

Flygtningenævnets baggrundsmateriale

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International Coalition for the Responsibility to Protect



Risk Level: Current Crisis

Women and girls in Afghanistan are facing gender apartheid perpetrated by the Taliban de facto authorities. Other populations remain at risk of systematic human rights violations.

BACKGROUND:

Since Taliban forces overthrew the Afghan government in August 2021, the Taliban de facto authorities have perpetrated widespread and systematic human rights violations across the country. The Taliban imposed policies that severely curtail the rights of women and girls, constituting extreme gender-based discrimination and violating the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In August 2024 the Taliban implemented the so-called “vice and virtue” laws, codifying over 100 sweeping repressive edicts imposed since August 2021. These laws aim to eradicate women from public life by requiring them to fully cover their faces, prohibiting them from speaking or being heard in public and severely limiting their freedom of movement, expression, employment, political and public participation and access to education and healthcare.

The UN Assistance Mission in Afghanistan (UNAMA) has documented arbitrary arrests and detentions of women and girls for alleged non-compliance with the imposed “Islamic dress code.” UNAMA also reports that women live in fear of arrest and harassment, with

some forcibly taken into custody and subjected to ill-treatment. Women's rights activists and gender equality advocates have faced targeted killings, enforced disappearances, incommunicado detention, attacks and harassment. The Taliban has also perpetrated extrajudicial killings, arbitrary arrests and detentions, torture and ill-treatment and attacks on media workers, human rights defenders and former government affiliates.

According to the UN Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on Discrimination Against Women and Girls, the Taliban may be perpetrating gender persecution and gender apartheid as they appear to be governing through systematic discrimination with the intent to subject women and girls to total domination. The UN High Commissioner for Human Rights has similarly highlighted that Afghanistan's system of segregation is reminiscent of apartheid, based on gender rather than race.

Various armed groups operating in the country further destabilize the security landscape and heighten the risk of atrocities. These include the so-called Islamic State in Iraq and the Levant-Khorasan (ISIL-K), the Tehrik-i-Taliban Pakistan, Al-Qaida and the East Turkistan Islamic Movement. ISIL-K has claimed attacks against Shia Hazara Muslims, other minorities and religious sites, with systematic targeting suggesting organizational policies that may amount to crimes against humanity, as documented by the UN Special Rapporteur.

Populations in Afghanistan are enduring a severe humanitarian crisis, compounded by the impact of sanctions and the freezing of state assets. In December 2021 the UN Security Council adopted Resolution 2615 to allow for humanitarian aid without violating UN sanctions against the Taliban, which have been in place since 2011.

The Doha Process, a coordinated international effort to address Afghanistan's challenges under Taliban rule, provides a flexible, phased and conditional political framework for reintegrating Afghanistan into the global community through six pillars of engagement, including international obligations, human rights and inclusive governance.

The Taliban were the de facto authorities in Afghanistan from 1996-2001 before they were overthrown by a North Atlantic Treaty Organization coalition of military forces. During their insurgency against the internationally recognized Afghan government, the Taliban perpetrated likely crimes against humanity and war crimes while Afghan security forces and members of the United States military and Central Intelligence Agency also committed likely war crimes.

International accountability for atrocity crimes is advancing on multiple fronts. The International Criminal Court (ICC) opened an investigation in March 2020 into atrocities by the Taliban and ISIL-K, and in July 2025 the Pre-Trial Chamber II issued arrest warrants for two Taliban leaders, charging them with the crime against humanity of persecution on gender grounds. Separately, in September 2024, Australia, Canada, Germany and the Netherlands initiated proceedings against Afghanistan before the International Court of Justice (ICJ) for violations of CEDAW.

RECENT DEVELOPMENTS:

Escalating tensions between Pakistan and groups operating within Afghanistan place civilians at grave risk amid a cycle of cross-border attacks and retaliatory strikes. Following attacks inside Pakistan, including a 6 February suicide bombing at a Shiite Mosque claimed by ISIL-K that killed approximately 31 people, Pakistan launched airstrikes on 21 February against their alleged hideouts in Afghanistan. The Taliban asserted that the strikes hit civilian areas, with reported casualties and damage to religious sites, including a madrassa and a mosque. Cross-border exchanges intensified further, with Pakistan's Defense Minister describing the situation as an "open war." As of 6 March, UNAMA recorded at least 185 civilian casualties in Afghanistan, including 56 killed and 129 injured, with 55 percent of recorded casualties impacting women and children.

In January 2026 the Taliban endorsed a new criminal code, reinforcing and broadening the discriminatory vice and virtue laws, entrenching coerced confessions and formalizing a caste-like social hierarchy.

In October 2025 the international community took steps to advance accountability by establishing, through the UN Human Rights Council, an independent investigative mechanism (IIM-A) to collect, preserve and analyze evidence of international crimes and other serious violations of international law in Afghanistan. Once operational, the IIM-A will be the only international body examining abuses committed by the Taliban, former government officials, international forces and other armed groups.

ANALYSIS:

The Taliban's distortion of religious principles to justify discriminatory and persecutory policies, coupled with restrictions on fundamental freedoms and impunity for past and ongoing violations and abuses, significantly heightens the risk of further human rights violations and atrocity crimes. The institutionalized marginalization of women and girls and widespread discrimination and violence against them likely amounts to gender persecution, a crime against humanity. Hazara women and girls face a heightened, multi-dimensional risk of persecution on the grounds of their ethnic, religious and gender identity.

The Taliban appear to be targeting journalists, civil servants, human rights defenders and former government affiliates on a widespread and systematic basis. Returnees, particularly women, girls, minorities, journalists and human rights defenders, face heightened risks of arbitrary detention, enforced disappearance and systematic discrimination amid global immigration crackdowns.

The presence of multiple armed groups, alongside the Taliban, creates a multipolar threat environment that poses grave risks for populations across Afghanistan and has regional security implications.

Key institutions, including the Afghan Independent Human Rights Commission and the Office of the Attorney General, have been dismantled and the Special Rapporteur has been prohibited from accessing the country. Meanwhile, the Doha Process has not ensured equal participation for Afghan civil society, particularly women human rights defenders, reducing human rights to negotiable issues and risking the conferral of unwarranted legitimacy on the Taliban.

RISK ASSESSMENT:

- ○ ■ Decades of violations of international law, as well as impunity for those crimes.
- Institutionalized and systematic gender-based discrimination against women and girls.
- Ongoing security crisis linked to the presence of non-state armed groups, escalating cross-border violence and the threat of acts of terrorism, particularly targeting ethnic and religious minorities.
- Dismantling of civic space, characterized by restrictions on independent media, internet shutdowns and crackdowns on civil society and human rights defenders.
- Weakness of state structures to protect vulnerable populations and an unwillingness of the de facto authorities to uphold international law obligations.

NECESSARY ACTION:

As de facto authorities, the Taliban are bound by Afghanistan's international human rights obligations, including CEDAW. They must uphold these obligations by halting violations and abuses by their officials and guaranteeing equal protection and promotion of the rights of all Afghans, regardless of gender, ethnicity, religion or political affiliation. The Taliban must also allow international assistance and monitoring to help fulfill these obligations. Amid ongoing insecurity and persecution in Afghanistan, states must uphold the principle of non-refoulement.

Any path toward normalization must be strictly contingent on the Taliban's compliance with international law, particularly with respect to the rights of women and girls. Both the Taliban and UN member states should engage constructively with the Doha Process, while ensuring the meaningful inclusion of Afghan women human rights defenders and civil society in all negotiations and future political arrangements.

The Taliban must investigate human rights violations and take steps to prevent their recurrence, including by holding perpetrators accountable. They must allow the Special Rapporteur safe and unfettered access to Afghanistan and fully cooperate with UNAMA and the UN Human Rights Office.

The international community should continue to pursue justice for likely atrocity crimes, regardless of the position, nationality or affiliation of the alleged perpetrator. States should cooperate with and support the ICC and ICJ and ensure the IIM-A is sufficiently resourced to investigate, preserve evidence and engage directly with Afghan victims and survivors.

For more on the Global Centre's advocacy work on the situation in Afghanistan, see our [Afghanistan country advocacy page](#).



