cases, if IPA applies, it can be determined that the applicant is not in need of international protection.

It should, however, be stressed that there is no requirement that the applicant has exhausted the possibilities to obtain protection in different parts of his or her country of origin before seeking international protection.

The analysis of IPA should be part of the assessment of the future risk of being subjected to persecution or serious harm. When assessing whether or not IPA applies, the burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements to indicate that IPA should not be applied to him or her.

This chapter is structured following the elements of the legal provision of [Article 8 QD](#):

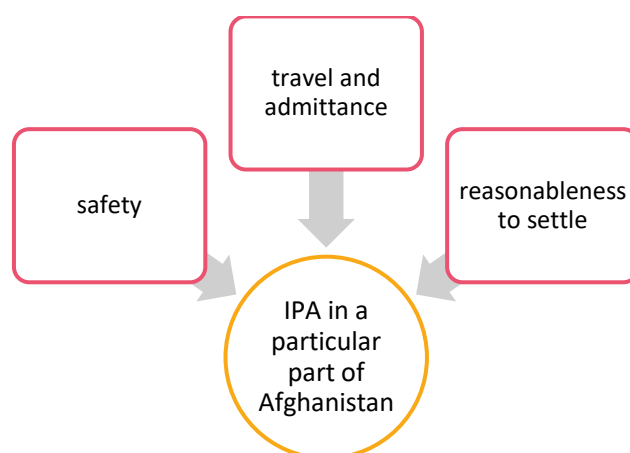


Figure 13. Internal protection alternative: elements of the assessment.

These criteria under [Article 8\(1\) QD](#) reflect ECtHR jurisprudence, for example in the case of *Salah Sheekh*.⁵¹

In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Afghanistan, as well as the individual circumstances of the applicant.

This chapter analyses and provides guidance on the applicability of IPA in parts of Afghanistan and in particular in the following three cities: **Kabul**, **Herat** and **Mazar-e Sharif**.

This is without prejudice to the possibility to apply IPA to other places in Afghanistan.

Part of the country

The first step in the analysis of IPA is to identify a particular part of the country with regard to which the criteria of [Article 8 QD](#) would be examined in the individual case.

⁵¹ ECtHR, *Salah Sheekh v The Netherlands*, Application no. 1948/04, judgment of 11 January 2007, para. 141: 'The Court considers that as a precondition for relying on an internal flight alternative certain guarantees have to be in place: the person to be expelled must be able to travel to the area concerned, gain admittance and settle there, failing which an issue under Article 3 may arise, the more so if in the absence of such guarantees there is a possibility of the expelled ending up in a part of the country of origin where he or she may be subjected to ill-treatment.'

This analysis focuses on the three cities of Kabul, Herat, and Mazar-e Sharif for the following main preliminary considerations:

- **Accessibility:** the cities have functioning airports with domestic and/or international flights;
- **Security situation:** the level of indiscriminate violence in those cities does not reach such a high level that substantial grounds are shown for believing that a civilian would, solely on account of his or her presence, face a real risk of serious harm.

The selection of the three cities for this common analysis and guidance note does not prevent case officers from considering the application of IPA for other parts of Afghanistan, provided that all criteria described hereunder are met.

When choosing a particular place in Afghanistan, with regard to which to examine the applicability of IPA, where relevant, existing ties with the place, such as previous experience and/or existence of a support network could, for example, be taken into account.

Safety

The criterion of safety would be satisfied where the following two aspects have been established:

- ✓ **absence of the initial persecution or serious harm**

With regard to protection needs related to [refugee status](#), [Article 15\(a\) QD](#) and [Article 15\(b\) QD](#), this should be examined in light of the elements below. In the context of IPA concerning serious harm under [Article 15\(c\) QD](#), it should be established that in the area considered under IPA the applicant would not face a real risk of such serious harm by reason of indiscriminate violence.

- ✓ **no potential new forms of persecution or serious harm**

The case officer should also establish that there are no potential new forms of persecution or serious harm in the area where IPA is considered for the applicant.⁵² The analysis under the chapters [2. Refugee status](#) and [3. Subsidiary protection](#) should be referred to in this regard.

These elements should be examined based on the general situation in the respective part of Afghanistan and the individual position and personal circumstances of the applicant, including elements such as background, gender, age, etc. (see [Article 8\(2\) QD](#) in reference to [Article 4 QD](#)).

Absence of persecution or serious harm

When assessing the requirement of safety with regard to the applicability of IPA in individual cases of applicants from Afghanistan, the following elements should be taken into account:

- ▶ **general security situation**

⁵² This can be further supported, by way of analogy, by the CJEU findings in the case of *Abdulla*, where the Court, interpreting Article 11(1)(e) QD on cessation, concluded that not only should the original circumstances which justified the person's fear no longer exist, but the person should also have no other reason to fear being 'persecuted', CJEU, *Abdulla and Others v Bundesrepublik Deutschland*, joined cases C-175/08, C-176/08, C-178/08 and C-179/08, judgment of 2 March 2010, para. 76.

The general situation in Kabul, Herat and Mazar-e Sharif is assessed in light of the indicators of indiscriminate violence in the section [3.3 Article 15\(c\) QD](#). The conclusions with regard to the three cities are as follows:

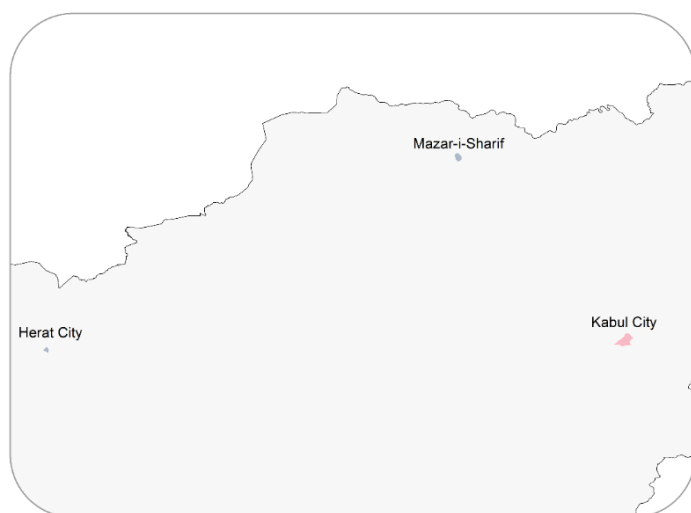


Figure 14. Level of indiscriminate violence in the cities of Kabul, Herat and Mazar-e Sharif (based on data as of 30 June 2020).

- In **Kabul City**, indiscriminate violence is taking place, however **not at a high level and, accordingly, a higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm in the meaning of [Article 15\(c\) QD](#).
- In **Herat City**, indiscriminate violence is taking place at **such a low level that in general there is no real risk for a civilian** to be personally affected by reason of indiscriminate violence in the meaning of [Article 15\(c\) QD](#). However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.
- In **Mazar-e Sharif**, indiscriminate violence is taking place at **such a low level that in general there is no real risk for a civilian** to be personally affected by reason of indiscriminate violence in the meaning of [Article 15\(c\) QD](#). However, individual elements always need to be taken into account as they could put the applicant in risk-enhancing situations.

It can be concluded that the general security situation in the cities of Kabul, Herat and Mazar-e Sharif does not preclude the consideration of the three cities as IPA. However, a careful examination of the safety requirement with regard to IPA should take place, particularly when assessing the availability of IPA to Kabul.

► actor of persecution or serious harm and their reach

In case where the person fears persecution or serious harm by the **Afghan State**, there is a presumption that IPA would not be available. In specific cases, where the reach of a certain State actor is clearly limited to a particular geographical area, the criterion of safety may be satisfied with regard to other parts of Afghanistan.

Individuals threatened by AGEs often relocate to the cities for their safety [[Key socio-economic indicators 2020](#), 1.2].

When assessing the safety of IPA in case of persecution or serious harm by the **Taliban**, particular consideration should be given to the individual circumstances of the applicant, the capacity of the Taliban to track and target individuals in the cities, the way the applicant is perceived by the Taliban and whether or not a personal enmity is at stake, etc. [[Conflict targeting](#), 1.4.3].

For individuals who fear persecution or serious harm by **other armed groups such as the Haqqani Network or ISKP**, the reach of the particular group and their ability to track and target individuals in the cities should be individually assessed; in most cases the requirement of safety could be satisfied. The operational capacity of such groups to undertake high profile attacks in Kabul and Herat should be taken into account in the individual assessment [[Anti-Government Elements](#), 3.2, 3.6, 4.1; [Security situation 2020](#), 2.1.3., 2.13.3].

In some cases, where the applicant faces persecution or serious harm for reasons related to the prevalent social norms in Afghanistan and the actor of persecution or serious harm can be the **Afghan society** at large (e.g. for [2.14 LGBTIQ](#), [2.16 Individuals considered to have committed blasphemy and/or apostasy](#)), IPA would in general not be safe. It should also be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation, in order to avoid the risk of persecution or serious harm.⁵³

For certain particularly vulnerable individuals, such as women, children and persons with visible mental or physical disabilities, if the actor of persecution or serious harm is the **family or the community** of the applicant (e.g. forced marriage, honour crime), taking into account the lack of State protection and their vulnerability to potential new forms of persecution or serious harm, IPA would in general not be safe.

See the chapter [1. Actors of persecution or serious harm](#).

► **whether or not the profile of the applicant is considered as a priority target and/or a threat by the actor of persecution or serious harm**

The profile of the applicant could make him or her a priority target for the State or for insurgent groups, increasing the likelihood that the actor of persecution or serious harm would attempt to trace the applicant in the potential IPA location.

► **personal enmity**

Some private disputes, including those based on honour and blood feuds, could strengthen the determination of the actor of persecution or serious harm to trace the applicant.

► **other risk-enhancing circumstances**

The information under the chapter [2. Refugee status](#) should be used to assist in this assessment.

⁵³ CJEU, *X, Y and Z*, paras. 70-76; CJEU, *Y and Z*, para. 80.

Availability of protection against persecution or serious harm

Alternatively, it may be determined that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm, as defined in [Article 7 QD](#), in the area where IPA is considered. Taking into consideration that the Afghan State is in general unable to provide protection, which is effective, non-temporary and accessible, the applicability of IPA would depend on establishing the absence of persecution or serious harm in the area in question.

See the chapter [4. Actors of protection](#).

Travel and admittance

As a next step, case officers have to establish whether an applicant can:

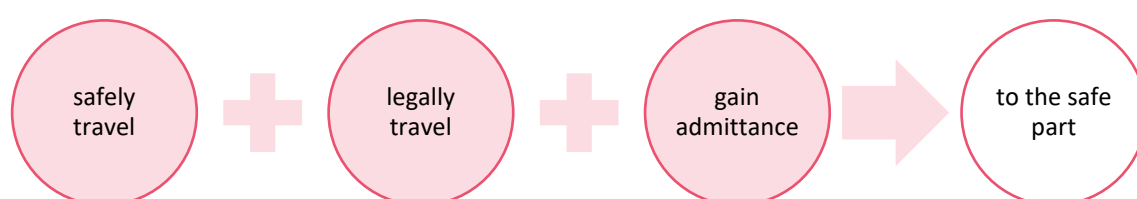


Figure 15. Travel and admittance as requirements for IPA.

The respective elements are explained below, along with conclusions based on available information:

- ✓ **Safely travel** – there should be a safe route, which the applicant can practically travel through without undue difficulty, so that he or she can access the area of IPA without serious risks.

In this regard, the assessment of the travel route from the airport to the city is part of the safe travel criterion and has to be assessed carefully based on relevant COI. ⁵⁴ See [Key socio-economic indicators 2020](#), 3.1, 3.4; [Security situation 2020](#), 1.6, 2.1.1, 2.5.1].

- **Kabul city:** The airport of Kabul (KBL) is part of the urban area of Kabul city, located 16 km from the city centre. This airport operates domestic and international flights.

One security incident in November 2019 was reported in the vicinity of the airport, causing civilian casualties.

- **Mazar-e Sharif:** The airport of Mazar-e Sharif (MZR) lies 8 km east of the city in the district of Marmul. This airport operates domestic and international flights.

No examples of incidents were reported for the airport in Mazar-e Sharif.

- **Herat:** The airport of Herat (HEA) lies about 10 km west of the city in the district of Gozara. This airport operates domestic and international flights.

⁵⁴ ECtHR, *Sufi and Elmi*, paras. 268, 269, 271.

The road connecting Herat to the airport is routinely controlled by security forces. However, in recent years there have been reports of activity by criminal networks, who are often connected to insurgents.

Based on available COI, it is concluded that, in general, a person can access the cities of Kabul, Herat and Mazar-e Sharif without serious risk.

- ✓ **Legally travel** – there should be no legal obstacles that prevent the applicant from travelling to the safe area.

There are no legal restrictions on travel within Afghanistan. The government does not generally restrict the right of movement of individuals within the borders of the country, but security forces and anti-government elements may operate illegal checkpoints and extort money and goods from travellers. At government checkpoints, appropriate identification is generally sufficient to permit passage and other sources report that there is no 'systematic requirement for documents to travel within Afghanistan' [[Key socio-economic indicators 2020](#), 3.2].

Based on available COI, it is concluded that there are no general legal or administrative restrictions for Afghans to travel in Afghanistan, including into the cities of Kabul, Herat and Mazar-e Sharif.

- ✓ **Gain admittance to** – the applicant should be allowed to access the safe area by the actor(s) who control it.

There are no legal restrictions on admittance and residence inside Afghanistan [[Key socio-economic indicators 2020](#), 3.2]. The cities of Kabul, Herat and Mazar-e Sharif are under the control of the government [[Security situation 2020](#), 2.15, 2.13, 2.5]. It is, therefore, concluded that the criterion of gaining admittance would be generally satisfied with regard to the three cities.

The individual circumstances of the applicant should also be taken into account when assessing whether he or she can safely and legally travel and gain admittance to a part of the country.

Careful examination is required especially in cases of women. Social restrictions constrain women's ability to travel on their own and women's freedom of movement is limited by the requirement of male consent or male chaperone. There is variation in women's freedom of movement and dress code across the country. For example, in Kandahar women are rarely seen alone in public, but this is more common in Mazar-e Sharif and Kabul [[Key socio-economic indicators 2020](#), 3.3].



Impact of the COVID-19 pandemic

It should be noted that the Afghan State has introduced temporary measures to prevent the spread of the COVID-19 virus, for example by imposing lockdowns in various cities. Flight connections have also been subject to recent changes [[Key socio-economic indicators 2020](#), 3.1, 3.2].

New developments might change the situation significantly. Therefore, the impact on travel and admittance should be assessed in light of the most up-to-date COI available.

For those applicants who meet the 'safety' criterion, the assessment of the availability of IPA should proceed with an assessment of the **requirements of safety and legality of travel and of gaining admittance**.

No general impediments related to safety and legality of travel and to gaining admittance are identified with regard to the three cities. However, the individual circumstances of the applicant as well as the impact of COVID-19 related restrictions should be duly taken into account.

Reasonableness to settle

According to [Article 8\(1\) QD](#), IPA can only apply if the applicant 'can reasonably be expected to settle' in the proposed area of internal protection. In case the criteria of safety and travel and admittance are met, the assessment of the availability of IPA should proceed with an analysis of its reasonableness in light of the general situation in the city and the individual circumstances of the applicant.

Neither the QD nor the case law of CJEU offer relevant criteria that may be relied upon when establishing whether it is reasonable for the person to settle in the IPA location. This common analysis follows a rights-based approach in light of relevant jurisprudence of the ECtHR.

While acknowledging that the ECtHR jurisprudence is in the context of a different legal regime and addresses particular individual situations, the following principles could be derived from it and are found of relevance to the reasonableness test under [Article 8 QD](#):

- The assessment should take into account the applicant's ability to cater for his most basic needs, such as food, hygiene and shelter, his or her vulnerability to ill-treatment and the prospect of his situation improving within a reasonable timeframe.⁵⁵
- Internal relocation inevitably involves certain hardship. In this regard, difficulties in finding proper jobs and housing would not be decisive, if it could be found that the general living conditions for the applicant in the proposed area of IPA would not be unreasonable or in any way amount to treatment prohibited by [Article 3 ECHR](#).⁵⁶

In applying the reasonableness test, it should be examined whether the basic needs of the applicant would be satisfied, such as food, shelter and hygiene. Additionally, due consideration has to be given to the opportunity for the person to ensure his or her own and his or her family's subsistence and to the availability of basic healthcare.

In the examination of the reasonableness of IPA, the following elements should be taken into account:

- the situation with regard to food security;

⁵⁵ ECtHR, *Sufi and Elmi*, para. 283.

⁵⁶ ECtHR, *A.A.M. v Sweden*, para.73.

- the availability of basic infrastructure and services, such as:
 - shelter and housing;
 - basic healthcare;
 - hygiene, including water and sanitation;
- the availability of basic subsistence that ensures access to food, hygiene and shelter, such as through employment, existing financial means, support by a network or humanitarian aid.

The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

These criteria are assessed below in relation to the general situation in the cities of Kabul, Herat and Mazar-e Sharif ([General situation](#)). This general situation is, furthermore, taken into account in the conclusions regarding the applicability of IPA to certain profiles of applicants ([Conclusions on reasonableness](#)).

General situation

Based on available COI, the general situation with regard to the elements mentioned above is assessed as follows:

Food security [[Key socio-economic indicators 2020](#), 2.4, 2.7.1]

In Afghanistan' population of approximately 33 million, it was reported in September 2019, that 3.9 million were in need of emergency food and livelihood assistance since they were affected by the 2017-2018 drought, while 13.5 million were severely food insecure, having limited food production, depleted assets and livelihoods, reduced incomes and weakened health. According to the 2019 Integrated Food Security Phase Classification (IPC) report, 10.2 million of the Afghan population were acutely food insecure, while 11.3 million would need humanitarian assistance in winter 2020-2021. Despite the passing of the drought, it was estimated that almost 14.3 million people were to be in either crisis or emergency food insecurity (IPC 3 and 4) from November 2019 to March 2020. An increase in prices was reported in March 2020, following the border closures and export restrictions related to the spread of COVID-19. Following the introduction of lockdown measures and increase in domestic demand, Famine Early Warning System (FEWS) reported on the rise of prices in late March and early April, stating that many households are expected to be unable to meet all food and essential non-food needs as their purchasing power has reduced.

According to a report of April 2020, households located in Kabul, Herat, and Mazar-e Sharif - as well as those in other major cities - and dependent on small business or petty trade, remittances, non-agriculture wage labour, and low salary jobs, were the worst affected by the reduced access to employment and significantly increased food prices.

The main variable in access to food are the means of subsistence available to the applicant, which in the case of displaced persons can be a particular concern.

Housing and shelter [[Key socio-economic indicators 2020](#), 2.7.1, 2.7.3]

According to recent information, around 8 million (24.4 %) of the Afghan population live in urban areas and around 23.4 million (71%) are inhabitants of rural areas. **Kabul** has been the centre of the growth, and the rest of the urban population is concentrated mostly in four other city regions: **Herat, Mazar-e Sharif**, Kandahar and Jalalabad. The large majority (72 %, based on Afghanistan Living Conditions Survey figures for 2016-2017) of Afghanistan's urban population lives in slums or inadequate housing. Most housing in Afghanistan consists of irregular, detached, or semi-detached houses or regular detached houses. A large proportion consists of hillside dwellings. The majority of Afghans generally live in very poor housing conditions and have minimal access to housing financing.

Designed for about a million people, **Kabul** was reported to accommodate more than five million people, settled in the capital and around it in a non-regulated way. In 2018, an estimated 70 % of Kabul's population was reported to live in informal settlements defined as areas of housing either constructed on land to which the occupants have no legal claim, and/or areas of housing units that do not comply with planning and building regulations. The city's informal settlements were reported to offer crucial low-cost housing to the majority of residents. According to a survey in 2016-2017, Kabul was the only location, in which renting was a common practice.

The urban density in **Herat City** was reported as very high as of 2015 and the settlements pattern was quite regular although most buildings did not conform to a master plan. In 2016, an estimated 5 % of the city's population was reported to live in soft structures or tents. As the north-western provinces of Afghanistan were particularly affected by the drought conditions of 2017-2018, Herat and Badghis provinces were the destination for over 60 000 people who became displaced and resided in overcrowded camps in and around Herat City.

According to a 2015 survey, 66.5 % of inhabitants of **Mazar-e Sharif** owned their houses, while 24.5 % rented their accommodation. More than half of the houses in the city were constructed from mud or soil with wood logs, the rest from lime with bricks and metal, cement, or other materials.

Hygiene, including water and sanitation [[Key socio-economic indicators 2020](#), 2.7.3]

A 2020 report found that most Afghans lacked a safe water supply, adequate sanitation, and hygiene, and the vast majority of the Afghan population had limited access to electricity, especially in rural areas. According to UNOCHA, only 67 % of the population had access to at least basic (improved) drinking water services as of 2019, with huge disparities between urban (96 %) and rural (57 %) population groups. UNOCHA also noted that only 43 % of the population had access to basic sanitation facilities: 57 % of urban dwellers and 38 % of rural inhabitants.

The increase in water consumption and decrease of the quality of groundwater caused a deficiency of water in **Kabul**. It is estimated that 32 % of Kabul's population has access to running water, and only 10 % of residents receive potable water. The city's inadequate water system forced those people who could not afford it to drill their own wells. Many poor residents of Kabul depend on public taps, often far from their homes. Besides problems in the water supply, the provision of other basic services, e.g. sanitation and electricity, to the growing informal settlements that emerged on the centrally located hills of Kabul, was reported to be difficult. Kabul remained one of the world's few national capitals without a central sewerage system, which caused human pollution and health problems.

Of the urban population in **Herat City**, 81 % was reported to have access to improved water sources, 90.7 % used electricity as a source for lighting and 92 % had an improved sanitation facility. The

majority of residents in Herat City drew their drinking water from pipes or wells. The city was reported to lack a central sewage system and the leakage of sewage into groundwater was considered as a main cause of water contamination in the city.

Most people in **Mazar-e Sharif** have access to improved sources of drinking water (76 %), usually piped or from the wells. Around 92 % of households have improved sanitation facility.

Basic healthcare [[Key socio-economic indicators 2020](#), 2.6.]

Despite improvements, Afghanistan's public healthcare system, neglected during the years of conflict, continues to face challenges, such as damaged infrastructure, a lack of trained healthcare providers and under-resourced healthcare facilities. The World Health Organization (WHO) reported that in 2018, 3 135 healthcare facilities in total were functioning, ensuring access to healthcare to approximately 87 % of the population within a two-hour distance. According to a recent report, the population of Afghanistan is still struggling to get access to healthcare, because of pervasive violence, widespread poverty, and a weak public health system. Even though the majority of the population has access to primary healthcare, large sections of Afghanistan's rural population still do not have access to essential healthcare services.

Corruption and hidden costs also constitute a significant barrier to the access in healthcare. Although healthcare should be free of charge, people have to pay for medications, doctor's fees, laboratory tests, and inpatient care in many public facilities. High treatment costs were the main reason treatment was avoided. Those who can afford, refer to private healthcare providers or travel abroad to get treatment.

Availability of medicines and medical equipment is limited due to insecurity, inaccessibility of roads and disruption of electricity or temperature-controlled supply chains. It was also noted that healthcare facilities in Afghanistan frequently have issues with getting medication. Medicine quality was also a significant issue.

In addition, lack of adequate healthcare services for particular vulnerable groups, such as persons with psychological/mental health conditions or persons living with disabilities, as well as women, is still a major concern.

With regard to the **COVID-19** outbreak, it was highlighted that Afghanistan is particularly vulnerable, due to its limited healthcare system and few medical personnel, weak infrastructure, and poor social cohesion after 40 years of war, along with a large influx of refugees returning from Iran and Pakistan - without proper quarantine and containment measures in place. At the end of March 2020, in the main COVID-19 hospital in Herat supplies were reportedly scarce despite funds received from the government for tackling the pandemic. UNOCHA reported that some health services, such as routine vaccinations, the polio programme, antenatal care, mental health and psychosocial support, had been either suspended or reduced due to COVID-19.

The WHO reported in 2018, that of 135 hospitals in Afghanistan, 26 are located in **Kabul**. As noted by a 2019 report, the large numbers of people arriving in Kabul have resulted in limited access to basic healthcare, particularly for those who cannot afford to go to private hospitals. According to another report, 33 % of the households in Kabul reported not having access to a healthcare centre – public or private, mainly due to the very high cost of services. There was no private mental healthcare institution in Kabul providing inpatient treatment, but two public institutions offered this kind of

treatment for free. However, medication might not be available in the hospitals free of charge. Psycho-social assistance free of charge was also offered by an NGO for those who needed psycho-social help, but it was stated that the organisation had limited resources and services.

Herat Regional Hospital, located in the centre of **Herat City**, was the main hospital serving the provinces of Herat, Badghis, Ghor, Farah and Nimroz, with specialised tertiary level health services. It is reported that a public hospital providing free outpatient and inpatient treatment by a psychiatrist or psychologist is located in the city, with the possibility of free medication if available. UNOCHA reported in September 2018, that basic and secondary healthcare facilities in Herat City had become insufficient to cope with the large numbers of IDPs that had come to Herat City.

There were approximately 10-15 hospitals in **Mazar-e Sharif**, most of them private, and 30-50 health clinics, as of 2018. The Abu Ali Sinha Balkhi Regional Hospital in Mazar-e Sharif served as the central hospital for Balkh province and was the referral hospital for the northern region, receiving all accident and emergency cases and acting as a major general hospital for the clinics in the surrounding districts. It was reported that there were two facilities providing mental health service in Mazar-e Sharif.

Means of basic subsistence [[Key socio-economic indicators 2020](#), 2.2.2]

The International Labour Organization (ILO) modelled estimates for 2020 show an increase in unemployment rates in Afghanistan compared to 2019 and 2018, indicating the total unemployment rate (people aged 15+) at 11.2 %, with youth unemployment (aged 15-24) estimated at 17.5 %. In 2019, the overall unemployment rates were estimated at 11.1 % and youth unemployment (aged 15-24) at 17.4 %. While the participation of women in labour force was low, their unemployment rate was extremely high. Furthermore, unemployment has a seasonal character: the unemployment rate is relatively low during spring and summer months (around 20 %) but reaches almost 33 % in the winter. Young Afghans enter the labour market in large numbers every year, but employment opportunities cannot keep up with the population growth because of inadequate development resources and poor security [[Key socio-economic indicators 2020](#), 2.2., 2.2.1, 2.2.4].

Afghanistan faced a sharp increase in poverty since 2011-2012, with a rise in both urban and rural poverty rates. In 2016-2017, 54.5 % of the population was living below the national poverty line. UNOCHA estimated that over 80 % of Afghans lived on less than the internationally applied poverty line (USD 1.90 per day) in 2019. The World Bank expects poverty to remain high in 2020, due to weak labour demand and security-related constraints on service delivery. In general, poverty in Afghanistan had a seasonal character, in which welfare deteriorated in winter months due to increase in prices, particularly food, and a decline in income-generating opportunities in agriculture. The World Bank also reported that rural poverty remained consistently higher than urban poverty. Increasing numbers of people resort to negative coping mechanisms such as petty crime, child marriages, child labour, and street begging, particularly affecting IDPs [[Key socio-economic indicators 2020](#), 2.3.1].

As of 2018, ILO defined 66 % of employment as vulnerable and noted that most of the vulnerable workers had own-account status and were more likely to face low job and income security and lower coverage by social and employment protection systems.

Almost 53 % of the rural population is employed in agriculture, while there is more diversity in urban employment, where 36.5 % of the working population is engaged in various services and only 5.5 % in agriculture. Salaried employment in public or private sector held less than 20 % of all employed persons.

As a major trade and employment hub in Afghanistan, **Kabul** attracts labourers from small villages, who commute to the capital on a daily or weekly basis to trade agricultural products or work as guards, household staff, or wage labourers. The capital has a large share of salaried workers, while self-employment is less common compared to rural parts of the country. Salaries in Kabul are generally higher than in other provinces.

In **Herat City**, there are opportunities related to trade, import and export of goods, mining, and manufacturing. Approximately half of the working population are day labourers.

Mazar-e Sharif is a regional trading centre for northern Afghanistan and an industrial centre with large-scale manufacturing operations and a huge number of small and medium enterprises providing handicrafts, rugs, and carpets. Mazar-e Sharif is considered relatively more stable compared to Herat or Kabul. The largest group of workers in the city were service and sales workers.

In the context of Afghanistan, different types of networks can be identified, the ones of particular relevance being the relatives (extended family), but also networks based on common background or common work or educational experience. It is, for example, reported that the recent settlements in Kabul are often composed of residents with a common regional or ethnic background, who lean exclusively on each other to find housing and jobs. Sources report that extended family networks were vital for returnees in finding and maintaining employment and housing; however, having a family network did not necessarily remove all vulnerabilities. For unaccompanied minors, single women and female-headed households, vulnerabilities were higher even with family support. Many returnees, particularly those without family connections, settled in cities assuming that those were safer and livelihood opportunities were better [[Networks](#); [Key socio-economic indicators 2020](#), 2.2.3].

Where relevant, available reintegration assistance for forced returnees may also be taken into account as an additional factor, temporarily contributing to reintegration in Afghanistan.



Impact of the COVID-19 pandemic

In its Afghanistan Development Update issued in July 2020, the World Bank stated that COVID-19 measures have significantly impacted industry, services, and business activities, causing declines in remittances and job losses. Afghan officials stated that around 35 000 – 36 000 shops and factories were to be closed in Herat due to movement restrictions, while ‘hundreds of thousands’ of people lost their jobs. It was also reported that in Balkh province the COVID-19-related lockdown downturned about 80 % of the economy and business deals in the province. Per capita GDP is expected to fall sharply - by 13 % by 2021 - estimating to remain below pre-COVID-19 levels for the medium-term. As a result, lower incomes are expected to lead to a deterioration in employment and poverty outcomes, with the poverty rate potentially reaching 73 % over 2020. The high number of

returnees and IDPs is also putting pressure on the limited services and employment opportunities in main urban centres.

FEWS estimated that COVID-19 lockdown measures brought a reduced access to income and weakened purchasing power in urban areas of almost all provinces. In April 2020, FEWS reported on a significant decrease of access to income of poor households, which, in general, earned income from daily wage labour and other small trades and which were affected by the restrictions of movement, imposed by the government in main cities [[Key socio-economic indicators 2020](#), 2.1.2, 2.2.2.].

The general circumstances prevailing in the cities of Kabul, Herat and Mazar-e Sharif, assessed in relation to the factors above, do not preclude the reasonableness to settle in the cities. The assessment should take into account the individual circumstances of the applicant. A person's ability to navigate the above circumstances will mostly depend on access to a support network or financial means. The impact of COVID-19 on the economic situation, as well as on the healthcare system, should also be considered.

Individual circumstances

In addition to the general situation in the area of potential IPA, the assessment whether it is reasonable for the applicant to settle in that part of the country should take into account the individual circumstances of the applicant, such as age, gender, ethnicity, religion, health condition, social and educational background, family and social ties, language, etc.

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms which would have an impact on his or her personal circumstances and determine to what extent it would be reasonable for the applicant to settle in a particular area.

Please note that this is a non-exhaustive list:

- **Age** [[Key socio-economic indicators 2020](#), 2.5]: Young age as well as elderly age could significantly limit the applicant's access to means of subsistence such as through employment, making him or her dependent on other providers. Therefore, this element should be seen in conjunction with the available support by family or a broader support network. In case of children, the best interests of the child shall be a primary consideration, for example, with regard to access to basic education. Afghanistan's education system has been described as overwhelmed, particularly due to the increased displacement, with most schools overcrowded and insufficiently resourced. Factors such as residence, gender, disability status, and poverty, affect access to education. There have been limitations in the access to education for IDPs and undocumented refugee returnees. Education facilities are present in the cities.
- **Gender** [[Key socio-economic indicators 2020](#), 3.3]: Women and girls in Afghanistan may be subjected to discriminatory restrictions and may need the support of a male family member or chaperone in order to access different services and to exercise certain rights. Therefore, the gender of the applicant should be taken into account when considering reasonableness in conjunction with their family status and available support.

- **State of health (illness or disabilities)** [[Key socio-economic indicators 2020](#), 2.6]: Access to healthcare is strained in the three cities, making the health status of the applicant an important consideration when assessing the reasonableness of IPA for those who require medical treatment, also taking into account that their state of health may affect their ability to work and travel. For those with disabilities, access to basic subsistence such as through employment would be further limited.
- **Ethnicity and linguistic background** [[Security situation 2020](#), 2.1.1, 2.5.1, 2.13.1]: While parts of Afghanistan are ethnically homogenous, different ethnicities are present in the cities of Kabul, Herat and Mazar-e Sharif. Kabul is a 'melting pot' for various ethnicities and linguistic groups, each of them settled in specific places. In Herat province, Pashtuns, Tajiks, Hazara, Turkmen, Uzbeks and Aimaqs are the main ethnic groups. Balkh is also an ethnically diverse province. It is inhabited by Pashtun, Uzbek, Hazara, Tajik, Turkmen, Aimaq, Baloch, Arab, and Sunni Hazara (Kawshi) communities. In these cities, the knowledge of Dari or Pashtu is generally considered sufficient and the linguistic background of the applicant would not be a determinative factor.
- **Religion** [[Society-based targeting](#), 2; [COI query on Hazaras, Shias](#); [COI query on Hindus and Sikhs](#)]: Being part of a religious minority (e.g. Sikhs, Hindu or other religions) should be taken into account for IPA in the three cities, as members of those religious minorities may face discrimination due to religious belief, making it difficult for them to access basic means of subsistence such as through employment.
- **Documentation** [[Key socio-economic indicators 2020](#), 3.2]: The most important identification document in Afghanistan is called *tazkera*. A *tazkera* is formally required to access a range of public services, such as education, employment, healthcare, and official loans provided by a bank. It is also formally required for the issuance of housing, land and property certificates and title deeds.
- **Local knowledge**: Having lived in Afghanistan and/or being familiar with the societal norms is an important factor to take into account when assessing the reasonableness of IPA. Experience of having lived in an urban environment or, especially, in the respective city, could assist the applicant in settling there. Such experience may include, for example, having lived in the city for work or education, or having travelled to the city before.
- **Professional and educational background and financial means**: The background of the applicant, their level of education and available financial means can be taken into account when assessing the reasonableness of IPA and in particular the access of the applicant to means of basic subsistence.
- **Support network** [[Networks](#)]: A support network can be the family network, not restricted to the core family, but also including the extended family, and/or a social network, in particular: friends, employers, classmates, members of the same clan, especially when there is a certain point of contact, etc., taking into account their willingness and ability to assist the person in accessing basic subsistence. Special consideration should be given in the case of individuals who lived abroad for a long period of time and who have no relatives in the three cities, as they may often lack the necessary support network.

It should be noted that these factors would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA. In some cases, more than one

element of vulnerability would confirm a conclusion that IPA is not reasonable for the particular applicant (e.g. unaccompanied child with no support network), while in other cases, they would balance each other (e.g. IPA may be reasonable for a married couple with available financial means or a support network in one of the cities).

Conclusions on reasonableness

For those applicants who meet the 'safety' and 'travel and admittance' requirements under [Article 8\(1\) QD](#), the availability of IPA in Kabul, Herat or Mazar-e Sharif will depend on the assessment of the **reasonableness to settle** there.

This subsection includes conclusions and relevant considerations, which should be taken into account when assessing the reasonableness of IPA for particular profiles of applicants.

This is without prejudice to the need to fully assess all individual circumstances in the case at hand.

Single able-bodied men

**For applicants who were born and/or lived outside Afghanistan for a very long period of time see separate conclusion below.*

Although the situation related to settling in the cities of Kabul, Herat and Mazar-e Sharif entails certain hardships, IPA may be reasonable for single able-bodied men, taking into account their individual circumstances. The following can in particular be taken into account:

- **Age:** the applicant is of a working age, which would assist in his access to basic subsistence, in particular with regard to the opportunity to engage in employment.
- **Gender:** no additional vulnerabilities are attached to being male in Afghanistan.
- **Family status:** the applicant does not have additional responsibilities other than ensuring his own subsistence and no additional vulnerabilities are attached to being a single man.
- **State of health:** the applicant does not suffer from any serious health condition.
- **Professional, educational and economic background:** The background of the applicant, including education, profession and available financial means could be taken into account, especially in case those would be relevant to the coping mechanisms the applicant would have for settling in the IPA area.
- **Local knowledge:** Having lived in Afghanistan and/or being familiar with the societal norms is an important factor to take into account when assessing the reasonableness of IPA. Experience of having lived in an urban environment or, especially, in the respective city, could assist the applicant in settling there.
- **Support network:** The existence of a support network could assist the applicant in accessing the means to ensure one's subsistence.

**Married couples
of working age
without children**

**For applicants
who were born
and/or lived
outside
Afghanistan for a
very long period of
time see separate
conclusion below.*

Although the situation related to settling in the cities of Kabul, Herat and Mazar-e Sharif entails certain hardships, IPA may be reasonable for married couples of working age without children, taking into account their individual circumstances.

The assessment should take into account the elements mentioned above with regard to single men. However, the individual assessment should further examine whether in the situation of the couple sufficient basic subsistence can be ensured for both.

Single women

For single women, such as unmarried, separated/divorced women, widows, female heads of households, IPA should be assessed carefully with regard to the requirement of safety, including safety of travel, especially for those without a male support network in Afghanistan. Moreover, in Afghanistan, most women would not have independent access to means of ensuring their basic subsistence and basic services. Therefore, in general they need to be assisted by a male member of the core or extended family.

In general, IPA would not be reasonable for single women without support from a male member of their core or extended family in the respective part of Afghanistan.

**Unaccompanied
children**

Due to their young age, children need to depend on other providers for their basic subsistence. The best interests of the child shall be a primary consideration. The question of access to basic education should be assessed in relation to the general situation in the respective city, as well as the individual circumstances of the child.

In general, IPA would not be reasonable for children without a support network in the respective part of Afghanistan.

The situation of unaccompanied children should also be taken into account when assessing the safety criterion for a potential IPA, as they are particularly vulnerable, including to risks of child-specific forms of persecution or serious harm, such as child marriages and child labour.

**Families with
children**

In order to ensure their subsistence and access to basic services, it is relevant to assess the social and economic background of the family and the possibility to receive assistance by a support network. The best interests of the child shall be a primary consideration. The question of access to basic education should be assessed in relation to the general situation in the respective city, as well as the individual circumstances of the family.

In general, IPA would not be reasonable for children in a family, if the family lacks sufficient financial means or a support network in the respective part of Afghanistan.

The situation of children should also be taken into account when assessing the safety criterion for a potential IPA, as they are particularly vulnerable, including to risks of child-specific forms of persecution or serious harm, such as child marriages and child labour.

Applicants with severe illnesses or disabilities

Depending on the health condition of the applicant, the limited accessibility of healthcare in the three cities may place him or her at an enhanced risk. Additionally, severe illnesses and disabilities would hinder the applicant's ability to ensure his or her basic subsistence, in particular through means of employment.

In general, IPA would not be reasonable for applicants with severe illnesses or disabilities. Individual circumstances, such as sufficient financial means and/or a support network could, however, be taken into account.

Elderly applicants

Although there is no specific threshold for a person to be considered of elderly age, the assessment should take into account the applicant's age in terms of access to means of basic subsistence, in particular through employment. Additionally, the state of health of an elderly applicant may cause difficulties, including in access to employment.

In general, IPA would not be reasonable for elderly people if they lack sufficient financial means or a support network in the respective part of Afghanistan.

Applicants who were born and/or lived outside Afghanistan for a very long period of time

Afghan nationals who resided outside of the country over a prolonged period of time may lack essential local knowledge necessary for accessing basic subsistence means and basic services. An existing support network could also provide the applicant with such local knowledge. The background of the applicant, including their educational and professional experience and connections, as well as previous experience of living on their own outside Afghanistan, could be relevant considerations.

For applicants who were born and/or lived outside Afghanistan for a very long period of time, IPA may not be reasonable if they do not have a support network which would assist them in accessing means of basic subsistence.

6. Exclusion

This chapter looks into the potential applicability of the exclusion grounds under [Article 12\(2\) QD](#) and [Article 17\(1\) QD](#) in relation to acts committed by applicants from Afghanistan.

The content of this chapter is structured as follows.

Following the [Preliminary remarks](#), this chapter provides general guidance on the applicability of the [Exclusion grounds](#).

It further outlines some of the factual circumstances in which exclusion may be relevant ([Relevant circumstances](#)).

Conclusions and guidance concerning the application of the different exclusion grounds to these circumstances is included under [Guidance with regard to Afghanistan](#).

For further general guidance on exclusion, see the '[EASO Practical Guide: Exclusion](#)'.

Preliminary remarks

Applying the exclusion grounds, where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

This chapter focuses on the exclusion of applicants found not to deserve international protection in accordance with [Article 12\(2\) QD](#) and [Article 17\(1\) QD](#).

If a person would otherwise qualify for refugee status, the following would constitute exclusion grounds, according to [Article 12\(2\) and \(3\) QD](#):

Article 12(2) and (3) of the Qualification Directive Exclusion (refugee status)

2. A third-country national or a stateless person is excluded from being a refugee where there are serious reasons for considering that:
- (a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
 - (b) (he or she has committed a serious non-political crime outside the country of refuge prior to his or her admission as a refugee, which means the time of issuing a residence permit based on the granting of refugee status; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;
 - (c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.

3. Paragraph 2 applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.

If the person would otherwise be eligible for **subsidiary protection**, the exclusion grounds under [Article 12\(2\)\(a\) and \(c\) QD](#) would apply in the same way ([Article 17\(1\)\(a\) and \(c\) QD](#), respectively). The ground of ‘serious crime’ ([Article 17\(1\)\(b\) QD](#)), on the other hand, is broader than ‘serious non-political crime’ and has no geographical or temporal limitations. Furthermore, additional exclusion grounds are envisaged under [Article 17\(1\)\(d\) QD](#) and [Article 17\(3\) QD](#). [Article 17\(3\) QD](#) contains an optional provision and its applicability would depend on the transposition of this provision in national legislation.⁵⁷

Article 17 of the Qualification Directive Exclusion (subsidiary protection)

1. A third-country national or a stateless person is excluded from being eligible for subsidiary protection where there are serious reasons for considering that:
 - (a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
 - (b) he or she has committed a serious crime;
 - (c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;
 - (d) he or she constitutes a danger to the community or to the security of the Member State in which he or she is present.
2. Paragraph 1 applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.
3. Member States may exclude a third-country national or a stateless person from being eligible for subsidiary protection if he or she, prior to his or her admission to the Member State concerned, has committed one or more crimes outside the scope of paragraph 1 which would be punishable by imprisonment, had they been committed in the Member State concerned, and if he or she left his or her country of origin solely in order to avoid sanctions resulting from those crimes.

It should be taken into account that an applicant could have committed multiple excludable acts, falling under different exclusion provisions. National practice may vary regarding whether one particular act should be qualified under more than one ground where the necessary elements are present.

It should be underlined that the determining authority has the burden of proof to establish:

⁵⁷ Noting the optional nature of this exclusion ground, and its scope, which is not country-specific, no further analysis and guidance is provided on Article 17(3) QD.

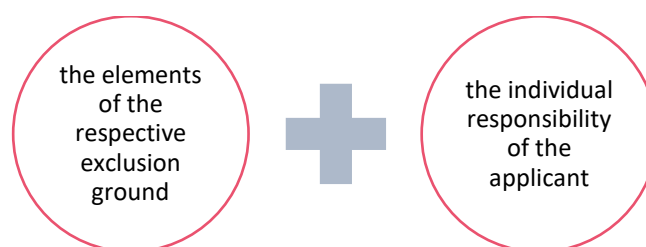


Figure 16. Elements in applying exclusion.

At the same time, the applicant has a duty to cooperate in establishing all facts and circumstances relevant to his or her application.

Individual responsibility could be substantiated not only in case of direct commission of the excludable act (for the perpetrator), but also in other instances where the person substantially contributed to the commission of an excludable act. The assessment of individual responsibility is based on the nature and extent of the applicant's involvement in the excludable act(s), as well as his or her state of mind in relation to these act(s). Different **forms of conduct** may lead to a finding of individual responsibility (for example, direct commission, inducing others, aiding and abetting, command responsibility, etc.), where the relevant intent and knowledge are established.

The applicable standard of proof is 'serious reasons for considering', which requires clear and reliable evidence, but is not as high as the standard for criminal responsibility ('beyond reasonable doubt').

The fact that the applicant was or is associated with a group or regime responsible for excludable acts(s) does not relieve the determining authority from demonstrating his or her individual responsibility.

However, depending on the nature, scale of the group or regime, the voluntary association with it and the position, rank, standing and influence of the applicant within the group, there may be sufficient evidence for both the 'conduct' and the 'state of mind' requirements to be inferred. It remains necessary, however, that the decision-maker identify the relevant mode of individual responsibility and examine the facts in light of the respective criteria.

Furthermore, the examination should take into account **potential grounds negating the individual responsibility**, such as lack of mental capacity to comprehend and/or control one's conduct (e.g. due to age, mental disease or defect, involuntary intoxication), duress (e.g. in the context of forced recruitment), self-defence or defence of others (or property, in the case of war crimes), superior orders in specific circumstances (see [Article 33 of the Rome Statute](#)),⁵⁸ etc.

Depending on national practice, the analysis may further proceed to take into account whether or not the possible exclusion of the applicant would meet the purposes of the exclusion clauses. Elements, such as the fact that an applicant has already served a sentence for the (otherwise) excludable act, or that the act is subject to an amnesty, could potentially be taken into account. The more egregious the excludable acts, the less relevant such aspects would be when taking the decision.

⁵⁸ Rome Statute of the International Criminal Court, Article 33.

For further horizontal guidance on individual responsibility, see '[EASO Practical Guide: Exclusion](#)', p.29.⁵⁹

Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

Exclusion grounds

a. Crime against peace, war crime, crime against humanity

[Article 12\(2\)\(a\) QD](#) and [Article 17\(1\)\(a\) QD](#) refer to specific serious violations of international law, as defined in the relevant international instruments:

► **'Crime against peace'** is related to the planning, preparation, initiation, waging or participation in a common plan or conspiracy related to a war of aggression, which can only apply in relation to international armed conflict. Such a crime would usually be committed by individuals in a high position of authority, representing a State or a State-like entity. It can be noted that in practice this ground is rarely applied.

► **'War crimes'** are **serious violations of international humanitarian law**, committed against a protected person or object (civilians, combatants placed out of combat such as in detention or being wounded, or those who have put down their arms, or civilian and cultural objects), or through the use of unlawful weapons or means of warfare.⁶⁰ War crimes can only be committed during an armed conflict qualified accordingly under international humanitarian law. The nature of the armed conflict (international or non-international) is decisive in order to define the elements of the particular war crime.⁶¹

War crimes can be committed by combatants/fighters, as well as by civilians, as long as there is a sufficient link to the armed conflict. This means that the act needs to have been 'closely' related to the armed conflict.⁶²

Some relevant (non-exhaustive) examples of war crimes include:

- violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture of persons taking no direct part in hostilities;

⁵⁹ The 'EASO Practical Guide: Exclusion' is available in different languages at <https://www.easo.europa.eu/practical-tools>.

⁶⁰ **War crimes** are listed, inter alia, under [Article 8 of the Rome Statute](#), under the 'Grave Breaches' provisions of the 1949 Geneva Convention and Additional Protocol I, common Article 3 and relevant provisions of Additional Protocol II, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Statute of the International Criminal Tribunal for Rwanda (ICTR).

⁶¹ 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.

⁶² 'The armed conflict need not have been causal to the commission of the crime, but the existence of an armed conflict must, at a minimum, have played a substantial part in the perpetrator's ability to commit it, his decision to commit it, the manner in which it was committed or the purpose for which it was committed', ICTY (Appeals Chamber), *Prosecutor v Kunarac et al.*, IT-96-23 and IT-96-23/1-A, judgment of 12 June 2002, para. 58.

- committing outrages upon personal dignity, in particular humiliating and degrading treatment of persons taking no direct part in hostilities;
- intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- killing or wounding treacherously a combatant adversary;
- the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable;
- conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities.

► **‘Crimes against humanity’** are fundamentally inhumane acts, committed as part of a systematic or widespread attack against any civilian population.^{63, 64} Inhumane acts, which could reach this threshold when committed pursuant to or in furtherance of a State or organisational policy,⁶⁵ include: murder, extermination, enslavement; deportation or forced transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognised as impermissible under international law; forced disappearance of persons; apartheid; other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Crimes against humanity can be committed in peacetime as well as during an armed conflict. Even a single act could fall under this exclusion ground provided it forms part of a widespread or systematic attack against a civilian population and the act is committed by any person (including a civilian) who had knowledge of the attack and the link of the act to the attack. Some crimes against humanity would require an additional specific intent (e.g. persecution and genocide).

⁶³ **Crimes against humanity** are defined in international instruments, inter alia, [Article 7 of the Rome Statute](#). See also ICC, *The Prosecutor v Germain Katanga*, judgment of 7 March 2014, ICC-01/04-01/07 (*Katanga*).

⁶⁴ On ‘widespread’ and ‘systematic’, see for example, ICTY, *Prosecutor v Dusko Tadic aka “Dule” (Opinion and Judgment)*, IT-94-1-T, judgment of 7 May 1997, para. 648; ICTR, *The Prosecutor v Jean-Paul Akayesu (Trial Judgment)*, ICTR-96-4-T, judgment of 2 September 1998, para. 580; ICTY, *Prosecutor v Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic (Appeal Judgment)*, IT-96-23 & IT-96-23/1-A, 12 June 2002, para.94; on ‘civilian population’ see ICTY, *Prosecutor v Dusko Tadic aka “Dule” (Opinion and Judgment)*, IT-94-1-T, judgment of 7 May 1997, para. 648; ICTR, *The Prosecutor v Jean-Paul Akayesu (Trial Judgment)*, ICTR-96-4-T, judgment of 2 September 1998, para. 644.

⁶⁵ On ‘state or organisational policy’, see *Katanga*, paras 1106-1113.

In order to establish whether a war crime or a crime against humanity has been committed, the case officer should consult the relevant international instruments and case law of the international criminal tribunals.

b. Serious (non-political) crime

The commission of serious (non-political) crimes is a ground that could apply to applicants from all countries of origin, regardless of the general situation.

In order to determine whether the crime qualifies as **serious**, the following factors may be taken into account: the nature of the act, the actual harm inflicted, the form of procedure used to prosecute such a crime, the nature of the envisaged penalty, and whether most jurisdictions would consider it serious.⁶⁶

There is no requirement that the offence constitutes a crime (or a serious crime) in both the country of origin and the country of application. Therefore, certain acts could be criminalised in Afghanistan, but not be considered serious crimes according to international standards and would therefore fall outside the scope of this provision (e.g. same sex relations). At the same time, acts that may not be considered serious crimes in Afghanistan could be relevant exclusion grounds (e.g. marital rape, sexual relations with a minor in the context of child marriage).

In order for an act to qualify as a **non-political** crime, it should be considered to have a predominantly non-political motivation or be disproportionate to a claimed political objective. Particularly cruel actions may be considered serious non-political crimes, due to being disproportionate to an alleged political objective. Terrorist acts, which are characterised by their violence towards civilian populations even if committed with a purportedly political objective, fall to be regarded as serious non-political crimes within the meaning of point (b).⁶⁷

It should also be noted that State agents could be responsible for serious (non-political) crimes (e.g. in relation to death penalty and executions, and torture).

The exclusion ground for refugee status further stipulates that the act must have been committed **outside the country of refuge prior to the person's admission as a refugee**. This requirement does not apply to exclusion from subsidiary protection.

c. Acts contrary to the purposes and principles of the United Nations

The purposes and principles of the UN are set out in the [Preamble and Articles 1 and 2 of the UN Charter](#). In order to apply this exclusion provision, the acts must have an international dimension in the sense that they are capable of having a negative impact on international peace and security or the friendly relations between States.⁶⁸ However, there is no requirement that the perpetrator hold a position of power in a State or a State-like entity in order to be excluded under this provision. Accordingly, this exclusion ground may apply to certain acts which constitute serious and sustained human rights violations and/or acts specifically designated by the international community as

⁶⁶ See CJEU, *Shajin Ahmed v Bevándorlási és Menekültügyi Hivatal*, judgment of 13 September 2018, C-369/17, para. 58.

⁶⁷ See, for example, CJEU, *Bundesrepublik Deutschland v B and D*, C-57/09 and C-101/09, judgment of 9 November 2010 (*B and D*), para. 81.

⁶⁸ CJEU, *Commissaire général aux réfugiés et aux apatrides v Mostafa Lounani*, C-573/15, judgment of 31 January 2017 (*Lounani*), para. 74; CJEU, *B and D*, para. 84.

contrary to the purposes and principles of the UN (for example, terrorist acts in light of relevant UN Security Council and General Assembly resolutions).⁶⁹

Relevant jurisprudence of the CJEU, including the *B and D* case and the more recent *Lounani* case, views acts constituting participation in the activities of a terrorist group under this provision. This could cover a wide range of conduct and cannot be confined to the actual perpetrators of terrorist acts. It could, for example, include recruitment, organisation, transportation or equipment of individuals, for the purpose of, inter alia, the planning or preparation of terrorist acts, etc.⁷⁰ It should be noted that the CJEU finds that the mere fact that a person was a member of an organisation implicated in terrorist acts does not automatically mean that the respective exclusion ground can be applied. It is not a prerequisite that an applicant for international protection has instigated a (particular) terrorist act or has otherwise participated in the commission of such an act. [Article 12\(2\)\(c\) QD](#) and [Article 17\(1\)\(c\) QD](#) can be applied only after undertaking, for each individual case, an assessment of the specific facts brought to the attention of the authorities with a view to determining whether there are serious reasons for considering that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for international protection, fall within the scope of that particular exclusion.⁷¹

d. Danger to the community or the security of the Member State

In the examination of the application for international protection, the exclusion ground ‘danger to the community or the security of the Member State’ under [Article 17\(1\)\(d\) QD](#) 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 State or criminal activities of the applicant.

The application of this provision, in particular, would often require the involvement of other authorities, which may have access to relevant information.

Relevant circumstances

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 occurring in the current conflict 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:

- The ‘Saur’ Revolution of 1978, subsequent purges and the 1979 crackdown of the uprising;

⁶⁹ See, for example, the 2001 UN Security Council resolutions 1373 and 1377.

⁷⁰ CJEU, *Lounani*, para. 69.

⁷¹ CJEU, *Lounani*, paras. 70 and 72; *B and D*, paras. 87 and 94.

- 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 PDPA regime, commanders or fighters from the anti-Soviet jihad tanzim) (1979 - 1992);
- Afghan ‘Civil War’ (1992 - 1996);
- Taliban regime and conflict between the Taliban and the Northern Alliance (1996 – 2001);
- US-led military operation and Taliban-led insurgency against the Afghan government (2001 – onwards);
- etc.

Afghan nationals have also been involved in conflicts outside Afghanistan, such as via the Fatemiyoun Brigade in Syria, which may be of relevance [See [COI Report: Syria - Actors \(December 2019\)](#), 2.3.4].

In relation to potential exclusion considerations, see also the chapters [1. Actors of persecution or serious harm](#) and [Analysis of particular profiles with regard to qualification for refugee status](#).

The examples mentioned in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

Past conflicts (1979-2001)

[[Security situation 2020](#), 1.1.1; [State structure](#), 1.1]

The ‘Saur’ Revolution and the Khalq Regime (1978-1979)

The year 1978 was a turning point in Afghan history. The Khalq faction of the People’s Democratic Party of Afghanistan (PDPA), led by Nur Mohammed Taraki overthrew the government of President Muhammad Daud Khan. This event is known as the Saur Revolution executed by the PDPA.

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. In October 1979, Taraki was overthrown by his deputy Amin and murdered [[Taliban strategies – Recruitment](#), 1.1].

The Soviet Afghan War (1979-1989)

In December 1979, the Soviet Union invaded Afghanistan, occupied its territory, and installed Babrak Karmal as 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 situation 2020](#), 1.1.1; [Taliban strategies – Recruitment](#), 1.1].

The Afghan government and Russian 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 situation 2020](#), 1.1.1; [Taliban strategies – Recruitment](#), 1.1].

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 [[Taliban strategies – Recruitment](#), 1.1].

The conflict between the Afghan Government and the Mujahideen Forces (1989-1992) and the Afghan Civil War (1992-1996)

After the resignation of Najibullah (18 April 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. The competing factions engaged in bloody street battles in Kabul and rockets stroke in the quarters of the city. War between the competing mujahideen factions and militias was characterised by severe human rights violations, including executions, abduction, imprisonment, sexual violence and other forms of torture, were committed by all factions [[Security situation 2020](#), 1.1.1; [Taliban strategies – Recruitment](#), 1.2].

The Taliban Regime (1996-2001)

The founders of the Taliban were religious clerics who fought in the different mujahideen factions. In 1994, these clerics came together 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. The clerics formed the Taliban movement under the leadership of Mullah Mohammad Omar. During the chaos of the civil war, the Taliban took control of Kandahar City. They brought stability in areas under their control, which won them support from segments of the population. They soon gained control of more areas and conquered Kabul in 1996.

The Taliban governed Afghanistan with a religious ideology based on Salafism and Pashtunwali. Their repressive policies resulted in increased poverty, widespread human rights abuses, ethnic persecution and killings and continued displacement and refugee movement into Pakistan, Iran and other neighbouring countries [[Security situation 2020](#), 1.1.1; [Taliban strategies – Recruitment](#), 1.2].

Current conflicts (2001-ongoing)

[[Security situation 2020](#), 1]

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. 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 has sharply deteriorated across Afghanistan.

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 ANSF. In response to these attacks, ANSF also resumed their operations against the Taliban. Widespread

fighting between the ANSF and Taliban is reportedly taking place in various provinces of the country. Fighting between ANSF and other AGEs is also reported [[Security situation 2020](#), 1.3].

An overview of the most important actors who may have been involved in excludable acts during this period is given below:

The Afghan Government and pro-government forces

Unlawful and arbitrary arrests, intentional killings, and summary executions by ANSF are reported, targeting particularly members or suspected members of AGEs and their families. ANA and NDS are also responsible for indiscriminate airstrikes causing civilian casualties [[State structure](#), 2.1; [Security situation 2020](#), 1.3.5].

The use of torture and other ill-treatment during detention are reported from all ANSF facilities, particularly in prisons under the command of NDS in which torture is described as common and systematic practice [[State structure](#), 2.1, 3.6].

Cases of sexual abuse and exploitation of boys, including the practice of *bacha bazi* perpetrated by members of the ANSF and pro-government militias are 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](#), 2.1.1-2.1.3].

Despite the efforts of the government to fight against corruption, it remains a widespread phenomenon in Afghanistan, especially within the ANSF (ANP and ALP are perceived as the most corrupt forces), the judicial system, and some ministries, such as the MoI. Excludable acts reported includes extortion, bribery and embezzlement [[State structure](#), 1.8, 2.1.2, 2.1.3, 3.4].

Anti-Government Elements

[[Anti-government elements](#), 2.6, 3.5, 3.6., 4; [Security situation 2020](#), 1.4]

In recent years, AGEs continued to cause the majority of civilian casualties through indiscriminate and deliberate targeting of civilians, typically using IEDs [[Security situation 2020](#), 1.3.2]. Exclusion considerations could be relevant with regard to (former) members of all AGEs (Taliban, ISKP and other insurgent groups).

The **Taliban** have a hierarchical organisation with strong leadership operating a parallel government structure ('shadow government') across Afghanistan. They controlled large parts of Afghanistan and committed excludable acts in every province. They are involved in abductions, targeted killings, indiscriminate and deliberate attacks against civilians and civilian objects. The Taliban consider foreign troops and those who work closely with them (some of the ANSF, interpreters, spies, and contractors) to be top priority targets. Other primary targets remain ANSF and government officials or employees, including their families or those perceived as supporting the government. In areas under their control, the Taliban have established a parallel justice system to handle civil and criminal disputes. Punishments enforced by the Taliban parallel justice system include summary execution, mutilation and stoning to death [[Anti-government elements](#), 2.5, 2.6; [Criminal law and customary justice](#), 1.8, 2.3.3].

ISKP, a UN-designated terrorist organisation in Afghanistan, appeared in late 2014 or early 2015. It first appeared in Nangarhar, and some cells are reported in Kunar, Herat and Kabul City, as well as even smaller groups in Nuristan, Helmand, Kapisa, Baghlan and Faryab. They used indiscriminate and deliberate suicide attacks to target Shia Muslims and other religious minorities like Sikhs, but also

government officials and civilians. They also practice summary executions, including through beheadings. ISKP are suspected to receive assistance by the Haqqani Network to plan and carry out high profile attacks [[Anti-government elements](#), 3.2, 3.5, 3.6].

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. The Haqqani Network is mostly active in southern provinces (Paktya, Khost, Kandahar and Helmand). Al Qaeda fighters have been reported in 12 provinces (Badakhshan, Ghazni, Helmand, Khost, Kunar, Kunduz, Logar, Nangarhar, Nimroz, Nurstan, Paktya and Zabul). Foreign AGEs can be found in the eastern provinces of Kunar, Nangarhar and Nuristan for the Pakistan-affiliated AGEs, and in the northern provinces of Zabul, Faryab, Takhar for Uzbek and Turkmen groups [[Anti-government elements](#), 4.1, 4.2, 4.3].

All AGEs recruited children to use them in combat or in support roles during the conflict [[Anti-government elements](#), 2.4.1, 3.4, 4].

Criminality

[[Security situation 2020](#), 1.4.2]

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, local officials and 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 situation 2020](#), 1.4.2, 2.1.2; [State structure](#), 2.1.2, 2.1.3].

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, 2.2].

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].

Violence against women and children (for example sexual violence, domestic violence and early/forced marriage, child labour, child) is commonly reported in both public and private spheres [State structure, 3.3.1, Society-based targeting, 3.5, 3.8, 5].

Guidance with regard to Afghanistan

Article 12(2)(a) and 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, ANSF 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 all parties in the current and in past 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. After being rejected by the decision of Pre-Trial Chamber II of 12 April 2019, the Appeals Chamber of the ICC decided on 5 March 2020 to authorise the Prosecutor to commence the investigation within the parameters of the Request.⁷²

In terms of qualifying the relevant acts as war crimes, armed conflicts⁷³ taking place 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;

⁷² For further information, see <https://www.icc-cpi.int/afghanistan>.

⁷³ 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.

- Taliban-led insurgency against the Afghan government (June 2002 – ongoing), as well as conflict between different AGEs (2015 – ongoing): non-international.

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.

Article 12(2)(b) and 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, 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.

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

In the context of Afghanistan, (former) membership in armed groups such as ISKP, the Taliban or 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](#).

Annex I. Abbreviations and glossary

AAF	Afghan Air Force
ACLED	Armed Conflict Location & Event Data Project
AGEs	See 'anti-government elements'
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>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.
EASO	European Asylum Support Office
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
<i>fatwa</i>	A ruling or opinion given by the head of religious community in Islam

FEWS	Famine Early Warning System, Afghanistan
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
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
KPF	Khost Protection Force
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
madrassa	Islamic religious school
Moi	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

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
RS	Resolute Support [mission]
Sharia	The religious law of Islam; Islamic canonical law
shura	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
SIGAR	Special Inspector General for Afghanistan Reconstruction; an independent oversight body on US-funded reconstruction programs
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.
tazkera	Afghan identity document
Ulema	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
UNHCR	UN High Commissioner for Refugees
UNOCHA	UN Office for the Coordination of Humanitarian Affairs
US	United States of America
USDOS	US Department of State
ushr	Islamic tax, referring to 10 % tax on the harvests of irrigated land and 10 % tax on harvest from rain-watered land and 5 % on land dependent on well water.
zina	The crime of adultery; perceived to be deeply shameful and against honour

Annex II. Country of origin information references

The main COI sources used in the common analysis are the following EASO COI reports.

<i>Anti-government elements</i>	EASO Country of Origin Information Report: Afghanistan, Anti-Government Elements (AGEs) (August 2020) Available at: https://coi.easo.europa.eu/administration/easo/PLib/2020_08_EASO_COI_Report_Afghanistan_Anti_Government_Elements_AGEs.pdf
<i>COI query on education sector</i>	EASO Country of Origin Information Query: Afghanistan, Education sector: personnel and students (August 2020) Available at: https://coi.easo.europa.eu/administration/easo/PLib/2020_08_Q18_EASO_COI_Query_Response_AFG_Educational_Personnel.pdf
<i>COI query on Hazaras, Shias</i>	EASO Country of Origin Information Query: Afghanistan, Hazaras, Shias (August 2020) Available at: https://coi.easo.europa.eu/administration/easo/PLib/2020_08_Q13_EASO_COI_Query_Response_2020_AFG_Hazara_Shia.pdf
<i>COI query on Hindus and Sikhs</i>	EASO Country of Origin Information Query: Afghanistan, Hindus and Sikhs (August 2020) Available at: https://coi.easo.europa.eu/administration/easo/PLib/2020_08_Q14_EASO_COI_Query_Response_AFG_Hindus_Sikhs.pdf
<i>COI query on humanitarian workers and healthcare professionals</i>	EASO Country of Origin Information Query: Afghanistan, Humanitarian workers and healthcare professionals (August 2020) Available at: https://coi.easo.europa.eu/administration/easo/PLib/2020_08_Q16_EASO_COI_Query_Response_AFG_Humanitarian_Healthcare_Workers.pdf
<i>COI query on journalists, media workers and human</i>	EASO Country of Origin Information Query: Afghanistan, Journalists, media workers and human rights defenders (August 2020) Available at:

<i>rights defenders</i>	https://coi.easo.europa.eu/administration/easo/PLib/2020_08_Q17_EASO_COI_Query_Response_AFG_Journalists_Media_Human_Rights_Activists.pdf
<i>COI query on westernisation</i>	EASO Country of Origin Information Query: Afghanistan, Afghan nationals perceived as ‘Westernised’ (September 2020) Available at: https://coi.easo.europa.eu/administration/easo/PLib/2020_09_Q19_EASO_COI_Query_Response_AFG_Westernisation.pdf
<i>Conflict targeting</i>	EASO Country of Origin Information Report: Afghanistan, Individuals targeted by armed actors in the conflict (December 2017) Available at: https://coi.easo.europa.eu/administration/easo/PLib/Afghanistan_targeting_conflict.pdf
<i>Criminal law and customary justice</i>	EASO Country of Origin Information Report: Afghanistan, Criminal law, customary justice and informal dispute resolution (July 2020) Available at: https://coi.easo.europa.eu/administration/easo/PLib/2020_07_EASO_COI_Report_Afghanistan_Criminal_Law_Customary_Justice_Dispute_Resolutions.pdf
<i>Key socio-economic indicators 2020</i>	EASO Country of Origin Information Report: Afghanistan Key socio-economic indicators Focus on Kabul City, Mazar-e Sharif and Herat City (August 2020) Available at: https://coi.easo.europa.eu/administration/easo/PLib/2020_08_EASO_COI_Report_Afghanistan_Key_Socio_Economic_Indicators_Focus_Kabul_City_Mazar_Sharif_Herat_City.pdf
<i>Key socio-economic indicators 2017</i>	EASO Country of Origin Information Report: Afghanistan, Key socio-economic indicators, state protection, and mobility in Kabul City, Mazar-e Sharif, and Herat City (August 2017) Available at: https://coi.easo.europa.eu/administration/easo/PLib/EASO_COI_Afghanistan_IPA_August2017.pdf
<i>Networks</i>	EASO Country of Origin Information Report: Afghanistan, Networks (February 2018)

	Available at: https://coi.easo.europa.eu/administration/easo/PLib/Afghanistan_Networks.pdf
<i>Recruitment by armed groups</i>	EASO Country of Origin Information Report: Afghanistan, Recruitment by armed groups (September 2016) Available at: https://coi.easo.europa.eu/administration/easo/PLib/Afghanistan_recruitment.pdf
<i>Security situation 2020</i>	EASO Country of Origin Information Report: Afghanistan, Security situation (September 2020) Available at: https://coi.easo.europa.eu/administration/easo/PLib/2020_09_EASO_COI_Report_Afghanistan_Security_situation.pdf
<i>Security situation 2019</i>	EASO Country of Origin Information Report: Afghanistan, Security situation (June 2019) Available at: https://coi.easo.europa.eu/administration/easo/PLib/Afghanistan_security_situation_2019.pdf
<i>Society-based targeting</i>	EASO Country of Origin Information Report: Afghanistan, Individuals targeted under societal and legal norms (December 2017) Available at: https://coi.easo.europa.eu/administration/easo/PLib/Afghanistan_targeting_society.pdf
<i>State structure</i>	EASO Country of Origin Information Report: Afghanistan, State Structure and Security Forces (August 2020) Available at: https://coi.easo.europa.eu/administration/easo/PLib/2020_08_EASO_COI_Report_Afghanistan_state_structure_and_security_forces.pdf
<i>Taliban strategies - Recruitment</i>	EASO Country of Origin Information Report: Afghanistan, Taliban strategies - Recruitment (July 2012) Available at: https://coi.easo.europa.eu/administration/easo/PLib/EASO_COI_Report_AFG_Taliban_Recruitment.pdf

Annex III. Relevant case law

Case law referenced in the common analysis	
Actors of persecution or serious harm	■ CJEU, Mohamed M'Bodj v État belge, C-542/13, judgment of 18 December 2014, Grand Chamber (M'Bodj)
Reasons for persecution - religion	■ CJEU, Bundesrepublik Deutschland v Y and Z, Joined Cases C-71/11 and C-99/11, judgment of 5 September 2012, Grand Chamber (Y and Z)
Reasons for persecution – membership of a particular social group	■ CJEU, Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel, Joined Cases C-199/12 to C-201/12 judgment of 7 November 2013 (X, Y and Z)
Article 15(b) QD	■ CJEU, MP v Secretary of State for the Home Department, C-353/16, judgment of 24 April 2018 (MP) ■ CJEU, <i>M'Bodj</i>
Indiscriminate violence in relation to armed conflict (Article 15(c) QD)	■ CJEU, Aboubacar Diakité v Commissaire général aux réfugiés et aux apatrides, C-285/12, judgment of the Court (Fourth Chamber) of 30 January 2014 (Diakité) ■ CJEU, Elgafaji v Staatssecretaris van Justitie, C-465/07, judgment of 17 February 2009, Grand Chamber (Elgafaji) ■ ECtHR, Sufi and Elmi v United Kingdom, Applications nos. 8319/07 and 11449/07, judgment of 28 June 2011 (Sufi and Elmi)
Internal protection alternative	■ CJEU, <i>X, Y and Z</i> ■ CJEU, <i>Y and Z</i> ■ CJEU, Abdulla and Others v Bundesrepublik Deutschland, joined cases C-175/08, C-176/08, C-178/08 and C-179/08, judgment of 2 March 2010 (Abdulla)

	■ ECtHR, A.A.M. v Sweden, Application no. 68519/10, judgment of 3 April 2014 (A.A.M v Sweden) ■ ECtHR, Salah Sheekh v the Netherlands, Application no. 1948/04, judgment of 11 January 2007 (Salah Sheekh) ■ <i>Sufi and Elmi</i>
Exclusion	■ CJEU, Shajin Ahmed v Bevándorlási és Menekültügyi Hivatal, C-369/17, judgment of 13 September 2018 (Ahmed) ■ CJEU, Commissaire général aux réfugiés et aux apatrides v Mostafa Lounani, C-573/14, judgment of 31 January 2017, Grand Chamber (Lounani) ■ CJEU, Bundesrepublik Deutschland v B and D, joined cases C-57/09 and C-101/09, judgment of 9 November 2010 (B and D) ■ ICC, The Prosecutor v Germain Katanga, ICC-01/04-01/07, judgment of 7 March 2014 (Katanga) ■ ICTY (Appeals Chamber), Prosecutor v Kunarac et al., IT-96-23 and IT-96-23/1-A, judgment of 12 June 2002 ■ ICTY, Prosecutor v Dusko Tadic aka "Dule" (Opinion and Judgment), IT-94-1-T, judgment of 7 May 1997 ■ ICTR, The Prosecutor v Jean-Paul Akayesu (Trial Judgment), ICTR-96-4-T, judgment of 2 September 1998

For additional information on relevant case law see:

EASO Practical guides

Available at: <https://www.easo.europa.eu/practical-tools>

- EASO Practical Guide: Qualification for international protection
- EASO Practical Guide: Exclusion

- EASO Guidance on membership of a particular social group

Judicial analyses

Available at: <https://www.easo.europa.eu/courts-and-tribunals>

- Judicial analysis 'Qualification for International Protection (Directive 2011/95/EU)'
- Judicial analysis 'Article 15(c) Qualification Directive (2011/95/EU)'
- Judicial analysis 'Exclusion: Articles 12 and 17 Qualification Directive (2011/95/EU)'

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