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Inhoudsopgave

Publication details	2
Inhoudsopgave	3
Introduction	7
1	Political and security situation: Part I (until 31 August 2021, available in the Dutch report only, pages 9-37) 9
2	Political and security situation: Part II (since 1 September 2021) 10
2.1	Political developments 10
2.1.1	'The Islamic Emirate of Afghanistan' 10
2.1.2	The interim government 11
2.1.3	Government at local level..... 13
2.1.4	Power relations within the Taliban leadership 13
2.1.5	Relations between the Taliban leadership and the local Taliban fighters..... 14
2.1.6	Relations between the Taliban and ISKP..... 16
2.1.7	Relations between the Taliban and al-Qaeda 17
2.1.8	Relations between the Taliban and the international community..... 18
2.1.9	Relations between the Taliban and Pakistan 18
2.1.10	Relations between the Taliban and Iran..... 19
2.2	The security situation 19
2.2.1	The end of armed conflict in Afghanistan?..... 19
2.2.2	Civilian casualties 22
2.2.3	The Taliban's security apparatus 25
2.2.4	The Ministry for the Propagation of Virtue and the Prevention of Vice..... 27
2.2.5	Taliban investigative methods in Afghanistan 28
2.2.6	Recruitment (including forced recruitment) of adult males by the Taliban 30
2.2.7	Recruitment (including forced recruitment) of adult men by ISKP..... 30
2.2.8	Recruitment of child soldiers..... 30
3	Identity, nationality and documents..... 32
3.1	Obligation to provide identification 32
3.2	Storage of identity data 32
3.3	Closure and opening of passport offices..... 33
3.4	Tazkeras..... 34
3.4.1	Transition to e-tazkeras under the Ghani government 34
3.4.2	Number of Afghans with an e-tazkera 34
3.4.3	Individual and family applications..... 35
3.4.4	Procedure for applying for and issuing e-tazkeras before the Taliban takeover 35
3.4.5	Information on e-tazkeras..... 37
3.4.6	Applications from abroad before the Taliban takeover..... 37
3.5	Passports..... 37
3.5.1	Passport-issuing authorities..... 38
3.5.2	Passport application procedure..... 38
3.5.3	Passport application procedure from abroad..... 39
3.5.4	Applications by minors..... 40
3.6	Document fraud and corruption..... 40
3.7	Threatening letters before the Taliban takeover..... 41
3.8	Issuance of documents by the Afghan police before the Taliban takeover 41
3.9	Nationality legislation 41

4	Human rights.....	42
4.1	Position of specific groups	42
4.1.1	Targeted violence against individuals - overview.....	42
4.1.2	Targeted attacks on government personnel	46
4.1.3	Targeted violence against Islamic religious leaders	50
4.1.4	Targeted attacks on human rights activists	51
4.1.5	Targeted attacks on journalists, media workers	52
4.1.6	Targeted violence against persons associated with foreign organisations/companies and/or foreign forces	56
4.1.7	Ethnic groups/minorities	61
4.1.8	Hazaras.....	63
4.1.9	Shiites.....	68
4.1.10	Non-practising Muslims.....	70
4.1.11	Non-Muslims	72
4.1.12	Schoolchildren	78
4.1.13	Women	81
4.1.14	Blood feuds and honour killings.....	99
4.1.15	(Unaccompanied) minors	102
4.1.16	LGBT.....	106
4.2	Compliance and violations.....	111
4.2.1	Press freedom	111
4.2.2	Freedom of expression.....	112
4.2.3	Freedom of association and assembly	114
4.2.4	Freedom of religion and belief.....	115
4.3	Oversight and legal protection	116
4.3.1	The Afghan police	117
4.3.2	The Afghan legal system	118
4.3.3	Situation in prisons before the Taliban takeover	122
4.3.4	Corporal punishment, the death penalty and extrajudicial executions	124
4.3.5	Transitional justice.....	125
5	Refugees and displaced persons.....	127
5.1	Afghan refugees in Pakistan and Iran.....	128
5.1.1	Number of Afghan refugees in Pakistan and Iran before the Taliban takeover	128
5.1.2	Travel restrictions imposed by Iran and Pakistan	129
5.1.3	Travel movements to Iran and Pakistan	131
5.1.4	UNHCR activities in Iran before the Taliban takeover.....	132
5.1.5	UNHCR activities in Pakistan before the Taliban takeover	132
5.1.6	Obstacles to UNHCR activities before the Taliban takeover	133
5.2	Afghan refugees in Tajikistan and Uzbekistan.....	133
5.3	Foreign refugees and asylum-seekers in Afghanistan (situation before the Taliban takeover)	134
5.4	Displacement	134
5.4.1	Displacement before the Taliban takeover	135
5.4.2	Displacement since the Taliban takeover	137
5.4.3	UNHCR activities in Afghanistan	138
5.4.4	Obstacles to UNHCR activities in Afghanistan	139
6	Returns.....	140
6.1	Returns from the Netherlands before the Taliban takeover	140
6.1.1	Agreements between the Netherlands and Afghanistan regarding return	140
6.1.2	Number of returnees from the Netherlands to Afghanistan	141
6.1.3	Support for returnees from the Netherlands.....	141
6.1.4	Arrival at the airport.....	141

6.1.5	Violence against returnees from Europe	142
6.1.6	The economic conditions of returnees from Europe	142
6.2	Returns from neighbouring countries before and after the Taliban takeover	143
6.2.1	Return agreements between Afghanistan and neighbouring countries	143
6.2.2	Returns from Pakistan and Iran to Afghanistan before the Taliban takeover	144
6.2.3	Causes of the increase in returns from Iran before the Taliban takeover.....	144
6.2.4	Returns from Pakistan and Tajikistan since the Taliban takeover	145
6.2.5	Returns from Iran since the Taliban takeover	145
6.2.6	UNHCR-facilitated returns from Pakistan and Iran	146
6.2.7	Treatment by the Taliban of returnees from neighbouring countries.....	146
6.2.8	Support for returnees from Iran before the Taliban takeover	146
6.2.9	Support for returnees from Pakistan before the Taliban takeover	146
6.2.10	Restrictions on travel to and in Afghanistan before the Taliban takeover	147
6.2.11	Travel restrictions on travel to, within and from Afghanistan since the Taliban takeover.....	147
7	Consulted sources	149
7.1	Reports	149
7.2	Articles in the media.....	175
8	Appendixes.....	225
8.1	Map of Afghanistan	225
8.2	For the security situation per province before the takeover by the Taliban, please see the Dutch report, pages 267-305.....	226

Introduction

This is a translation of the original general country of origin information report on Afghanistan in Dutch, which describes the situation in Afghanistan insofar as it is relevant for the assessment of asylum applications by persons originating from Afghanistan and for decisions related to the return of rejected Afghan asylum-seekers. It is an update of the general country of origin information report for Afghanistan of November 2020.

Before and after the takeover by the Taliban

The original country of origin report in Dutch describes both the situation before and after the takeover of power by the Taliban. It is based on two sets of Terms of Reference (ToR) drawn up by the Ministry of Justice and Security. The first ToR was drawn up on 31 May 2021 and covered the period from November 2020 to the original publication date of the country of origin report, which was planned for 31 October 2021. Due to the developments in Afghanistan in the summer of 2021, it was decided to postpone the report's publication to take account of these developments. To facilitate this, a second ToR of 2 November 2021 was drawn up with questions relating to the period from the seizure of power to the report's publication date. The first and second ToR, together with the country of origin report, are available on the website of the Dutch Government.

This English translation is an abbreviated version of the original Dutch report. As the focus lies on the period after the takeover of power by the Taliban on 15 August 2021, mainly the parts relevant for this period have been translated. Within the report it is stated which parts have not been translated, and a reference has been made to the Dutch text.

The report is a factual, neutral and objective representation of the findings for the period under consideration and does not offer any policy recommendations. It was created on the basis of public and confidential sources, using carefully selected, analysed and verified information from a number of sources. This includes non-governmental organisations, specialist literature, media reporting and (where applicable) relevant governmental agencies. Unless stated otherwise or when the facts are generally undisputed, the content in this report is based on multiple sources. The public sources that were consulted are listed in the appendices.

Confidential information originating from the diplomatic mission(s) of the Netherlands in Afghanistan was also used. These have been active from The Hague, Doha, Islamabad and elsewhere since the Taliban took power in August 2021. Use was also made of information from confidential conversations and correspondence with other relevant actors. However, it has become more difficult to verify reports, partly due to the closure of the Dutch embassy in Kabul and because of inadequate information networks as a result of the transfer and departure or closure of other organisations in Afghanistan. To gain a better understanding of the situation in Afghanistan after the Taliban takeover, an official mission was undertaken to Islamabad from 30 November to 10 December 2021 to speak with confidential sources there. The information obtained on a confidential basis has chiefly been used to support and supplement the content based on publicly available information. The confidential sources are marked 'confidential source' in the footnotes and dated.

The structure of the original report in Dutch is as follows:

Chapter One deals with relevant political developments and the security situation in Afghanistan up to 31 August 2021, which marked the end of the evacuation of foreign citizens and vulnerable Afghans from Afghanistan following the Taliban takeover. This chapter is based on the first ToR and describes the unsuccessful peace negotiations between the Afghan government and the Taliban, the decision to withdraw international troops, and the fall of the Afghan government in August 2021 after the Taliban's lightning offensive. The second part of the chapter provides an overview of the security situation in Afghanistan between November 2020 and August 2021.¹ This chapter has not been translated into English and therefore is not included here. For the political and security situation until 31 August 2021, please see the Dutch report, pages 9-37.

Chapter Two deals with the political and security situation in Afghanistan since 1 September 2021 and is therefore based on the second ToR. It examines the new interim government of the Taliban, internal relations within the Taliban and relations between the Taliban and third parties. It describes the security situation in general and in specific parts of Afghanistan and it considers the security apparatus under the *de facto* Taliban government.

Chapter Three contains information about identity documents. The information given about the procedures for obtaining documents in this chapter relates to the state of affairs before the Taliban took power. The chapter also discusses the closure and opening of document-providing agencies since the Taliban took power.

Chapter Four provides an overview of the human rights situation in Afghanistan before and after the Taliban takeover, based on questions in the first and second ToRs. In the paragraphs concerning the situation after 15 August 2021, the time indication is underlined for the sake of clarity.

Chapter Five describes the issue of Afghan displaced persons and refugees. Chapter Six describes issues that may arise when Afghans return to their country of origin. Both chapters contain information about the situation before and after the Taliban takeover, where available. This chapter, too, contains underlined time indications relating to the situation after the Taliban takeover.

¹ The appendix (Chapter Eight) contains a detailed overview of developments in the security situation in each province before the fall of Kabul.

1 Political and security situation: Part I

For the political and security situation until 31 August 2021, please see the Dutch report, pages 9-37.

2 Political and security situation: Part II (since 1 September 2021)

This chapter examines political developments and developments in the security situation in Afghanistan from 1 September 2021 until the end of the reporting period. It discusses the shape of the new Taliban administration, focusing on the composition of the new *de facto* interim government,² relations within the Taliban and the Taliban's relations with external actors. The second part of this chapter looks at key security developments in Afghanistan, including the fall of Panjshir and the re-emergence of the Islamic State Khorasan Province (ISKP).

2.1 Political developments

In early September, the Taliban took control of Panjshir, the last Afghan province not yet under Taliban control. Shortly afterwards, the Taliban announced the new – and according to the Taliban, temporary – government of Afghanistan. The composition of this *de facto* government suggested that more hardline elements within the Taliban had gained the upper hand.³ Rumours continued to circulate about tensions within the national leadership and between the national leadership and local Taliban commanders, but there is no concrete evidence of rifts within the organisation.

2.1.1 'The Islamic Emirate of Afghanistan'

On 1 September 2021 the Taliban announced that Haibatullah Akhundzada, leader of the Taliban (*amir-ul-momenin*, Commander of the Faithful), would become the head of 'The Islamic Emirate of Afghanistan'.⁴ An emirate is a form of state within the Islamic world in which a territory is headed by an emir/amir. This is a non-democratically appointed leader, who can be a monarch, general or religious leader.⁵ In line with this philosophy, the Taliban abolished the Independent Election Commission in December 2021, pointing to a lack of need for such a body.⁶

The Taliban's vision of the social structure for Afghanistan is – in their own words – of an independent Afghan state that is governed according to the principles of Islamic law, the *sharia*. Akhundzada indicated that the Taliban would adhere to principles from international law and international treaties insofar as they do not conflict with Islamic law.⁷ According to external experts, the Taliban's vision of society is basically determined by principles from neo-Deobandism, an anti-colonial Islamist movement from India that advocates a return to the 'pure Islam' of the

² References in this country of origin report to the new Taliban government or to members of this government mean the *de facto* government and the *de facto* members of government.

³ BBC, Hardliners get key posts in new Taliban government, 7 September 2021; Counter Extremism Project, Taliban Government Dominated By Officials On U.N. Security Council Sanctions List, 15 September 2021.

⁴ ANI (Asian News International), Taliban supreme leader Haibatullah Akhundzada to lead Afghanistan govt, 1 September 2021; The Diplomat, What Role Will the Taliban's 'Supreme Leader' Play in the New Government?, 10 September 2021.

⁵ World Atlas, What Is An Emirate?, undated, last accessed 5 January 2021.

⁶ RFE/RL, Taliban Dissolves Afghanistan's Election Commission, Saying 'There Is No Need', 25 December 2021.

⁷ RFE/RL, Leader Of Taliban's New Afghan Regime Says Shari'a Law Will Govern All Aspects Of Life, 7 September 2021.

seventh century,⁸ and by prescriptions from the *pashtunwali*, the Pashtuns' tribal code of honour.⁹

2.1.2 *The interim government*

On 7 September 2021, the Taliban spokesman announced on Akhundzada's behalf a new *de facto* interim government led by *de facto* interim Prime Minister Mohammad Hasan Akhund. No mention was made of what the term of the interim government would be.¹⁰ The full cabinet was formed during three rounds of appointments on 7 September, 21 September and 4 October 2021. The *de facto* government does not include any women and is predominantly made up of Pashtuns. The Taliban did not appoint any representatives of the old political guard and/or of the resistance to the Taliban in the new *de facto* government.¹¹ The key positions in the *de facto* government were announced during the first round of appointments. They mainly went to 'dogmatic' (hardliner) Taliban supporters, who usually have a background as Islamic clerics (*mullah*).¹² Several of these individuals – or their fathers – held similar positions during the previous Taliban regime, and/or are on the UN sanctions list, which is a list of individuals whom the United Nations considers to pose a threat to security.¹³ In the later rounds of appointments – in which minor positions were allocated – more individuals from different ethnic backgrounds and 'technocrats' without strong ties to the Taliban were added to the *de facto* government.¹⁴ In August and September 2021, the Taliban negotiated with individuals who had links with or used to be part of previous Afghan governments (in particular former President Hameed Karzai and the leader of the High Council for National Reconciliation, Dr Abdullah Abdullah) and the resistance in Panjshir. No one from the 'old political class' was given a role in the *de facto* government. Political parties with a more historical and ideological affinity with the Taliban, such as Hezb-e Islami, were also left out of the appointments to the new *de facto* government.¹⁵

The role of the Rahbari Shura

With regard to the *de facto* government's influence on the country's governance, sources such as the Afghan Analysts Network (AAN) argued that the Taliban's pre-existing leadership council, the Rahbari Shura, remains an important – if not the most important – decision-making body of the Taliban.¹⁶ There is a certain degree of overlap between the new *de facto* cabinet and this council. The new *de facto* Interior Minister Sirajuddin Haqqani and the new *de facto* Defence Minister Muhammad Yaqoob are Akhundzada's deputies in the Rahbari Shura. The new *de facto* Prime

⁸ This is an originally Indian Sunni Islamic movement, which agitated against British colonisation and called for a return to the 'pure Islam' of the seventh century. This ideology spread through madrassas to Pakistan, where it was supplemented through Saudi Arabian influence with elements of Wahhabism and evolved into the neo-Deobandist school in which most Afghan Taliban fighters are instructed. Both Deobandism and Wahhabism are seen as puritan interpretations of Islam. NPR, *The Taliban's Ideology Has Surprising Roots In British-Ruled India*, 8 September 2021.

⁹ NOS, *Arabist: Taliban noemen het sharia, maar het gaat over macht*, 22 August 2021; RFE/RL, *Taliban 'Tribal Version': Shari'a Is Not The Same Everywhere*, 2 October 2021.

¹⁰ AAN, *The Taleban's Caretaker Cabinet and other Senior Appointments*, 7 October 2021; Financial Times, *Taliban announces government as it faces growing crises and isolation*, 7 September 2021.

¹¹ ICG, *Afghanistan's Taliban Expand Their Interim Government*, 28 September 2021.

¹² AAN, *The Taleban's Caretaker Cabinet and other Senior Appointments*, 7 October 2021; BBC, *Hardliners get key posts in new Taliban government*, 7 September 2021.

¹³ Counter Extremism Project, *Taliban Government Dominated By Officials On U.N. Security Council Sanctions List*, 15 September 2021.

¹⁴ ICG, *Afghanistan's Taliban Expand Their Interim Government*, 28 September 2021.

¹⁵ Giustozzi, A. *Behind the Scenes of the Taliban's Internal Power Struggle*, World Politics Review, 23 September 2021; International Crisis Group, *Who Will Run the Taliban Government?*, 9 September 2021.

¹⁶ AAN, *The Focus of the Taleban's New Government: Internal cohesion, external dominance*, 12 September 2021; TRT World, *How the Taliban governs itself*, 27 September 2021; The Diplomat, *What Role Will the Taliban's 'Supreme Leader' Play in the New Government?*, 10 September 2021; Fikra Forum, *Navigating Influence in Afghanistan: the Cases of Qatar and Pakistan*, 26 October 2021.

Minister, Muhammad Akhund, and the new Deputy Prime Minister, Abdul Ghani Baradar, are also members of the Rahbari Shura.¹⁷

Key positions in the de facto government

The following paragraphs provide background information on Akhundzada and key ministers in the interim government.

Position: Supreme Leader/Leader of the Believers

Name: Haibatullah Akhundzada

Akhundzada is an Islamic scholar who in 2016 was appointed head of the Rahbari Shura and thus supreme leader (*amir-ul-momenin*) of the Taliban. Akhundzada is a Pashtun who was born in Kandahar. He was not involved in the formation of the Taliban and has no military experience, but he is considered a religious authority. The supreme leader is not part of the cabinet. In principle, however, he has the last word in political, religious and military decisions.¹⁸ It is not clear whether Akhundzada actually exercises this degree of power within the Taliban. Unlike other senior Taliban leaders, he is not on the UN sanctions list, nor is he wanted by the US.¹⁹

Position: Prime Minister

Name: Mohammad Hasan Akhund

Akhund is an Islamic cleric (mullah), who is Pashtun and comes from Kandahar. Together with Mullah Omar, he was one of the founders of the Taliban. In the early years of the Taliban, Akhund mainly provided religious guidance to the group, encouraging violations of the rights of ethnic and religious minorities and advocating far-reaching restrictions on women's freedom of movement. Like Akhundzada, Akhund is not an influential military figure.²⁰ Akhund is on the United Nations sanctions list for his leadership role within the Taliban over the years.²¹

Position: Deputy Prime Minister

Name: Abdul Ghani Baradar

Baradar is a Pashtun who was born in the province of Uruzgan but grew up in Kandahar.²² He was also part of the group that founded the Taliban. He fled with the rest of the Taliban leadership to Pakistan in 2001 and played a key role in rebuilding the movement and coordinating the armed resistance.²³ However, he also showed a willingness to seek diplomatic solutions. As early as 2001, he negotiated the surrender of the Taliban with President Karzai.²⁴ In 2010, his negotiations with Karzai over a peace agreement between the Afghan government and the Taliban led to his capture by the Pakistani authorities.²⁵ In 2018, at the insistence of the US,

¹⁷ VOA News, Taliban Close to Formation of Cabinet, Announcement of New Government, 29 August 2021; Al Jazeera, Profile: Mohammad Hasan Akhund, the head of Taliban government, 7 September 2021.

¹⁸ RFE/RL, Leader Of Taliban's New Afghan Regime Says Shari'a Law Will Govern All Aspects Of Life, 7 September 2021.

¹⁹ The Diplomat, What Role Will the Taliban's 'Supreme Leader' Play in the New Government?, 10 September 2021.

²⁰ AAN, The Focus of the Taliban's New Government: Internal cohesion, external dominance, 12 September 2021.

²¹ Reuters, Factbox: Mohammad Hasan Akhund: Veteran Taliban leader becomes acting Afghan PM, 7 September 2021.

²² Al Jazeera, Profile: Mullah Baradar, new deputy leader in Afghan gov't, 7 September 2021.

²³ Bloomberg, Quiet Taliban Deal Maker Holds Key Role for Afghan Future, 7 September 2021.

²⁴ The Washington Post, A once-vanquished insurgent returns as Afghanistan's likely next leader, 17 August 2021.

²⁵ According to experts, the Pakistani authorities opposed these negotiations, believing that if successful, they could diminish their influence in Afghanistan. Bloomberg, Quiet Taliban Deal Maker Holds Key Role for Afghan Future, 7 September 2021; The Washington Post, A once-vanquished insurgent returns as Afghanistan's likely next leader,

Pakistan released Baradar so that he could participate in the Doha negotiations over the international troop withdrawal. Baradar headed the Taliban's political office in Doha.²⁶

Position: Minister of the Interior

Name: Sirajuddin Haqqani

Sirajuddin Haqqani is the son of Jalaluddin Haqqani, the founder of the Haqqani Network. Sirajuddin now heads the Haqqani Network.²⁷ Sirajuddin is on the UN sanctions list and the 'most wanted' list of the US.²⁸ As Minister of the Interior, Sirajuddin is in charge of the police, the secret service and customs.

Position: Minister of Defence

Name: Muhammad Yaqoob

Yaqoob is the 27-year-old son of Mullah Omar, the founder of the Taliban. In recent years, he was the head of the powerful military commission, which oversaw military operations in fifteen (southern) provinces.²⁹

Position: Minister of Foreign Affairs

Name: Amir Khan Muttaqi

Muttaqi was Minister of Culture and Information and Minister of Education during the previous Taliban regime. During the armed uprising, he led the important Invitation and Guidance Commission that sought to persuade personnel of the Afghan National Defense and Security Forces (ANDSF) to turn their backs on the fighting and the Afghan government. Muttaqi was a member of the negotiating team in Qatar.³⁰

2.1.3

Government at local level

In November 2021, the Taliban appointed 44 individuals as governors and police chiefs.³¹ Qari Baryal was appointed governor of Kabul and Wali Jan Hamza as the chief of police in the capital.³² Governors were initially appointed for the provinces of Badakhshan, Baghlan, Bamyan, Farah, Faryab, Ghazni, Jawzjan, Kabul, Kunduz, Logar, Maidan Wardak, Nimroz, Paktia, Paktika, Sar-e Pul, Uruzgan and Zabul.³³ Ultimately, the Taliban appointed governors for all 34 provinces. Most of those appointed were Pashtuns, but there was 'limited' representation of other ethnic groups.³⁴

2.1.4

Power relations within the Taliban leadership

Important positions in the *de facto* government are mainly divided between the two most powerful factions within the movement: the southern 'Kandaharis' and the south-eastern Haqqanis. During the first round of appointments, sixteen posts went to Taliban supporters from the south, including twelve posts to Taliban leaders from

17 August 2021. See also: France24, From military commander to the Taliban's top diplomat, Mullah Baradar's ascent to power, 16 August 2021.

²⁶ AAN, The Focus of the Taliban's New Government: Internal cohesion, external dominance, 12 September 2021; Le Monde, Le clan Haqqani, l'ombre d'Al-Qaida sur les talibans, 3 November 2021.

²⁷ Financial Times, Haqqani network's clever game culminates with Afghan government roles, 10 September 2021.

²⁸ FBI, Most Wanted: Sirajuddin Haqqani, undated, last accessed 12 November 2021; United Nations Security Council, Sirajuddin Jallaluddin Haqqani, undated, last accessed 12 November 2021.

²⁹ France24, Mullah Omar's son on TV as Taliban polish public image, 27 October 2021.

³⁰ Reuters, Factbox: Who are the key figures in the new Taliban government?, 7 September 2021.

³¹ Reuters, Taliban appoint members as 44 governors, police chiefs around Afghanistan, 7 November 2021.

³² NDTV, Taliban Members Are Now Governors, Police Chiefs In Afghanistan, 8 November 2021.

³³ TOLO News, New governors appointed in 17 provinces, 8 November 2021.

³⁴ United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 2, 3 February 2022.

Kandahar. A total of twelve posts went to Taliban supporters from south-eastern Afghanistan, including five posts for members of the Haqqani Network. Taliban leaders from other parts of Afghanistan were left out. The south-western Taliban heavyweights from Helmand province, in particular, were passed over, despite the important role they and their men played during the armed insurgency. The two best-known south-western military leaders, Mullah Abdul Qayyum Zakir and Sadr Ibrahim, were 'only' given posts as deputy ministers in the second round of appointments.³⁵ Taliban leaders belonging to ethnic minorities and (Pashtun) Taliban leaders from northern Afghanistan received only a few generally unimportant appointments.³⁶ During the first round of appointments, an ethnic Uzbek was appointed second deputy prime minister (alongside Baradar).³⁷ Two ethnic Tajiks were given posts: one as Minister for Economic Affairs and one as Chief of the Military Staff. During the second round of appointments, a Hazara was appointed as the Deputy Minister of Public Health. An ethnic Tajik from Panjshir province was appointed as Minister for Trade.³⁸ On 28 September 2021, the International Crisis Group (ICG) stated that the cabinet, with a total of 53 individuals, included four Tajiks, two Uzbeks, one Turkmen, one Hazara, one Nuristani and one Khwaja (a group with Arabic roots).³⁹

2.1.5 *Relations between the Taliban leadership and the local Taliban fighters*

In the first months after the seizure of power, there was concern among human rights organisations, the international community and some parts of the Afghan population about the leadership's ability to enforce commitments to respect human rights among discontented fighters. For example, the Taliban leadership promised an amnesty to all Afghans who had collaborated with the Ghani government or foreign troops, guaranteed the freedom of the press, and appeared less zealous about enforcing strict dress codes compared to the last time the Taliban were in power.⁴⁰ However, the leadership failed to completely prevent violations of these commitments. For example, since the Taliban took power, there have been attacks on journalists as well as violations of the amnesty scheme (see 4.1.1, 4.1.2 and 4.1.5 for more details),⁴¹ in defiance of these instructions.⁴² There have also been reports of individual Taliban fighters sometimes enforcing actual (or presumed) religious norms on their own initiative (see 4.1.10 for details).⁴³

In January 2022, there were reports of altercations between the Taliban leadership and Taliban supporters from ethnic minority backgrounds (mainly Uzbeks) in the province of Faryab. Uzbek Taliban supporters demonstrated against the leadership after the arrest of the Uzbek Taliban commander Makhdoom Alam. According to the International Crisis Group, the Taliban attempted to ease these tensions by appointing the ethnic Uzbek Qari Salahuddin Ayubi as head of the Mansoori Corps in

³⁵ Giustozzi, A. Behind the Scenes of the Taliban's Internal Power Struggle, *World Politics Review*, 23 September 2021. See also: Reuters, Taliban appoint hardline battlefield commanders to key Afghan posts, 21 September 2021; TRT World, Taliban's interim government: Is the past, prologue?, 8 September 2021.

³⁶ Confidential source, 30 December 2021; The Wall Street Journal, Taliban Add Minorities, Technocrats to Afghan Government, but No Women, 21 September 2021.

³⁷ AA (Anadolu Agency), Who's who in Taliban interim government?, 9 September 2021.

³⁸ The Wall Street Journal, Taliban Add Minorities, Technocrats to Afghan Government, but No Women, 21 September 2021.

³⁹ International Crisis Group, Afghanistan's Taliban Expand Their Interim Government, 28 September 2021.

⁴⁰ Al Jazeera, Taliban offers amnesty, promises women's rights and media freedom, 17 August; Deutsche Welle, The Taliban's broken promise to protect journalists, 27 August 2021.

⁴¹ RFE/RL, Taliban Takes Revenge On Former Afghan Security Forces, 12 October 2021; RFE/RL, Watchdog Says Over 100 Afghan Former Security Force Members Killed Or Disappeared, 30 November 2021.

⁴² Confidential source, 25 November 2021; Confidential source, 19 November 2021; RFE/RL, Taliban Takes Revenge On Former Afghan Security Forces, 12 October 2021; RFE/RL, Watchdog Says Over 100 Afghan Former Security Force Members Killed Or Disappeared, 30 November 2021.

⁴³ RFE/RL, Taliban's 'New' Governing Style Includes Beatings For Beard Shaving, 6 October 2021; Confidential source, 1 December 2021.

early February 2022 (for more information on ethnic groups/minorities in Afghanistan, see also 4.1.7).⁴⁴

Willingness to punish violations by Taliban fighters

Sources said that while the leadership did not actually encourage violence against civilians, it also seemed disinclined to hold perpetrators of serious human rights violations accountable.⁴⁵ Initiatives were taken to punish Taliban supporters for misconduct, but these appeared to focus mainly on disobedience towards the leadership or criminal behaviour. In public, Taliban leaders have repeatedly condemned misconduct by Taliban fighters and in some cases promised to investigate specific cases of human rights violations.⁴⁶ The Taliban have set up a 'Purging Commission' to identify cases of misconduct and expel 'rogue elements' within the Taliban.⁴⁷ The leadership created a military tribunal, describing its purpose as being to punish Taliban fighters who had committed murder and torture.⁴⁸ In November 2021, in response to Human Rights Watch's investigation into liquidations of ANDSF forces, the Taliban said it had removed 755 fighters from its ranks.⁴⁹ However, according to a confidential source, these fighters were not specifically charged with liquidations or other forms of violence against civilians. This source said that these persons were prosecuted on the grounds of disrespecting the Taliban leadership.⁵⁰ According to this source, there were cases where Taliban commanders carried out revenge campaigns against alleged enemies (for more details see also Chapter 4, especially 4.1.2.3 and 4.1.6), and the leadership knew what was happening but took no action against them.⁵¹ The source did not specify how many such cases there were. Human Rights Watch also stated that the Taliban leadership had condoned revenge killings.⁵² At the end of November 2021, Human Rights Watch was not aware of any criminal investigations into revenge killings by Taliban fighters.⁵³ On 8 January 2022, the head of the Purging Commission announced that the Taliban had removed more than 2,500 members.⁵⁴ According to the head of the commission, these individuals had been removed because they had ill-treated civilians, had ties with ISKP or had engaged in illegal activities under the banner of the Taliban.⁵⁵ In late January 2022, a confidential source stated that the Purging Commission had 'fired' more than three thousand individuals.⁵⁶

⁴⁴ International Crisis Group, Crisis Watch, February 2022.

⁴⁵ Confidential source, 19 November 2021; Confidential source, 30 December 2021.

⁴⁶ Al Jazeera, Afghanistan: Taliban leader warns of infiltrators, 4 November 2021; Hasht e Subh, Taliban Leader Urges the Group's Fighters to Respect the General Amnesty, 30 December 2021; TOLO News, Mawlawi Akhundzada: General Amnesty Must Be Respected, 30 December 2021; NBC, Gunmen kill 3 after fight about music playing at wedding party in Afghanistan, 1 November 2021; NDTV, 4 Women, Including Activist, Killed In Afghanistan: Taliban, 6 November 2021.

⁴⁷ Reuters, Taliban to purge 'people of bad character' from ranks, 23 November 2021; Confidential source, 30 December 2021.

⁴⁸ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021; Confidential source, 30 December 2021; Confidential source, 13 December 2021.

⁴⁹ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021.

⁵⁰ Confidential source, 30 December 2021.

⁵¹ Confidential source, 30 December 2021.

⁵² Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021.

⁵³ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021.

⁵⁴ Khaama Press, Over 2,500 Taliban affiliates dissociated over misdemeanor, 8 January 2022.

⁵⁵ Khaama Press, Over 2,500 Taliban affiliates dissociated over misdemeanor, 8 January 2022.

⁵⁶ Confidential source, 24 January 2022. See also: TKG, Nearly 3,000 IEA Members Dismissed, 16 January 2022; AVA, Nearly 3,000 Taliban affiliates dismissed so far: officials, 16 January 2022.

The Taliban also sought to impose a higher degree of general discipline on Taliban fighters. In February 2022, for example, it banned fighters from visiting markets while armed and in combat clothing.⁵⁷

2.1.6 *Relations between the Taliban and ISKP*

Since the Taliban took power, ISKP has presented itself as the most serious enemy of the Taliban in Afghanistan. ISKP accuses the Taliban of not complying with and implementing sharia and of collaborating with the West.⁵⁸ In early 2022, the UN Security Council stated that ISKP 'controls limited territory' in eastern Afghanistan and was capable of launching complex attacks in other locations such as Kabul.⁵⁹ Since the takeover by the Taliban, ISKP has appeared to step up efforts to recruit new fighters.⁶⁰ According to the UN Security Council, the number of ISKP fighters in Afghanistan rose from about 2,200 to 4,000 individuals in the first months after the Taliban took power. Half of these individuals were said to be foreign jihadists.⁶¹ Recruitment for the most part took place among disenchanted Taliban fighters. *The Wall Street Journal* reported that members of the former ANDSF had also joined ISKP.⁶² The decision to join ISKP was said to be motivated by both ideological and economic factors. Some new ISKP supporters possibly felt a need to retaliate against the Taliban, while others were attracted by the salary ISKP pays fighters.⁶³ It was also thought that former ANDSF personnel may have joined ISKP to seek protection against possible reprisals.⁶⁴ However, the Taliban themselves and some experts questioned the actual appeal of ISKP to the broad population, because of their profoundly extremist ideology.⁶⁵

ISKP has carried out multiple (sometimes complex) attacks on civilian targets and Taliban fighters since 1 September 2021 (see also 2.2.2).⁶⁶ Although there was a series of attacks on civilian targets in October, Taliban fighters have been the main focus of ISKP violence since the fall of Kabul.⁶⁷ On 23 December the Taliban thwarted an ISKP suicide attack on the passport office in Kabul by eliminating the assailant in front of the office. This thwarted attack took place on a Thursday, the weekday set aside for passport applications by Taliban fighters.⁶⁸ These attacks and attempted attacks pose a threat to the Taliban, because their dominant position is largely based on the idea that they are the only actor that can ensure order and

⁵⁷ Reuters, Afghanistan's Taliban told they can't take their guns to the funfair, 2 February 2022.

⁵⁸ Statecraft, The Taliban is in a Catch-22 Situation With ISIS-K and the West, 1 December 2021; Confidential source, 7 December 2021; Confidential source, 6 December 2021.

⁵⁹ UN Security Council, Letter dated 21 January 2022 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities addressed to the President of the Security Council, p. 16, 3 February 2022.

⁶⁰ Foreign Policy, Taliban Splintered by Internal Divisions, External Spoilers, 12 November 2021.

⁶¹ UN Security Council, Letter dated 21 January 2022 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities addressed to the President of the Security Council, p. 16, 3 February 2022.

⁶² The Wall Street Journal, Left Behind After U.S. Withdrawal, Some Former Afghan Spies and Soldiers Turn to Islamic State, 31 October 2021.

⁶³ The Wall Street Journal, Left Behind After U.S. Withdrawal, Some Former Afghan Spies and Soldiers Turn to Islamic State, 29 October 2021.

⁶⁴ Confidential source, 30 December 2021.

⁶⁵ The New York Times, ISIS Poses a Growing Threat to New Taliban Government in Afghanistan, 3 November 2021; The Economist, The Taliban find themselves on the wrong side of an insurgency, 23 October 2021.

⁶⁶ Al Jazeera, Taliban takes on ISKP, its most serious foe in Afghanistan, 27 September 2021; Al Jazeera, Afghanistan: Deadly blasts, gunfire hit Kabul military hospital, 2 November 2021.

⁶⁷ The New York Times, ISIS Poses a Growing Threat to New Taliban Government in Afghanistan, 3 November 2021.

⁶⁸ France 24, Suicide bomber shot dead as Taliban fighters gather for passports, 23 December 2021; Reuters, Suicide bomber killed at Kabul passport office gate, 23 December 2021.

security for Afghan citizens.⁶⁹ The Taliban have stepped up efforts to fight ISKP since October. According to international media, the Taliban killed dozens of ISKP fighters in October and November 2021. In particular in Jalalabad, the capital of Nangarhar province, the Taliban are said to have carried out extrajudicial executions of alleged ISKP fighters. In the suburbs of this city, corpses of murdered men were found along the road every few days in October 2021, according to the BBC.⁷⁰ The local head of the Taliban's security service denied responsibility for these killings, but said that many ISKP supporters had been captured. In November 2021, the Taliban said they had arrested and imprisoned hundreds of ISKP fighters and their relatives in the preceding weeks.⁷¹ The UN Secretary-General stated in February 2022 that he had received at least fifty credible allegations of extrajudicial executions of alleged ISKP supporters by the Taliban.⁷²

2.1.7

Relations between the Taliban and al-Qaeda

There is no indication that the relationship between the Taliban and al-Qaeda has changed compared to the situation before the capture of Kabul.⁷³ According to the UN Security Council, there are no signs that the Taliban took any steps in the first few months after the takeover to restrict the activities of foreign jihadist fighters in Afghanistan, with the exception of fighters from ISKP. Foreign jihadist groups have in fact have been given more leeway in Afghanistan since August 2021 than before the takeover, according to a report drawn up by the 'Analytical Support and Sanctions Monitoring Team concerning IS in Iraq, Al-Qaida and associated individuals, groups, undertakings and entities', and addressed to the UN Security Council.⁷⁴ Al-Qaeda congratulated the Taliban on the victory and called on the Afghan people to obey the new rulers.⁷⁵ According to FDD's Long War Journal, a key al-Qaeda member, Amin al-Haq, who was responsible for coordinating security operations under Osama Bin Laden, returned from Pakistan to his home in the Afghan province of Nangarhar on 30 August 2021.⁷⁶ According to the UN Security Council, two hundred to four hundred fighters from Al Qaida in the Indian Subcontinent were active in Afghanistan and present in Ghazni, Helmand, Kandahar, Nimruz, Paktika and Zabul provinces.⁷⁷ The report did not provide any insight into the number of al-Qaeda fighters in Afghanistan.

⁶⁹ The Economist, The Taliban find themselves on the wrong side of an insurgency, 23 October 2021; The New York Times, ISIS Poses a Growing Threat to New Taliban Government in Afghanistan, 3 November 2021; Reuters, Islamic State violence dents Taliban claims of safer Afghanistan, 9 November 2021.

⁷⁰ BBC, The Taliban's secretive war against IS, 29 October 2021.

⁷¹ The Wall Street Journal, Killings of Islamic State Militants Highlight Power Struggle With Afghanistan's Taliban, 26 September 2021; VOA News, Afghan Taliban Claim to Have Captured 600 IS Militants 10 November 2021.

⁷² United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 7, 3 February 2022.

⁷³ SIGAR, OPERATION FREEDOM'S SENTINEL OFS REPORT TO CONGRESS FRONT MATTER OPERATION FREEDOM'S SENTINEL LEAD INSPECTOR GENERAL REPORT TO THE UNITED STATES CONGRESS – 1 July 2021 – 30 September 2021, p. 42, 3 November 2021.

⁷⁴ UN Security Council, Letter dated 21 January 2022 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities addressed to the President of the Security Council, p. 15, 3 February 2022.

⁷⁵ Counter Extremism Project, Extremist Content Online: Al-Qaeda Congratulates Taliban on Victory, Violent White Supremacist Accounts Found On Instagram, 7 September 2021.

⁷⁶ FDD's Long War Journal, Osama bin Laden's security chief triumphantly returns to hometown in Afghanistan, 30 August 2021.

⁷⁷ UN Security Council, Letter dated 21 January 2022 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities addressed to the President of the Security Council, p. 16, 3 February 2022.

2.1.8 *Relations between the Taliban and the international community*

As of early March 2022, no country had recognised 'The Islamic Emirate of Afghanistan'.⁷⁸ The Taliban launched a diplomatic offensive aimed at gaining international recognition in the autumn of 2021. The US, Qatar, Russia, China, India, Iran, Saudi Arabia and neighbouring countries in Central Asia have also organised several meetings to determine arrangements for humanitarian assistance.⁷⁹ In January 2022, the Norwegian government organised a meeting to facilitate dialogue between Western diplomats and the Taliban and between representatives of Afghan civil society and the Taliban.⁸⁰ Since the Taliban took power, the US and the international community have imposed various financial restrictions against the Taliban, including the freezing of foreign reserves of the Afghan Central Bank. These financial measures came in addition to pre-existing sanctions targeting leaders within the Taliban. In addition, after August 2021, the transfer of international development funds was put on hold for several months. Partly as a result of these developments, the economic and humanitarian situation in Afghanistan has deteriorated significantly compared to the period before the Taliban took power (see Chapter 5 for more details).⁸¹

2.1.9 *Relations between the Taliban and Pakistan*

During the Taliban's armed insurgency against international forces and the Afghan government, Pakistan maintained particularly good links with the Haqqani Network.⁸² At the time of publication of this country of origin report, Pakistan had not recognised 'The Islamic Emirate of Afghanistan'.⁸³ The change of power in Afghanistan coincided with an increase in attacks by the Pakistani wing of the Taliban, Tehreek-e-Taliban Pakistan (TTP), in Pakistan.⁸⁴ The takeover by the Afghan Taliban is thought to have given TTP supporters more freedom of movement within Afghanistan.⁸⁵ In February 2022, five Pakistani border guards died as a result of shots fired by TTP from Afghan soil. In response, Pakistan released a statement saying that it expected the *de facto* Afghan authorities not to allow such activities against Pakistan to take place on Afghan territory in future.⁸⁶ There were also reports of tension between Pakistan and the Taliban over Pakistani efforts to build a fence on the Pakistan-Afghanistan border.⁸⁷ This border, the Durand Line, divides the Pashtun community on the Afghan and Pakistani sides of the border and has never been recognised by Afghanistan. There were clashes in December 2021,⁸⁸ which continued into 2022.⁸⁹ These included two firefights between Taliban security forces and Pakistani security forces in Paktia province at the end of January (for more information on the situation at the border with Pakistan, see 5.1.2).⁹⁰

⁷⁸ TOLO News, Islamic Emirate: Conditions for Intl Recognition Fulfilled, 29 October 2021; Newsweek, Taliban Seeks U.S. Assent to World Recognition, Even as ISIS Strikes from Within, 16 November 2021; TOLO News, Recognizing Afghan Govt in World's Interest: Islamic Emirate, 1 January 2021; VOA News, Afghan Taliban's Quest for International Recognition Stuck in Neutral, 15 February 2022; Reuters, Famine may have been averted, but Afghan economic crisis deepens -U.N. envoy, 3 March 2022.

⁷⁹ VOA News, Taliban Foreign Minister Meets With US, Russian, Chinese, Pakistani Special Representatives, 11 November 2021; Arab News, Taliban call on OIC to recognize Afghan government at Islamabad meeting, 11 December 2021.

⁸⁰ Al Jazeera, Taliban, Western officials meet in Oslo to discuss Afghanistan, 24 November 2022.

⁸¹ Amnesty International, Afghanistan: Country must have access to funds to avoid humanitarian disaster, 23 November 2021.

⁸² Giustozzi, A. Behind the Scenes of the Taliban's Internal Power Struggle, World Politics Review, 23 September 2021.

⁸³ Foreign Policy, Pakistan Pitches the Taliban Regime to the World, 30 September 2020.

⁸⁴ France24, Islamabad bids to quell rise in Pakistani Taliban attacks, 15 November 2021.

⁸⁵ The Diplomat, Afghan Taliban's Victory Boosts Pakistan's Radicals, 18 October 2021.

⁸⁶ France 24, Pakistan's 'good Taliban-bad Taliban' strategy backfires, posing regional risks, 9 February 2022.

⁸⁷ Reuters, Afghan Taliban stop Pakistan army from fencing international border, 22 December 2021.

⁸⁸ Reuters, Afghan Taliban stop Pakistan army from fencing international border, 22 December 2021.

⁸⁹ USIP, Afghanistan-Pakistan Border Dispute Heats Up, 12 January 2022.

⁹⁰ Confidential source, 31 January 2021.

2.1.10 *Relations between the Taliban and Iran*

Iran, due to its links with the Afghan Shia community, was one of the main opponents of the Taliban during the previous Taliban regime. In 2001, Iran supported the overthrow of this regime by the Americans. However, relations between the Taliban and Iran have improved over the last decade. Since the Taliban took power, Iran has sought to further strengthen ties with the Taliban leadership,⁹¹ including through the provision of humanitarian support. In January 2022, the Foreign Minister of the *de facto* government paid a first official visit to Iran. After this visit, Iran indicated that it does not yet intend to recognise 'The Islamic Emirate of Afghanistan'. Iran stressed that the inclusion of ethnic minorities (non-Pashtuns) in the *de facto* government is a condition of recognition.⁹²

2.2 The security situation

Since the takeover by the Taliban, the general level of violence in Afghanistan has fallen sharply.⁹³ However, attacks by ISKP against civilians (particularly Shiites) and Taliban fighters have increased.⁹⁴ In addition, targeted violence against specific groups by the Taliban and other actors has continued (for more details, see Chapter 4). It is difficult to provide a complete picture of the security situation in Afghanistan since the Taliban took power. Important sources of information such as UNAMA reports on violence against civilians have not been published since July 2021.⁹⁵ Some sources state that while the overall security situation has greatly improved now that the large-scale armed conflict has ended, there is limited information about exactly what is going on in different parts of Afghanistan. It is therefore difficult to make firm statements on this subject.⁹⁶

2.2.1 *The end of armed conflict in Afghanistan?*

The takeover by the Taliban in the second half of 2021 seemed to have brought an end to forty years of armed conflict in almost all of Afghanistan. On 15 September 2021, FDD's Long War Journal stated that the Taliban controlled 391 districts, that control of one district (Chahar Kint in Balkh province) was being contested, and that guerilla activities were taking place in fifteen districts (mainly in the Baghlan and Panjshir provinces).⁹⁷ FDD did not specify which parties were involved. After 15 August 2021, the armed struggle mainly consisted of conflict between the Taliban and the NRF and conflict between the Taliban and ISKP.⁹⁸ According to the Special Inspector General for Afghanistan Reconstruction (SIGAR), the number of violent political incidents during the first months of Taliban rule (September-December 2021) decreased by 87% compared to the average number of violent incidents during the period January 2020 to August 2021.⁹⁹ The UN Secretary-General stated that UN agencies counted 985 security incidents between 19 August and 31

⁹¹ Global Risk Insights, Iran – Taliban Relations: What to Expect, 9 November 2021; MEI, Iran and the Taliban after the US fiasco in Afghanistan, 22 September 2021.

⁹² Al Jazeera, Iran says won't officially recognise Taliban after Tehran talks, 10 January 2022; The Times of India, Iran refuses to recognize Taliban govt until it is inclusive, 3 January 2022.

⁹³ EASO, Country Guidance Afghanistan 2021: General Remarks, November 2021. See: [Country Guidance Afghanistan 2021 | EUROPEAN ASYLUM SUPPORT OFFICE \(europa.eu\)](#); The New Yorker, The Other Afghan Woman, 13 September 2021; Al Jazeera, Taliban rule sparks hopes of peace in rural Afghanistan, 9 November 2021; UN News, Anxiety in Afghanistan as Taliban struggles for legitimacy, 17 November 2021.

⁹⁴ The New York Times, ISIS Poses a Growing Threat to New Taliban Government in Afghanistan, 3 November 2021.

⁹⁵ UNAMA, REPORTS ON THE PROTECTION OF CIVILIANS IN ARMED CONFLICT, undated. See: [REPORTS ON THE PROTECTION OF CIVILIANS IN ARMED CONFLICT | UNAMA \(unmissions.org\)](#), last accessed 14 December 2021. How non-Gülenists treat their Gülenist relatives depends on the situation.

⁹⁶ EASO, Country Guidance Afghanistan 2021: General Remarks, November 2021. See: [Country Guidance Afghanistan 2021 | EUROPEAN ASYLUM SUPPORT OFFICE \(europa.eu\)](#)

⁹⁷ FDD's Long War Journal, Mapping Taliban Control in Afghanistan, undated, last accessed 19 November 2021.

⁹⁸ RULAC, Non-international armed conflicts in Afghanistan, 4 March 2022.

⁹⁹ SIGAR, QUARTERLY REPORT TO THE UNITED STATES CONGRESS, p. 69, 30 January 2022.

December 2021. This was 91% lower than in the same period in 2020. The number of armed combat incidents during this period decreased by 98% from 7,430 to 148 incidents, and the number of air strikes decreased by 99% from 501 to three incidents. The number of explosions due to improvised explosive devices (IEDs) decreased by 91% from 1,118 to 101 incidents and the number of targeted attacks decreased by 51% from 424 to 207 incidents. However, there was an increase in crime. Nangarhar, Kabul, Kunar and Kandahar were the provinces with the most incidents during this period.¹⁰⁰

2.2.1.1

Security situation and resistance in Panjshir

On 6 September 2021, the Taliban also claimed to be in control of Panjshir province.¹⁰¹ Resistance leaders in Panjshir initially disputed this information, claiming that resistance fighters were still active in the mountains.¹⁰² A report by *The New York Times* in October 2021 suggested that fighting had ceased by that point and that the Taliban did indeed control the province.¹⁰³ The leaders of the resistance in Panjshir, Ahmad Massoud and Amrullah Saleh, fled to Tajikistan.¹⁰⁴ From December 2021, there was increased armed activity in Panjshir. According to the International Crisis Group (ICG), the Taliban stepped up operations against the National Resistance Front (NRF) (the resistance in Panjshir, see 1.4.3.4) in the northern provinces. Several NRF fighters were killed during these operations.¹⁰⁵ According to a confidential source, sixty Taliban fighters were also killed and forty were injured as a result of NRF activities during this month.¹⁰⁶ Clashes between the NRF and the Taliban continued in January 2022.¹⁰⁷ There was also fighting between the NRF and the Taliban in Baghlan province.¹⁰⁸ The NRF began using IEDs against the Taliban in January 2022 and warned that it would step up attacks against the Taliban in spring.¹⁰⁹ According to the International Crisis Group, the NRF stepped up resistance activities in February 2022, particularly in Balkh and Baghlan provinces. The ICG said that the Taliban began a large-scale military campaign against the NRF in Panjshir in the same month.¹¹⁰ The Ministry of Defence of the *de facto* government also stationed thousands of military personnel in northern provinces of Afghanistan in February 2022; this was probably with a view to countering resistance activities from those provinces, according to RFE/RL.¹¹¹

Civilian casualties in Panjshir during the occupation in August/September 2021

Reports about the number of civilian casualties during the capture of Panjshir have been difficult to verify. Civilians from Panjshir claimed that the fighting was concentrated in the districts of Paryan, Anaba and Shatal, and that it resulted in many deaths and injuries on both sides of the conflict.¹¹² A doctor from a hospital in Panjshir said he had treated sixty to seventy individuals with injuries caused by the

¹⁰⁰ United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 5, 3 February 2022.

¹⁰¹ BBC, Afghanistan: Taliban claim to have taken Panjshir Valley, 7 September 2021.

¹⁰² The New York Times, Taliban Claim Control Over Panjshir Valley, but Resistance Vows to Fight On, 17 September 2021.

¹⁰³ The New York Times, In Panjshir, Few Signs of an Active Resistance, or Any Fight at All, 7 October 2021.

¹⁰⁴ France24, Afghan resistance has sanctuary in Tajikistan, but fighting Taliban a 'non-viable prospect', 4 October 2021; The Intercept, Afghan Resistance Leaders, Long Backed by CIA, Have Fled Following Taliban Takeover, 21 September 2021.

¹⁰⁵ International Crisis Group, Crisis Watch, 9 January 2022.

¹⁰⁶ Confidential source, 6 January 2022. See also: Confidential source, 13 December 2021.

¹⁰⁷ Confidential source, 24 January 2022.

¹⁰⁸ Hasht-e Subh Daily, Clashes Between the Taliban and NRF Forces Continued for the Third Day, 26 January 2022.

¹⁰⁹ Confidential source, 31 January 2022.

¹¹⁰ International Crisis Group, Crisis Watch, February 2022.

¹¹¹ RFE/RL, Taliban Says New Troops Near Central Asian Borders Will Bring Stability. The Neighbors Are Not So Sure., 16 February 2022.

¹¹² AAN, Afghanistan's Conflict in 2021 (1): The Taliban's sweeping offensive as told by people on the ground, 28 December 2021.

conflict.¹¹³ *The New York Times* reported that there were few signs of heavy fighting around the capital of the Panjshir valley. The BBC accused the Taliban of killing civilians in Panjshir and said it had evidence that at least twenty civilians had been killed during the resistance in the Panjshir valley.¹¹⁴ In December, citizens from Panjshir confirmed to Afghanistan Analysts Network (AAN) that the Taliban had killed several young men after capturing Panjshir.¹¹⁵ Sources indicated that many women and children had moved from Panjshir to Kabul or Parwan before the fighting started,¹¹⁶ and that many other civilians had fled Panjshir after the Taliban took power.¹¹⁷ This was confirmed by citizens from Panjshir,¹¹⁸ but they indicated that many residents had also returned.¹¹⁹

Oppression in Panjshir since the Taliban victory

According to a confidential source, citizens in Panjshir have been subjected to disproportionate arrests, surveillance and violence since the Taliban took over the valley.¹²⁰ According to civilians in Panjshir, the Taliban also engaged in evictions and extrajudicial executions of civilians.¹²¹ Panjshir is partly controlled by Taliban fighters from Panjshir and partly by Taliban fighters from outside. The latter are said to be responsible for most human rights violations.¹²² According to this source, the Taliban viewed all citizens of Panjshir as resistance fighters, although many civilians had nothing to do with the resistance. The source also said that the resistance fighters were located in the mountains on the border with Baghlan province. In particular, the Taliban arrested young men.¹²³ In December there were protests in Panjshir over the death of a young man who, according to the protesters, was innocent.¹²⁴ In January 2022, a source stated that the extremely high presence of Taliban soldiers in Panjshir and the rotation of these soldiers every five to ten days was causing problems for the population. According to this source, Taliban forces often responded to National Resistance Front (NRF) attacks with house searches and interrogations of local people.¹²⁵

2.2.1.2 Security situation in Nangarhar

In November, the Taliban said they had sent more than 1,300 fighters to Nangarhar to fight ISKP. In the fight against ISKP, the Taliban made extensive use of nighttime raids. According to a Taliban fighter in Jalalabad interviewed by *The Washington Post* in November 2021, the Taliban were arresting an average of ten ISKP suspects a week and killing six a week at that time. At the start of the Taliban offensive against ISKP, dozens of alleged ISKP fighters were hanged beside the road or beheaded, according to *The Washington Post*. Later on, suspected ISKP fighters

¹¹³ The New York Times, In Panjshir, Few Signs of an Active Resistance, or Any Fight at All, 17 September 2021.

¹¹⁴ BBC, Afghanistan crisis: Taliban kill civilians in resistance stronghold, 13 September 2021.

¹¹⁵ AAN, Afghanistan's Conflict in 2021 (1): The Taliban's sweeping offensive as told by people on the ground, 28 December 2021.

¹¹⁶ openDemocracy, I travelled around Taliban-controlled Afghanistan. This is what I saw, 24 November 2021; Al Jazeera, Residents flee as Taliban intensifies battle to take Panjshir, 3 September 2021.

¹¹⁷ Confidential source, 1 December 2021; Confidential source, 8 December 2021.

¹¹⁸ AAN, Afghanistan's Conflict in 2021 (1): The Taliban's sweeping offensive as told by people on the ground, 28 December 2021.

¹¹⁹ AAN, Afghanistan's Conflict in 2021 (1): The Taliban's sweeping offensive as told by people on the ground, 28 December 2021.

¹²⁰ Confidential source, 30 December 2021.

¹²¹ AAN, Afghanistan's Conflict in 2021 (1): The Taliban's sweeping offensive as told by people on the ground, 28 December 2021.

¹²² Confidential source, 30 December 2021. See also: AAN, Afghanistan's Conflict in 2021 (1): The Taliban's sweeping offensive as told by people on the ground, 28 December 2021.

¹²³ Confidential source, 30 December 2021. See also: AAN, Afghanistan's Conflict in 2021 (1): The Taliban's sweeping offensive as told by people on the ground, 28 December 2021.

¹²⁴ ANI, Afghanistan: Residents of Panjshir protest over killing of 'innocent' people, 27 December 2021; Khaama Press, Hundreds protest in Panjshir over murder of a young man, 27 December 2021; Confidential source, 30 December 2021.

¹²⁵ Confidential source, 24 January 2022.

were taken to the security service building after their arrest. There, Taliban commanders decided on the fate of these individuals. Those who were sentenced to death were executed on the spot or in an open field. Their bodies were left behind for collection by the family.¹²⁶ On 14 December 2021, the UN High Commissioner for Human Rights stated that she had credible evidence that the Taliban had executed at least fifty alleged ISKP fighters in Nangarhar (see also 2.1.5 on relations between the Taliban and ISKP).¹²⁷ In late December 2021, the level of violence by ISKP in Nangarhar appeared to have decreased slightly. A source attributed this decrease to Taliban actions and the onset of winter.¹²⁸ In the preceding period, there was said to be an attack on Taliban fighters by ISKP fighters approximately every other day.¹²⁹ In February 2022, the ICG stated that the decrease in ISKP violence in Afghanistan was continuing.¹³⁰

Civilian casualties in Nangarhar

Developments in Nangarhar are also said to have led to an increase in civilian casualties. According to an Afghan official from the Ministry of Public Health, in November there were twice as many civilian deaths from roadside bombs, targeted violence and firefights in Nangarhar as in the month before the Taliban took power. A hospital in Jalalabad confirmed that it had treated more war victims in October 2021 than during any month in the previous year. A local activist stated that the Taliban sometimes regarded innocent individuals as ISKP fighters during nighttime raids and took them away.¹³¹

2.2.2

Civilian casualties

The decrease in the number of violent incidents in Afghanistan has resulted in a sharp decrease in civilian casualties from indiscriminate violence.¹³² A United Nations Security Council report stated that between 15 August and 31 December 2021, there were 1,050 civilian casualties, including more than 350 deaths. IEDs were the leading cause of civilian casualties (850 individuals, including 300 deaths) and ISKP was responsible for almost all of these incidents. Unexploded ordnances caused nearly a hundred civilian casualties, most of them children. Ground fighting between the Taliban and ISKP or resistance groups resulted in twenty civilian casualties.¹³³ According to Michelle Bachelet, the UN High Commissioner for Human Rights, four hundred civilians were killed as a result of political violence in the first half-year after the change of power. They were mainly victims of ISKP violence.¹³⁴

2.2.2.1

Bombings and other forms of violence against civilians

Since the Taliban took power, bombings and complex attacks on civilian targets have been the main causes of civilian casualties – as well as of casualties among Taliban fighters. ISKP claimed responsibility for most of these attacks. The number of attacks attributed to or claimed by ISKP increased compared to the period before 15 August 2021. These attacks also took place over a larger territory than that in which ISKP was active before the takeover (i.e. Kabul and eastern Afghanistan). Between 19 August and 31 December 2021, UN agencies counted 152 ISKP attacks

¹²⁶ The Washington Post, Taliban sends hundreds of fighters to eastern Afghanistan to wage war against Islamic State, 22 November 2021.

¹²⁷ AFP, Afghanistan: l'ONU accuse les talibans d'au moins 72 exécutions extrajudiciaires, 14 December 2021.

¹²⁸ Confidential source, 6 January 2021.

¹²⁹ Confidential source, 6 January 2021.

¹³⁰ International Crisis Group, Crisis Watch, February 2022.

¹³¹ The Washington Post, Taliban sends hundreds of fighters to eastern Afghanistan to wage war against Islamic State, 22 November 2021.

¹³² Pajhwok, Civilian casualties in conflict drop to zero last week, 11 September 2021.

¹³³ United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 8, 3 February 2022.

¹³⁴ Reuters, Nearly 400 civilians killed in Afghanistan since Taliban takeover, UN says, 7 March 2022.

in sixteen provinces. During the same period in 2020, twenty such attacks took place in five provinces.¹³⁵ Whereas previously ISKP attacks mainly targeted civilians, the Taliban became a major target of ISKP attacks after the change of power. ISKP attacks on civilian targets mainly targeted Shiite Hazaras. Suicide bombings, including on Shiite mosques, left at least ninety dead and hundreds injured in the space of just a few weeks.¹³⁶ ISKP attacks took place in Kabul, Kandahar, Kunduz,¹³⁷ Mazar-i-Sharif and Nangarhar province, among other locations.

Below is an overview of the main attacks on civilian targets since 1 September 2021:

1. Attack on Eid Gah Mosque in Kabul – 3 October 2021: In an ISKP attack on a memorial service at a mosque in Kabul for the mother of Taliban spokesman Zabihullah Mujahid, five people were killed¹³⁸ and at least four people were injured.¹³⁹
2. Attack on a mosque in Kunduz – 8 October 2021: In an ISKP attack on a Shiite mosque in Kunduz during Friday afternoon prayers, at least 72 people were killed and at least 140 were injured.¹⁴⁰
3. Attack on a mosque in Kandahar – 15 October 2021: In an ISKP attack on a Shiite mosque in Kandahar during Friday afternoon prayers, at least 63 people were killed and at least 83 were injured.¹⁴¹
4. Attack on a military hospital in Kabul – 2 November 2021: In an ISKP attack consisting of a suicide bombing and gunfire at a military hospital in Kabul, at least 25 people were killed and more than 50 people were injured, including civilians.¹⁴² One of the victims was the senior Taliban commander Hamdullah Mokhlis, who tried to stop the perpetrators.¹⁴³
5. Attack on a mosque in Nangarhar – 12 November 2021: An attack on a Sunni mosque in the Spin Ghar district of Nangarhar province during Friday afternoon prayers left three dead and dozens injured.¹⁴⁴ Responsibility for the attack was not claimed.¹⁴⁵
6. Attack on a minibus in Kabul – 13 November 2021: An explosion in a bus in the Hazara neighbourhood of Kabul left at least one dead and five injured.¹⁴⁶ Among

¹³⁵ United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 5, 3 February 2022.

¹³⁶ The New York Times, ISIS Poses a Growing Threat to New Taliban Government in Afghanistan, 3 November 2021.

¹³⁷ Al Jazeera, 'Blood and pieces': Kunduz residents describe blast aftermath, 9 October 2021; Al Jazeera, Deadly explosion targets memorial service near Kabul mosque, 3 October 2021.

¹³⁸ Al Jazeera, 'Blood and pieces': Kunduz residents describe blast aftermath, 9 October 2021; Al Jazeera, Deadly explosion targets memorial service near Kabul mosque, 3 October 2021.

¹³⁹ Al Jazeera, Deadly explosion targets memorial service near Kabul mosque, 3 October 2021.

¹⁴⁰ Al Jazeera, 'Blood and pieces': Kunduz residents describe blast aftermath, 9 October 2021; Human Rights Watch, Afghanistan: Surge in Islamic State Attacks on Shia, 25 October 2021; Human Rights Watch, Afghanistan: Surge in Islamic State Attacks on Shia, 25 October 2021.

¹⁴¹ Human Rights Watch, Afghanistan: Surge in Islamic State Attacks on Shia, 25 October 2021.

¹⁴² France 24, Senior Taliban commander, several civilians killed in Kabul hospital attack, 2 November 2021.

¹⁴³ Reuters, Dozens killed and wounded as blasts and gunfire hit Kabul hospital, 3 November 2021; Al Jazeera, Afghanistan: Deadly blasts, gunfire hit Kabul military hospital, 2 November 2021; United Nations Security Council, Security Council Press Statement on Terrorist Attack in Kabul, Afghanistan, 3 November 2021.

¹⁴⁴ Al Jazeera, Afghanistan: Mosque in Nangarhar province hit by blast, 12 November 2021; Hasht e Subh Daily, Denial of Facts Intricates the Situation, 15 November 2021.

¹⁴⁵ Xinhua, 3 arrested in Afghanistan over mosque bomb attack, 3 November 2021.

¹⁴⁶ AP, Blast on bus in Afghan capital kills 1 person, wounds 5, 13 November 2021; Hasht e Subh Daily, Denial of Facts Intricates the Situation, 15 November 2021.

those killed was a well-known Afghan journalist. The attack was later claimed by ISKP.¹⁴⁷ It is not clear whether the attack specifically targeted the journalist.

7. Attack on a minibus in Kabul – 10 December 2021: An explosion in a bus in Kabul's Hazara district left two dead and several injured. Responsibility for the attack was not claimed.¹⁴⁸

8. Attack on Kabul passport office – 23 December 2021: An ISKP attack on the Kabul passport office, on a day set aside for passport applications by Taliban fighters, was thwarted before the assailant could enter the building. There were no fatalities, but several people outside the passport office were injured.¹⁴⁹

9. Attack on a minibus in Herat – 22 January 2022: An explosion in a minibus in Herat killed seven people, including four women, and injured nine.¹⁵⁰

10. Attack on a mosque in Badghis – 11 February 2022: An explosion at a mosque in Badghis on a Friday left one dead and fifteen injured, including children. The perpetrators were unknown.¹⁵¹

11. Attack on a mosque in Paktia – 4 March 2022: An explosion at a mosque in Paktia on a Friday left three dead and twenty injured. Responsibility for the attack was not claimed.¹⁵²

2.2.2.2

Targeted attacks on people

The number of targeted attacks fell by approximately 50% in the period between 19 August and 31 December 2021 compared to the same period in the previous year, from 424 to 207 incidents, according to the UN.¹⁵³ There were credible allegations that Taliban supporters were behind some of these attacks (for more details, see Chapter 4 on human rights). On 30 November 2021, Human Rights Watch stated that it had documented 47 cases in which Taliban fighters had extrajudicially executed or disappeared former ANDSF military personnel in Ghazni, Helmand, Kandahar and Kunduz provinces. Human Rights Watch also stated that it had evidence that more than a hundred former ANDSF personnel had died in this way and that these incidents fitted into a broader pattern also found in other provinces such as Khost, Paktia and Paktika.¹⁵⁴ On 14 December the UN Deputy High Commissioner for Human Rights said there were credible allegations of more than one hundred liquidations of former personnel of the ANDSF and other government bodies, 72 of which could be attributed to the Taliban.¹⁵⁵

¹⁴⁷ Al Arabiya, ISIS claims killing of Afghan journalist in Kabul bomb attack, 15 November 2021.

¹⁴⁸ Al Jazeera, Deadly blasts hit Afghan capital Kabul, 10 December 2021.

¹⁴⁹ France 24, Suicide bomber shot dead as Taliban fighters gather for passports, 23 December 2021; Reuters, Suicide bomber killed at Kabul passport office gate, 23 December 2021.

¹⁵⁰ Al Jazeera, Several killed in bus blast in western Afghanistan, 22 January 2022; LA Times, Seven dead in bombing of minivan in Afghanistan, Taliban says, 22 January 2022.

¹⁵¹ Republic World, Afghanistan: 1 Dead, 15 Injured In Blast Near Mosque In Badghis Province, 11 February 2022.

¹⁵² Khaama Press, Explosion kills three, wounded 20 worshipers in Paktia province, 5 March 2022.

¹⁵³ United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 5, 3 February 2022.

¹⁵⁴ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021.

¹⁵⁵ AFP, Afghanistan: l'ONU accuse les talibans d'au moins 72 exécutions extrajudiciaires, 14 December 2021; Office of the High Commissioner for Human Rights (OHCHR), Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights, 14 December 2021.

- 2.2.2.3 Civilian casualties from unexploded ordnances
Since the Taliban took power, around a hundred individuals have been killed or injured by unexploded ordnances.¹⁵⁶ Between 27 September 2021 and 7 November 2021, 56 people in Kandahar province were injured by unexploded ordnances.¹⁵⁷ On 3 November 2021, nine members of a family, including six children, were killed in a house in Kunduz by an unexploded ordnance going off.¹⁵⁸ On 25 November 2021, four children died in the suburb of Taloqan (the capital of Takhar province) as a result of an explosive device among scrap metal they were collecting for sale.¹⁵⁹ In January 2022, eight students were killed when an explosive device went off at a school in the Lal Pur district of Nangarhar province.¹⁶⁰
- 2.2.2.4 Civilian casualties from celebratory gunfire
 Celebrations of the end of the conflict by Taliban fighters and supporters left seventeen dead and forty-one injured in Kabul from celebratory gunfire. Fourteen people were injured in Nangarhar from the same cause. The Taliban leadership condemned this behaviour and instructed fighters to pray rather than shoot.¹⁶¹
- 2.2.3 *The Taliban's security apparatus*
 This section examines the structure of the security apparatus under the Taliban. Section 4.3 goes into more detail about the functioning of these bodies. During the first months after the takeover, the Taliban tried to restructure the security apparatus, but many questions about the command structure and manning of the police, army and secret service remain unanswered. There was never a real police force under the Taliban shadow government before the takeover. Instead, local militias led by local judges were responsible for maintaining order in Taliban-controlled districts.¹⁶² Since the takeover, the Taliban have tried to give the security apparatus more structure. A Minister of Defence, a Minister of the Interior, a Minister of Justice and a head of the security service have been appointed.¹⁶³ In March 2022, the Taliban leadership announced that the total security apparatus would consist of 350,000 people, including 110,000-150,000 military personnel, with the rest being police and security service personnel. At that time, however, it was still unclear how the costs of this security apparatus would be covered.¹⁶⁴
- 2.2.3.1 The police
 The Taliban stated that they wished to set up a police force under the Ministry of the Interior.¹⁶⁵ Initially, commanders and fighters of the Haqqani Network were dominant within the police.¹⁶⁶ The Taliban took steps in November 2021 to create a local authority structure for the police by appointing the first local police chiefs.¹⁶⁷ These were appointed for the provinces of Baghlan, Balkh, Farah, Faryab, Ghor, Kabul, Kunar, Kunduz, Logar and Takhar. The Taliban appointed security chiefs for a

¹⁵⁶ United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 8, 3 February 2022.

¹⁵⁷ EASO, Afghanistan Country focus, p. 65, January 2022.

¹⁵⁸ UNICEF, 6 children killed in detonation of explosive remnants of war in Kunduz, Afghanistan, 4 November 2021.

¹⁵⁹ Xinhua, 4 killed in explosions in Afghanistan: officials, 25 November 2021.

¹⁶⁰ UNICEF, Statement by Alice Akunga, UNICEF Afghanistan Representative a.i., on the death of eight children due to detonation of explosive remnant, 11 January 2022.

¹⁶¹ Reuters, At least 17 killed in celebratory gunfire in Kabul – reports, 4 September 2021.

¹⁶² Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

¹⁶³ WION, Gravitas: ISI-Henchman named Taliban's intelligence Chief, 1 September 2021.

¹⁶⁴ Confidential source, 14 March 2022.

¹⁶⁵ Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

¹⁶⁶ Confidential source, 1 December 2021. See also: War on the Rocks, The Haqqani Network: The New Kingmakers In Kabul, 12 November 2021.

¹⁶⁷ Reuters, Taliban appoint members as 44 governors, police chiefs around Afghanistan, 7 November 2021.

number of districts in the Shindhand region of Herat province.¹⁶⁸ It is not clear to what extent the appointment of chiefs has led to a clear authority structure within the police. In January 2022, a source stated that the structuring of the police force was not going well for the time being, because the Taliban did not have a clear idea of how this police force should look.¹⁶⁹

In practice, Taliban fighters performed policing duties, but in the early months after the takeover they mostly followed orders from their former commanders on the battlefield,¹⁷⁰ and according to a source they were not paid.¹⁷¹ Police units made up of Taliban fighters were operating in Kabul with similar roles to those under the Ghani government, according to another source.¹⁷² However, sources stated that it was difficult to tell which 'unit' the Taliban fighters belonged to. Many new *de facto* police officers initially did not wear uniforms, but wore traditional Afghan attire (the standard uniform of Taliban fighters before the takeover).¹⁷³ Over the months, according to reports, the use of uniforms – of former ANDSF personnel or foreign troops – has increased among Taliban fighters.¹⁷⁴

Police officers who worked under the Ghani government were deployed to a limited extent. By December 2021, only a few police officers from the former ANDSF had been re-recruited,¹⁷⁵ and according to *The Wall Street Journal* nearly all of these were working in offices out of public view.¹⁷⁶ Another source indicated in January 2022 that former ANDSF personnel had been recruited only for some technical tasks.¹⁷⁷ In March 2022, Sirajuddin Haqqani, the *de facto* Minister of the Interior, attended the graduation ceremony of 470 police officers, including twenty women. These officers had completed a four-year training course which they had started under the Ghani government.¹⁷⁸

Lack of manpower

Sources indicated that by the end of 2021, the Taliban faced a lack of manpower, resulting in a lack of police presence in many districts.¹⁷⁹ In practice, during the early months of Taliban rule, the police were mainly concentrated in towns and districts along the Tajikistan border.¹⁸⁰ According to Giustozzi and Al Aqeedi, two researchers, there were no more than twenty to thirty officers in most rural districts. These officers in particular guarded buildings in district centres and sometimes carried out patrols. Local sources stated that checkpoints along the main roads were often manned only by local boys (for more details on the recruitment of minors, see

¹⁶⁸ TOLO News, New governors appointed in 17 provinces, 8 November 2021.

¹⁶⁹ Confidential source, 6 January 2021.

¹⁷⁰ Confidential source, 1 December 2021.

¹⁷¹ Confidential source, 1 December 2021. See also: *The Wall Street Journal*, Taliban Commander Who Launched Bombings in Kabul Is Now a Police Chief in Charge of Security, 21 October 2021

¹⁷² Confidential source, 25 November 2021.

¹⁷³ Confidential source, 1 December 2021; Confidential source, 25 November 2021. See also: France24, FRANCE 24 report: On the streets of Kabul with the Taliban police, 27 October 2021; Al Jazeera, Taliban: From Afghanistan's rugged mountains to policing streets, 5 October 2021.

¹⁷⁴ CBS, Face to face with the Taliban: Inside 60 Minutes' report from Afghanistan, 12 December 2021.

¹⁷⁵ Confidential source, 1 December 2021. See also: *The Wall Street Journal*, Taliban Commander Who Launched Bombings in Kabul Is Now a Police Chief in Charge of Security, 21 October 2021.

¹⁷⁶ *The Wall Street Journal*, Taliban Commander Who Launched Bombings in Kabul Is Now a Police Chief in Charge of Security, 21 October 2021

¹⁷⁷ Confidential source, 25 January 2021.

¹⁷⁸ Deutsche Welle, Taliban's most-wanted leader Haqqani appears in public, 6 March 2022; Confidential source, 17 March 2022

¹⁷⁹ Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021; Confidential source, 1 December 2021.

¹⁸⁰ Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

2.2.8).¹⁸¹ Villages were very rarely visited by these officers. However, the Taliban had reportedly designated contact persons in villages to report on local developments. If there were problems with maintaining order, larger units were sent from the provincial capitals to these villages.¹⁸²

At the end of December 2021, a source stated that there was also a diminished police presence in Kabul. The police presence in Kabul at that time was probably less than before the Taliban took power in Kabul, according to this source. In addition, this source noted that the Taliban police force in Kabul consisted almost entirely of young Taliban fighters under the age of 25, most of whom were around 18 years old. According to this source, these fighters were put in charge of carrying out unpaid police duties in Kabul, because they did not have wives and children in their regions of origin to take care of.¹⁸³ As described earlier, in March 2022 the Taliban leadership stated that they wanted to set up a security apparatus which would consist of 350,000 people in total (police, army, and intelligence services).

2.2.3.2 The military

At the end of October 2021, the Taliban announced that they wished to set up a regular military, and to integrate some soldiers from the former ANDSF into this in addition to Taliban fighters.¹⁸⁴ The Ministry of Defence also began distributing uniforms to Taliban fighters who previously wore traditional attire.¹⁸⁵ In November, the Foreign Minister indicated that Afghanistan only needed a small military, about 40,000 strong,¹⁸⁶ made up of 'reliable' patriots. In this way he indicated that not all former ANDSF soldiers would be retained.¹⁸⁷ Pilots, technicians and other specialists in particular were called on to rejoin the military.¹⁸⁸ In January 2022, the Ministry of Defence announced that a commission of twenty people was in charge of forming a military force of about 100,000 personnel. According to the ministry, this had been eighty percent achieved and the new military would mainly consist of Taliban fighters. However, there was also room for some former ANDSF soldiers.¹⁸⁹ In March 2022, *de facto* Prime Minister Hanafi stated that the military would consist of 100,000 to 150,000 personnel.¹⁹⁰ To protect the Taliban leadership and important property, the Haqqani Network established the Badri 313 Battalion. This battalion, according to Taliban sources, consisted of five thousand fighters scattered throughout the country. The battalion wore uniforms and used weapons belonging to the former Afghan commando forces,¹⁹¹ which had been provided to the ANDSF by the Americans and allies.¹⁹²

2.2.4 *The Ministry for the Propagation of Virtue and the Prevention of Vice*

The former Ministry of Women's Affairs has been reformed as the Ministry for the Propagation of Virtue and the Prevention of Vice (referred to from now on as the *de*

¹⁸¹ Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

¹⁸² Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

¹⁸³ Confidential source, 30 December 2021.

¹⁸⁴ Arab News, Taliban to form new armed forces including former regime troops, 26 October 2021; Hindustan Times, Taliban express their intention to build their own Air Force in Afghanistan, 7 November 2021.

¹⁸⁵ Reuters, Taliban hold military parade with U.S.-made weapons in Kabul in show of strength, 14 November 2021.

¹⁸⁶ Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

¹⁸⁷ VOA News, Taliban hold military parade with U.S.-made weapons in Kabul in show of strength, 12 November 2021.

¹⁸⁸ Reuters, Taliban hold military parade with U.S.-made weapons in Kabul in show of strength, 14 November 2021.

¹⁸⁹ ANI, Taliban claims to form 100,000-member defense force, 1 January 2021.

¹⁹⁰ Confidential source, 14 March 2022.

¹⁹¹ Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

¹⁹² CSCR, Operational Challenges for Taliban's Special Forces, 10 September 2021.

facto Ministry of Virtue and Vice).¹⁹³ Under the previous Taliban regime, this ministry was responsible for enforcing strict interpretation of the Taliban's sharia.¹⁹⁴ In the 1990s, ministry officials patrolled the streets of Afghanistan, enforcing dress codes and bans on kite flying and music, for example. They sometimes used violence against Afghan civilians.¹⁹⁵ Under the new Taliban administration, the *de facto* Ministry released a manual containing rules for Afghans in their daily lives and instructions for Taliban fighters regarding the enforcement of these rules (more details on these rules follow in 4.1.10).¹⁹⁶ It also issued a decree on dress codes for, among others, female television presenters.¹⁹⁷ The head of enforcement at this ministry in Kandahar, Mawlawi Mohammad Shebani, told *The Guardian* in an interview that enforcement officers would be integrated into the 'normal' police force. In each district, an officer from the *de facto* Ministry of Virtue and Vice would be integrated into the police station and some enforcement officers would be stationed at checkpoints. Shebani said he did not expect the ministry to start using patrols again, but instead to encourage citizens to 'report' abusive behaviour.¹⁹⁸ The manual sets out a step-by-step plan for enforcing rules. First, enforcement officers should inform ('educate') violators about rules; then, if violators do not change their behaviour, enforcement officers may use light pressure to convince them; if a person still does not make adjustments, they are allowed to 'stop him with your hands'. The manual prohibits enforcement officers from entering homes to enforce rules.¹⁹⁹ According to Shebani, the *de facto* Ministry would initially focus on enforcing the principles in cities, because civilians in the cities were less familiar with the rules of the Taliban.²⁰⁰ According to sources, in around December the current *de facto* Ministry of Virtue and Vice was not running its own religious morality police and was less powerful than formerly.²⁰¹ Individual Taliban fighters sometimes enforce actual (or presumed) religious norms on their own initiative,²⁰² and there appear to be local differences in this regard.²⁰³ For more information on the rules and actions of the Ministry of Virtue and Vice, see 4.1.10 and 4.1.13.

2.2.5 *Taliban investigative methods in Afghanistan*

Historically, the Taliban have been known for their efficient intelligence system (see also 1.4.3.5) within Afghanistan. In September, the Taliban appointed a new head of the Afghan Security Service, Mullah Najibullah. He is considered to be a confidant of the Pakistani security service (the Inter-Services Intelligence - ISI).²⁰⁴ The Taliban have maintained their good intelligence position in Afghanistan since the takeover. It still has a large number of checkpoints,²⁰⁵ and an extensive network of local informants.²⁰⁶ Following the change of power, house searches were said to be conducted at the homes of individuals who had worked for the Ghani government, security forces, foreign forces or international organisations (see also 4.1.1, 4.1.2

¹⁹³ On the list that the Taliban used to announce the new ministries, it was the only ministry whose name had not been translated into English. The Guardian, 'We don't want people to be in a panic,' says chief of Taliban morality police, 19 September 2021.

¹⁹⁴ Human Rights Watch, Afghanistan: Taliban 'Vice' Handbook Abusive, 29 October 2021.

¹⁹⁵ The Washington Post, The Taliban is bringing back its feared ministry of 'vice' and 'virtue', 8 September 2021.

¹⁹⁶ The Guardian, 'We don't want people to be in a panic,' says chief of Taliban morality police, 19 September 2021.

¹⁹⁷ France24, Taliban to Afghan networks: stop airing shows with women actors, 21 November 2021.

¹⁹⁸ The Guardian, 'We don't want people to be in a panic,' says chief of Taliban morality police, 19 September 2021.

¹⁹⁹ The Guardian, 'We don't want people to be in a panic,' says chief of Taliban morality police, 19 September 2021.

²⁰⁰ The Guardian, 'We don't want people to be in a panic,' says chief of Taliban morality police, 19 September 2021.

²⁰¹ Confidential source, 25 November 2021; Confidential source, 1 December 2021.

²⁰² Confidential source, 1 December 2021.

²⁰³ RFE/RL, Taliban's 'New' Governing Style Includes Beatings For Beard Shaving, 6 October 2021.

²⁰⁴ WION, Gravitas: ISI-Henchman named Taliban's intelligence Chief, 1 September 2021.

²⁰⁵ Confidential source, 25 November 2021.

²⁰⁶ Confidential source, 1 December 2021; The Washington Post, Taliban sends hundreds of fighters to eastern Afghanistan to wage war against Islamic State, 22 November 2021; Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

and 4.1.6).²⁰⁷ The reason given by the Taliban for these house searches was to confiscate weapons and cars belonging to the Ghani government,²⁰⁸ but various sources say they were also used to gather information about individuals.²⁰⁹ In the months that followed, the number of such searches decreased sharply among certain categories of persons such as UN staff and officials without links to the security apparatus.²¹⁰ In late February, the Taliban announced a 'clearing operation' involving house searches in Kabul and other cities. According to the Taliban, the purpose of the operation was to combat crime (see also 4.1.1).²¹¹

Since October, the Taliban have put considerable effort into tracking down alleged ISKP fighters, with hundreds of arrests and dozens of extrajudicial executions taking place as a result.²¹² The sources consulted did not provide any insight into the Taliban's intent and capacity for tracking down alleged enemies in hiding (for example: resistance fighters from Panjshir, former ANDSF personnel and individuals who have worked for international forces). Human Rights Watch (HRW) reports that in the first three months since the change of power, Taliban fighters killed or disappeared more than a hundred people from the security sector from four provinces. HRW documented the execution or disappearance of 47 former ANDSF personnel (military, police, members of the secret service, and members of paramilitary groups) who had surrendered to or been detained by Taliban fighters between 15 August and 31 October 2021 (see also .²¹³ It is not clear whether there are other Taliban targets who have avoided violence by going into hiding. A confidential source stated that the Taliban are very probably able to track down alleged 'enemies' if they deem this necessary.²¹⁴ HRW stated that the Taliban identified targets among former ANDSF personnel through personnel records left behind by the Ghani government (more on this in the next section), local informants, and the amnesty programme for which former ANDSF personnel could voluntarily register.²¹⁵ If the Taliban had specific targets in view, but they were in hiding, then in some cases it tried to find out the location of these individuals through intimidation of relatives.²¹⁶

Taliban access to data, including biometric data

Experts have raised concerns about the Taliban's access to data, including biometric data, on the entire Afghan population through National Statistics and Information Authority (NSIA) records (see 3.2).²¹⁷ There are also concerns about the Taliban's access to data on former ANDSF personnel through the system used to register

²⁰⁷ Al Jazeera, Taliban conducting 'targeted door-to-door visits': UN document, 20 August 2021.

²⁰⁸ Confidential source, 3 December 2021; Confidential source, 13 December 2021.

²⁰⁹ Confidential source, 8 December 2021; Confidential source, 13 December 2021; Confidential source, 3 December 2021.

²¹⁰ Confidential source, 30 December 2021.

²¹¹ Reuters, Taliban begin house searches, sparking fear, diplomatic criticism, 28 February 2022; Jurist, Afghanistan dispatch: Taliban house-to-house searches raise privacy concerns, fear in those still trying to leave, 27 February 2022.

²¹² The Washington Post, Taliban sends hundreds of fighters to eastern Afghanistan to wage war against Islamic State, 22 November 2021.

²¹³ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021.

²¹⁴ Confidential source, 1 December 2021.

²¹⁵ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021.

²¹⁶ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021; Confidential source, 30 December 2021; The National News, Taliban targets families of exiles: interpreter reveals violent intimidation, 1 September 2021; OHCHR, Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights, 14 December 2021.

²¹⁷ MIT Technology Review, This is the real story of the Afghan biometric databases abandoned to the Taliban, 30 August 2021.

ANDSF personnel, particularly in view of reprisals against 'collaborators'.²¹⁸ Sources indicate that after the evacuation of the US military, the Taliban captured devices used to read these biometric data. In addition, there are indications that Taliban accomplices within the ANDSF had been sharing the biometric data of colleagues with the Taliban for some time.²¹⁹ According to Politico, during the evacuation, the US shared data on Afghans who were on the evacuation list with the Taliban in order to facilitate their travel from shelters to the airport.²²⁰ Reuters and Al Jazeera also claimed that the British embassy left the names of Afghan employees and job applicants inside the embassy.²²¹ The employees and their families were all eventually evacuated.²²² The sources consulted did not clarify to what extent the Taliban use these data to track down individuals.²²³

2.2.6 *Recruitment (including forced recruitment) of adult males by the Taliban*

There is no evidence of large-scale forced recruitment by the Taliban among adult males since the takeover. Sources did state that since the takeover, the Taliban have struggled with a lack of manpower to maintain law and order,²²⁴ but indicated that the Taliban were unlikely to resort to forced recruitment due to the risk of disobedience in the ranks and popular discontent.²²⁵ However, there may be local differences regarding this practice. Local sources stated that the Taliban had set up some form of conscription in certain provinces such as Kabul and Kandahar to address the lack of capacity. Conscripts were given the option of buying off military service.²²⁶ In the northern provinces, where the Taliban's position was less strong, the Taliban are said to have ordered village elders and mullahs to recruit new troops.²²⁷ It is not known whether this was voluntary or forced recruitment.

2.2.7 *Recruitment (including forced recruitment) of adult men by ISKP*

There seems to be no concrete evidence that ISKP engaged in forced recruitment among adult males. As already made clear in 2.1.6, ISKP had no shortage of new recruits, as this group was the main alternative after the takeover for actors who wanted to oppose the Taliban and/or who needed income.

2.2.8 *Recruitment of child soldiers*

Between January and November 2021, there were 180 verified cases of child soldier recruitment.²²⁸ In 2021 as a whole, a total of 191 children (all boys) were recruited.²²⁹ However, it is not known how many recruitments took place before and after the fall of Kabul. In December 2021, the Deputy High Commissioner for Human Rights expressed serious concerns about the risk of child recruitment by ISKP and the Taliban. She pointed to the increasing number of boys visible at checkpoints as

²¹⁸ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021.

²¹⁹ MIT Technology Review, This is the real story of the Afghan biometric databases abandoned to the Taliban, 30 August 2021.

²²⁰ Politico, U.S. officials provided Taliban with names of Americans, Afghan allies to evacuate, 26 August 2021.

²²¹ Reuters, UK rescued three families whose details were left at Kabul embassy, 27 August 2021; Al Jazeera, Afghan staff details left behind at UK Kabul embassy: Report, 27 August.

²²² Al Jazeera, Afghan staff details left behind at UK Kabul embassy: Report, 27 August.

²²³ Politico, U.S. officials provided Taliban with names of Americans, Afghan allies to evacuate, 26 August 2021; Al Jazeera, Afghan staff details left behind at UK Kabul embassy: Report, 27 August.

²²⁴ Confidential source, 1 December 2021; Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

²²⁵ Confidential source, 3 December 2021; Confidential source, 1 December 2021.

²²⁶ Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

²²⁷ Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

²²⁸ Confidential source, 17 November 2021.

²²⁹ Confidential source, 21 January 2022.

bodyguards and in combat roles.²³⁰ This phenomenon was also described by Newlines Institute Researchers Giustozzi and Al Aqeedi.²³¹ A confidential source stated that in December most of the remaining Taliban fighters in Kabul were very young. According to this source, the majority of these fighters were around the age of eighteen, with some fighters around fifteen or sixteen years old.²³²

²³⁰ OHCHR, Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights, 14 December 2021.

²³¹ Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

²³² Confidential source, 30 December 2021.

3 Identity, nationality and documents

Reference should be made to the general country of origin information report on Afghanistan dated November 2020, additional information follows about applying for identity documents in Afghanistan.²³³ The information regarding the procedures for applying for identity documents has been updated up to the beginning of July 2021. In the Afghan context, it is important to realise that these procedures were already regularly changed before the fall of the Ghanigovernment.²³⁴ For the time being, the Taliban appears to be adhering to existing procedures subject to the logistical restrictions that apply, and in early October 2021 the issuing of passports resumed, with interruptions from Kabul – and later from other cities²³⁵.

3.1 Obligation to provide identification

Under the Ghani government, it was a legal requirement for every Afghan to be in possession of an identity document, the so-called *tazkera*. A tazkera was not automatically issued by the authorities, but had to be applied for. Anyone over the age of eighteen could apply for and obtain a tazkera and passport. There was no identification obligation in Afghanistan. However, an Afghan wishing to use services such as the admission of a child to school or the acceptance of an adult for a job, or who wished to receive government services (such as food aid), needed to be able to present a tazkera.²³⁶ The tazkera was also the most important document that had to be produced when applying for other proofs of identity, such as a passport.²³⁷ According to a 2017 survey, 52% of Afghan women and 6% of Afghan men did not have an identity document.²³⁸ However, more recent research showed that the percentages of men and women who possessed the e-tazkera, which was introduced in 2018, (see 3.4.1 for more details) were about the same.²³⁹

3.2 Storage of identity data

According to information from the Afghan authorities, before the fall of Kabul, about 95% of the record books held by the National Statistics and Information Authority (NSIA), i.e. the registration data for the paper tazkera, had been digitised, and that database was completely centralised. Other bodies within the Afghan government also collected identity data, such as the Ministry of Foreign Affairs (for passports issued abroad) and the ANDSF (for military cards, among other things). The Afghan government did not have a central database in which all identity data collected by the above-mentioned authorities were stored. The NSIA database was separate from

²³³ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, 24 November 2020 (Dutch only), [General country of origin information report on Afghanistan | General country of origin information report | Rijksoverheid.nl](#). See Chapter 2 on identity, nationality and documents.

²³⁴ Confidential source, 8 July 2021, p. 1.

²³⁵ Hindustan Times, Taliban to start issuing passports in 7 Afghanistan provinces: Report, 13 November 2021.

²³⁶ Confidential source, 8 July 2021, p. 2; see also Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, 24 November 2020 (Dutch only), p.42, 2.2.1. second paragraph.

²³⁷ VK Home Office, Country background note Afghanistan, December 2020, p.21, [Afghanistan-Background Note-v1.0\(December 2020\) \(justice.gov\)](#).

²³⁸ World Bank, Women's access to identification cards can accelerate development in Afghanistan, 5 October 2020.

²³⁹ World Bank, Women's access to identification cards can accelerate development in Afghanistan, 5 October 2020.

the Ministry of Foreign Affairs database and the ANDSF database, as well as from the database used to update criminal records when crimes were committed.²⁴⁰

3.3 Closure and opening of passport offices

Before the Taliban took power, offices for passport applications and tazkeras were closed due to measures to combat the coronavirus pandemic.²⁴¹ This led to delays in processing passport applications.²⁴² From 29 May 2021, there was a partial lockdown in Afghanistan, with only essential government workers going to the office.²⁴³ According to a source, passport offices were also largely closed for a total of eight weeks. According to this source, certain categories of applicants, such as government personnel and people who had to travel abroad for medical reasons, were still served.²⁴⁴ After the Taliban took power, passport offices were temporarily completely closed.²⁴⁵ The passport office in Kabul resumed processing passport applications and issuing passports from 5 October 2021.²⁴⁶ This development was followed by the reopening of passport offices in seven other provinces (Balkh, Paktia, Kandahar, Kunduz, Herat, Nangarhar and Khost) from mid-November.²⁴⁷ However, the activities of these offices and the office in Kabul came to a standstill from the second half of November due to technical difficulties, according to the Taliban. From 5 December, activities resumed in these seven provinces and ten other provinces (Parwan, Kapisa, Logar, Maidan Wardak, Ghazni, Daikundi, Faryab, Ghor, Nuristan and Badakhshan).²⁴⁸ From 6 December, the processing of passport applications was also resumed in the fourteen remaining provinces (Farah, Nimruz, Badghis, Paktika, Laghman, Kunar, Takhar, Zabul, Uruzgan, Jowzjan, Samangan, Baghlan, Bamyan and Panjshir).²⁴⁹ Only the passport offices in Kabul and Helmand were then still closed.²⁵⁰ The passport office in Kabul reopened on 19 December.²⁵¹ This led to long queues.²⁵² On 23 December 2021 – a day set aside for passport applications from Taliban fighters – a suicide attack on this passport office was thwarted.²⁵³ This led to another closure of passport offices.²⁵⁴ In the first half of January 2022, the passport office in Kabul remained closed, but passport offices in other provinces were open again.²⁵⁵ According to a source, passports were privately issued to Taliban supporters in Kabul despite the closure of the passport office there.²⁵⁶ After this closure of several months, the passport office in Kabul was open again in the first week of March 2022. Three hundred to five hundred passports

²⁴⁰ Confidential source, 8 July 2021, p.8

²⁴¹ Confidential source, 8 July 2021, p.4 together with the supplement. According to the source, most people from the provinces visited Kabul to receive their passports there.

²⁴² France24, Afghanistan to start issuing passports again after Taliban takeover, 5 October 2021.

²⁴³ OCHA, AFGHANISTAN Strategic Situation Report: COVID-19 No. 100, 1 July 2021.

²⁴⁴ Confidential source, 8 July 2021, p.8 together with the supplement.

²⁴⁵ TOLO News, Govt, Private Offices Remain Closed in Kabul, 22 August 2021. See also: The New York Times, Under Taliban Rule, Life in Kabul Transforms Once Again, 24 August 2021.

²⁴⁶ France24, Afghanistan to start issuing passports again after Taliban takeover, 5 October 2021; CNN, Taliban to resume issuing passports to Afghan citizens, 5 October 2021.

²⁴⁷ The Kabul Times, Passport issuance started in seven more provinces, 16 November 2021.

²⁴⁸ Reporterly, Afghanistan To Resume Passport Services In 17 Provinces After Two Weeks Halt; Reports, 5 December 2021.

²⁴⁹ Reporterly, Afghanistan To Resume Passport Issuance Services In 32 Provinces, Except Kabul & Helmand, 6 December 2021.

²⁵⁰ Reporterly, Afghanistan To Resume Passport Issuance Services In 32 Provinces, Except Kabul & Helmand, 6 December 2021.

²⁵¹ The Guardian, Crowds flock to Kabul passport office in bid to flee Taliban rule, 20 December 2021.

²⁵² The Guardian, Crowds flock to Kabul passport office in bid to flee Taliban rule, 20 December 2021.

²⁵³ Reuters, Suicide bomber killed at Kabul passport office gate, 23 December 2021.

²⁵⁴ Confidential source, 6 January 2022.

²⁵⁵ Republic World, Afghanistan: Taliban Fighters Shoot At Crowds Looking For Passports In Faryab Province, 17 January 2022; ANI, Closure of passport office in Kabul angers people, 9 January 2022.

²⁵⁶ Confidential source, 25 January 2022.

were issued per day, according to a source. The office lacked the capacity for the crowds and there were huge numbers of people in front of the building.²⁵⁷

3.4 Tazkeras

For information about the tazkera, its validity and the procedures for application and issue, reference is made to the Afghanistan general country report of November 2020.²⁵⁸ The paragraphs below describe the procedure for applying for an Electronic National Identity Document (E-NID/e-tazkera). Before 15 August 2021 the Afghan government was in the process of phasing out the paper tazkera. According to TOLO News, the Taliban planned to issue 80,000 new e-tazkeras by the end of October.²⁵⁹ At present, the Taliban does not seem to be deviating from the procedure for applying for and issuing tazkeras as described in the previous country report. It is not clear to what extent the new *de facto* government is able and willing to conduct thorough verification of source documents and process data appropriately.²⁶⁰

3.4.1 *Transition to e-tazkeras under the Ghani government*

Until May 2018, tazkeras were issued in paper form. However, the previous official message stated that the Afghan government had issued an Electronic National Identity Document (E-NID/e-tazkera).²⁶¹ This had consequences for the issuing and usability of paper tazkeras. In principle, a tazkera (in whatever form) is issued for life, does not expire, and is therefore valid indefinitely. Before the Taliban took power, however, the Afghan government was in the process of limiting the usability of paper tazkeras. Initially, paper tazkeras continued to exist alongside e-tazkeras.²⁶² However, in July 2021, on the basis of information obtained from the Afghan government, a source stated that the government had switched to only issuing e-tazkeras. According to this source, paper tazkeras were also no longer valid for obtaining passports and government jobs.²⁶³ Afghan citizens were required to have an e-tazkera to use government services, be eligible for jobs and pay taxes, among other things.²⁶⁴ Through these measures, the Afghan government was trying to persuade its citizens to apply for an e-tazkera. However, in light of the fast-deteriorating security situation, it was not possible to establish with certainty that paper tazkeras were truly no longer being issued and/or accepted anywhere in Afghanistan.²⁶⁵

3.4.2 *Number of Afghans with an e-tazkera*

According to information from the NSIA, nearly five-and-a-half million e-tazkeras had been issued by early July 2021 (out of a population of 39 million people). At that time, more than 7.5 million applications for an e-tazkera were pending across

²⁵⁷ Confidential source, 7 March 2022.

²⁵⁸ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, 24 November 2020 (Dutch only), 2.11 and 2.12, pp. 42-47.

²⁵⁹ TOLO News, Electronic ID Card Center Reopens in Kabul, 16 October 2021.

²⁶⁰ Confidential source, 2 December 2021.

²⁶¹ World Bank, Population, total – Afghanistan, 2020. See: [Population, total – Afghanistan | Data \(worldbank.org\)](https://data.worldbank.org/population-total), last accessed 1 September 2021.

²⁶² Landinfo, Afghanistan: Tazkera, passports and other ID documents, p. 12, 2019.

²⁶³ Confidential source, 8 July 2021.

²⁶⁴ Confidential source, 8 July 2021.

²⁶⁵ The November 2020 country report stated the following on the basis of information obtained in October 2020: 'In addition to the e-tazkera, the Afghan government also still issues paper tazkeras. Afghans, including those living abroad, may still apply for a paper tazkera. Persons residing outside Kabul as well as abroad who have applied for an e-tazkera may, if the issuing process is slow, apply for a paper tazkera.' Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, 24 November 2020 (Dutch only), p. 44, footnote 45. Confidential source, 8 July 2021..

Afghanistan.²⁶⁶ Precise data on the distribution of the issued e-tazkeras across Afghanistan are not known. According to data consulted by the World Bank, 47% of e-tazkera holders were female.²⁶⁷ On 18 July 2021, the website Asvaka News reported that the NSIA had issued e-tazkeras to 260,000 people in Nangarhar. According to the website, after Kabul the NSIA in Nangarhar had thus provided the most e-tazkeras. The NSIA was processing hundreds of thousands of applications in Nangarhar at the time.²⁶⁸

3.4.3 *Individual and family applications*

There were separate procedures for family applications and for individual applications for e-tazkeras. The head of the family was responsible for a family application. A woman could act as head of the family if no male head of the family was alive, or the male head of the family was ill or in a condition that prevented him from acting in that capacity.²⁶⁹ Establishing the family tree played an important role in applying for and issuing tazkeras and e-tazkeras.²⁷⁰ A source stated that a family application was therefore preferable, as the family tree only had to be established once.²⁷¹ According to this source, the choice of a family application or individual application influenced the criteria for providing evidence to establish identity.²⁷² According to *Le Centre d'Excellence sur les Systèmes* (ESEC), all Afghans were required to present their birth certificate when applying for their first tazkera or e-tazkera to confirm their identity. However, because less than half of Afghans were registered at birth in 2018, applicants could alternatively provide the tazkera (or a copy of it) of a male relative (preferably the father, or otherwise the brother, uncle or nephew) to establish their identity.²⁷³ In the case of an individual application, the same documents had to be submitted, in addition to which the applicant's identity had to be confirmed by two persons, at least one of whom had to be a government employee.²⁷⁴ Copies of the tazkera of the two guarantors had to be submitted together with the application.²⁷⁵ According to the source already cited, individual applications were therefore not often submitted.²⁷⁶

3.4.4 *Procedure for applying for and issuing e-tazkeras before the Taliban takeover*

Applications for a tazkera had to be submitted to the office of the deputy director-general (Civil Registry), at NSIA. The procedure consisted of three steps. The application for an e-tazkera was submitted through the NSIA's electronic service centre, the *Asan Khedmat*, using an online form.²⁷⁷ However, since the Taliban took power, this platform is no longer online and applications can therefore no longer be submitted via this platform.²⁷⁸

The online form contained questions about:

²⁶⁶ Confidential source, 8 July 2021.

²⁶⁷ World Bank, Women's access to identification cards can accelerate development in Afghanistan, 5 October 2020.

²⁶⁸ Asvaka news, Large number of e-NID issued in Nangarhar, 21 July 2021, Large number of e-NID issued in Nangarhar – Asvaka News English (asvakanews.com).

²⁶⁹ Confidential source, 8 July 2021.

²⁷⁰ Confidential source, 8 July 2021.

²⁷¹ Confidential source, 8 July 2021.

²⁷² Confidential source, 8 July 2021.

²⁷³ Le Centre d'excellence sur les systèmes, Aperçu : Des systèmes d'enregistrement et de statistiques de l'état civil de l'Afghanistan, p. 8, 2020.

²⁷⁴ Confidential source, 8 July 2021. See also: IRBC, Afghanistan: Requirements and procedures to obtain tazkira [tazkera], including from abroad; appearance and security features (2017-February 2019), p. 4, 6 February 2019.

²⁷⁵ Confidential source, 8 July 2021.

²⁷⁶ Confidential source, 8 July 2021.

²⁷⁷ Confidential source, 8 July 2021. See: <https://nid.nsia.gov.af/>.

²⁷⁸ See: <https://www.asan.gov.af/Eng/GeneralInfoAboutUs.aspx>, last accessed 7 January 2021.

- The applicant;
- The applicant's family members (single/unmarried applicants were required to provide information about their parents, while a married man as head of the family also had to provide information about the family members);
- Permanent and current address;
- Marital status (a married woman wishing to apply for an individual e-tazkera is no longer required to give her husband's name);²⁷⁹
- Level of education.²⁸⁰

In addition, the applicant was required to add a scan of a paper tazkera already in his/her possession and his/her civil registration details (book number, page number, registration number, date of issue), and a scanned photo.²⁸¹ If the applicant was not already in possession of a paper tazkera, he/she was required to include a copy of the tazkera of a male relative (father, brother, uncle, nephew) and six passport photos. In this case, the applicant had to submit the application to the department where his/her family tree was registered. This applied to applicants for both individual and family applications.²⁸² After the online form had been submitted, the above information and supporting documents were stored in the electronic registration system.

The second step involved entering biometric data (ten fingerprints and an iris scan)²⁸³ and other necessary procedures. For this, the applicant was requested to go in to an NSIA office. After submission of the data under step 1, the applicant received an automatic electronic form identity number. The applicant was required to report to the selected NSIA office on the agreed date and time with this number. There, the NSIA verified the details of the application, new passport photos were taken and the biometric process was completed. The printed e-tazkera was issued within fifteen days. According to information from the IRBC, an applicant was required to visit the centre where tazkeras were issued at an agreed time. There, the applicant had to confirm receipt of the tazkera by means of a form and check the data on the tazkera by means of a verification form.²⁸⁴ According to sources, this procedure was followed in practice by the Taliban before the takeover.²⁸⁵ It is not clear to what extent this was the case after the takeover.

²⁷⁹ World Bank, Women's access to identification cards can accelerate development in Afghanistan, 5 October 2020.

²⁸⁰ Confidential source, 8 July 2021. See: <https://nid.nsia.gov.af/>.

²⁸¹ Confidential source, 8 July 2021. More specifically, the application requires the following information: name of head of family; applicant's name; father's name, grandfather's name; gender, marital status; date of birth (day, month, year); mother's name, mother's surname and mother tongue; place of birth (province, city, village); permanent address (province, city, village); current address (province, city, village); contact details, email address; whether the applicant is a nomad; ethnicity; religion; scan of the paper tazkera; scan of photo. In the event that the applicant does not have a paper tazkera, he/she must provide a scanned copy of a tazkera of one relative (father, brother, sister, uncle (father's brother)), cousin (uncle's son) and paternal grandfather. In addition to the mandatory information, the form also has certain parts where a response is optional. These include information about military service; education; proficiency in foreign and local languages; blood type; voting place; religious denomination; information about any disabilities; occupation; and second nationality/citizenship.

²⁸² IRBC, Afghanistan: Requirements and procedures to obtain tazkira [tazkera], including from abroad; appearance and security features (2017-February 2019), p.4, 6 February 2019.

²⁸³ Landinfo, Afghanistan: Tazkera, passports and other ID documents, p. 12, 2019.

²⁸⁴ IRBC, Afghanistan: Requirements and procedures to obtain tazkira [tazkera], including from abroad; appearance and security features (2017-February 2019), p. 3, 6 February 2019.

²⁸⁵ Confidential source, 8 July 2021, ; For the issuing of paper tazkeras, in practice the procedures followed in the district capitals could differ from those used in the provincial capitals. See: EASO, Country of Origin Information: Afghanistan key socio-economic indicators, augustus 2020, p.21; Confidential source, 5 July 2021.

3.4.5 *Information on e-tazkeras*

The name of the person concerned as well as that of his/her father and grandfather are shown on both the e-tazkera and the paper tazkera.²⁸⁶ President Ghani's decision of September 2020 to also show the mother's name on the e-tazkera turned out to lead to implementation problems. At that time, around a million e-tazkeras had already been issued. The Ghani government therefore decided to add the name of the mother to the electronic database, but not to show it on the e-tazkera.²⁸⁷ The holder's ethnicity was also shown on the e-tazkera. Initially it was merely stated that the person was Afghan. This became a source of controversy, as part of the non-Pashtun population equates the term Afghan with Pashtun. For this reason, the Afghan government decided to also mention the ethnicity of e-tazkera holders of a different ethnicity on the document.²⁸⁸ The chip on the e-tazkera contains biometric data information: ten fingerprints and an iris scan.²⁸⁹

3.4.6 *Applications from abroad before the Taliban takeover*

Applications for an e-tazkera could be submitted electronically from anywhere in the world. It was not clear which Afghan embassies/consulates were actually able to issue the e-tazkera before the fall of the Ghani government. The requirements for applying for an e-tazkera from abroad were the same as for applying in Afghanistan itself.²⁹⁰ It is not clear how the Taliban takeover affected applications for and the issuing of e-tazkeras from abroad. A source said that until a month after the Taliban took power, the Afghan embassy in Turkey was issuing e-tazkeras which had been applied for before the fall of Kabul. After that it stopped issuing, however.²⁹¹

3.5 **Passports**

Since the reopening of passport offices (see 3.3 for details), the Taliban have resumed issuing passports. In the first week after the passport office opened in Kabul in October 2021, 30,000 passports were issued, according to the Taliban.²⁹² A confidential source stated that the passports in question had been applied for before the fall of the Ghani government.²⁹³ Alam Gul Haqqani, the head of the Passport Directorate, said in December that passport offices outside Kabul were processing two to three thousand passport applications per day.²⁹⁴ It is not clear whether and to what extent passport applications submitted since the Taliban took power have

²⁸⁶ Confidential source, 8 July 2021.

²⁸⁷ Confidential source, 8 July 2021; Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, 24 November 2020 (Dutch only), pp.44 and 45.

²⁸⁸ Confidential source, 8 July 2021, p.7 together with the supplement. This ethnicity information is not just about the fourteen ethnic groups as stated in the constitution. In March 2021, the NSIA proposed to mention the ethnicity of other groups as well. In total, there are 71 groups, namely: Pashtun, Tajik, Hazara, Uzbek, Turkmen, Baloch, Pashai, Aimaq, Nuristani, Arab, Qerghez, Qazalbash, Gujar, Barahvi, Hindu, Sikh, Sadat, Urmur, Prachi, Kurd, Jugi, Shakhelan, Shaykh Muhammad Rohani, Gwar, Khalili, Pamiri, Munjani, Sanglichi, Eshkashimi, Roshnaye, Wakhani, Shaghani, Turk, Qurluq, Tatar, Mughul, Sakayee, Dawlat Khani, Taimani, Al-Beg, Qazaq, Sajani, Ghaznawyan, Qushkhanyan, Bayat, Neemaq, Nekpi, Kuhgdari, Daymirak, Mirseeda, Jamshedian, Afsharyan, Tahiryani, Saljuqi, Temoryan, Barlas-Arlat, Elkhani, Yaftali, Laqyan, Kawi, Quzi, Abka, Jaghtayee, Gara-ye, Karam Ali, Shaykh Ali, Orta Balaqi, Oyghor, Baburyan, Forumli; Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), pp.44 and 45; UK Home Office, p.27, Country background note Afghanistan, December 2020, p.

²⁸⁹ Landinfo, Afghanistan: Tazkera, passports and other ID documents, p. 12, 2019.

²⁹⁰ Confidential source, 8 July 2021. The source reported that the Afghan government had stated that applications for e-tazkeras are accepted and processed by the Afghan embassies in Iran, the UAE and Germany. However, when this was checked, it appeared that it was only true for Iran and the UAE.

²⁹¹ Confidential source, 1 December 2021.

²⁹² TOLO News, 30,000 Passports Issued Since Office Reopened, 13 October 2021.

²⁹³ Confidential source, 2 December 2021.

²⁹⁴ Reuters, Kabul passport office head urges patience as anxious crowds keep gathering, 13 December 2021.

also resulted in the issuing of new passports.²⁹⁵ According to the US, the Taliban were 'surprisingly cooperative' in issuing passports to individuals eligible for evacuation.²⁹⁶ The Taliban themselves stated that everyone has the right to a passport/travel document.²⁹⁷ A source said it is not implausible that the Taliban have issued passports to individuals who applied for a passport after 15 August 2021.²⁹⁸ This source also stated that the Taliban had announced that they would prioritise the processing of passport applications from individuals who had paid the passport application fees in advance. In addition, sources stated that the Taliban were not imposing any restrictions on the issuing of passports. This also applied to the issuing of passports to women. At the passport office in Kabul, there was a separate queue for female applicants, and the Taliban also called on female staff at passport offices to return to work to process applications from women.²⁹⁹

The following sections describe the passport application procedure before the Taliban takeover. The Taliban have reportedly adhered to this procedure.

3.5.1 *Passport-issuing authorities*

Before the Taliban took power, within Afghanistan passport applications could be submitted to the passport directorate in Kabul and to the passport departments in the 33 other provinces of Afghanistan.³⁰⁰ Both the passport departments and the passport directorate fell under the Ministry of the Interior. Since the Taliban took power, these offices have gradually resumed processing passport applications (see 3.3 for details).

3.5.2 *Passport application procedure*

To obtain a passport, an applicant had to apply to the passport directorate in Kabul or to the passport departments in the 33 other provinces of Afghanistan. A passport application consisted of several steps. To apply for a passport, the applicant had to present an expired passport or a tazkera to establish his or her identity. If an applicant had neither of these, he or she first had to apply for a tazkera before starting a passport application.³⁰¹ During the first step of the application, the applicant had to have his or her tazkera verified, submit four passport photos³⁰² and pay the passport application fee. After payment, the applicant received a receipt. With this, he or she had to go to the passport office in order to complete the entry process for biometric and other data. The applicant was then given a slip with the date on which the passport would be issued and other information about his or her passport.³⁰³

In Kabul, the first step could be taken online using the electronic service centre, Asan Khedmat. Applications from other provinces could not be submitted online. However, the requirements were the same.³⁰⁴ Since applications for both e-tazkeras and passports involved providing biometric data (fingerprint, iris and photo), it was

²⁹⁵ Confidential source, 2 December 2021; Sweden Migrationsverket, Information regarding the situation in Afghanistan, 7 December 2021.

²⁹⁶ The Washington Post, As evacuations from Afghanistan slow to a trickle, some 'at risk' allies may face long road to the United States, 12 December.

²⁹⁷ The Independent, Every Afghan citizen has right to a passport, says Taliban official, 21 October 2021.

²⁹⁸ Confidential source, 14 December 2021.

²⁹⁹ Confidential source, 14 December 2021.

³⁰⁰ Confidential source, 8 July 2021.

³⁰¹ Landinfo, Afghanistan: Tazkera, passports and other ID documents, p. 14, 2019.

³⁰² Landinfo, Afghanistan: Tazkera, passports and other ID documents, p. 14, 2019.

³⁰³ Confidential source, 8 July 2021.

³⁰⁴ Confidential source, 8 July 2021. The source said there were indications that the Ministry of the Interior and Ministry of Foreign Affairs databases are not interconnected and that it is possible for one person to get a passport from the Ministry of the Interior and another from the Ministry of Foreign Affairs outside Afghanistan.

necessary for applicants to be present in person after submitting the form. Regarding the receipt of a passport or tazkera, the applicant him or herself, or the head of the family, brother, sister or paternal uncle could collect the document. The official who handed over the document had to check the e-tazkera of the person who came to collect the passport by checking whether there was a match between the name of the father or grandfather and other details. Husbands and wives were allowed to collect each other's documents, provided they could present a valid marriage certificate.³⁰⁵

3.5.3

Passport application procedure from abroad

Before the fall of the Ghani government, Afghans could also apply for passports from abroad through Afghan embassies and consulates. Previously, the completed application form, together with scans of the tazkera and, in some cases, the residence card/permit, was sent to the Ministry of Foreign Affairs in Kabul. Passports were printed there and returned to the relevant diplomatic mission by diplomatic post.³⁰⁶ The General Consulate of Afghanistan in Bonn took over this task from the Ministry of Foreign Affairs for passport applications from other European countries such as Norway, according to Landinfo (the Norwegian Country of Origin Information Centre) information from 2019.³⁰⁷

According to Afghan News Agency Pajhwok, the Afghan diplomatic mission in Bonn has renewed the passports of Afghans in Europe through the use of unique stickers since the Taliban took power. On 10 January 2022, the Bonn mission sent a letter to other Afghan embassies in Europe, stating that it had set up a passport renewal system that uses 'security signs' that can be read by airport scanners and that meets international standards.³⁰⁸ According to this letter, some Afghan embassies in Europe had, on their own initiative – i.e. without coordination with Bonn – renewed passports using stickers without serial numbers. However, an anonymous Afghan diplomat interviewed by Pajhwok stated that all stickers were being printed in Bonn for the time being and that the letter was a warning to embassies that planned to print stickers themselves, or that had 'renewed' passports on their own initiative by writing in them.³⁰⁹ A source said that since the Taliban took power, the embassy in Turkey has renewed existing passports for five years by applying a sticker with a barcode to them.³¹⁰ This source made no mention of coordination with the consulate in Bonn. The Afghan embassy in The Hague stated on its website in March 2022 that it would not issue new passports, but that it would renew existing passports for a period of five years in return for payment of 120 euros in normal cases and 150 euros in emergencies.³¹¹

According to a representative of the Afghan Ministry of Foreign Affairs, the Afghan consulates in Poland and Turkey have tried without success to print 'white passport booklets'.³¹² According to a Taliban spokesman speaking on behalf of the Ministry of Foreign Affairs, it was illegal to print or renew passports using stickers without coordination with the ministry.³¹³

³⁰⁵ Confidential source, 8 July 2021. In the event of serious illness or injury, the hospital where the sick or injured person is admitted will issue a letter to the passport office and the collection of biometric data for the patient will be arranged at the hospital.

³⁰⁶ Confidential source, 8 July 2021.

³⁰⁷ LandInfo, Afghanistan: Tazkera, passports and other ID documents, p. 16, 2019.

³⁰⁸ Pajhwok, Some Afghan embassies use illegal stickers to renew passports, 30 January 2022.

³⁰⁹ Pajhwok, Some Afghan embassies use illegal stickers to renew passports, 30 January 2022.

³¹⁰ Confidential source, 1 December 2021.

³¹¹ Embassy of the Islamic Republic of Afghanistan – The Hague, The Netherlands, Passport Extension, undated, last accessed 4 March 2022.

³¹² Pajhwok, Some Afghan embassies use illegal stickers to renew passports, 30 January 2022.

³¹³ Pajhwok, Some Afghan embassies use illegal stickers to renew passports, 30 January 2022.

3.5.4

Applications by minors

As indicated in the country report of November 2020, women and/or children ceased to be added to the passport of their husband or father about ten years ago. Previously, children were added to their mother's passport. Nowadays every individual is issued with his or her own passport.³¹⁴

In principle, minors cannot independently apply for an e-tazkera or passport. The age limit for independently applying for a tazkera and/or passport is eighteen. If a minor needs a tazkera and/or passport, a guardian must accompany him/her during the application. In this case, guardian means the father, an uncle (on the father's side) or the grandfather. In some cases, the documents of an adult brother are also accepted. If none of these are alive or present, the mother may accompany a minor to obtain a passport. She will have to submit a marriage certificate to prove her relationship to the minor. If a marriage certificate is also not available, the passport office will send a letter to the applicant, on which the local representative (*wakil-e gozar*³¹⁵) must confirm that the father is dead and that the woman accompanying the minor is his or her mother.³¹⁶

3.6

Document fraud and corruption

According to a confidential source, forging of document by criminals was common in Afghanistan before the Taliban took power.³¹⁷ SIGAR stated in February 2021 that paper tazkeras were among the documents that were easy to forge.³¹⁸ There was also a high level of corruption in connection with the issuing of documents under the Ghani government. According to a former Afghan diplomat, people were forced to bribe officials when applying for virtually any identity document. According to *The Economist*, the bribe for a passport rose to thousands of dollars in the weeks leading up to the Taliban takeover.³¹⁹

After the Taliban took power, the forging of documents by third parties and corrupt practices in the handling of document applications by officials continued. In September, the Taliban arrested a number of individuals who sold forged passports for a thousand dollars each.³²⁰ Pajhwok reported in September that despite the closure of passport offices, passports were being issued for payments of USD 1,600.³²¹ Afghan citizens stated in November 2021 that passport office employees were still guilty of corruption, demanding amounts of between USD 700 and USD 800 in exchange for the issuing of a passport.³²² In November 2021, the *de facto* Ministry of the Interior arrested dozens of individuals, including employees of the

³¹⁴ Confidential source, 8 July 2021; Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, 24 November 2020 (Dutch only), p.48.

³¹⁵ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, 24 November 2020 (Dutch only), p.45, footnote 253. Wakil-e gozars (district/neighbourhood representatives) in Afghanistan act as intermediaries between the government and local communities for a range of activities and services for which a certificate or statement is required. These certificates are related to people's personal status.

³¹⁶ Confidential source, 8 July 2021,.

³¹⁷ Confidential source, 2 December 2021.

³¹⁸ SIGAR, Elections: lessons from the US experience in Afghanistan, February 2021, p.63.

³¹⁹ The Economist, The Afghan government was undone by its own corruption, 28 August 2021.

³²⁰ Pajhwok, Several touts selling fake passports arrested, 18 September 2021.

³²¹ Pajhwok, Afghan passports up for grabs in black market, 17 September 2021.

³²² TOLO News, Applicants Accuse Passport Office of Corruption, 4 November 2021.

Passport Directorate, for forging passports.³²³ A source confirmed in December 2021 that there were still corrupt practices in connection with the issuing of passports.³²⁴

3.7 Threatening letters before the Taliban takeover

For information on the use of alleged threatening letters by the Taliban before it took power, see the general country report of November 2020.³²⁵ There were no new developments in this area between the publication of the previous country report and the Taliban takeover. After the Taliban took power, there were several reports of individuals receiving threatening letters.³²⁶ It was not possible to obtain information about the authenticity of these letters. In November 2021, the Taliban stated that they had arrested dozens of people, including on suspicion of selling forged threatening letters from the Taliban.³²⁷

3.8 Issuance of documents by the Afghan police before the Taliban takeover

The rumours about the issuing of letters by the Afghan police before the Taliban took power stating that they were unable to protect civilians against threats by the Taliban were regarded as implausible. A source said that the Afghan authorities would not make it known that they were powerless in the face of Taliban threats and would be unable to protect civilians. This would bring the police into disrepute, according to this source.³²⁸

3.9 Nationality legislation

Up to the seizure of power by the Taliban, there were no changes to the information on nationality legislation provided in the November 2020 country report.³²⁹

³²³ Salam Watander, Over 50 people arrested on charges of forging passports, 16 November 2021; Pajhwok, 60 fake passport-makers, middlemen arrested: MoI, 16 November 2021.

³²⁴ Confidential source, 14 December 2021.

³²⁵ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, 24 November 2020 (Dutch only), pp.48 and 49.

³²⁶ ANP, Knapen heeft zorgen over Afghanistan en gebrek aan informatie, 4 October 2021; Trouw, Tussen de bedreigingen door vechten Afgaanse journalistes voor het vrije woord, 10 February 2022.

³²⁷ Salam Watander, Over 50 people arrested on charges of forging passports, 16 November 2021.

³²⁸ Confidential source, 8 July 2021. The source reports that since it was announced that the US and NATO would be withdrawing from Afghanistan, lists of people named as targets have appeared on the Internet. As far as is known, none of the people mentioned on these lists has actually been the target of an attack. Some of the people on the lists managed to obtain a foreign visa and leave Afghanistan.

³²⁹ Confidential source, 8 July 2021; Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, 24 November 2020 (Dutch only), p.49.

4 Human rights

This chapter provides insight into the human rights situation of specific groups in Afghanistan before and after the takeover by the Taliban. With regard to the situation before 15 August 2021, this chapter describes – where possible – the situation of these groups in areas still under government control and areas already under Taliban control. With regard to the situation after 15 August 2021, this chapter mainly looks at whether and to what extent the change of power has affected the situation of different groups. It should be noted here that the current situation in Afghanistan is uncertain, that there are many conflicting descriptions of activities by the Taliban and other actors in Afghanistan and that reliable information, especially about the situation outside Kabul, is limited.³³⁰

4.1 Position of specific groups

4.1.1 *Targeted violence against individuals - overview*

From the beginning of the peace negotiations between the Taliban and the Afghan government, there was a sharp increase in targeted attacks on Afghan individuals for which responsibility was not claimed.³³¹ In 2020, at least 136 civilians (including civil servants, journalists and human rights activists) and 168 military personnel died in targeted attacks, according to *The New York Times*.³³² According to the AIHRC, there was a 117% increase in targeted attacks on civilians in 2020 compared to 2019.³³³ UNAMA observed that during the first six months of 2021, targeted attacks on civilians continued at the same high level as in 2020, resulting in approximately 403 fatalities and 338 non-fatal casualties.³³⁴ Most attacks of this type in 2020 and the first half of 2021 were not claimed, except for a few incidents for which ISKP stated that it was responsible.³³⁵ Based on information from sources, the Analytical Support and Sanctions Monitoring Team estimated in a report to the UN Security Council in May 2021 that the Taliban were responsible for 85% of the targeted attacks on government employees, military personnel, activists, healthcare workers, journalists, judges, prosecutors, religious leaders, intellectuals and prominent Afghan women.³³⁶ Taliban leaders claimed that the Afghan secret service was behind the attacks, with the aim of blackening the Taliban's reputation.³³⁷ There were also actors outside the Taliban who believed that other armed groups,³³⁸

³³⁰ EASO, Country Guidance Note Afghanistan 2021: General Remarks, November 2021.

³³¹ The New York Times, Targeted Killings Are Terrorizing Afghans. And No One Is Claiming Them., 2 January 2021.

³³² The New York Times, Targeted Killings Are Terrorizing Afghans. And No One Is Claiming Them., 2 January 2021.

³³³ The New York Times, Afghan War Casualty Report: January 2021, 7 January 2021.

³³⁴ UNAMA, Afghanistan 2021 Midyear Update on Protection of Civilians in Armed Conflict, p. 2, 26 July 2021. A US embassy document in Kabul quoted by Reuters identified at least 152 individuals who died as a result of targeted attacks between December 2020 and July 2021. Reuters, Covering in the bathroom: Some Afghans dread the Taliban knock at the door, 20 August 2021.

³³⁵ RFE/RL, Female Afghan Anchor Killed In Kabul Blast, 5 June 2021; Human Rights Watch, Afghanistan: Taliban Target Journalists, Women in Media, 1 April 2021; The New York Times, They Were Journalists, and Women, and Targeted for Both, 5 March 2021.

³³⁶ UN Security Council, Letter dated 20 May 2021 from the Chair of the Security Council Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council, p. 11, 1 June 2021.

³³⁷ The Washington Post, Amid US pullout, Taliban issue threat to Afghan journalists, 5 May 2021; The Guardian, Taliban denies targeting media after 50th journalist dies in Afghanistan, 3 December 2020; ABC News, New killings deepen Afghan journalists' assassination fears, 3 March 2020.

³³⁸ The New York Times, Targeted Killings Are Terrorizing Afghans. And No One Is Claiming Them., 2 January 2021; NPR, Amid A Wave Of Targeted Killings In Afghanistan, She's No. 11 On A Murder List, 21 March 2021.

including groups with links to the government,³³⁹ were responsible for some attacks on 'unwelcome' journalists and human rights activists.³⁴⁰ In addition, sources stated that in Afghanistan there is always a possibility that a targeted attack attributed to insurgent groups is the result of blood feuds or other forms of rivalry between individuals, families or tribal groups (see 4.1.14 on blood feuds and honour killings). The response of the Afghan government to these attacks was perceived as inadequate by human rights organisations.³⁴¹ Human Rights Watch argued that criminal investigations were lagging behind because the government feared that such investigations would pick up information about crimes committed by parties with ties to the government.³⁴² There were some exceptions to this passivity. The head of the Afghan security service informed parliament in late 2020 that 270 Taliban members of the *Obaida Karwan* unit had been arrested on suspicion of involvement in attacks against civilians.³⁴³ In April 2021, eleven Taliban fighters were arrested on suspicion of involvement in attacks against journalists.³⁴⁴

Immediately after the Taliban took power, there were reports of individuals being subjected to house searches by the Taliban.³⁴⁵ These included civil servants, Afghans who had worked with foreign military missions and international organisations, journalists, human rights defenders and women's rights advocates.³⁴⁶ Individual incidents could not be independently verified in the context of the research for this country report. When the actual targets were absent, family members were sometimes subjected to violence or even killed, according to international media (see 4.1.1.2 for details).³⁴⁷ Exact figures for the number of house searches during the first weeks of the new regime are not known. The director of RHIPTO Norwegian Center for Global Analyses, an agency that was gathering intelligence for the UN, said that in August 2021 a large number of individuals were targeted in this way.³⁴⁸ In the months that followed, the number of such searches decreased sharply among certain categories of persons such as UN staff and officials without links to the security apparatus.³⁴⁹ At the same time, there were reports of dozens of cases of reprisals against other groups of individuals, especially ANDSF personnel, groups and individuals who had refused to lay down their arms and ISKP supporters.³⁵⁰ Human Rights Watch and UNAMA noted credible allegations in late 2021 concerning at least a hundred targeted attacks on individuals during the first three to four months of the new Taliban regime. The victims were mainly former military personnel. The majority of these attacks could

³³⁹ ABC News, New killings deepen Afghan journalists' assassination fears, 3 March 2020; VOA News, HRW: Targeted Killings Aimed at Keeping Afghan Women from Public Life, 16 March 2021; Reuters, Afghanistan's press freedom is threatened. Meet the young journalists fighting for it, 13 April 2021.

³⁴⁰ ABC News, New killings deepen Afghan journalists' assassination fears, 3 March 2020; The New York Times, Targeted Killings Are Terrorizing Afghans. And No One Is Claiming Them., 2 January 2021; Reuters, Afghanistan's press freedom is threatened. Meet the young journalists fighting for it, 13 April 2021.

³⁴¹ Amnesty International, Afghanistan: Authorities must protect journalists and journalism amid spiralling violence, 3 May 2021; Afghan Journalists Safety Committee, Annual Report 2020, p. 9, 2021; Afghanistan: Joint call for an immediate end to attacks against human rights defenders and need for protection and accountability, 19 May 2021; UNAMA, Fighting Corruption In Afghanistan Stepping Up Transparency, Integrity And Accountability, p. 8, August 2021.

³⁴² VOA News, HRW: Targeted Killings Aimed at Keeping Afghan Women from Public Life, 16 March 2021.

³⁴³ The New York Times, Targeted Killings Are Terrorizing Afghans. And No One Is Claiming Them., 2 January 2021.

³⁴⁴ TOLO News, 11 Suspects Arrested over Bombings, Murder of Journalist, 7 April 2021; International Federation of Journalists (IFJ), Afghanistan: 11 Taliban members arrested in connection with journalist killing, 11 April 2021.

³⁴⁵ UNAMA, SRSG Lyons Briefing to the UNSC on the situation in Afghanistan, 17 November 2021.

³⁴⁶ Al Jazeera, Taliban conducting 'targeted door-to-door visits': UN document, 20 August 2021; BBC, Afghanistan: Taliban carrying out door-to-door manhunt, report says, 20 August 2021.

³⁴⁷ NPR, At-Risk Afghans Who Fear The Taliban Hunker Down And Wait To Leave, 24 August 2021.

³⁴⁸ BBC, Afghanistan: Taliban carrying out door-to-door manhunt, report says, 20 August 2021.

³⁴⁹ Confidential source, 30 December 2021.

³⁵⁰ AAN, The Moment in Between: After the Americans, before the new regime, 1 September 2021; The Washington Post, Taliban sends hundreds of fighters to eastern Afghanistan to wage war against Islamic State, 22 November 2021; Confidential source, 1 December 2021.

be attributed to Taliban supporters (for more details, see 2.2.2.2).³⁵¹ However, several sources expressed fears that at this uncertain time, individuals who held a grudge against persons with actual or presumed risk profiles for reprisals by the Taliban would take the opportunity to settle past feuds. These sources claimed that in the circumstances such individuals expected to be able to get away with doing so easily.³⁵²

In February 2022, the Taliban resumed house searches in Kabul and other provinces 'on a large scale'.³⁵³ According to the Taliban, these searches were aimed at countering criminal activities and recovering government property, including weapons.³⁵⁴ According to a statement from the Taliban, the first few days of the house searches led to the arrest of six ISKP supporters, nine kidnappers and 53 criminals.³⁵⁵ One source indicated that house searches began in districts with the highest crime rates, regardless of the ethnicity of the residents.³⁵⁶ However, according to *The New York Times*, these searches mainly took place in areas of Kabul where ethnic minorities live, especially Tajiks, who are thought to be hostile to the new rulers.³⁵⁷

4.1.1.1

Women as targets of attacks

Many of the attacks before 15 August targeted female professionals in various sectors such as the media, the judiciary and the civil service. At the end of 2020, activist Freshta Kohistani (December 2020) and TV presenter Malala Maiwand (December 2020) died as a result of targeted attacks. According to UNAMA, in the first half of 2021 four female civilians were killed and 25 were injured in 39 targeted attacks; a woman was the primary target of the attack in eighteen cases.³⁵⁸ On the basis of information from other sources, six women appear to have died from targeted violence during this period. Those killed were two female Supreme Court judges (January 2021),³⁵⁹ three female media workers who translated foreign programmes (March 2021), and news anchor Mina Khairi (June 2021).³⁶⁰ There were also several targeted attacks on female police officers during this period.³⁶¹ ISKP claimed responsibility for the majority of attacks on female professionals. According to *The New York Times*, women were targeted not necessarily because of the nature of their work or reporting, but primarily because they were active in the

³⁵¹ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021; AFP, Afghanistan: l'ONU accuse les talibans d'au moins 72 exécutions extrajudiciaires, 14 December 2021; OHCHR, Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights, 14 December 2021.

³⁵² Confidential source, 3 December 2021; Confidential source, 25 November 2021; De Correspondent, Afghanistan-kenner Bette Dam over de Taliban van nu, waarom ze weer aan de macht zijn, en hoe de wereld zich tot hen kan verhouden, 23 August 2021; Business Insider, A murder, a warning, and now Afghans worry that they could be next, 19 November 2021; TRT World, The Taliban seeks 'no revenge' but why do 'credible' reports say otherwise?, 21 December 2021. See also: The Danish Immigration Service, Afghanistan Recent events, p. 23, December 2021.

³⁵³ The New York Times, Taliban Search Operation Echoes Resented U.S. Tactics, 4 March 2022; Reuters, Taliban begin house searches, sparking fear, diplomatic criticism, 28 February 2022.

³⁵⁴ Reuters, Taliban begin house searches, sparking fear, diplomatic criticism, 28 February 2022.

³⁵⁵ France 24, Taliban staging massive house-to-house sweep across Kabul, 27 February 2022.

³⁵⁶ Confidential source, 1 March 2022.

³⁵⁷ The New York Times, Taliban Search Operation Echoes Resented U.S. Tactics, 4 March 2022.

³⁵⁸ UNAMA, Afghanistan 2021 Midyear Update on Protection of Civilians in Armed Conflict, p. 4, 26 July 2021. The

women were targeted for the following reasons: (1) professional activities (ANP officers, prison guards, judges, media workers); (2) accusations of aiding the government or ANSF or spying for ANSF; (3) Taliban accusations of immoral behaviour/adultery.

³⁵⁹ FIDH, Afghanistan: Urgent action needed to protect women rights defenders, 14 April 2021.

³⁶⁰ RFE/RL, Female Afghan Anchor Killed In Kabul Blast, 5 June 2021; Human Rights Watch, Afghanistan: Taliban Target Journalists, Women in Media, 1 April 2021.

³⁶¹ AP, Afghan policewoman hurt, husband dies in targeted attack, 7 March 2021; RFE/RL, Afghan Policewoman Killed On Way To Work Amid Targeted Killing Rise, 1 April 2021. Reuters, Afghan woman shot, blinded, for getting a job, 10 November 2020.

public sphere and hence violating conservative norms regarding the status of Afghan women.³⁶²

Since the Taliban took power, there have been at least two reports of attacks on female professionals. In early September 2021, a pregnant female police officer was killed in an attack attributed to the Taliban.³⁶³ In early November 2021, a female activist and three other women were killed in an attack in Mazar-i-Sharif.³⁶⁴ In January 2022, the Taliban were accused of detaining two female activists and two sisters of one of these activists, after the activists had participated in protests in Kabul.³⁶⁵ The Taliban denied responsibility for the arrests, according to *France 24*.³⁶⁶ On 13 February 2022, the BBC reported that the women had been released.³⁶⁷ In February 2022, a female comedian and aid worker, Nadima, went missing. According to RFE/RL, she was released from detention by the Taliban after 24 days.³⁶⁸ Due to fear of reprisals by the Taliban and other groups such as criminals, in-laws or ex-in-laws, some female professionals who have not been able to flee Afghanistan are in hiding with friends and family, or in shelters specially created for this purpose.³⁶⁹

4.1.1.2

Violence against relatives of targets

Before 15 August 2021, there was targeted violence against individuals in which family members died as collateral damage, or as a result of targeted violence against them. In 2020, the father of a female Afghan mayor was murdered.³⁷⁰ After journalist Bismillah Adel Aimaq was murdered on 1 January 2021, unknown individuals carried out an attack on his father, cousin and sister on 26 January 2021. Two other family members were abducted.³⁷¹ In April 2021, the son of a tribal leader was killed in Uruzgan by a car bomb attached to the son's car.³⁷² In Kandahar, two sons of provincial councillor Fida Mohammad were killed in the mass executions at Spin Boldak in July 2021 (see 1.4.1 under the description of developments in Kandahar).³⁷³ According to Amnesty International, there were also incidents in which explosives were delivered to the homes of human rights activists, as a result of which both activists and their families felt extremely vulnerable.³⁷⁴ In many cases, relatives died because they were near the target of an attack. For example, in the shooting of activist Freshta Kohistani, her brother was also killed.³⁷⁵ In the attack on the newsreader Mina Khairi, her mother was also killed and her sister was seriously injured.³⁷⁶

³⁶² The New York Times, They Were Journalists, and Women, and Targeted for Both, 5 March 2021.

³⁶³ CNN, Taliban accused of murdering pregnant Afghan policewoman in front of her family, 6 September 2021.

³⁶⁴ France24, Four women slain in Afghanistan after phone call 'to join evacuation flight', 6 November 2021; ABC News, In Afghanistan, women's rights activists feared for their lives, now they are disappearing, 21 November 2021.

³⁶⁵ ANI, Taliban detain Afghan women activist, her sisters over staging protest in Kabul, 21 January 2022; VOA, Rights Groups: Taliban Arrest 4 Afghan Women at Homes, 20 January 2022.

³⁶⁶ France24, Afghan women rally at Taliban approved protest, 26 January 2022.

³⁶⁷ BBC, Afghan woman activist released after arrest in January, 13 February 2022. See also: Al Jazeera, Missing Afghan women activists released: UN, 13 February 2022.

³⁶⁸ RFE/RL, Afghan-Canadian Aid Worker Reappears After Weeks In Taliban Detention.

³⁶⁹ Confidential source, 19 November 2021; The Wall Street Journal, Afghanistan's Former Female Troops, Once Hailed by the West, Fear for Their Lives, 28 December 2021.

³⁷⁰ It is not clear whether this happened because he himself was part of the security apparatus or because he was the father of a (female) mayor. The New York Times, An Afghan Mayor Expected to Die. Instead, She Lost Her Father., 12 November 2020.

³⁷¹ OMCT, Afghanistan: Attacks on civil society and human rights defenders intensify, 4 March 2021.

³⁷² The New York Times, Afghan War Casualty Report: April 2021, 30 April 2021.

³⁷³ TOLO News, Sources Allege 100 Civilians Killed After Fall of Spin Boldak, 22 July 2021.

³⁷⁴ Amnesty International, Spike In Violent Attacks On Human Rights Defenders, 16 March 2021.

³⁷⁵ India Today, Afghan women's rights activist Freshta Kohistani, brother shot dead, 26 December 2020.

³⁷⁶ RFE/RL, Female Afghan Anchor Killed In Kabul Blast, 5 June 2021.

Several sources reported that after the fall of Kabul, the Taliban used intimidation and violence (sometimes lethal violence) during house searches of relatives of the individuals who were the actual targets of reprisals.³⁷⁷ According to a confidential UN document quoted by the BBC, the Taliban informed individuals on the death list that if they did not come out from hiding, their relatives would be the victims of violence.³⁷⁸ *Deutsche Welle* (DW) reported in August 2021 that when the house of one of the Afghan journalists who worked for *DW* was searched, the Taliban had killed a relative of the journalist, according to *The Guardian*.³⁷⁹

Several months after the takeover, family members of ANSDF military personnel in particular were still being subjected to frequent intimidation and violence, according to Human Rights Watch.³⁸⁰ This was also true of the families of interpreters who had worked for the US military or other foreign forces, according to a confidential source.³⁸¹ However, there are no known figures on the scale of threats to relatives of these actors. On 11 February, an attack on former commander Mohammad Khan led to the deaths of his wife, son and security guard. The Taliban denied responsibility and claimed that a blood feud was involved. Khan – who survived the attack – denied this.³⁸²

Relatives of individuals with different risk profiles were the victims of threats on a smaller scale. Nada Al-Nashif, the UN Deputy High Commissioner for Human Rights, stated in December 2021 that family members of human rights defenders were ‘sometimes’ subjected to threats and intimidation.³⁸³ At least two sources reported threats to relatives of judges.³⁸⁴ As stated in 4.1.1.1, violent retaliation against and the kidnapping of female activists was combined with (sometimes deadly) violence against female friends or relatives who were near the actual target.³⁸⁵

The following sections describe in more detail targeted violence against specific categories of individuals.

4.1.2

Targeted attacks on government personnel

Representatives of the Afghan government were one of the primary targets of attacks by the Taliban before the fall of Kabul. UNAMA recorded 101 violent incidents in 2020 that were aimed directly at officials and the judiciary:

- 29 incidents targeting representatives of the judiciary (judges, prosecutors, support staff), leaving 27 dead and 17 injured;
- 72 incidents targeting government officials and/or buildings, leaving 119

³⁷⁷ Reuters, *Cowering in the bathroom: Some Afghans dread the Taliban knock at the door*, 20 August 2021.

³⁷⁸ BBC, *Afghanistan: Taliban carrying out door-to-door manhunt*, report says, 20 August 2021.

³⁷⁹ The Guardian, *Afghanistan reports of torture and killing contradict Taliban's promises*, 21 August 2021.

³⁸⁰ Human Rights Watch, *"No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban*, 30 November 2021. Confidential source, 30 December 2021.

³⁸¹ Confidential source, 30 December 2021. See also: France 24, *Taliban summon Afghan interpreters who worked for Dutch, threaten families*, 5 October 2021;

³⁸² International Crisis Group, *Crisis Watch*, February 2022.

³⁸³ OHCHR, *Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights*, 14 December 2021.

³⁸⁴ IAJ & IAWJ, *Joint IAJ and IAWJ Statement on the Current Situation in Afghanistan*, 22 September 2021; Business Insider, *Hunted by the Taliban, Afghanistan's former judges are disguising themselves and going underground. 'I have a lot of enemies right now,' said one.*, 2 October 2021.

³⁸⁵ France24, *Four women slain in Afghanistan after phone call 'to join evacuation flight'*, 6 November 2021; ABC News, *In Afghanistan, women's rights activists feared for their lives, now they are disappearing*, 21 November 2021.

³⁸⁵ ANI, *Taliban detain Afghan women activist, her sisters over staging protest in Kabul*, 21 January 2022; VOA, *Rights Groups: Taliban Arrest 4 Afghan Women at Homes*, 20 January 2022.

dead and 359 injured.³⁸⁶

These attacks continued into the first half of 2021. The monthly 'Afghan War Casualty Reports' in *The New York Times* listed dozens of targeted attacks on officials and magistrates during this period.³⁸⁷ After the Taliban took power, targeted violence by the Taliban and other actors against persons working for the government under the Ghani administration continued. This violence was mainly directed against former ANDSF personnel (for more details, see 4.1.2.3).³⁸⁸

4.1.2.1

Targeted attacks on education and healthcare facilities and staff

UNAMA also documented a large number of attacks on hospitals and healthcare workers in 2020 and 2021. In 2020, 54 incidents took place, resulting in 34 fatalities.³⁸⁹ According to the NGO Safeguarding Health in Conflict, nineteen healthcare workers were killed in Afghanistan in 2020 as a result of conflict-related violence, including targeted attacks.³⁹⁰ In the first half of 2021, according to UNAMA, 28 incidents took place in which healthcare facilities or workers were the direct targets. Twelve people were killed and thirteen injured.³⁹¹ Educational institutions and teaching staff were also the target of direct attacks before the fall of Kabul. There were 25 incidents involving 53 fatalities in 2020,³⁹² and 16 incidents³⁹³ in the first half of 2021 (for more information on attacks on schools, see 4.1.1.2).³⁹⁴

There were several attacks on hospitals and healthcare workers after the Taliban took power. In October 2021, there was an ISKP attack on the military hospital in Kabul (see 2.2.2 for details). At the end of February 2022, unknown perpetrators killed eight polio vaccination workers in four attacks in the provinces of Takhar and Kunduz (see 4.1.6.4).³⁹⁵ There was also violence against individual doctors. The motives behind this violence are unclear. Dr Mohamed Nader Alemi from Mazar-i-Sharif was abducted and then murdered by unknown actors despite his family paying the demanded ransom to the perpetrators.³⁹⁶ In late November 2021, Taliban fighters in Herat killed Dr Amruddin Noori when he failed to stop at a checkpoint for reasons that are unclear.³⁹⁷ No detailed information about this incident was available and there were no indications that it was a targeted attack on Noori in his capacity as a doctor.

The Taliban generally seemed willing to offer protection for humanitarian activities, including healthcare. According to Deborah Lyons, the head of UNAMA and the UN Secretary General's Special Envoy to Afghanistan, the Taliban were providing security to UN missions across the country and providing broad access for humanitarian activities, including those carried out by female workers.³⁹⁸ A doctor from Doctors Without Borders confirmed in late November 2021 that working

³⁸⁶ UNAMA, Afghanistan Protection Of Civilians In Armed Conflict Annual Report 2020, pp. 53-55, February 2021.

See for example: Reuters, Five killed in Kabul as attacks increasingly target civilians, 9 February 2021.

³⁸⁷ For all reports, see: The Afghan War Casualty Report - The New York Times (nytimes.com)

³⁸⁸ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021; AFP, Afghanistan: l'ONU accuse les talibans d'au moins 72 exécutions extrajudiciaires, 14 December 2021; OHCHR, Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights, 14 December 2021.

³⁸⁹ UNAMA, Afghanistan Protection Of Civilians In Armed Conflict Annual Report 2020, pp. 54-55, February 2021.

³⁹⁰ Safeguarding Health in Conflict, No respite: Violence against Health Care in Conflict - 2020, p. 21, May 2021.

³⁹¹ UNAMA, Afghanistan 2021 Midyear Update on Protection of Civilians in Armed Conflict, p. 11, 26 July 2021.

³⁹² UNAMA, Afghanistan Protection Of Civilians In Armed Conflict Annual Report 2020, pp. 54-55, February 2021.

³⁹³ UNAMA has not yet provided any information about the number of deaths and injuries caused by these incidents.

³⁹⁴ UNAMA, Afghanistan 2021 Midyear Update on Protection of Civilians in Armed Conflict, p. 11, 26 July 2021.

³⁹⁵ United Nations, UN condemns brutal killing of eight polio workers in Afghanistan, 24 February 2022.

³⁹⁶ Republic World, Afghanistan: Prominent Psychiatrist Found Dead Two Months After Getting Abducted, 22 November 2021; ABC News, Prominent Afghan doctor kidnapped, killed in northern city, 20 November 2021.

³⁹⁷ Khaama Press, Armed Taliban men kill a young physician in the western Herat province, 27 November 2021.

³⁹⁸ UNAMA, SRSF Lyons briefing to the UNSC on the situation in Afghanistan, 17 November 2021.

relations with the Taliban (in the province of Khost) were good.³⁹⁹ There are 'some successes' of continuity of midwife services⁴⁰⁰, according to the United Nations Population Fund (UNFPA), the United Nations agency for family planning and healthcare for mothers and children.⁴⁰¹

There have been no reports of targeted attacks on schools or teaching staff since the Taliban took power. However, two professors – prominent critics of the Taliban – were arrested and temporarily detained by the Taliban (see 4.2.2 for details). Eight children died in an explosion of an unexploded ordnance left outside a school in Nangarhar province. Four people were also injured.⁴⁰²

4.1.2.2

Targeted attacks on the judiciary

Officials of the judiciary were a prime target of Taliban violence before 15 August 2021. In 2020, there were 29 violent incidents targeting representatives of the judiciary. In January 2021, unknown actors killed two female Supreme Court justices.⁴⁰³

After the Taliban took power, international media reports revealed that officials of the judiciary feared reprisals from released prisoners they had previously helped to convict. These might be both released Taliban fighters and criminals.⁴⁰⁴ Female officials of the judiciary expressed fear of reprisals from perpetrators of violence against women whom they had helped to convict.⁴⁰⁵ The sources consulted did not give any concrete examples of lethal violence against this group, but some of these women were in hiding. Prosecutors from Panjshir province also said they did not leave their homes for fear of threats.⁴⁰⁶

4.1.2.3

Targeted attacks on the police and the army

Members of the government armed forces were among the primary targets of Taliban violence before the Taliban took power.⁴⁰⁷ In 2020, *The New York Times* counted 168 deaths in targeted attacks on current or former members of the security forces.⁴⁰⁸ The newspaper also wrote about the existence of a network of Taliban prisons, where mainly Afghan government officials and members of the armed forces were held and tortured, often after being detained or abducted on Afghan roads.⁴⁰⁹ During the Taliban's lightning offensive, the attitude of the Taliban towards ANDSF military personnel was mixed. On the one hand, the Taliban allowed members of the Afghan police in particular to surrender and flee on a large scale as it began to conquer districts and provincial capitals.⁴¹⁰ On the

³⁹⁹ VRT NWS, Vlaamse gynaecoloog AZG in Afghanistan: "We kunnen goed samenwerken met de taliban", 30 November 2021.

⁴⁰⁰ The source does not clarify what 'some successes' means.

⁴⁰¹ Christian Science Monitor (The), How Afghan midwives are challenging Taliban strictures on women, 7 October 2021.

⁴⁰² UNICEF, Statement by Alice Akunga, UNICEF Afghanistan Representative a.i., on the death of eight children due to detonation of explosive remnant, 11 January 2022.

⁴⁰³ Reuters, Gunmen kill two female Supreme Court judges in Afghanistan: police, 17 January 2021.

⁴⁰⁴ RFE/RL, Afghanistan's Former Prosecutors Hunted By Criminals They Helped Convict, 21 September 2021; BBC,

⁴⁰⁵ The New York Times, Afghan Women Who Once Presided Over Abuse Cases Now Fear for Their Lives, 20 October 2021.

⁴⁰⁶ Hasht-e Subh, Prosecutors in Panjshir Province Are in Preventive Custody, 9 December 2021.

⁴⁰⁷ ICT4COP, Community-Based Policing and Post-Conflict Police Reform: Contextual Assessment 3 South-East Asia, p. 3, November 2020; Reuters, Special Report: Afghan pilots assassinated by Taliban as U.S. withdraws, 9 July 2021.

⁴⁰⁸ The New York Times, Targeted Killings Are Terrorizing Afghans. And No One Is Claiming Them, 2 January 2021.

⁴⁰⁹ The New York Times, 'I Wake Up and Scream': Secret Taliban Prisons Terrorize Thousands, 27 February 2021.

See also: Xinhua, Afghan army frees 24 people from Taliban prison: official, 18 February 2021; AA, Afghan forces free 30 prisoners from Taliban captivity, 3 March 2021.

⁴¹⁰ The Guardian, Afghanistan stunned by scale and speed of security forces' collapse, 13 July 2021; The Guardian, Afghanistan stunned by scale and speed of security forces' collapse, 13 July 2021; TRT World, The Taliban is convincing Afghan forces not to fight them, 6 July 2021.

other hand, there were also reports of reprisals against security personnel in different parts of the country. On 16 June 2021, nine police officers were executed on the basis of a judgment of the local Taliban court in the Obe district of Herat after they had surrendered to the Taliban.⁴¹¹ In July 2021, Reuters reported that ANDSF pilots were the particular target of attacks by the Taliban, and that seven such attacks had taken place in the preceding months.⁴¹² In the same month, Human Rights Watch reported that to the south of Kandahar, the Taliban had imprisoned and, in some cases, executed hundreds of individuals it accused of collaborating with the Ghani government.⁴¹³ According to RFE/RL, these actions may have been reprisals by the Taliban.⁴¹⁴

The situation of the Afghan armed forces after the Taliban took power was uncertain. A confidential report (18 August 2021) compiled by the Norwegian Center for Global Analyses on behalf of the UN stated that the Taliban carried out house searches to detain hostile individuals in the early days after taking power. Individuals who had played 'central roles'⁴¹⁵ within the ANDSF were at the greatest risk of capture, according to this report, as well as Afghans who had worked for US and NATO forces (see 4.1.6.3).⁴¹⁶ The report stated, according to media outlets that were able to consult it, that if these individuals were not at home, the Taliban detained relatives and that they too were at risk of being subjected to torture and execution.⁴¹⁷

In the months following the takeover, liquidations of former Afghan military personnel took place, despite the Taliban announcing a general amnesty for government officials and individuals who had worked with foreign forces. As mentioned, Human Rights Watch (HRW) and UNAMA stated, on the basis of investigations in four Afghan provinces, that there were credible allegations of the liquidation or forced disappearance of at least 100 former security sector workers during the first three to four months of the new *de facto* Taliban regime.⁴¹⁸ According to a confidential source, the victims were mainly individuals who in the past had taken the lead in the fight against the Taliban, such as personnel of the secret service or the commando corps.⁴¹⁹ Revenge killings against ANDSF forces decreased again from December onwards, according to another source. This source cited the harsh winter season, ANDSF personnel having gone deeper underground, and the impact of international pressure on the Taliban to stop revenge killings as possible reasons for the decrease.⁴²⁰

According to HRW, in some cases the Taliban used the amnesty scheme to track down targets. In order to obtain amnesty, individuals had to surrender their weapons and register with the Taliban so as to obtain an amnesty letter. The

⁴¹¹ ACLED, Excelbestand: Afghanistan casualties 1 December 2020 – 30 July 2021, downloaded 10 August 2021.

⁴¹² Reuters, Special Report: Afghan pilots assassinated by Taliban as U.S. withdraws, 9 July 2021. See also: The New York Times, 'Find Him and Kill Him': An Afghan Pilot's Desperate Escape, 9 June 2021.

⁴¹³ Human Rights Watch, Afghanistan: Threats of Taliban Atrocities in Kandahar, 23 July 2021; The New York Times, Afghan Civilian Casualties Soar as U.S. Exits, Monitors Say, 26 July 2021.

⁴¹⁴ RFE/RL, Trade-Hindering Turmoil On Afghan-Pakistan Border Is Just Part Of Problem, 23 July 2021.

⁴¹⁵ The report (August 2021) was confidential, and media outlets familiar with its contents did not define the meaning of 'central roles'.

⁴¹⁶ RFE/RL, Taliban 'Intensifying' Search For Afghans Who Helped U.S., UN Says, 19 August 2021.

⁴¹⁷ RFE/RL, Taliban 'Intensifying' Search For Afghans Who Helped U.S., UN Says, 19 August 2021. See also: The New York Times, As the Taliban Tighten Their Grip, Fears of Retribution Grow, 29 August 2021.

⁴¹⁸ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021; AFP, Afghanistan: l'ONU accuse les talibans d'au moins 72 exécutions extrajudiciaires, 14 December 2021; OHCHR, Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights, 14 December 2021.

⁴¹⁹ Confidential source, 1 December 2021.

⁴²⁰ Confidential source, 25 January 2022.

Taliban could then use these data to track individuals. Not registering with the Taliban also entailed risks. Some individuals who had not registered said that they were eventually tracked down by the Taliban (for more details on the Taliban's intelligence system, see 1.4.3.5 and 2.2.5) and subjected to violence.⁴²¹

Violence against female former ANSDF military personnel

There was a report of deadly violence against a female ANSDF personnel member after the Taliban takeover. As already noted, a pregnant female police officer was assassinated in early September 2021.⁴²² Witnesses stated that the perpetrators were Taliban fighters, but this was denied by the Taliban leadership. After this incident, there were no reports of attacks on female ANSDF personnel.⁴²³ In January 2022, *The New York Times* carried a report of a female prison guard from Herat Province who failed to return from work on 2 October 2021 and was still missing in January 2022. The Taliban also denied being behind this disappearance. According to the family of this prison guard, the Taliban had not taken any steps to track down the perpetrators.⁴²⁴ In late December, *The Wall Street Journal* reported that many former female ANSDF members were in hiding. They feared reprisals not only from the Taliban and criminals, but also from their own families and communities for violating traditional gender norms.⁴²⁵

4.1.3

Targeted violence against Islamic religious leaders

Islamic religious leaders who supported the Ghani government were a prime target for attacks by the Taliban before it seized power. According to reports from the Afghan Ministry of Interior Affairs in April 2021, ninety Islamic religious leaders (*ulema*) had been murdered in the previous year.⁴²⁶ The US Commission on International Religious Freedom (USCIRF) also stated that the Taliban threatened and killed religious leaders during 2020.⁴²⁷

Since the Taliban took power, Taliban violence against religious leaders has been directed mainly at Salafist mullahs suspected by the Taliban of links with ISKP. In late August 2021, the Taliban arrested the head of the national council for religious affairs in Khost.⁴²⁸ At around the same time, Taliban supporters also allegedly abducted an influential Salafist scholar, Shaikh Abu Obaidullah Mutawakil, in Kabul. His body was found a week later. Other Salafist scholars then went into hiding, according to the Jamestown Foundation.⁴²⁹ However, the Taliban have also sought to engage in dialogue with Salafist leaders to secure their support in the fight against ISKP, Watkins said.⁴³⁰ There were also attacks on non-Salafist Islamist leaders by unknown perpetrators. For example, on 24 November 2021, four or five religious leaders from the province of Kapisa were shot in Kabul, leading to the deaths of two of them.⁴³¹ On 12 December, unknown individuals killed a mullah in

⁴²¹ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021.

⁴²² BBC, Afghanistan: Taliban accused of killing pregnant police officer, 5 September 2021.

⁴²³ *The Wall Street Journal* describes the incident in which four women were killed in Mazar-i-Sharif as an attack on female ANSDF members, but this appears to be inaccurate in light of other reporting of the incident.

⁴²⁴ The New York Times, Threatened and Beaten, Afghan Women Defy Taliban With Protests, 26 January 2022; Amnesty International, Afghanistan: Taliban authorities must reveal Alia Azizi's whereabouts, 21 January 2022.

⁴²⁵ The Wall Street Journal, Afghanistan's Former Female Troops, Once Hailed by the West, Fear for Their Lives, 28 December 2021.

⁴²⁶ Ariana News, 90 religious scholars killed in Afghanistan in the past year, 9 April 2021.

⁴²⁷ USCIRF, 2020 Report on International Religious Freedom: Afghanistan, p. 2, 12 May 2021.

⁴²⁸ Pajhwok, Taliban detain former head of Ulema Council, 30 August 2021; RFE/RL, Taliban Militants Said To Have Arrested Prominent Afghan Cleric, 30 August 2021.

⁴²⁹ The Jamestown Foundation, The Taliban's Persistent War on Salafists in Afghanistan, 24 September 2021. See also: TRT World, The dynamics of the upcoming battle between the Taliban and Daesh-K, 13 September 2021.

⁴³⁰ Watkins, A., An Assessment of Taliban Rule at Three Months, CTC Sentinel, p. 6, November 2021.

⁴³¹ ANI, Two religious scholars shot dead near Kabul: Report, 24 November 2021; Hasht-e-Subh, 2 Clerks Killed, 3 Others Injured in Kapisa, 24 November 2021.

Farah province.⁴³² On 18 December, a mullah from Kabul was killed in a shooting by an unknown perpetrator.⁴³³

4.1.4

Targeted attacks on human rights activists

In 2020, UNAMA counted 22 attacks by armed insurgent groups against human rights defenders and representatives of civil society, resulting in eighteen people killed and seven injured. UNAMA also counted thirteen victims of abductions.⁴³⁴ Compared to 2019, the number of deadly attacks on human rights defenders increased in 2020 and the first part of 2021. According to UNAMA data, four human rights activists were killed in targeted attacks in 2019. Ten human rights activists were killed between January 2020 and the start of the peace talks in September, and another five human rights activists were killed in executions between the start of the peace talks and the end of January 2021.⁴³⁵ Human rights groups stated that seventeen human rights defenders, including nine journalists, were victims of deadly attacks between September 2020 and May 2021.⁴³⁶ In the first five months of 2021, two hundred human rights activists and journalists were also subjected to serious threats, according to the *Afghan Human Rights Defenders Committee* (AHRDC).⁴³⁷ In Afghanistan, lists drawn up by the Taliban with the names of several human rights activists circulated during the reporting period.⁴³⁸ Threats and attacks on activists continued during the Taliban offensive. On 12 June 2021, activist Mustafa Sadat was killed by a car bomb in Kabul, and on 12 July 2021, women's rights activist Zahra Jalal was abducted and then released by the Taliban.⁴³⁹

Since the Taliban took power, human rights defenders have lived in a permanent state of fear, threats, intense insecurity and growing despair, according to the UN Special Rapporteur on the situation of human rights defenders. On the basis of a hundred testimonies from human rights activists from different parts of Afghanistan, she stated that several human rights defenders had been victims of ill-treatment, arrests, disappearances and executions.⁴⁴⁰ At least eight activists were killed during the first four months of the new regime, according to the Deputy High Commissioner for Human Rights.⁴⁴¹ According to the UN Secretary General, the *de facto* Taliban government and ISKP were each responsible for three incidents and the perpetrator could not be identified in two incidents.⁴⁴² In addition, according to this source, there were also ten cases of intimidation, ill-treatment and temporary arrests of human rights activists by the *de facto* authorities during the same period.⁴⁴³ In October, human rights activist Abdul Rahman Mawin was shot dead in Jalalabad.⁴⁴⁴ Later that month, poet and activist Heelamand Zhouwand was shot dead in the province of Khost.⁴⁴⁵ On 5 November 2021, the first known murder of a female

⁴³² ANI, Religious scholar killed in Afghanistan's Farah, 12 December 2021.

⁴³³ Hasht-e-Subh, A Religious Scholar Killed in Kabul, 18 December 2021.

⁴³⁴ UNAMA, Afghanistan Protection of Civilians in Armed Conflict Annual Report 2020, p. 53, February 2021.

⁴³⁵ UNAMA, Special Report: Killing of Human Rights Defenders, Journalists and Media Workers in Afghanistan 2018-2021, February 2021. See also: OMCT, Afghanistan: Attacks on civil society and human rights defenders intensify, 4 March 2021.

⁴³⁶ Afghanistan: Joint call for an immediate end to attacks against human rights defenders and need for protection and accountability, 19 May 2021.

⁴³⁷ Afghanistan: Joint call for an immediate end to attacks against human rights defenders and need for protection and accountability, 19 May 2021.

⁴³⁸ Amnesty International, Spike in Violent Attacks on Human Rights Defenders, 16 March 2021.

⁴³⁹ Civicus, Attacks on Activists, Journalists Persist as Taliban Offensive Escalates in Afghanistan, 4 August 2021.

⁴⁴⁰ OHCHR, Afghanistan: Human rights defenders living under "climate of fear" – UN expert, 3 November 2021.

⁴⁴¹ UN News, Afghanistan: Humanitarian crisis threatens basic human rights, 14 December 2021.

⁴⁴² United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 7, 3 February 2022.

⁴⁴³ United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 7, 3 February 2022.

⁴⁴⁴ AA, Prominent rights activist gunned down in Afghanistan, 12 October 2021.

⁴⁴⁵ Civicus, Ongoing Threats And Attacks Against Civil Society, Media In Afghanistan While Protests Restricted, 21 October 2021.

human rights defender since the Taliban took power took place in Mazar-i-Sharif. The perpetrators were unknown and there was speculation about a personal feud.⁴⁴⁶

Employees of the Afghanistan Independent Human Rights Commission (AIHRC)

Before the Taliban took power, AIHRC employees often stayed in AIHRC offices for long periods to protect themselves against targeted violence.⁴⁴⁷ During the Taliban offensive, the AIHRC was forced to close several local offices, a source said.⁴⁴⁸ During this period, the AIHRC drew up a strategy for the evacuation of employees in case the Taliban came to power. This strategy established a sequence for the evacuation of employees, based on a consideration of which individuals would be most at risk of reprisals. The Taliban did not abolish the AIHRC after taking power. Sources state that the Taliban wants to give it a different purpose and name.⁴⁴⁹ The former chair of the AIHRC, Shaharзад Akbar, has resigned from her activities.⁴⁵⁰ Some of the AIHRC employees have fled Afghanistan. However, a source stated in November that more than half of AIHRC employees doing substantive/programmatic work were still in Afghanistan, but were gradually leaving the country. This source knew of three incidents of violence against AIHRC employees after 15 August 2021. Two cases involved drivers who had been beaten by Taliban fighters. The source was not aware of the exact profile of the third victim.⁴⁵¹

4.1.5

Targeted attacks on journalists, media workers

The situation of journalists deteriorated in 2020 compared to 2019. In the months following the start of the peace talks between the Afghan government and the Taliban, a wave of attacks on journalists took place.⁴⁵² According to UNAMA, a total of 34 journalists were killed in attacks between January 2018 and January 2021. Six journalists were killed in attacks in 2019 and nine in 2020. Between 12 September 2020 and 31 January 2021 (the period after the start of the peace talks between the Afghan government and the Taliban), six journalists and media workers were murdered.⁴⁵³ The head of NAI, an Afghan NGO that champions press freedom, also stated that violence against journalists increased in 2020. His organisation counted eleven murders, sixteen assaults causing injuries, thirteen cases of ill-treatment, three attacks on media outlets, five kidnappings, three interrogations, twenty-three cases of harassment and four assassination attempts targeting journalists in that year.⁴⁵⁴ The Afghan Journalists Safety Committee (AJSC) counted 132 cases of threats and violence against journalists in 2020, a 26% increase compared to the number of violent incidents in 2019. According to the AJSC, Kabul was the scene of the highest proportion of violent incidents against journalists in 2020 (33%), followed by the north-eastern (15%), south-eastern (13%) and southern (12%) areas.⁴⁵⁵ Violence against journalists continued in 2021. According to Reporters Without Borders (RSF), an international NGO championing press freedom, twenty journalists were the target of attacks between November 2020 and May 2021,

⁴⁴⁶ The Guardian, Women's rights activist shot dead in northern Afghanistan, 5 November 2021 UN Condemns Killing Of Human Rights Defenders In Afghanistan; Calls For Prompt Probe, 8 November 2021.

⁴⁴⁷ The New Yorker, The People We're Leaving Behind in Afghanistan, 29 June 2021

⁴⁴⁸ Confidential source, 9 July 2021.

⁴⁴⁹ Confidential source, 27 January 2022; United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 2, 3 February 2022.

⁴⁵⁰ Confidential source, 27 January 2022.

⁴⁵¹ Confidential source, 19 November 2021.

⁴⁵² Rolling Stone, At a Pivotal Moment in Afghanistan, Journalists Are Being Killed in Record Numbers, 26 March 2021.

⁴⁵³ UNAMA, Special Report: Killing of Human Rights Defenders, Journalists and Media Workers in Afghanistan 2018-2021, p. 10. For an up-to-date overview of journalists killed in Afghanistan, see: UNESCO, UNESCO Observatory of Killed Journalists Afghanistan, undated, last accessed 30 July 2021. [UNESCO observatory of killed journalists - Afghanistan | UNESCO](#).

⁴⁵⁴ TOLO News, 10 Afghan Radio Stations Went Silent in 6 Months: NAI, 14 January 2021.

⁴⁵⁵ Afghan Journalists Safety Committee, Annual Report 2020, p. 7, 2021.

resulting in eight deaths.⁴⁵⁶ Thirty journalists received death threats as a result of their work in the media during the same period.⁴⁵⁷

A disproportionately high number of incidents during the wave of attacks and threats against journalists and media workers were directed against women.⁴⁵⁸ Both ISKP and the Taliban threatened female activists and journalists and banned them from carrying out their professional activities. In the first week of April 2021, ISKP sent a message to various organisations, women's rights activists and women journalists operating in Nangarhar Province warning them that they would face a 'hard death' if they pursued their human rights and media work. There were reports that the Taliban had banned media organisations in Ghazni from employing women as the presenters of entertainment programmes on television. Female journalists and human rights activists also said they had received threats from the Taliban.⁴⁵⁹ According to the AJSC, eighteen female journalists were threatened or attacked in 2020.⁴⁶⁰ The Centre for the Protection of Afghan Women Journalists (CPAWJ) recorded more than a hundred cases of aggression against female journalists in that year.⁴⁶¹

The Taliban's capture of cities in the summer of 2021 was accompanied by the deaths of several journalists and media workers. On 9 June, journalist Hafizullah Haqparast (in the province of Logar) was killed by indirect fire,⁴⁶² and on 16 July 2021, Indian journalist Danish Siddiqui was killed while reporting on fighting in Spin Boldak (in the province of Kandahar).⁴⁶³ In early August, targeted attacks also led to the deaths of two journalists. On 8 August 2021, Toofan Omar, the head of Radio Ghag in Paktia, was killed in a targeted attack. On 6 August 2021, Taliban fighters killed Dawa Khan Minapal, the head of the Afghanistan Media and Information Centre, in Kabul.⁴⁶⁴

After the Taliban took power, journalists continued to be victims of violence at the hands of the Taliban and others. The Afghanistan National Journalists Union (ANJU) documented thirty cases of violence and threats against journalists during the first two months of the new *de facto* Taliban administration. Forty percent of these cases involved physical violence. The ANJU counted one murder and several cases of imprisonment of journalists. Ninety percent of the incidents were attributed to the Taliban.⁴⁶⁵ The Taliban have arrested and imprisoned journalists without warrants and without giving reasons.⁴⁶⁶ According to the UN Secretary-General, two

⁴⁵⁶ Reporters Without Borders, Afghanistan : "No just and lasting peace in Afghanistan without guarantees for press freedom", 3 May 2021.

⁴⁵⁷ Reporters Without Borders, Afghanistan : "No just and lasting peace in Afghanistan without guarantees for press freedom", 3 May 2021.

⁴⁵⁸ The New York Times, They Were Journalists, and Women, and Targeted for Both, 12 March 2021; Human Rights Watch, Afghanistan: Taliban Target Journalists, Women in Media, 1 April 2021; Reporters Without Borders, Afghanistan : "No just and lasting peace in Afghanistan without guarantees for press freedom", 3 May 2021; Rolling Stone, At a Pivotal Moment in Afghanistan, Journalists Are Being Killed in Record Numbers, 26 March 2021; France Inter, Femme, jeune et éduquée : la cible des assassins en Afghanistan, 5 March 2021.

⁴⁵⁹ See: FIDH, Afghanistan: Urgent action needed to protect women rights defenders, 14 April 2021; Human Rights Watch, Afghanistan: Taliban Target Journalists, Women in Media, 1 April 2021; Foreign Policy, 'The Taliban Have Tracked Me', 20 April 2021.

⁴⁶⁰ Afghan Journalists Safety Committee, Annual Report 2020, p. 4, 2021.

⁴⁶¹ Reporters Without Borders, Afghanistan : "No just and lasting peace in Afghanistan without guarantees for press freedom", 3 May 2021; Centre for the Protection of Afghan Women Journalists, Security threats, COVID-19 harden situation for women journalists, 7 March 2021. These included thirteen cases of threats, three cases of harassment and disrespect, two cases of injury and four fatal attacks.

⁴⁶² TOLO News, Fighting Rages Across Country, Journalist Killed in Crossfire, 9 June 2021.

⁴⁶³ Civicus, Attacks on Activists, Journalists Persist as Taliban Offensive Escalates in Afghanistan, 4 August 2021; BBC, Danish Siddiqui: Indian photojournalist killed in Afghanistan, 16 July 2021.

⁴⁶⁴ IFJ, Impunity: Afghanistan, 27 October 2021.

⁴⁶⁵ Al Jazeera, Watchdog: 30 recent cases of violence against Afghan journalists, 28 October 2021.

⁴⁶⁶ RFE/RL, Taliban Arrests Owner Of Afghan TV Network, 27 December 2021.

journalists were killed in the first four months of the new *de facto* Taliban administration. ISKP was behind one of these incidents. The perpetrator of the other incident was unknown. In addition, the UN counted 44 cases of temporary detention, ill-treatment, threats and intimidation. Forty-two of these cases were attributed to the *de facto* authorities. The perpetrators of the other two cases were unknown.⁴⁶⁷ There have been no reports of attacks on female journalists since the Taliban took power, although several female journalists reported that they had been threatened and that the Taliban had carried out searches of their homes or those of relatives.⁴⁶⁸ The majority of female journalists who were still working stopped doing so after 15 August 2021, because their jobs disappeared or out of fear of the Taliban.⁴⁶⁹ Many female journalists have fled.⁴⁷⁰

There was targeted violence against journalists during and outside working hours. Outside working hours, according to various articles in the media there were house searches and instances of targeted violence against journalists in the first weeks after the change of power. For example, *Deutsche Welle* reported that the Taliban had killed two of the family members of one its journalists while searching the journalist's house.⁴⁷¹ A few days later, the Taliban also searched the home of the head of the TV channel *Enikaas*. However, he was in hiding elsewhere.⁴⁷² On 18 September 2021, Mohammad Ali Ahmadi, a journalist working for *Salam Watander*, was shot and injured by an unknown assailant.⁴⁷³ On 28 October 2021, Taliban fighters beat and shot journalist Abdul Khaliq Hussaini on his way to UNAMA's office. Later that day, Taliban fighters assaulted Zahidullah Husainkhil, the director of a radio station in Logar. On 29 October 2021, Taliban fighters shot Alireza Sharifia, a journalist working for Islamic Republic of Iran Broadcasting, in front of his wife and child as he was driving home.⁴⁷⁴ On 18 November 2021, unknown perpetrators attacked Ayna TV presenter Ahmad Baseer Ahmadi on his way home. They beat him and tried to shoot him.⁴⁷⁵ All survived the attacks. This was not the case for two others. Sayed Maroof Sadat, a prominent journalist and former spokesman for the Ghani government, was killed on 2 October 2021 in a targeted attack by ISKP in Jalalabad in which several Taliban fighters were also killed.⁴⁷⁶ Hamidullah Saighani, a TV presenter for Ariana News, was one of those killed in an attack on a minibus in the mostly Hazara-inhabited district of Dasht-e Barchi on 13 November 2021.⁴⁷⁷

Several journalists were also assaulted, detained and/or killed during working hours. Two journalists, Ali Reza Ahmadi and Juhad Hamidi, were killed in the ISKP attack during the evacuation from Kabul airport on 26 August 2021 (see 1.1). Fahim Dashti, an Afghanistan's National Journalists Union (ANJU) leader, was killed in clashes between the Taliban and the National Resistance Front of Afghanistan (NRF)

⁴⁶⁷ United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 7, 3 February 2022.

⁴⁶⁸ ABC News, Afghan journalists face threats and beatings despite Taliban promises of a free press, 25 October 2021; Confidential source, 8 December 2021.

⁴⁶⁹ The Guardian, Afghanistan: fewer than 100 out of 700 female journalists still working, 1 September 2021; TIME, Just 39 Female Journalists Are Still Working in Kabul After the Taliban's Takeover, 2 September 2021; IFJ, Women standing for Afghanistan: Afghan women journalists seek solidarity to survive to tell their stories., 15 October 2021.

⁴⁷⁰ Confidential source, 8 December 2021.

⁴⁷¹ The Guardian, Afghanistan reports of torture and killing contradict Taliban's promises, 21 August 2021.

⁴⁷² IFJ, Afghanistan: Taliban raid Enikaas TV head's home, 21 August 2021.

⁴⁷³ CPJ, Afghan journalist Mohammad Ali Ahmadi shot and injured in Kabul, 22 September 2021.

⁴⁷⁴ CPJ, Journalists shot, beaten, and detained in Afghanistan, 2 November 2021.

⁴⁷⁵ Civicus, Threats and attacks against activists and journalists as Afghanistan faces humanitarian crisis, 11 December 2021.

⁴⁷⁶ IFJ, Impunity: Afghanistan, 27 October 2021.

⁴⁷⁷ Civicus, Threats and attacks against activists and journalists as Afghanistan faces humanitarian crisis, 11 December 2021.

in Panjshir.⁴⁷⁸ There was also targeted violence – without fatalities – against and arrests of journalists while they were reporting. According to Human Right Watch, at least 32 journalists were (temporarily) detained after the Taliban took power.⁴⁷⁹ In Nangarhar, Taliban fighters assaulted two journalists reporting on anti-Taliban protests in the run-up to Afghan Independence Day on 19 August.⁴⁸⁰ On 26 August 2021, Taliban fighters attacked two TOLO News journalists while they were recording a report on rising unemployment in Kabul.⁴⁸¹ On 7 September, journalist Morteza Samadi was arrested and detained while reporting on a protest in Herat.⁴⁸² On 8 September 2021, Taliban fighters arrested two journalists from the newspaper *Etilaatroz*, Taqi Daryabi and Nematullah Naqdi, while they were covering women's rights protests in Kabul.⁴⁸³ During their detention they were subjected to torture. They were released the same day.⁴⁸⁴ On 21 October 2021, Taliban fighters attacked three journalists reporting on a women's protest in Kabul.⁴⁸⁵ On 25 October 2021, Taliban fighters assaulted journalist Sadaqat Ghorzang while he was reporting on the Afghan-Pakistani border.⁴⁸⁶ On 11 December 2021, Abdul Matin Rahimzai, a senior figure in the Taliban,⁴⁸⁷ and his bodyguards assaulted and arrested journalist Sayed Rashed Kashefi when Kashefi tried to film them.⁴⁸⁸ Kashefi was held in custody for six hours.⁴⁸⁹ On 31 January 2022, Taliban supporters arrested two journalists from the channel Ariana News, Waris Hasrat and Aslam Hijab, in front of the entrance to the Ariana News building. The journalists were released on 2 February 2022.⁴⁹⁰

4.1.5.1 Targeted violence against fixers⁴⁹¹

Little specific information is available on the situation of fixers for foreign journalists since the Taliban took power. According to a source, some of the fixers for American newspapers were evacuated to Mexico, among other places.⁴⁹² According to an Al Jazeera report on local journalists and fixers from January 2022, fixers – who often work as journalists in Afghanistan themselves – were at significant risk of threats and violence from the Taliban. It was unclear from this article whether this was mainly due to their work as fixers for foreign journalists or to their work as journalists in their own right.⁴⁹³ In February 2022, Afghan fixers of two international journalists carrying out an assignment for UNCHR were arrested along with the international journalists and later released (see 4.1.6.4).⁴⁹⁴ A confidential source stated that some fixers were trying to build new networks with the Taliban and looking for the right way to communicate with the new holders of power.⁴⁹⁵

⁴⁷⁸ IFJ, Impunity: Afghanistan, 27 October 2021.

⁴⁷⁹ Human Rights Watch, Afghanistan Events of 2021, 2022.

⁴⁸⁰ Al Jazeera, Attack on Afghan reporter tests Taliban's media freedom pledge, 26 August 2021.

⁴⁸¹ TOLO News, Attack on Afghan reporter tests Taliban's media freedom pledge, 26 August 2021.

⁴⁸² Committee to Protect Journalists (CPJ), Afghan photographer Morteza Samadi detained by Taliban since September 7, 13 September 2021.

⁴⁸³ Al Jazeera, Taliban accused of torturing journalists for covering protests, 9 September 2021.

⁴⁸⁴ Al Jazeera, Taliban accused of torturing journalists for covering protests, 9 September 2021.

⁴⁸⁵ CPJ, Taliban fighters assault at least 3 journalists covering women's protest in Afghanistan, 21 October 2021.

⁴⁸⁶ CPJ, Taliban fighter beats freelance journalist Sadaqat Ghorzang at Afghanistan-Pakistan border crossing, 25 October 2021.

⁴⁸⁷ Director of the Refugees Directorate.

⁴⁸⁸ CPJ, Taliban official and bodyguards beat, detain journalist Sayed Rashed Kashefi, 14 December 2021.

⁴⁸⁹ CPJ, Taliban official and bodyguards beat, detain journalist Sayed Rashed Kashefi, 14 December 2021.

⁴⁹⁰ AFP, Two Afghan journalists released after Taliban detention, 2 February 2022.

⁴⁹¹ A fixer is a local contact person who is engaged by a foreign journalist to support his or her journalistic activities. Fixers can be used as interpreters/translators, guides and mediators for both arranging practical matters (accommodation, documents, transport) and getting in touch with relevant contacts.

⁴⁹² Confidential source, 30 December 2021. See also: The New York Times, How Mexico Helped The Times Get Its Journalists Out of Afghanistan, 25 August 2021.

⁴⁹³ Al Jazeera, 'Kill the rented journalists' - the reality of life for local journalists and fixers left behind in Afghanistan, 4 January 2022.

⁴⁹⁴ ABC News, Taliban free detained UNHCR staff, 2 foreign journalists, 11 February 2022.

⁴⁹⁵ Confidential source, 30 December 2021.

4.1.5.2 Problematic topics for journalists

Before the Taliban took power, Human Rights Watch and the AJSC indicated that in areas previously dominated by the Taliban, journalists were at risk of being threatened or attacked if they wrote critically about the Taliban and/or were unwilling to follow the Taliban's instructions on reporting.⁴⁹⁶ In May 2021, a Taliban spokesman, Zabihullah Mujahid, criticised Afghan journalists for producing 'one-sided news' that benefited the Afghan secret service. He warned these journalists to stop doing this or face the consequences.⁴⁹⁷ Taliban violence has primarily targeted prominent journalists,⁴⁹⁸ including Afghan journalists who have contributed to international reporting on the situation in Afghanistan.⁴⁹⁹ Journalists who reported critically on the Afghan government (including on its corruption) also received threats before the fall of Kabul.⁵⁰⁰ The former head of the Afghan secret service was explicitly critical of media outlets that he said were spreading 'enemy propaganda'.⁵⁰¹ In July 2021, the Afghan secret service arrested four journalists while they were reporting on fighting with the Taliban.⁵⁰²

Since the Taliban took power, some journalists have criticised the Taliban in opinion pieces, articles and current affairs programmes in which Taliban leaders also participated.⁵⁰³ However, there is limited room for criticism and, as described above, several journalists have become victims of (sometimes deadly) violence by the Taliban or third parties. Various victim profiles can be distinguished on the basis of information in sources. First, Taliban fighters have openly committed violence against journalists who tried to report on the situation in Afghanistan since the takeover.⁵⁰⁴ Prominent journalists were also the victims of (sometimes deadly) targeted attacks outside working hours by the Taliban, ISKP or unknown parties. Furthermore, according to *The Christian Science Monitor* (CSM), the Taliban were engaged in a campaign of violence, sometimes fatal, against lesser-known local 'opinion-makers' who criticised the Taliban on social media.⁵⁰⁵

4.1.6 *Targeted violence against persons associated with foreign organisations/companies and/or foreign forces*

Afghans who had worked for international organisations and foreign forces were targets for threats and violence by armed opponents before the Taliban took power. In July 2021, for example, UNAMA expressed concern that humanitarian workers had become the target of more frequent attacks in the preceding months.⁵⁰⁶ After the Taliban took power, media outlets indicated that a confidential report commissioned by the UN stated that individuals who had worked for NATO forces or

⁴⁹⁶ Human Rights Watch, Afghanistan: Taliban Target Journalists, Women in Media, 1 April 2021; Afghan Journalists Safety Committee, Annual Report 2020, p. 10, 2021.

⁴⁹⁷ The Diplomat, Amid US Pullout, Taliban Issue Threat to Afghan Journalists, 6 May 2021.

⁴⁹⁸ Human Rights Watch, Afghanistan: Taliban Target Journalists, Women in Media, 1 April 2021.

⁴⁹⁹ VOA News, Calls Grow for Emergency Visas for Afghans Working With US Media, 22 July 2021; The Guardian, UK media unite to urge visas for Afghan reporters at risk from Taliban, 4 August 2021.

⁵⁰⁰ Reuters, Afghanistan's press freedom is threatened. Meet the young journalists fighting for it, 21 April 2021.

⁵⁰¹ The Diplomat, Amid US Pullout, Taliban Issue Threat to Afghan Journalists, 6 May 2021.

⁵⁰² Civicus, attacks on activists, journalists persist as Taliban offensive escalates in Afghanistan, 4 August 2021.

⁵⁰³ The Wall Street Journal, Taliban Detain Prominent Critic, Intensifying Crackdown on Dissent in Afghanistan, 10 January 2021.

⁵⁰⁴ Al Jazeera, Attack on Afghan reporter tests Taliban's media freedom pledge, 26 August 2021; TOLO News, Attack on Afghan reporter tests Taliban's media freedom pledge, 26 August 2021; CPJ, Afghan photographer Morteza Samadi detained by Taliban since September 7, 13 September 2021; Al Jazeera, Taliban accused of torturing journalists for covering protests, 9 September 2021; CPJ, Taliban fighters assault at least 3 journalists covering women's protest in Afghanistan, 21 October 2021; CPJ, Taliban fighter beats freelance journalist Sadaqat Ghorzang at Afghanistan-Pakistan border crossing, 25 October 2021.

⁵⁰⁵ CSM, Free speech in Afghanistan? Who is silenced by Taliban, and why., 17 December 2021. See also: RFE/RL, 'Tortured From Head To Toe': Taliban Accused Of Killing Afghan Man Over Critical Facebook Post, 3 December 2021.

⁵⁰⁶ UNAMA, Afghanistan 2021 Midyear Update on Protection of Civilians in Armed Conflict, p. 6, 26 July 2021.

the US military were particularly vulnerable to reprisals.⁵⁰⁷ There were also reports of Afghan UN staff in Afghanistan being subjected to violence and house searches.⁵⁰⁸ In the months that followed, the situation of UN staff and staff of international organisations seemed to improve.⁵⁰⁹ There were some concrete reports of reprisals against interpreters;⁵¹⁰ sources stated that their situation remained precarious and that many interpreters were therefore still in hiding.⁵¹¹

4.1.6.1

Afghan embassy employees

In the run-up to and after the change of power, a large proportion of the Afghan employees of Western embassies in Afghanistan were evacuated,⁵¹² including the local employees of the Dutch embassy in Kabul.⁵¹³ The extent to which this group was at risk of violence from the Taliban or other actors was unclear. According to an expert consulted by the Danish Immigration Service, the lack of empirical data makes it very difficult, even after the fall of Kabul, to assess how the Taliban view Afghans who previously worked for international organisations or foreign governments in Afghanistan.⁵¹⁴ The same picture emerged from the confidential sources that were consulted for this country report. There was no consistent picture of the extent to which employees with technical profiles such as political or other advisers and ancillary staff (cleaners, cooks and drivers) were at risk from Taliban violence.⁵¹⁵ A source stated that it was difficult to assess whether a targeted threat would arise against local employees working for Western representations after the departure of the NATO mission. Representatives of the Taliban had indicated that local employees of international organisations were also safe. Despite this, it was considered possible that local employees and their family members were in danger as a result of performing their duties if the security situation continued to escalate.⁵¹⁶ Responding to reports that the EU was planning to open an office in Kabul, the Taliban leadership stated that the security of the 'EU embassy' and EU personnel in Afghanistan would be guaranteed.⁵¹⁷ On 5 October 2021, *The Guardian* reported that a former British embassy driver had been attacked at his home by armed men. This driver believed that the attackers had links to the Taliban and attacked him because of his work for the embassy.⁵¹⁸

4.1.6.2

Security guards at Western embassies

The sources consulted reported a specific case of threats against security guards of international embassies in Afghanistan before the Taliban took power. The security guards in question were working at the Australian Embassy. In late May, Taliban supporters posted their photos on the Internet saying they would be the target of

⁵⁰⁷ Al Jazeera, UN report warns Taliban going 'door to door' for wanted, 20 August 2021; The Guardian, Afghanistan: thousands stranded in Kabul as Taliban go door-to-door, 20 August 2021.

⁵⁰⁸ The Independent, Afghanistan news – live: 2,000 still awaiting UK airlift from Kabul as thousands more flee Taliban, undated, last accessed on 25 August 2021; Politico, U.N. Secretary General admits Taliban reprisals against staff have begun, 24 August 2021.

⁵⁰⁹ UNAMA, Briefing by special representative Deborah Lyons to the Security Council, 17 November 2021.

⁵¹⁰ NOS, Tolk op Nederlandse evacuatielijst gisteren vermoord in Kabul, 14 October 2021; ABC News, Afghan interpreter who worked with Australian troops murdered by Taliban, 19 October 2021.

⁵¹¹ POLITICO, Catching the Last 'Last Flight' Out of Afghanistan, 3 November 2021; Confidential source, 30 December 2021.

⁵¹² Confidential source, 9 August 2021; Reuters, U.S. offers refuge to more Afghans who aided Americans in new program, 3 August 2021; Confidential source, 30 December 2021.

⁵¹³ Dutch Ministry of Foreign Affairs, Kamerbrief inzake de beëindiging evacuatieoperatie Afghanistan, 26 August 2021.

⁵¹⁴ DIS, Afghanistan: Recent events, p. 26, December 2021.

⁵¹⁵ Confidential source, 3 December 2021; Confidential source, 1 December 2021; Confidential source, 1 December 2021; Confidential source, 25 November 2021.

⁵¹⁶ Confidential source, 15 March 2022.

⁵¹⁷ Khaama Press, EU to reopen diplomatic office in Kabul within a month, 24 October 2021; Afghan Voice Agency (AVA), Islamic Emirate Welcomes Possible EU Office Reopening, 26 October 2021.

⁵¹⁸ The Guardian, Former British embassy driver badly beaten in Kabul, 5 October 2021.

reprisals for collaborating with a foreign government.⁵¹⁹ There were no news reports about concrete cases of violence against embassy security guards after the change of power. Confidential sources did not paint a consistent picture of the risk that Western embassies' security guards would fall victim to Taliban violence.⁵²⁰

4.1.6.3

Interpreters

Since the United States and its allies announced their final and complete withdrawal from Afghanistan in April 2021, many interpreters or former interpreters for the international forces reiterated their concerns for their own safety and that of their families.⁵²¹ This also applied to interpreters/fixers working for NGOs and journalists.⁵²² There are no figures available on the number of interpreters killed during this reporting period as a result of targeted violence by the Taliban or other insurgent groups. The American NGO No One Left Behind, which defends the interests of Iraqi and Afghan interpreters, stated that since 2014 at least three hundred Afghan and Iraqi interpreters or former interpreters and their families had been killed as a result of targeted violence.⁵²³ It is not known what the respective percentages of Afghan and Iraqi casualties were. Although the Taliban stated in June and August 2021 that Afghans who had worked for foreign forces would not be targets for reprisals if they expressed regret for their activities,⁵²⁴ there were several reports of occasional reprisals against interpreters before the Taliban's took power. In an interview with *TIME*, an Afghan interpreter said he knew of twelve cases of ex-colleagues being abducted, attacked or killed by insurgent groups. This interpreter had himself been the victim of an explosion and a house search by Taliban fighters.⁵²⁵ The article did not specify when these incidents occurred. CNN reported in May 2021 that a former US military interpreter was beheaded by the Taliban after being detained on the road between Kabul and Khost.⁵²⁶ In an interview with *De Volkskrant*, a fixer from Uruzgan who worked for Dutch journalists and NGOs stated that he was abducted and tortured by the Taliban in 2018. He said that in 2021 he received a threatening letter stating that he was on a Taliban death list.⁵²⁷

Despite evacuation attempts, tens of thousands of interpreters and other Afghans who have worked for the military of NATO countries have been left in Afghanistan.⁵²⁸ As already noted, a confidential UN report stated that since the capture of Kabul, the Taliban have been searching homes to find individuals who worked for NATO countries, according to international media.⁵²⁹ On 14 October it

⁵¹⁹ The Guardian, Taliban threaten Afghan security guards who work for Australian embassy in Kabul, 29 May 2021; WION, Taliban threatens Afghan security guards at Australian embassy, 29 May 2021.

⁵²⁰ Confidential source, 3 December 2021; Confidential source, 1 December 2021; Confidential source, 25 November 2021.

⁵²¹ AP, Afghans who helped the US now fear being left behind, 17 May 2021; The National, As foreign forces depart Afghanistan, local staff at embassies ask: 'What about us?', 30 April 2021; Deutsche Welle, US exit from Afghanistan: Leaving local staff at Taliban's mercy, 21 April 2021; The New York Times, A Stranded Interpreter, and the Soldiers Who Would Not Let Go, 26 August 2021.

⁵²² BBC, At risk Afghan journalists to be offered UK relocation, 6 August 2021; De Volkskrant, Najibullah hielp Nederlanders in Afghanistan en heeft nu zelf hulp nodig, 15 August 2021.

⁵²³ The Washington Post, Thousands of Afghans and Iraqis are under threat for helping Americans. Now they hope Biden will help them resettle in the United States., 30 December 2020. See also: CNN, Pentagon examining how to evacuate thousands who worked for US from Afghanistan, 27 May 2021.

⁵²⁴ BBC Monitoring, BBCM Afghanistan Watchlist for 8 June, 8 June 2021; VOA News, Taliban Slam US Relocation Program for Afghans, Take Credit for Kabul Bombing, 4 August 2021.

⁵²⁵ TIME, We Must Not Abandon Afghan Interpreters Who Helped the U.S., 16 April 2021.

⁵²⁶ CNN, Afghan interpreter for US Army was beheaded by Taliban. Others fear they will be hunted down too, 23 July 2021.

⁵²⁷ De Volkskrant, Najibullah hielp Nederlanders in Afghanistan en heeft nu zelf hulp nodig, 15 August 2021.

⁵²⁸ The Wall Street Journal, More Than 60,000 Interpreters, Visa Applicants Remain in Afghanistan, 16 December 2021.

⁵²⁹ Al Jazeera, UN report warns Taliban going 'door to door' for wanted, 20 August 2021; The Guardian, Afghanistan: thousands stranded in Kabul as Taliban go door-to-door, 20 August 2021.

became known that an interpreter who had worked for the EUPOL mission and was on the Dutch evacuation list had been murdered. His family accused the Taliban of killing him.⁵³⁰ On 19 October, ABC News reported on the murder of an interpreter who had worked for Australian forces. A lawyer for the interpreter's family said the Taliban were behind the murder.⁵³¹ Since then, public sources dealing with the situation of interpreters left behind in Afghanistan have – as far as is known – not reported any specific incidents of violence against interpreters.⁵³² The Human Rights Watch report on reprisals against ANDSF military personnel did not mention reprisals against interpreters.⁵³³ However, many interpreters are in hiding to protect themselves from reprisals.⁵³⁴ One source stated that interpreters and other groups threatened by the Taliban before the fall of Kabul had prepared better for the Taliban takeover than ANDSF personnel. They had gone into hiding or fled to Pakistan beforehand, the source said.⁵³⁵ However, the resources to finance these safe houses ran out in the months after the Taliban took power.⁵³⁶ There were reports of threats to relatives of interpreters by Taliban fighters. An Afghan interpreter who had fled to the UK told the BBC that the Taliban had attacked his brother during a house search in August 2021.⁵³⁷ The sister of two men who had interpreted for the US military told *The New York Times* that the Taliban had also ill-treated her and her family when the Taliban came to look for her brothers who had already fled.⁵³⁸ NOS also stated that relatives who had previously sheltered the EUPOL interpreter who was subsequently murdered had been threatened and that the perpetrators had also shot the father of the murdered interpreter, but had not killed him.⁵³⁹

4.1.6.4

Humanitarian staff and employees of international NGOs

According to the International NGO Safety Organisation (INSO), a total of 131 incidents took place between January and July 2021 in which the safety of NGOs and NGO employees was affected; 82% of the incidents involved international NGOs and 18% of the cases involved national NGOs. A total of eighteen people were killed in these incidents, 41 people were injured and 29 people were abducted. All the victims were Afghans.⁵⁴⁰ According to OCHA, a total of 25 humanitarian workers were killed between 1 January and 30 June 2021.⁵⁴¹ These included healthcare workers and mine clearance specialists. In April 2021, for example, a targeted attack took place against three healthcare workers who were administering polio vaccinations in Jalalabad.⁵⁴² On 15 June 2021, five more attacks took place on healthcare workers participating in a polio vaccination campaign in Nangarhar

⁵³⁰ NOS, Tolk op Nederlandse evacuatielijst gisteren vermoord in Kabul, 14 October 2021.

⁵³¹ ABC News, Afghan interpreter who worked with Australian troops murdered by Taliban, 19 October 2021.

⁵³² POLITICO, Catching the Last 'Last Flight' Out of Afghanistan, 3 November 2021; The Wall Street Journal, More Than 60,000 Interpreters, Visa Applicants Remain in Afghanistan, 16 December 2021.

⁵³³ Human Rights Watch, "No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021.

⁵³⁴ Rolling Stone, The conquering militants govern by fear. Poverty deepens, and behind closed doors journalists are beaten and rumors of executions spread. A portrait of a country on the edge, 28 November 2021; POLITICO, Catching the Last 'Last Flight' Out of Afghanistan, 3 November 2021.

⁵³⁵ Confidential source, 30 December 2021.

⁵³⁶ POLITICO, Catching the Last 'Last Flight' Out of Afghanistan, 3 November 2021.

⁵³⁷ BBC, Afghan interpreter tells of Taliban revenge attack on brother, 19 August 2021.

⁵³⁸ The New York Times, Under Taliban Rule, Life in Kabul Transforms Once Again, 24 August 2021.

⁵³⁹ NOS, Tolk op Nederlandse evacuatielijst gisteren vermoord in Kabul, 14 October 2021.

⁵⁴⁰ International NGO Safety Organisation (INSO), Key Data Dashboard – Afghanistan January 2020 – May 2021, undated, last accessed 15 August 2021.

⁵⁴¹ OCHA, Afghanistan: Humanitarian Access Snapshot (June 2021), 15 July 2021.

⁵⁴² Reuters, Afghan polio vaccine drive in trouble after three female medics killed, 1 April 2021.

province.⁵⁴³ Five people were killed⁵⁴⁴ and three⁵⁴⁵ or four⁵⁴⁶ were injured. In June, ten employees of the humanitarian organisation HALO Trust were also killed in an attack by an unknown armed group.⁵⁴⁷ In July 2021, the Taliban attacked the UNAMA compound in Herat.⁵⁴⁸ The majority of incidents involving humanitarian workers between March and July 2021 were attributable to the Taliban and other insurgent groups, according to OCHA. ANDSF military personnel and civilians were also responsible for violence against humanitarian workers.⁵⁴⁹

Since the Taliban took power, NGO employees have been victims of violent incidents. According to INSO, the ending of the armed conflict had a positive impact on the number of violent incidents involving NGOs, but crime and traffic incidents claimed casualties among NGO employees.⁵⁵⁰ Before the fall of Kabul, there was an average of nineteen violent incidents per month involving NGO workers. After an initial fall in the number of such incidents to five in September, there were fifteen violent incidents in both October and November 2021, according to INSO. During these three months, five people were killed and six were injured. There were no abductions.⁵⁵¹

4.1.6.5

Afghan UN staff

Since the announcement of the troop withdrawal and the evacuation of some of the international staff of international organisations and embassies in Afghanistan, several Afghan staff members of these organisations have expressed serious concerns for their own safety and the safety of their families.⁵⁵² UN Secretary-General Antonio Guterres reported that between December 2020 and March 2021 there were 27 violent incidents involving UN personnel (local and international workers) in Afghanistan. These included eight cases of intimidation and twelve 'criminal incidents'. A UN staff member had been abducted and a UN convoy was fired on, resulting in the killing of five employees of the Afghan Directorate of Protection Services tasked with protecting the convoy.⁵⁵³ In the previous period, between August and December 2020, there were 34 incidents involving UN personnel, including eleven intimidation cases and nineteen 'criminal incidents'. A staff member was kidnapped and released in September 2020.⁵⁵⁴

After the Taliban took power, 720 international UN staff members were evacuated. Three thousand local UN employees had no clear prospect of evacuation at the end of August 2021. They were asked to continue to provide humanitarian aid to the Afghan population. The UN Secretary-General acknowledged on 24 August 2021 that some local staff members had been subjected to intimidation by the Taliban. The

⁵⁴³ TOLO News, 5 Polio Vaccination Campaign Workers Killed in Nangarhar, 15 June 2021.

⁵⁴⁴ The New York Times, Afghan War Casualty Report: June 2021, 1 July 2021; TOLO News, 5 Polio Vaccination Campaign Workers Killed in Nangarhar, 15 June 2021.

⁵⁴⁵ The New York Times, Afghan War Casualty Report: June 2021, 1 July 2021.

⁵⁴⁶ TOLO News, 5 Polio Vaccination Campaign Workers Killed in Nangarhar, 15 June 2021.

⁵⁴⁷ HALO Trust works to remove and defuse landmines. BBC, Halo Trust: Afghanistan mine clearance workers shot dead 'in cold blood', 9 June 2021.

⁵⁴⁸ AA, UN office attacked as Taliban move on Herat in Afghanistan, 30 July 2021.

⁵⁴⁹ OCHA, AFGHANISTAN Humanitarian Access Snapshot (March 2021), April 2021; OCHA, AFGHANISTAN Humanitarian Access Snapshot (April 2021), May 2021; OCHA, AFGHANISTAN Humanitarian Access Snapshot (May 2021), June 2021; OCHA, AFGHANISTAN Humanitarian Access Snapshot (June 2021), July 2021; OCHA, AFGHANISTAN Humanitarian Access Snapshot (July 2021), August 2021.

⁵⁵⁰ INSO, Committed to Afghanistan: Helping NGOs to stay and deliver, 30 November 2021.

⁵⁵¹ INSO, Key Data Dashboard – Afghanistan January 2020 – November 2021, undated, last accessed 19 December 2021.

⁵⁵² The National, As foreign forces depart Afghanistan, local staff at embassies ask: 'What about us?', 30 April 2021; Deutsche Welle, US exit from Afghanistan: Leaving local staff at Taliban's mercy, 21 April 2021.

⁵⁵³ United Nations, The situation in Afghanistan and its implications for international peace and security – Report of the Secretary-General, p. 6, March 2021.

⁵⁵⁴ United Nations, The situation in Afghanistan and its implications for international peace and security – Report of the Secretary-General, p. 6, December 2020.

employees themselves stated that the UN was unable to guarantee their safety.⁵⁵⁵ In February 2022, the UN stated that between 19 August and 31 December 2021, 196 incidents had occurred affecting the UN, primarily UN personnel. This included 111 cases of intimidation, 39 criminal incidents, ten arrests and thirty incidents affecting UN buildings and property. This was an increase on the 34 incidents reported in 2020.⁵⁵⁶ In the first few months of 2022, there were also several incidents involving UN personnel. In February 2022, the Taliban arrested two international journalists and Afghan individuals who were supporting them during their work on an assignment for UNHCR.⁵⁵⁷ They were released on the same day.⁵⁵⁸ On 24 February 2022, there were four deadly attacks on eight polio vaccination workers, including four women, at four locations in the two northern provinces of Kunduz and Takhar. The UN has halted vaccination activities in these provinces.⁵⁵⁹

The frequency of threats and intimidation against UN staff appeared to decrease after reaching a peak just after the Taliban took power. On 9 September, during her briefing to the UN Security Council, Deborah Lyons, the head of UNAMA and the UN Secretary-General's Special Envoy to Afghanistan, expressed concern over the growing number of incidents of threats and intimidation against Afghan UN staff members.⁵⁶⁰ However, in a similar briefing on 17 November, she no longer expressed this concern and stated that UN missions were being protected by the Taliban.⁵⁶¹ In November 2021, Deborah Lyons also stated that there was broad humanitarian access to different areas.⁵⁶² At the end of December 2021, about 3,500 UN personnel were again active in Afghanistan, according to Reuters.⁵⁶³

4.1.7 *Ethnic groups/minorities*

Afghanistan is an ethnically and linguistically diverse country. The Afghan constitution – which was in force under the Ghani government – recognised fourteen ethnic groups (Pashtuns (Pathans), Tajiks, Hazaras, Uzbeks, Turkmens, Balochs, Pashayis, Nuristanis, Aimaqs, Arabs, Kyrgyz, Qizilbash, Gujars, and Brahuis).⁵⁶⁴ The Pashtuns are the largest ethnic group. Estimates of the proportion of Pashtuns in the total population range from 32 to 42%.⁵⁶⁵ They are followed by the Tajiks, the Hazaras, the Turkmens, the Uzbeks and the Aimaqs.⁵⁶⁶ However, there are many more minorities in Afghanistan.⁵⁶⁷ The Afghan constitution stated that the state was obliged to guarantee equality between all ethnic groups and achieve balanced economic development in all areas of the country, and forbade ethnicity-based politics.⁵⁶⁸ In Afghanistan, however, political loyalty has traditionally been closely tied to ethnicity and religion,⁵⁶⁹ and in the past several actors involved in the conflict have used ethnicity to reinforce their power and achieve military goals.⁵⁷⁰ At the

⁵⁵⁵ Politico, U.N. Secretary General admits Taliban reprisals against staff have begun, 24 August 2021.

⁵⁵⁶ United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 5, 3 February 2022.

⁵⁵⁷ CPJ, Taliban arrests 2 journalists on assignment with United Nations, 11 February 2022; UNHCR (Twitter), Two journalists on assignment with UNHCR and Afghan nationals working with them have been detained in Kabul. We are doing our utmost to resolve the situation, in coordination with others. We will make no further comment given the nature of the situation., 11 February 2022.

⁵⁵⁸ ABC News, Taliban free detained UNHCR staff, 2 foreign journalists, 11 February 2022.

⁵⁵⁹ United Nations, UN condemns brutal killing of eight polio workers in Afghanistan, 24 February 2022.

⁵⁶⁰ UNAMA, Briefing by Special Representative Deborah Lyons to the Security Council, 9 September 2021.

⁵⁶¹ UNAMA, Briefing by Special Representative Deborah Lyons to the Security Council 17 November 2021.

⁵⁶² UNAMA, Briefing by Special Representative Deborah Lyons to the Security Council, 17 November 2021.

⁵⁶³ Reuters, VN willen Taliban 6 miljoen dollar betalen voor beveiliging, 22 December 2021.

⁵⁶⁴ Islamic Republic of Afghanistan, Constitution, 2004.

⁵⁶⁵ Qutb, M., Long Read: Sowing seeds of ethnic division? Afghanistan's constitution and electoral system, LSE blog, 14 May 2020.

⁵⁶⁶ Barfield, T., Afghanistan: A Cultural and Political History, pp. 24-28, 2010.

⁵⁶⁷ TOLO News, 54 New Ethnic Options on Afghan ID Cards Spark Debate, 14 March 2021.

⁵⁶⁸ Islamic Republic of Afghanistan, Constitution, 2004.

⁵⁶⁹ Barfield, T., Afghanistan: A Cultural and Political History, pp. 18-23, 2010.

⁵⁷⁰ Malejacq, R., Warlord Survival: The Delusion of Statebuilding in Afghanistan, pp. 111-114, 2020.

national level, the Pashtuns, as the largest ethnic group, also held the greatest political and economic power under previous governments. Over the past twenty years, all Afghan presidents have been Pashtun.⁵⁷¹ The roots of the Taliban also lie within this population group.⁵⁷²

In practice, the Afghan president and government in Kabul had little influence over the regions, where powerful figures from the dominant local ethnic group often held sway.⁵⁷³ Leaders of dominant ethnic groups regularly used ethnicity and ethnic divisions to strengthen their power and influence. They did this, for example, by presenting themselves as protectors of the group and by providing land, jobs or work contracts to people of the same ethnic background.⁵⁷⁴ This was common among almost all ethnic groups and occurred at all levels. Individuals from a minority group in a certain area – including Pashtuns in areas where Pashtuns were a minority – could therefore be at risk of disadvantage and discrimination. This did not apply to any one ethnic group in particular, although Hazaras have historically suffered the most from this discrimination (for more details, see later paragraphs).⁵⁷⁵ Ethnicity was not always the cause of individual discrimination, which could also have an economic or other cause. Because ethnic and religious identities often overlapped, it was also difficult in many cases to determine whether an ethnic or a religious cause lay behind social tensions. Finally, it was also possible for clan rivalries to develop within ethnic groups; they do not automatically form a homogeneous group.

Since the Taliban took power, the Pashtuns have become more dominant within the *de facto* Afghan government. During the first round of government appointments by the Taliban, ministerial posts mainly went to Pashtuns.⁵⁷⁶ The Taliban have granted a number of additional ministerial posts to members of ethnic minorities in later rounds,⁵⁷⁷ and also appear to have distributed administrative posts at local level among Taliban supporters from local ethnic groups.⁵⁷⁸ The Taliban leadership explicitly stated that encouraging ethnic diversity in government – rather than including political opponents or women – was their chosen strategy for achieving 'inclusiveness'.⁵⁷⁹ However, according to a confidential source, it was difficult for the Taliban leadership to allocate many posts to ethnic minorities, or even to Pashtuns from areas where the Pashtuns are a minority, as the leadership first had to satisfy the Pashtun supporters from the south and south-east of Afghanistan.⁵⁸⁰ For more details on the composition of the interim government under the new Taliban regime, see 2.1.2.

4.1.7.1 Ethnicity and the change of power

Past power shifts increased ethnic tensions in Afghanistan, with new rulers trying to reward their own support base at the expense of others. This created a cycle of retaliation between alternating winners and losers. This dynamic often – but not

⁵⁷¹ Afghan Civil Society Position Paper: Geneva Conference on Afghanistan 2020 23rd -24th November 2020, p. 8, 2020.

⁵⁷² BBC, Who are the Taliban?, 18 August 2021.

⁵⁷³ Malejacq, R., Warlord Survival: The Delusion of Statebuilding in Afghanistan, 2020.

⁵⁷⁴ Malejacq, R., Warlord Survival: The Delusion of Statebuilding in Afghanistan, 2020.

⁵⁷⁵ Confidential source, 9 June 2021.

⁵⁷⁶ AA, Who's who in Taliban interim government?, 9 September 2021.

⁵⁷⁷ International Crisis Group, Afghanistan's Taliban Expand Their Interim Government, 28 September 2021.

⁵⁷⁸ The Washington Post, The Taliban is trying to win over Afghanistan's Shiites with a 33-year-old Hazara emissary. But many question the group's sincerity., 1 November 2021.

⁵⁷⁹ Republicworld, Taliban Claim Government In Afghanistan 'inclusive' With Members Of Various Ethnic Groups, 25 November 2021; AA, Taliban have all-inclusive government in Afghanistan, claims acting foreign minister, 12 November 2021.

⁵⁸⁰ Confidential source, 30 December 2021.

always – ran along ethnic lines.⁵⁸¹ One significant aspect of this dynamic was land expropriation and evictions, with those newly in power seizing land and property from actual or alleged hostile groups.⁵⁸² Since the Taliban takeover, there have been instances of Taliban fighters or Pashtun communities (including nomads) seizing land and houses from communities consisting of other ethnic groups – mainly Hazaras,⁵⁸³ but also Tajiks,⁵⁸⁴ Uzbeks and Turkmen.⁵⁸⁵ For example, according to RFE/RL, there was widespread expropriation of land from Uzbeks and Turkmen in Northern Afghanistan by Taliban supporters and Pashtun nomads. At the end of November, they forced a thousand individuals to abandon their land in the Darzab and Qush Tepa districts of Jowzjan province.⁵⁸⁶

4.1.7.2

Reprisals and violence against ethnic minorities after the change of power
There also seem to have been acts of revenge against members of ethnic minorities at local level. Amnesty International reported on two acts of revenge in which Taliban fighters killed nine and thirteen Hazaras respectively,⁵⁸⁷ and there were also reports of violence against the Tajik civilian population of Panjshir. According to a source, Tajiks in Panjshir have been subjected to disproportionate arrests, surveillance and violence since the Taliban took the valley.⁵⁸⁸ The Taliban have also been responsible for evictions and extrajudicial executions of civilians in this province, an AAN report said.⁵⁸⁹ Some sources stated that even in Kabul Tajiks faced intimidation, threats, house searches and restrictions.⁵⁹⁰ Up to the time of publication of the country report, there seemed to be no evidence in practice of a large-scale Taliban campaign of violence against ethnic minorities – comparable to the persecution of the Hazaras in the 1990s – or instructions by the Taliban leadership to systematically discriminate against certain ethnic groups.⁵⁹¹ However, a source specified that it was too early to draw any firm conclusions about the Taliban's actions towards minorities.⁵⁹²

The disadvantaging of ethnic groups by the Taliban has led to uprisings among civilians and Taliban fighters from minority backgrounds against the Taliban at local level. For example, there were demonstrations and examples of civil disobedience campaigns by residents of Panjshir,⁵⁹³ and by Uzbek civilians and Taliban supporters in Faryab.⁵⁹⁴

4.1.8

Hazaras

While marginalisation and violence has affected and continues to affect members of various ethnic groups in Afghanistan, several sources state that Hazaras are more vulnerable to various forms of disadvantage, that discrimination based on ethnicity

⁵⁸¹ FluchtforschungsBlog, Forced Displacement under the Taliban, also a Legacy of the Past (?), 20 December 2021.

⁵⁸² The New York Times, In Afghanistan, 'Who Has the Guns Gets the Land', 3 December 2021; United States Institute of Peace, Addressing Land Conflict in Afghanistan, 27 May 2015; Human Rights Watch, Afghanistan: Taliban Forcibly Evict Minority Shia, 22 October 2021.

⁵⁸³ Human Rights Watch, Afghanistan: Taliban Forcibly Evict Minority Shia, 22 October 2021.

⁵⁸⁴ FluchtforschungsBlog, Forced Displacement under the Taliban, also a Legacy of the Past (?), 20 December 2021.

⁵⁸⁵ The New York Times, In Afghanistan, 'Who Has the Guns Gets the Land', 3 December 2021; Der Spiegel, The Taliban's Campaign to Rob Villagers of Their Land, 6 October 2021; Human Rights Watch, Afghanistan: Taliban Forcibly Evict Minority Shia, 22 October 2021.

⁵⁸⁶ RFE/RL, Taliban Accused Of Forcibly Evicting Ethnic Uzbeks, Turkmen In Northern Afghanistan, 9 December 2021.

⁵⁸⁷ Al Jazeera, Taliban responsible for massacre of nine Hazara men: Amnesty, 20 August 2021.

⁵⁸⁸ Confidential source, 30 December 2021.

⁵⁸⁹ AAN, Afghanistan's Conflict in 2021 (1): The Taliban's sweeping offensive as told by people on the ground, 28 December 2021

⁵⁹⁰ Confidential source, 25 November 2021; Confidential source, 8 December 2021.

⁵⁹¹ Confidential source, 25 November 2021; Confidential source, 1 December 2021.

⁵⁹² Confidential source, 19 November 2021.

⁵⁹³ Confidential source, 30 December 2021.

⁵⁹⁴ The Wall Street Journal, Afghanistan's Taliban Battle Rebellion by Ethnic Minority Fighters, 14 January 2022; The Times, Commander's arrest exposes ethnic splits in Taliban, 14 January 2022.

and religion plays a greater role in this than it does in the disadvantaging of other groups, and that ISKP was engaged in a targeted campaign of deadly violence against this specific group before and after the fall of Kabul.⁵⁹⁵ Even before the fall of Kabul, the Taliban seemed keen to convince the outside world and the Hazara community that they would not subject the Hazaras to persecution again, as they did in the 1990s. The fact that Hazara girls in some Taliban-controlled districts are allowed to attend secondary school, unlike girls from other ethnic groups, is also said to be an example of this.⁵⁹⁶

Even after the fall of Kabul, the Taliban declared several times that they respected the rights of ethnic and religious minorities, including Hazaras,⁵⁹⁷ and also took other actions to demonstrate its goodwill. These included permitting and protecting Shia religious holidays, returning weapons to Hazaras in order to protect mosques from ISKP attacks,⁵⁹⁸ and appointing some Hazaras to the local government of provinces.⁵⁹⁹ However, there were serious doubts about the sincerity of these intentions among experts and Hazaras due to the Taliban's bad reputation in this respect,⁶⁰⁰ the lack of high-level representation of Hazaras in the new interim government,⁶⁰¹ recent incidents in which Taliban fighters killed Hazaras and expropriated property from Hazara communities on a large scale,⁶⁰² and the unpredictable behaviour of individual Taliban fighters.⁶⁰³ According to some Hazaras and experts, the recent instances of violence against Hazaras (such as the revenge killings on two occasions of nine and thirteen Hazaras respectively) and the lack of any attempt by the Taliban to prosecute the perpetrators of such reprisals are evidence of the fact that Taliban violence and discrimination are still specifically targeting Hazaras.⁶⁰⁴ The Taliban themselves and some sources have stated that these incidents are part of a broader historical pattern of localised reprisals or cases of 'victor's rights' being exercised against Afghans of various backgrounds (see 4.1.7 for more details).⁶⁰⁵ Expropriation of land or property for the benefit of Taliban fighters also took place among Pashtun citizens in places such as Kandahar and Musa Qala.⁶⁰⁶ There were revenge killings of Pashtuns in places such as Spin Boldak (see 1.4.2.3, information on developments in Kandahar).

⁵⁹⁵ Confidential source, 9 June 2021; Confidential source, 17 November 2021; The Interpreter, Afghanistan: The Hazara dread, 24 September 2021.

⁵⁹⁶ ZEIT Magazin (via European Press Prize), Among the Taliban, November 2020.

⁵⁹⁷ The Washington Post, The Taliban is trying to win over Afghanistan's Shiites with a 33-year-old Hazara emissary. But many question the group's sincerity., 1 November 2021; Confidential source, 3 December 2021; ABC, Despite mistrust, Afghan Shiites seek Taliban protection, 16 November 2021.

⁵⁹⁸ ABC, Despite mistrust, Afghan Shiites seek Taliban protection, 16 November 2021.

⁵⁹⁹ The Washington Post, The Taliban is trying to win over Afghanistan's Shiites with a 33-year-old Hazara emissary. But many question the group's sincerity., 1 November 2021; ABC, Despite mistrust, Afghan Shiites seek Taliban protection, 16 November 2021; The Wall Street Journal, Afghanistan's Shiite Minority Cautiously Embraces Taliban Rule, Seeking Protection, 16 November 2021.

⁶⁰⁰ Confidential source, 9 June 2021; The Diplomat, Growing Sectarianism Can Challenge Lasting Peace in Afghanistan, 15 October 2020; The Interpreter, Afghanistan: The Hazara dread, 24 September 2021; The Washington Post, The Taliban is trying to win over Afghanistan's Shiites with a 33-year-old Hazara emissary. But many question the group's sincerity., 1 November 2021; Al Jazeera, 'Cold-blooded': Taliban accused of executing Hazara people, 5 October 2021.

⁶⁰¹ The Washington Post, The Taliban is trying to win over Afghanistan's Shiites with a 33-year-old Hazara emissary. But many question the group's sincerity., 1 November 2021; ABC, Despite mistrust, Afghan Shiites seek Taliban protection, 16 November 2021; The Wall Street Journal, Afghanistan's Shiite Minority Cautiously Embraces Taliban Rule, Seeking Protection, 16 November 2021.

⁶⁰² Human Rights Watch, Afghanistan: Taliban Forcibly Evict Minority Shia, 22 October 2021.

⁶⁰³ ABC, Despite mistrust, Afghan Shiites seek Taliban protection, 16 November 2021; Financial Times, Afghanistan's Shia are fearful in face of Taliban takeover, 26 August 2021.

⁶⁰⁴ The Washington Post, The Taliban is trying to win over Afghanistan's Shiites with a 33-year-old Hazara emissary. But many question the group's sincerity., 1 November 2021.

⁶⁰⁵ Al Jazeera, 'Cold-blooded': Taliban accused of executing Hazara people, 5 October 2021; Confidential source, 25 November 2021; Confidential source, 1 December 2021.

⁶⁰⁶ The New York Times, In Afghanistan, 'Who Has the Guns Gets the Land', 3 December 2021.

Sources agreed almost unanimously that ISKP was engaged in a sectarian struggle against Hazaras. ISKP itself states that it regards the Taliban's attitude towards Shiites as too tolerant, because, according to ISKP, Shiites are infidels.⁶⁰⁷ According to various sources, Hazaras are an explicit target of ISKP because of their predominantly Shia religion,⁶⁰⁸ and because they are recognisable from their distinctive appearance.⁶⁰⁹ The following paragraphs explain the situation of Hazaras in more detail.

Discrimination against Hazaras before the Taliban takeover

As the previous country report indicated, the Hazaras have a long history of persecution in Afghanistan. During the previous period of Taliban control, Hazaras were labelled infidels and subjected to violence because most Hazaras are Shiites.⁶¹⁰ From 2001, the socio-economic position of Hazaras improved significantly and Hazaras also had more say in national politics.⁶¹¹ Even so, representatives of the Hazara community stated that the group was still marginalised under the Ghani government.⁶¹²

Discrimination against Hazaras after the Taliban takeover

Under the *de facto* Taliban administration, the political representation of Hazaras has deteriorated. There is one Hazara in the new interim cabinet, and his position is *de facto* deputy Minister of Public Health. Some Hazaras have positions in administrations at provincial level. These Hazaras are regarded as followers of the Taliban and are therefore not seen as representative of the entire community.⁶¹³ It is difficult to assess whether there is currently discrimination in the distribution of government services (healthcare, justice, economic investment), because the country is experiencing a humanitarian crisis and the provision of government services is faltering throughout Afghanistan. Some Hazaras said they were able to go to the police,⁶¹⁴ and the Taliban also appeared to allow some courts to adjudicate according to Shia jurisprudence, according to reporting in *The Washington Post*.⁶¹⁵ At the same time, ABC News quoted Hazaras who said that they did not dare go to the local police, and a Hazara who indicated that he was unable to speak to the police in Farsi (the language mainly spoken by Hazaras, also referred to as Dari).⁶¹⁶ *Der Spiegel* also stated that Hazaras who had been victims of land expropriation did not have access to a fair trial in local Taliban courts.⁶¹⁷

Expropriation of Hazaras' land after the Taliban takeover

According to Human Rights Watch, cases of land expropriation and eviction have occurred in the provinces of Helmand, Balkh, Daikundi, Kandahar and Uruzgan. In Balkh and Daikundi, the victims were almost exclusively Hazaras. In the Qubāt al-

⁶⁰⁷ The Washington Institute for Near East Policy, Return of the Islamic Emirate of Afghanistan: The Jihadist State of Play, 18 August 2021.

⁶⁰⁸ Confidential source, 9 June 2021.

⁶⁰⁹ Al Jazeera, The threat of ISKP in Afghanistan has been underestimated, 27 August 2021; Stimson, ISKP and Afghanistan's Future Security, 6 August 2021; Confidential source, 9 June 2021; USCIRF, 2020 Report on International Religious Freedom: Afghanistan, 12 May 2021.

⁶¹⁰ Around ninety percent of the Shiites in Afghanistan are Hazaras. USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 4, 2021.

⁶¹¹ Prabook, Sarwar Danish, undated, last accessed 9 July 2021.

⁶¹² USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 12, 2021; Misaal Foundation, South Asia State of Minorities Report 2018, The State of Minorities in Afghanistan, p. 279, 2018; Hazara Research Collective, International Relations and Defence Committee: The UK and Afghanistan, Call for Evidence, 6 September 2020; Confidential source, 9 June 2021.

⁶¹³ ABC, Despite mistrust, Afghan Shiites seek Taliban protection, 16 November 2021.

⁶¹⁴ ABC, Despite mistrust, Afghan Shiites seek Taliban protection, 16 November 2021.

⁶¹⁵ The Washington Post, The Taliban is trying to win over Afghanistan's Shiites with a 33-year-old Hazara emissary. But many question the group's sincerity., 1 November 2021.

⁶¹⁶ ABC, Despite mistrust, Afghan Shiites seek Taliban protection, 16 November 2021.

⁶¹⁷ Der Spiegel, The Taliban's Campaign to Rob Villagers of Their Land, 6 October 2021.

Islam district of the province of Balkh, men from the local 'Kushani community'⁶¹⁸ worked with the Taliban to evict Hazara families. In the province of Daikundi, 2,800 Hazara residents from fifteen villages in Gizab district had their land expropriated. Taliban officials in Kabul later withdrew the expropriation, according to Human Rights Watch, but former residents of these villages had not returned by October.⁶¹⁹ Local media reported that decisions on the matter had been postponed until spring.⁶²⁰ Village elders in Gizab who protested against the evictions to local authorities and asked for an investigation were temporarily detained.⁶²¹ There were also said to be Pashtuns trying to claim land from Hazaras in other districts such as Yakawlang in Bamyan.⁶²²

Violence against Hazaras before the Taliban takeover

Violence against Hazaras remained a persistent phenomenon during the twenty years following the fall of the first Taliban regime. In the year before the Taliban took power, sources expressed concern about an increase in this type of violence. The AIHRC expressed concerns about ethnically motivated violence against Hazaras in June 2021,⁶²³ and in the first half of 2021 UNAMA observed a resurgence of 'deliberate sectarian-motivated attacks against the Shi'a Muslim religious minority' - mainly Hazaras - in Afghanistan. In total, UNAMA documented twenty incidents targeting Shia/Hazaras between 1 January and 30 June 2021, in which 143 people were killed and 357 were injured. ISKP claimed responsibility for most of these attacks.⁶²⁴ In the year before the Taliban took power, there were two large-scale attacks on educational institutions mostly attended by Hazaras. On 24 October 2020, forty people were killed and more than seventy were injured in a bomb attack on a school in the Hazara neighbourhood of Dasht-e-Barchi in Kabul.⁶²⁵ In May 2021, a large-scale attack took place at a girls' secondary school in the same neighbourhood in which at least 85 were killed and 216 injured, according to UNAMA (see 1.4.2 for details).⁶²⁶ ISKP claimed responsibility for the first attack. The other attack was not claimed. The Afghan government accused the Taliban, but they denied responsibility.⁶²⁷ Human Rights Watch classified the attack under attacks definitely or probably committed by ISKP.⁶²⁸ There were also smaller-scale attacks in which Hazaras were killed. In the spring of 2021, buses mainly used by Hazaras also became a target for attacks. There were at least eight such incidents in May and June.⁶²⁹ There were also smaller-scale attacks on Hazara factory workers,⁶³⁰

⁶¹⁸ A nomadic minority in Afghanistan. See: [Shughni in Afghanistan | Joshua Project](#), last accessed 27 January 2022.

⁶¹⁹ Human Rights Watch, Afghanistan: Taliban Forcibly Evict Minority Shia, 22 October 2021.

⁶²⁰ Hasht-e Subh, Forced Displacement of Daikundi Residents Was Put Off to Next Spring, 28 September 2021.

⁶²¹ Der Spiegel, The Taliban's Campaign to Rob Villagers of Their Land, 6 October 2021; Human Rights Watch, Afghanistan: Taliban Forcibly Evict Minority Shia, 22 October 2021.

⁶²² The Wall Street Journal, Afghanistan's Shiite Minority Cautiously Embraces Taliban Rule, Seeking Protection, 16 November 2021.

⁶²³ BBC Monitoring, BBCM Afghanistan Watchlist for 7 June, 7 June 2021; Confidential source, 9 July 2021.

⁶²⁴ UNAMA, Civilian Casualties Set to Hit Unprecedented Highs in 2021 Unless Urgent Action to Stem Violence – UN Report, 26 July 2021.

⁶²⁵ Human Rights Watch, Afghanistan School Bombing Targets Minority Community, 26 October 2020; Forbes, Bombings Outside A School In Afghanistan Kill Over 68 People, Mostly Children, 9 May 2021.

⁶²⁶ UNAMA, Afghanistan 2021 Midyear Update on Protection of Civilians in Armed Conflict, p. 5, 26 July 2021.

⁶²⁷ CNN, Death toll rises to 85 in Afghanistan girls' school bomb attack, 10 May 2021; Al Jazeera, Kabul neighbourhood, home to Hazaras, stunned by wave of attacks, 13 June 2021.

⁶²⁸ Human Rights Watch, Afghanistan: Surge in Islamic State Attacks on Shia, 25 October 2021.

⁶²⁹ UNAMA, Civilian cases set to hit unprecedented highs in 2021 unless urgent action to stem violence – UN REPORT, 26 July 2021. See: Reporterly, 10 Killed As 3 Bombs Rock Kabul, Plunge City Into Darkness, 2 June 2021; Reuters, Bombers aim for buses in new tactic to spread death and fear in Afghanistan, 3 June 2021.

⁶³⁰ The New York Times, Afghan War Casualty Report: March 2021, 1 April 2021. See also: Ghandara, Seven Ethnic Hazaras Killed In Eastern Afghanistan, 4 March 2021. In March 2021, unknown gunmen killed seven workers at a factory in the Surkh Rod district of Nangarhar province. All seven victims were Hazaras. The perpetrators tied their hands and feet before killing them. The local authorities held ISKP responsible.

travellers,⁶³¹ and mosque attenders.⁶³² Abductions of Hazara travellers also took place on the road from Kabul to the province of Bamyan in the area of Maidan Wardak and Ghazni.⁶³³ A confidential source confirmed that the road between Kabul and Bamyan was very dangerous, especially near the town of Wardak.⁶³⁴ It is not clear whether there were ethnic motives for these abductions. The Taliban often released travellers around Ghazni and Maidan Wardak in exchange for ransom,⁶³⁵ and the risk of being abducted was high for everyone in Afghanistan.⁶³⁶ Hazaras criticised the Afghan government for a lack of protection by the security authorities in areas where many Hazaras/Shiites live.⁶³⁷ A source confirmed this lack of protection.⁶³⁸

Violence against Hazaras during the Taliban offensive

During the Taliban offensive from May onwards, provinces dominated by Hazaras (Bamyan and Daikundi) remained under government control for a relatively long time. Daikundi fell on 14 August after negotiations between tribal leaders and the Taliban to avoid bloodshed.⁶³⁹ The capital of Bamyan, Bamyan City, also fell without violence after the capture of Kabul.⁶⁴⁰ However, the capture of the Hazara district of Malistan in Ghazni province, where Hazaras represent almost half of the population, was accompanied by extensive violence and torture (see 1.4.2.3).⁶⁴¹

Violence against Hazaras after the Taliban takeover

Hazaras continued to experience various forms of violence after the Taliban took power. The main categories of violence concerned (often large-scale) ISKP attacks on Hazara targets such as Shia mosques (for more details, see 2.2.2.1). In addition to this form of ISKP violence, there were also reprisals by the Taliban against Hazara communities. According to Amnesty International, on 30 August 2021, Taliban fighters killed thirteen Hazaras, including nine ANDSF members who had

⁶³¹ In April 2021, the Taliban killed two officials and two civilians in the village of Kotal-e-Shiniya in Dawlatyar district in the province of Ghor while they were travelling in their own car. All four victims were Hazaras. In May, the Taliban killed three travellers, all Hazaras, on their way from the province of Ghor to the province of Herat in Firoz Koh. See: The New York Times, *Afghan War Casualty Report: May 2021*, 3 June 2021.

⁶³² In May, unknown gunmen killed two Hazaras after evening prayers in the Ghresk district of Helmand province. See: The New York Times, *Afghan War Casualty Report: May 2021*, 3 June 2021.

⁶³³ KabulNow reported on the abduction of two judges on their way from Ghazni to Kabul in September 2020, the abduction of eighteen bus passengers between Maydan Wardak and Kabul on 25 November 2020, and the abduction of four civilians in the Qarabagh district of Ghazni on 9 January 2021. Another source said that local sources indicated that in January 2021, 52 people were abducted on the Dasht-e Qarabagh highway near Jaghori district (on the border between the provinces of Ghazni and Uruzgan). KabulNow, Taliban kidnap senior members of Ghazni's appeal court, 19 September 2020. KabulNow, Taliban abduct 18 civilians in Maidan Wardak province, 25 November 2020. The Spanish news agency EFE-EFA reported on the abduction of 28 Hazaras on a highway in Maidan Wardak on the same day. La Prensa Latina, Taliban kidnap 28 Hazara travelers in Afghanistan, 25 November 2020. The Afghan newspaper Dari VOA reported about the same incident in Dari: Dari VOA News, *٢٨ طالبان: وردک میدان پولیس ریونند چلریز در* (darivoo.com), accessed 4 June 2020; MENAFN, Afghanistan- Taliban: the Monster of Terror and Kidnap in Highways of Central Areas, 16 January 2021.

⁶³⁴ KabulNow, Taliban kidnap four civilians in Qarabagh district of Ghazni, 10 January 2021.

⁶³⁵ Confidential source, 9 July 2021.

⁶³⁶ Middle East business and financial news (MENAFN), Afghanistan- Taliban: the Monster of Terror and Kidnap in Highways of Central Areas, 16 January 2021.

⁶³⁷ OSAC, Afghanistan Country Security Report, 27 July 2021.

⁶³⁸ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 8, 2021; Al Jazeera, Hazaras fear for future as Afghanistan risks slipping into chaos, 3 February 2021; Aljazeera, Grief and anger after deadly blasts target Afghan school, 9 May 2021; Associated Press, Afghan school bombing cues reproof of government, 10 May 2021; TOLO News, Shia Clerics: Govt Failed to Prevent School Attack, 27 May 2021; Reportedly, Prevention Of Genocide Of Hazara People Must: Lower House, 2 June 2021.

⁶³⁹ Confidential source, 9 June 2021. See also: The New York Times, As Afghan Forces Crumble, an Air of Unreality Grips the Capital, 2 July 2021.

⁶⁴⁰ The Guardian, Last major Afghan city in the north falls to the Taliban, 14 August 2021.

⁶⁴¹ Xinhua, Afghan interior minister says power to be peacefully transferred to transitional government, 15 August 2021.

⁶⁴² Amnesty International, Afghanistan: Taliban responsible for brutal massacre of Hazara men – new investigation, 19 August 2021.

surrendered, in the village of Khidir in Daikundi province. One of the victims was a seventeen-year-old girl.⁶⁴² This followed the incident mentioned earlier in which Taliban fighters were responsible for the torture and revenge killing of nine Hazara men in the Malistan district of Ghazni province in July 2021.⁶⁴³

4.1.9

Shiites

Most Afghan Shiites are Hazaras. This makes it difficult to distinguish whether violence against Shiites is motivated by religious or ethnic motives, or whether it represents a combination of the two. The following paragraphs contain information about the Shia population in Afghanistan and the attitude of the Taliban and ISKP towards this religious group.

Demographic information about the Shiites

The information in the previous country report about the percentage of Shiites and the areas where most Shiites live in Afghanistan is still current.⁶⁴⁴ There is a lack of precise statistics on the number of Shiites and Sunnis in Afghanistan. It is estimated that ten to fifteen percent of the population is Shiite. Out of a total population of 36.6 million,⁶⁴⁵ there are therefore between 3.6 and 5.4 million Shiites. As noted in the previous section, most Afghan Shiites, about ninety percent,⁶⁴⁶ are ethnic Hazaras. Not all Hazaras are Shiites, and there are also Shiites among other ethnic groups, such as the Qizilbash.⁶⁴⁷ There are also Shiites among the predominantly Sunni Tajiks, such as the Imami Tajiks in Western Afghanistan and the Badakshan Tajiks.⁶⁴⁸ There are Shiites among the mainly Sunni Sayed/Sadat ethnic group, and there is a Shiite clan within the Pashtun, the Turi.⁶⁴⁹

Most Shiites live in Central Afghanistan, the traditional areas of the Hazaras (the provinces of Bamyan, Daikundi and Ghor and parts of Ghazni, Uruzgan, Parwan and Maidan Wardak). The largest city in this region, Bamyan, is almost entirely Shiite.⁶⁵⁰ Part of the population of the cities of Herat, Kabul and Mazar-i-Sharif is Shiite. In relative terms, the city of Herat has the highest proportion of Shiites outside Central Afghanistan. According to the previous country report, about half of the population there is Shiite.⁶⁵¹ In 2019, the Finnish Country Information Service estimated that a quarter of the population of Kabul is Shiite.⁶⁵² The Dasht-e-Barchi neighbourhood in Western Kabul is regarded as a Hazara or Shiite district. The city of Mazar-i-Sharif in Balkh province is also home to a relatively large number of Hazaras/Shiites.⁶⁵³ In addition, smaller

⁶⁴² Amnesty International, Afghanistan: 13 Hazara killed by Taliban fighters in Daykundi province – new investigation, 5 October 2021.

⁶⁴³ Amnesty International, Afghanistan: Taliban responsible for brutal massacre of Hazara men – new investigation, 19 August 2021.

⁶⁴⁴ It should be noted that recent sources are based on a study of Afghanistan's religious demographics by the Pew Research Center dating from 2009.

⁶⁴⁵ This is an estimate of the total population of Afghanistan as of mid-2020.

⁶⁴⁶ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 4, 2021.

⁶⁴⁷ Fazel, M., Ethnohistory of the Qizilbash in Kabul: Migration, State, and a Shi'a Minority, PhD Thesis Indiana University, 2017.

⁶⁴⁸ Minority Rights, World Directory of Minorities & Indigenous People: Afghanistan, undated, last accessed 12 July 2021.

⁶⁴⁹ Minority Rights, World Directory of Minorities & Indigenous People: Afghanistan, undated, last accessed 12 July 2021; Naval Postgraduate School, Ethnic Identity and Genealogies, undated, last accessed 12 July 2021.

⁶⁵⁰ Austria, Federal Office for Immigration and Asylum, Afghanistan Country Report Security Situation (EN), p. 54, 14 December 2020.

⁶⁵¹ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only).

⁶⁵² Finland, Finnish Immigration System (FIS), Afghanistan: Fact-Finding Mission to Kabul in April 2019 - Situation of Returnees in Kabul, pp. 2-3, 15 October 2019.

⁶⁵³ The Bulwark, An Interview with Two Afghan Mayors About the U.S. Withdrawal from Afghanistan, 20 April 2021.

numbers of Hazaras live in other Afghan cities and provinces such as Farah, Logar and Kandahar.⁶⁵⁴

Position of Shiites before the Taliban takeover

The position of Shiites in Afghanistan varied between the different ethnic groups. While the Hazaras have historically been victims of exclusion and persecution and continue to suffer from socio-economic marginalisation (see 4.1.8), other Shiite groups such as the Qizilbash and Farsiwan have historically enjoyed a certain degree of respect.⁶⁵⁵ One source stated that Hazaras were most at risk of discrimination on the basis of religion because they belong to an easily identifiable ethnic group and are therefore easily identified as Shiite. This was not the case for Shiites from other ethnic groups in Afghanistan, because they are indistinguishable from Sunnis on the basis of appearance and have the right to conceal their religious identity in public (*taqiya*).⁶⁵⁶ In several Afghan cities such as Herat and Kandahar, where Shiites and Sunnis have historically coexisted, there was a degree of tolerance.⁶⁵⁷ However, there was an increase in sectarian tension between Sunnis and Shiites in Herat. This development was attributed to the large influx of Afghan Shiite returnees (mainly Hazaras) from Iran.⁶⁵⁸

Attacks on Shiites before the Taliban takeover

In 2020, UNAMA identified ten incidents in which 112 civilians were killed and 196 injured, where the primary target was the Shiite religious minority in Afghanistan, with most of the victims also belonging to the Hazaras.⁶⁵⁹ As stated in the previous section on Hazaras, this type of violence intensified in the first half of 2021, and there were twenty incidents in which Shiites (mainly Hazaras) were the targets of violence. As noted in the previous section, ISKP was behind most of these attacks and is an outspoken enemy of Shiite Muslims. The Taliban claimed no responsibility for large-scale attacks on Shiites.

Position of and violence against the Shiites after the Taliban takeover

Since the Taliban took power, Hazaras have remained the most vulnerable among the Shiite community in Afghanistan because of their recognisable appearance.⁶⁶⁰ As stated in the previous section on Hazaras, there have been several large-scale attacks by ISKP on Shiite mosques, underscoring the sectarian character of ISKP violence.⁶⁶¹ According to a confidential source, it is too early to assess the Taliban's attitude towards Shiites.⁶⁶² There were signs that the Taliban are advocating a more inclusive approach towards Shiites,⁶⁶³

⁶⁵⁴ EASO, Situation of Hazaras and Shias (2018-2020), p. 2, 29 July 2020; Austria, Federal Office for Immigration and Asylum, Afghanistan Country Report Security Situation (EN), p. 100, 14 December 2020; Confidential source, 30 December 2021.

⁶⁵⁵ Confidential source, 13 December 2021.

⁶⁵⁶ Confidential source, 9 June 2021.

⁶⁵⁷ AAN, Speculation Abounding: Trying to make sense of the attacks against Shias in Herat city, 3 February 2019; Austria, Federal Office for Immigration and Asylum, Afghanistan Country Report Security Situation (EN), p. 151, 14 December 2020. EASO, Afghanistan Security situation, p. 308, June 2021; Confidential source, 30 December 2021.

⁶⁵⁸ Afghanistan Public Policy Research Organisation (APPRO), Local Dynamics of Conflict and Peace in Western Afghanistan, p. 1, July 2021.

⁶⁵⁹ UNAMA, Afghanistan Protection Of Civilians In Armed Conflict Annual Report 2020, p. 55, February 2021.

⁶⁶⁰ Confidential source, 7 December 2021; The Guardian, Shia mosque bombing kills dozens in Afghan city of Kunduz, 8 October 2021.

⁶⁶¹ Confidential source, 9 July 2021. See also: Human Rights Watch, Afghanistan: Surge in Islamic State Attacks on Shia, 25 October 2021.

⁶⁶² Confidential source, 9 July 2021.

⁶⁶³ Confidential source, 30 December 2021. See also: ABC, Despite mistrust, Afghan Shiites seek Taliban protection, 16 November 2021; The New York Times, On Patrol: 12 Days With a Taliban Police Unit in Kabul, 28 January 2021.

but there were also signs that the Taliban wanted to reverse certain achievements in the area of religious freedom. Developments pointing to greater religious tolerance within the Taliban include the fact that the Taliban have allowed the celebration of Ashura, one of the most important Shia rituals,⁶⁶⁴ to continue,⁶⁶⁵ have assigned more guards to Shia places of worship and shrines,⁶⁶⁶ and have administered justice in some regions according to Shia jurisprudence.⁶⁶⁷ In addition, the Taliban leadership held talks with Shiite leaders about the use of Shia jurisprudence in the new justice system under the Taliban and more inclusiveness at the administrative level.⁶⁶⁸ One negative development was the fact that the Taliban have indicated that they may wish to replace the current constitution with the Constitution of 1964. The latter, unlike the former, does not guarantee equal rights for Shiites.⁶⁶⁹ According to a source, the Taliban did not initially take many measures to protect the Shiite community against (ISKP) violence, but the attack on a Shia mosque in Kandahar was a turning point. The Shiite community in Kandahar mainly consists of merchants and is highly regarded. The attack was therefore a source of shame for the Taliban. This led to increased efforts to protect Shiites from ISKP violence, according to the source.⁶⁷⁰ Other sources reported the use of Taliban fighters to guard Shia shrines.⁶⁷¹

4.1.10 *Non-practising Muslims*

More freedom in Kabul and other major cities before the Taliban takeover

Although the climate in Afghanistan is predominantly conservative and Islamic values are the foundation of Afghan social and cultural norms, at least before the Taliban takeover there were possibilities for Afghans to adopt a more 'secular lifestyle' and not follow all Islamic practices.⁶⁷² Whether this was actually possible for an individual depended on his/her family and the community in which he/she lived.⁶⁷³ In Kabul in particular – but also in liberal areas in other major cities⁶⁷⁴ – it was possible to (at least partially) ignore certain 'religious' norms such as strict dress codes and the ban on contact with unrelated persons of the opposite sex. In Kabul, for example, there were initiatives and places where unmarried (mainly young) Afghan men and women could gather, such as coffee houses and cycling clubs.⁶⁷⁵ In cities, it was also more accepted for women to work and wear a loose hijab. However, even in Kabul, women who did not adhere to 'religious' dress

⁶⁶³ The Washington Post, The Taliban is trying to win over Afghanistan's Shiites with a 33-year-old Hazara emissary. But many question the group's sincerity., 1 November 2021.

⁶⁶⁴ For more information about Ashura, see: BBC, What is Ashura?, 6 December 2011.

⁶⁶⁵ Al Jazeera, Afghanistan: A subdued Ashura under Taliban rule, 19 August 2021; Foreign Policy, Afghanistan's Hazaras Get Mixed Messages From the Taliban, 4 September 2021; The New York Times, On the ground: Kabul on edge., 20 August 2021.

⁶⁶⁶ ABC, Despite mistrust, Afghan Shiites seek Taliban protection, 16 November 2021; The New York Times, On Patrol: 12 Days With a Taliban Police Unit in Kabul, 28 January 2021.

⁶⁶⁷ The Washington Post, The Taliban is trying to win over Afghanistan's Shiites with a 33-year-old Hazara emissary. But many question the group's sincerity., 1 November 2021.

⁶⁶⁸ Confidential source, 30 December 2021.

⁶⁶⁹ The Washington Post, The Taliban is trying to win over Afghanistan's Shiites with a 33-year-old Hazara emissary. But many question the group's sincerity., 1 November 2021.

⁶⁷⁰ Confidential source, 30 December 2021.

⁶⁷¹ ABC, Despite mistrust, Afghan Shiites seek Taliban protection, 16 November 2021; The New York Times, On Patrol: 12 Days With a Taliban Police Unit in Kabul, 28 January 2021.

⁶⁷² Landinfo, Afghanistan The situation of Christian converts, p. 10, 7 April 2021.

⁶⁷³ Confidential source, 30 June and 5 July 2021.

⁶⁷⁴ National Geographic, As the Taliban return, Afghanistan's past threatens its future, 15 August 2021.

⁶⁷⁵ The New York Times, In Kabul's Liberating Cafes, 'Women Make the Culture Here, Not Men', 25 May 2019; The Star, Kabul's budding cafe scene gives young people a break from tradition, 6 October 2020; Iteraaz, Transformation Of Café Culture In Kabul, Afghanistan, 26 January 2021; Bicycling, These Afghan Women Are Defying the Patriarchy—On Bikes, 12 October 2020.

standards in particular were at risk of intimidation, threats,⁶⁷⁶ insults,⁶⁷⁷ and unsolicited advice.⁶⁷⁸ According to one source, this form of pressure to comply with religious norms came from fellow citizens. The Afghan government and security forces were not concerned with enforcing such informal norms before the Taliban took power.⁶⁷⁹ In addition to the large cities, provinces mainly inhabited by Hazaras were also known to be more progressive: education was a priority, boys and girls went to school together, and a relatively large number of women worked.⁶⁸⁰

In some conservative areas that were not under the control of the Taliban at the beginning of 2021, religious leaders who enforced strict 'religious' norms were already active before the arrival of the Taliban. In some cases, they punished Muslims who did not adhere to their rules with violence.⁶⁸¹ For example, in the conservative neighbourhood of Gozargah in the city of Herat, a mullah was active who, according to USCIRF, had punished more than a hundred people with beatings for what he regarded as violations of sharia law.⁶⁸²

Enforcement of 'religious' rules in areas under Taliban control before the general takeover of power

Reports from rural areas, which were often more conservative than Kabul and other large cities before the arrival of the Taliban, showed that residents had been forced to give up the limited freedoms that they previously had since the return of the Taliban.⁶⁸³ Several sources indicated that, while there were differences in the approaches taken by local Taliban leaders, the Taliban forced individuals to go to the mosque,⁶⁸⁴ not to use smartphones⁶⁸⁵ and not to listen to music.⁶⁸⁶ The Taliban had a morality police (*amri bil marof*) in some areas to enforce these rules⁶⁸⁷ and used threats and punishments against actual or alleged violators.⁶⁸⁸ According to the BCC, these punishments were severe and violent if a first warning was not heeded: flogging, beating, imprisonment and public humiliation.⁶⁸⁹ In April 2021, videos appeared from the province of Herat showing a woman being flogged for phoning a man and three other people being flogged for eating

⁶⁷⁶ Bicycling, These Afghan Women Are Defying the Patriarchy—On Bikes, 12 October 2020; Rudaw, Afghanistan: The Missing Peace – Part II: 'When women are in danger, it's not peace – it's surrender', 5 December 2019; Los Angeles Times, They grew up under U.S. occupation. What happens when the troops leave?, 16 November 2020.

⁶⁷⁷ ABC News, Afghan women enjoy hard-won freedoms. Now a US deal with the Taliban threatens them, 13 April 2021.

⁶⁷⁸ The New York Times, Fighting Patriarchy, and Fearing Worse From the Taliban, 15 September 2020.

⁶⁷⁹ Confidential source, 30 June and 5 July 2021; Confidential source, 22 August 2021.

⁶⁸⁰ National Geographic, As the Taliban return, Afghanistan's past threatens its future, 15 August 2021.

⁶⁸¹ The New York Times, A Radical Cleric Ignites an Islamist Resistance in Afghanistan, 22 October 2020; USCIRF, Afghanistan 2020 International Religious Freedom Report, pp. 2-3, 2021.

⁶⁸² USCIRF, Afghanistan 2020 International Religious Freedom Report, pp. 2-3, 2021.

⁶⁸³ The Washington Post, How life under Taliban rule in Afghanistan has changed – And how it hasn't, 29 December 2020; Human Rights Watch, Social Restrictions, and justice in Taliban-Held Afghanistan, June 2020; RFE/RL, Has the Taliban Changed? Afghans Living Under Militant Group Say It Still Rules Using Fear, Brutality, 13 April 2021; The Wall Street Journal, The Taliban Say They've Changed. On the Ground, They're Just as Brutal., 31 May 2021.

⁶⁸⁴ The Conversation, Afghanistan after the US withdrawal: The Taliban speak more moderately but their extremist rule hasn't evolved in 20 years, 22 July 2021.

⁶⁸⁵ AAN, Living with the Taleban (2): Local experiences in Nad Ali district, Helmand province, 18 January 2021.

⁶⁸⁶ The New York Times, Taliban Try to Polish Their Image as They Push for Victory, 4 August 2021.

⁶⁸⁷ AAN, Living with the Taleban (2): Local experiences in Nad Ali district, Helmand province, 18 January 2021.

⁶⁸⁸ The New York Times, Afghan Women Fear the Worst, Whether War or Peace Lies Ahead, 1 May 2021; France24, Taliban tribunal gives woman 40 lashes for talking to a man on the phone, 22 April 2021; Khaama Press, Three people whipped in Herat for eating during the 'Ramadan' month, 20 April 2021; BBC, Afghans living under Taliban lament loss of freedoms, 14 August 2021.

⁶⁸⁹ BBC, Afghans living under Taliban lament loss of freedoms, 14 August 2021.

during the day during Ramadan.⁶⁹⁰ On 15 May 2021, the Taliban allegedly shot dead a woman in Herat province on suspicion of having extramarital affairs (killings of women suspected of extramarital affairs also occurred in areas not under Taliban control: see 4.1.14 on blood feuds and honour killings).⁶⁹¹ In an interview with *The Observer*, a local Taliban leader from this province gave the impression that these incidents were the tip of the iceberg, as the Taliban administered corporal punishment in secret to avoid public consternation and criticism.⁶⁹²

The situation for non-practising Muslims after the Taliban takeover

A source said that under the Taliban it is no longer possible for non-practising Muslims to openly deviate from certain practices which are seen as essential parts of Islam.⁶⁹³ However, it is difficult to indicate which practices the Taliban regards as essential, and there seems to be a lot of local variation in, for example, the enforcement of hair and dress codes.⁶⁹⁴ After the *de facto* Ministry of Virtue and Vice had been re-established, it published a (pre-existing) manual containing rules for Afghans in their daily lives and instructions for Taliban fighters regarding the enforcement of these rules (for more information on this ministry, see 2.2.4).⁶⁹⁵ Sources indicated that in practice the Taliban in Kabul did not enforce strict hair and/or dress codes for men and women for the first few months,⁶⁹⁶ that they did not require women to be accompanied by a mahram, a male attendant, when they went outside (for more details on mahrams, see 4.1.13.6),⁶⁹⁷ and that in certain parts of Kabul it was still possible for an unmarried man and woman to drink coffee.⁶⁹⁸ According to the head of enforcement for the *de facto* Ministry of Virtue and Vice, the ministry wanted to start with a campaign to inform and convince people in cities about the new rules, but it was possible that it would move to stricter enforcement at a certain point.⁶⁹⁹ A *The New York Times* report on a new Taliban police unit described an incident in which Taliban officers beat some boys who were visiting a Shia shrine with their girlfriends; the shrine was being guarded by this unit.⁷⁰⁰

4.1.11

Non-Muslims

There has been no census in Afghanistan for several decades and therefore no precise data are available on the number of individuals belonging to religious minorities in Afghanistan.⁷⁰¹ Afghanistan has a long-standing Hindu and Sikh community, and there have also been Christian converts in Afghanistan for several

⁶⁹⁰ France24, Taliban tribunal gives woman 40 lashes for talking to a man on the phone, 22 April 2021; Khaama Press, Three people whipped in Herat for eating during the 'Ramadan' month, 20 April 2021; The Diplomat, Western Amnesia and the Trauma of Taliban Rule, 30 April 2021. The head of the AIHRC's women's affairs department confirmed in 2019 that women in remote areas are subjected to flogging and stoning if they fail to comply with Taliban rules. Rudaw, Sacrificing Afghan women's liberties will cause 'anarchy': human rights chief, 5 December 2019.

⁶⁹¹ The New York Times, Afghan War Casualty Report: May 2021, 3 June 2021.

⁶⁹² The Guardian, After the retreat: what now for Afghanistan?, 4 July 2021.

⁶⁹³ Confidential source, 1 December 2021.

⁶⁹⁴ NDTV, Taliban Say Burqa Not Mandatory For Women, Hijab Is, 17 August 2021.

⁶⁹⁵ The Guardian, 'We don't want people to be in a panic,' says chief of Taliban morality police, 19 September 2021.

⁶⁹⁶ Confidential source, 1 December 2021; Confidential source, 25 November 2021; Rolling Stone, The conquering militants govern by fear. Poverty deepens, and behind closed doors journalists are beaten and rumors of executions spread. A portrait of a country on the edge, 28 November 2021; Confidential source, 30 December 2021.

⁶⁹⁷ Confidential source, 3 December 2021; Confidential source, 1 December 2021.

⁶⁹⁸ Confidential source, December 2021; NOS, Correspondent Aletta Andre in Afghanistan: Hoe is het leven onder de Taliban?, 27 December 2021; Confidential source, 30 December 2021.

⁶⁹⁹ The Guardian, 'We don't want people to be in a panic,' says chief of Taliban morality police, 19 September 2021.

⁷⁰⁰ The New York Times, On Patrol: 12 Days With a Taliban Police Unit in Kabul, 28 January 2022.

⁷⁰¹ Landinfo, Afghanistan The situation of Christian converts, p. 7, 7 April 2021.

decades. Sikhs and Hindus were able to practise their faith openly according to the law, but in practice they were regularly victims of discrimination and (sometimes deadly) violence before the Taliban took power. Before the fall of Kabul, Christians could only practise their faith in secret; otherwise they risked violence and expulsion.⁷⁰² Since the Taliban took power, many of the remaining Sikhs and Hindus have fled,⁷⁰³ and Christians have in all probability gone even more underground.⁷⁰⁴

4.1.11.1 Sikhs and Hindus

As the previous country report stated, there are no known reports of Afghan Muslims converting to become Hindu or Sikh. Information about the situation of Muslims and Sikhs in Afghanistan therefore concerns individuals who have belonged to this community since birth.⁷⁰⁵

Further fall in Sikh and Hindu numbers in Afghanistan before the Taliban takeover

The main development during 2020 and 2021 was the further fall in the number of Sikhs and Hindus remaining in Afghanistan. This is part of a long-term trend. Sources indicate that the number of Hindus and Sikhs in Afghanistan further declined from six or seven hundred individuals at the beginning of 2020⁷⁰⁶ to four hundred Sikhs and fifty Hindus at the end of 2020.⁷⁰⁷ The Afghan authorities helped Hindus and Sikhs to obtain passports and visas so they could leave the country.⁷⁰⁸ Most of the remaining Sikhs and Hindus lived in Kabul. In addition, there were still a few Sikhs in Nangarhar, Paktia and Ghazni in 2020.⁷⁰⁹ According to USCIRF, Sikh leaders indicated in 2020 that the main causes of emigration during that year were the threat from insurgent groups, a lack of protection by the authorities and multiple attacks on the community.⁷¹⁰ This picture differed from that of previous years, when Sikh leaders indicated that the main cause of emigration was lack of employment.⁷¹¹

Religious freedom for Hindus and Sikhs in Afghanistan before the Taliban takeover

Sikhs and Hindus could in principle – according to the law – practise their religion in public in Afghanistan before the takeover by the Taliban. However, their freedom of religion remained restricted (for more details, see the previous general country report).⁷¹² Sikhs and Hindus were allowed to build temples and the Afghan government had provided funds to restore existing places of worship for various religious groups, including Hindus and Sikhs.⁷¹³ Due to the departure of many Sikhs and Hindus, the number of temples had fallen sharply to about seventy locations. Sikh and Hindu leaders also indicated that a lack of adequate protection by the

⁷⁰² USCIRF, Afghanistan 2020 International Religious Freedom Report, 2021.

⁷⁰³ News 18, In Goodwill Gesture, Taliban Sends 114 Afghan Sikhs to Delhi Today, 10 December 2021; USCIRF, Factsheet Afghanistan, October 2021.

⁷⁰⁴ Confidential source, 20 November 2021.

⁷⁰⁵ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 79.

⁷⁰⁶ The New York Times, India Offers Escape to Afghan Hindus and Sikhs Facing Attacks, 19 July 2020; AP, Facing IS, last embattled Sikhs, Hindus leave Afghanistan, 27 September 2020.

⁷⁰⁷ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 3, 2021. According to USCIRF, the fifty remaining Hindus are all businessmen whose families live abroad.

⁷⁰⁸ USCIRF, Annual Report of The U.S. Commission on International Religious Freedom, p. 11, April 2021.

⁷⁰⁹ Austria, Federal Office for Immigration and Asylum, Afghanistan Country Report Security Situation (EN), p. 71, 14 December 2020; The New York Times, India Offers Escape to Afghan Hindus and Sikhs Facing Attacks, 19 July 2020.

⁷¹⁰ The attacks in question were mainly ISKP attacks from before this reporting period. For more information on attacks on Sikhs and Hindus, see: Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 79.

⁷¹¹ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 18, 2021.

⁷¹² AP, Facing IS, last embattled Sikhs, Hindus leave Afghanistan, 27 September 2020; The New York Times, India Offers Escape to Afghan Hindus and Sikhs Facing Attacks, 19 July 2020.

⁷¹³ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 17, 2021.

Afghan authorities for their temples and cremation grounds prevented them from practising their religion.⁷¹⁴

Discrimination against Hindus and Sikhs in daily life before the Taliban takeover

In 2020, Sikhs and Hindus continued to report discrimination by fellow citizens in areas such as education and job-seeking. In addition, Sikhs in particular suffered from discrimination and harassment from other citizens on the street, because they are easily recognisable from their head covering. Property and land expropriations also remained a major problem, partly as Hindus and Sikhs experienced discrimination in the Afghan legal system, particularly in cases relating to land expropriation.⁷¹⁵ Many Sikhs lived in poverty and religious leaders stated that many Afghan Sikhs lived and slept in temples due to lack of housing of their own.⁷¹⁶ As the previous country report noted, Hindus and Sikhs were represented in parliament and other political functions. This remained the case up to the time of the takeover by the Taliban.⁷¹⁷

The Taliban and Hindus and Sikhs before the takeover

The Taliban spoke out against violence against Hindus and Sikhs on its website before the takeover, noting that protecting religious minorities was a religious obligation that was not respected by the Afghan government.⁷¹⁸ Shortly before the Taliban took power across Afghanistan, local Taliban fighters removed the holy Sikh flag from a Sikh temple in Paktia province, Gurdawara Thala Sahib, and replaced it with the Taliban flag. The Sikh flag was later restored.⁷¹⁹

Situation for Hindus and Sikhs in India

Most of the Sikhs and Hindus who left Afghanistan in 2020 and 2021 fled to India. India passed the Citizenship (Amendment) Act in 2019, the purpose of which is to provide Indian nationality to Hindu, Sikh, Parsi, Buddhist and Christian refugees from Afghanistan, Pakistan and Bangladesh. However, this law only applies to refugees who were already in India in 2014.⁷²⁰ In addition, many Afghan Hindus and Sikhs who were already in India before 2014 had not obtained a residence permit/nationality by January 2021, because the law had not yet entered into force.⁷²¹ At the end of May 2021, the Indian government took steps to speed up the residence permit application process in a small number of districts.⁷²² Afghan Sikhs and Hindus in India without a residence permit are required to have a visa for India. This visa must be renewed periodically, which is a bureaucratic, difficult and time-consuming process, according to several Afghan refugees.⁷²³ The Hindus and Sikhs who arrived in 2020 and 2021 lived in difficult socio-economic conditions.⁷²⁴ In the spring of 2021, media outlets reported that forty Hindu and Sikh families had

⁷¹⁴ AP, Facing IS, last embattled Sikhs, Hindus leave Afghanistan, 27 September 2020; The New York Times, India Offers Escape to Afghan Hindus and Sikhs Facing Attacks, 19 July 2020.

⁷¹⁵ USCIRF, Afghanistan 2020 International Religious Freedom Report, pp. 9, 11, April 2021.

⁷¹⁶ USCIRF, Afghanistan 2020 International Religious Freedom Report, pagina 55, april 2021.

⁷¹⁷ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 12, April 2021; AP, Facing IS, last embattled Sikhs, Hindus leave Afghanistan, 27 September 2020.

⁷¹⁸ MEMRI, Afghan Taliban Statement Opposes Equal Rights Or Share In Power For Non-Muslim Religious Minorities In Afghanistan, 8 June 2021.

⁷¹⁹ Republic World, In Afghanistan, Taliban Storms Into Karte Parwan Gurdwara; Vandalizes Holy Shrine, 5 October 2021.

⁷²⁰ Deutsche Welle, Afghanistan's Sikh refugees try to find a new home in India, 1 December 2020.

⁷²¹ The Wire, Delay in CAA Implementation Leaves Hindu and Sikh Refugees in India Disconsolate, 8 January 2021.

⁷²² India Today, Govt invites citizenship applications from non-Muslim refugees from Afghanistan, Pakistan, Bangladesh, 29 June 2021.

⁷²³ The Wire, Delay in CAA Implementation Leaves Hindu and Sikh Refugees in India Disconsolate, 8 January 2021

⁷²⁴ Deutsche Welle, Afghanistan's Sikh refugees try to find a new home in India, 1 December 2020; The Indian Express, A year after Kabul attack, Afghan Sikhs long for a settled life, 25 March 2021; TOLO News, 30 Afghans Died From COVID-19 in India: Envoy, 26 April 2021.

returned from India to Afghanistan due to the many problems they encountered in India.⁷²⁵

Situation of Hindus and Sikhs after the Taliban takeover

After the Taliban took power, India initially evacuated 67 Sikhs and Hindus to India,⁷²⁶ including the two MPs Anarkali Honaryar and Narendra Singh Khals.⁷²⁷ However, there were 140 Hindus and Sikhs who wanted to evacuate but were unable to reach the airport.⁷²⁸ Many of the Sikhs left behind in Afghanistan then initially sought refuge in the Dashmesh Pita gurdawara (place of worship) in the Karte Parwan neighbourhood of Kabul.⁷²⁹ According to USCIRF, Taliban representatives visited the community there and asked them not to leave Afghanistan.⁷³⁰ However, the Taliban also indicated in August 2021 that they were willing to provide identity documents to Hindus and Sikhs who wanted to leave for India.⁷³¹ After several weeks, many of the individuals in the gurdawara returned to their own homes to resume their daily activities.⁷³² In early October, heavily armed Taliban fighters intimidated Sikhs and Hindus who had remained in the Dashmesh Pita gurdawara after forcing their way into the shrine.⁷³³ On 10 December 2021, India evacuated more than a hundred people from Afghanistan, mostly Hindus and Sikhs. They also took a number of holy books with them to India.⁷³⁴ According to News 18, some three hundred Hindus and Sikhs remained in Afghanistan after this evacuation.⁷³⁵ USCIRF stated in October – before the latest evacuation – that there were still two hundred and fifty Sikhs and Hindus in Afghanistan.⁷³⁶

4.1.11.2 Christians

As the previous country report indicated, almost all Christian Afghans have become part of this religious community through conversion.⁷³⁷ A 2021 report by Landinfo on Christians in Afghanistan confirmed this picture, but stated that there is now a 'second generation' of Christians, i.e. Afghan children of converted parents.⁷³⁸ According to official figures before the Taliban takeover, there were no Christians in Afghanistan other than foreign diplomats and humanitarian workers, according to World Watch Research.⁷³⁹ Other sources also stated that there were no reliable figures available on the number of Christians in Afghanistan.⁷⁴⁰ Landinfo stated that estimates ranged from several dozen to several thousand people.⁷⁴¹ There were also no figures on the number of Afghan children of converted Christian parents. This uncertainty about the number of Christian converts in Afghanistan was due to the

⁷²⁵ RFE/RL, Bucking A Trend, Afghan Hindu and Sikh Families Return From India Exile, 27 May 2021. VOA News, Afghan Hindus, Sikhs in Limbo While Stuck in India, 10 June 2021.

⁷²⁶ News 18, In Goodwill Gesture, Taliban Sends 114 Afghan Sikhs to Delhi Today, 10 December 2021.

⁷²⁷ World Is One News (WION), Worries mount under Taliban rule as Kabul's Gurudwara vandalized, 6 October 2021.

⁷²⁸ The Times of India, Afghan Sikhs, Hindus sheltering at Kabul gurdwara return home, 31 August 2021.

⁷²⁹ News Gram, What about Sikhs and Hindus in Afghanistan?, 26 November 2021.

⁷³⁰ USCIRF, Factsheet Afghanistan, October 2021.

⁷³¹ The Times of India, Afghan Sikhs, Hindus sheltering at Kabul gurdwara return home, 31 August 2021.

⁷³² The Times of India, Afghan Sikhs, Hindus sheltering at Kabul gurdwara return home, 31 August 2021.

⁷³³ ANI, Taliban special unit forcibly enters Gurdwara in Kabul, intimidate community members: Reports, 15 October 2021; WION, Worries mount under Taliban rule as Kabul's Gurudwara vandalized, 6 October 2021; Republic World, In Afghanistan, Taliban Storms Into Karte Parwan Gurdwara; Vandalizes Holy Shrine, 5 October 2021; USCIRF, Factsheet Afghanistan, October 2021.

⁷³⁴ Hindustan Times, Special chartered flight from Kabul to land in Delhi with Afghan Sikhs, Hindus & Indians today, 10 December 2021.

⁷³⁵ News 18, In Goodwill Gesture, Taliban Sends 114 Afghan Sikhs to Delhi Today, 10 December 2021.

⁷³⁶ USCIRF, Factsheet Afghanistan, October 2021.

⁷³⁷ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 80.

⁷³⁸ Landinfo, Afghanistan The situation of Christian converts, pp. 12-13, 7 April 2021.

⁷³⁹ World Watch Research, Afghanistan: Full Country Dossier, p. 10, February 2021.

⁷⁴⁰ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 4, 2021; Landinfo, Afghanistan The situation of Christian converts, pp. 4, 11-12, 7 April 2021.

⁷⁴¹ Landinfo, Afghanistan The situation of Christian converts, pp. 4, 11-12, 7 April 2021.

fact that Christian converts practise their faith secretly for fear of persecution.⁷⁴² Most converted Christians in Afghanistan are Protestant/Evangelical and mainly live in cities. Most of the information available about Afghan Christians, according to Landinfo, is based on assumptions about the attitudes of the authorities and society towards converts.⁷⁴³

Conversion and the law

The previous country report contained an extensive discussion of the legal framework in the area of apostasy. Before the change of power, Afghan legislation had no provisions directly relating to apostasy. However, Article 130 of the Constitution stated that if there was no provision in the Constitution or other laws with regard to certain possible offences, the courts should apply Islamic law (sharia) and the Islamic jurisprudence of the Hanafi school (or Shia jurisprudence if all the parties concerned were Shiites). Apostasy is a serious offence punishable by death for male converts under both Sunni and Shia interpretations of Islamic criminal law. Female converts can be punished with life imprisonment⁷⁴⁴ and/or lashes.⁷⁴⁵ However, judges could also choose to impose less severe sentences.⁷⁴⁶ Attempting to convert others carries the same punishments according to sharia.⁷⁴⁷ Under current interpretations of Islamic criminal law, a suspected convert has the right to reverse his or her conversion during a trial to avoid criminal prosecution.⁷⁴⁸

Criminal prosecution of converts before the Taliban takeover⁷⁴⁹

According to USCIRF, there were no reports in 2020 of cases of the Afghan government prosecuting converts.⁷⁵⁰ Landinfo stated that the last legal proceedings against a convert (or alleged convert) took place in 2004, but did not end in a judgment as the case was dismissed with reference to the defendant's mental health.⁷⁵¹ This means that since the fall of the Taliban in 2001, no one in Afghanistan has been sentenced to death for converting to Christianity.⁷⁵²

Social attitudes towards Christian converts before the Taliban takeover

Even before the Taliban took power, conversion could not rely on social acceptance in Afghanistan,⁷⁵³ because it is seen as an insult to the Islamic values that underlie Afghan society, according to Landinfo.⁷⁵⁴ World Watch Research states that conversion to Christianity is associated with Western values.⁷⁵⁵ Relatives present the greatest risk to converts who want to keep their conversion secret, because social

⁷⁴² USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 16, 2021.

⁷⁴³ Landinfo, Afghanistan The situation of Christian converts, 7 April 2021

⁷⁴⁴ For more details, see: Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2021, pp. 61-62.

⁷⁴⁵ Landinfo, Afghanistan The situation of Christian converts, p. 23, 7 April 2021. These lashes should be administered every three days according to the Hanafi school, and every day according to Shia Ja'Fari jurisprudence. Children, hermaphrodites (androgynous individuals), and Muslims who were not Muslim by birth may not be sentenced to death.

⁷⁴⁶ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 5, 2021.

⁷⁴⁷ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 6, 2021.

⁷⁴⁸ Landinfo, Afghanistan The situation of Christian converts, pp. 29-30, 7 April 2021

⁷⁴⁹ For more details, see: Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2021, pp. 61-62.

⁷⁵⁰ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 6, 2021.

⁷⁵¹ Landinfo, Afghanistan The situation of Christian converts, pp. 29-30, 7 April 2021.

⁷⁵² Following this case, the Afghan authorities arrested twenty more people in 2010 on suspicion of attempting to convert others. With the exception of two detainees, these individuals were quickly released. The two remaining suspects were released after several months in detention without a case being brought against them. Landinfo, Afghanistan The situation of Christian converts, pp. 29-30, 7 April 2021.

⁷⁵³ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 80.

⁷⁵⁴ Landinfo, Afghanistan The situation of Christian converts, p. 8, 7 April 2021.

⁷⁵⁵ World Watch Research, Afghanistan: Full Country Dossier, p. 24, February 2021.

control is very high and there is little privacy.⁷⁵⁶ As well as converted Christians being at risk of rejection by the family,⁷⁵⁷ according to USCIRF converts also received threats – including death threats – from relatives.⁷⁵⁸ However, one source indicated that ostracism was the most common response to a conversion that became known.⁷⁵⁹ Other possible consequences if a conversion became known were the dissolution of marriages,⁷⁶⁰ expropriation and disinheritance as well as loss of parental authority.⁷⁶¹ The sources consulted made no references to concrete (recent) cases in which Christians were subjected to this type of punishment. Landinfo stated that some families will accept conversion on condition that the conversion is not made public, with a view to protecting the family's honour.⁷⁶² Christians were also at risk of violence, of exclusion from the wider community and from services such as healthcare,⁷⁶³ of dismissal⁷⁶⁴ and of having a weaker legal position in property disputes.⁷⁶⁵ Again, the consulted sources did not identify any concrete (recent) cases in which Christians experienced such consequences in practice as a result of their religious beliefs.

The situation of Christians who have been converted abroad on their return

The sources consulted contain no information on the specific fate of individuals who had converted to Christianity abroad and subsequently returned to Afghanistan. It is likely that if it became known that a person had converted to Christianity abroad, he or she would be subject to the same sanctions as those who converted in Afghanistan. According to Landinfo, it was unlikely that information about an asylum procedure would become known on a person's return to Afghanistan, unless the returnee disclosed this information him/herself.⁷⁶⁶ One source stated that many Afghans who have been to Europe were in any case suspected of not adhering to Islamic norms and even of conversion, because many Afghans believed that it is only possible to gain asylum by converting.⁷⁶⁷ Another source confirmed that conservative elements in Afghan society saw any contact with 'the West' as suspicious, as it exposed Afghans to Christianity.⁷⁶⁸ Sources differed on the consequences if it became known that someone had converted abroad. According to a number of sources consulted by Landinfo, there was some understanding in Afghan society about claiming to convert for strategic reasons in order to increase the chances of being allowed to settle elsewhere.⁷⁶⁹ However, other sources consulted by Landinfo indicated that whether this option existed or not depended on the family and community from which the (strategic) convert came.⁷⁷⁰ Another source indicated that returned Afghans who were suspected of having converted were at high risk of reprisals from the family, the wider community and/or Islamic groups such as the Taliban and ISKP (for more details, see Chapter 6 on returns).⁷⁷¹

The situation of Christians after the Taliban takeover

⁷⁵⁶ World Watch Research, Afghanistan: Full Country Dossier, pp. 29-30, February 2021.

⁷⁵⁷ Landinfo, Afghanistan The situation of Christian converts, p. 14, 7 April 2021; World Watch Research, Afghanistan: Full Country Dossier, pp. 29-30, February 2021.

⁷⁵⁸ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 16, 2021.

⁷⁵⁹ Confidential source, 22 August 2021.

⁷⁶⁰ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 9, 2021.

⁷⁶¹ World Watch Research, Afghanistan: Full Country Dossier, p. 31, February 2021.

⁷⁶² Landinfo, Afghanistan The situation of Christian converts, p. 15, 7 April 2021.

⁷⁶³ World Watch Research, Afghanistan: Full Country Dossier, p. 32, February 2021.

⁷⁶⁴ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 9, 2021.

⁷⁶⁵ Landinfo, Afghanistan The situation of Christian converts, pp. 26-27, 7 April 2021.

⁷⁶⁶ Landinfo, Afghanistan The situation of Christian converts, pp. 26-27, 7 April 2021.

⁷⁶⁷ Confidential source, 5 July 2021.

⁷⁶⁸ Confidential source, 22 August 2021.

⁷⁶⁹ Landinfo, Afghanistan The situation of Christian converts, p. 35, 7 April 2021.

⁷⁷⁰ Landinfo, Afghanistan The situation of Christian converts, p. 35, 7 April 2021.

⁷⁷¹ Confidential source, 5 July 2021.

Christians were already an invisible group in Afghanistan before the Taliban took power. According to Christian advocates, many actual or alleged Christians went into hiding after the Taliban took power after threatening phone calls or house searches by Taliban fighters.⁷⁷² A source confirmed that many Christians had gone into hiding and thrown away their phones as a precaution. Taliban fighters would check the phones of alleged Christians to see if Bible texts had been downloaded onto them.⁷⁷³ Some Christians had fled the country, according to this source.⁷⁷⁴ The source indicated that the Taliban did not seem interested at the moment in prosecuting Christians through sharia courts, but that they were busy tracing Christians and their networks. They were doing this, among other means, through documents left behind by the Ghani government and international troops, or through telephone communications between Christians who had fled and those who had been left behind. These efforts had led to some abductions of Christians, according to the source.⁷⁷⁵ Another source said it was not aware of any cases of criminal prosecution of alleged Christians since the Taliban took power.⁷⁷⁶ According to Voice of Martyrs Canada, 'unmasking' by family members continued to pose the greatest risk to Christians in Afghanistan under the new regime.⁷⁷⁷

4.1.12 *Schoolchildren*

Schoolchildren before the Taliban takeover

In 2019, there were approximately sixteen million children under the age of fourteen in Afghanistan.⁷⁷⁸ In Afghanistan, education was compulsory for children between the ages of seven and fifteen before the Taliban took power. Children attended primary school from the age of seven to twelve and secondary school between the ages of thirteen and eighteen. According to data from the Afghan Ministry of Education, just over 2.5 million girls and four million boys attended primary education in 2019.⁷⁷⁹ The proportion of girls in the total number of students decreased sharply from secondary school onwards. Between 70 and 82% of female students dropped out after sixth grade.⁷⁸⁰ There were just over a million girls and two million boys in secondary school in 2019.⁷⁸¹ Although there were many more children in education under the Ghani government than under the previous Taliban regime, when about 900,000 children, almost none of whom were girls, were attending school, the number of children attending school had not increased since 2015.⁷⁸²

Education in rural areas

Before the fall of Kabul, there was a big difference between urban and rural areas in terms of access to education. Girls from rural areas were in relative terms the largest group of school-age children excluded from education, according to UNICEF.⁷⁸³ Data from 2017 showed that in the provinces of Helmand, Wardak,

⁷⁷² UCA News, Prayers in Italy for abandoned Catholic mission in Afghanistan, 22 December 2021; UCA News, Dangers multiply for Afghan Christians under Taliban rule, 8 September 2021; USCIRF, Factsheet Afghanistan, October 2021; USCIRF, Christians in Extreme Danger in Afghanistan, 28 January 2022.

⁷⁷³ UCA News, Dangers multiply for Afghan Christians under Taliban rule, 8 September 2021.

⁷⁷⁴ Confidential source, 20 November 2021.

⁷⁷⁵ Confidential source, 20 November 2021. See also: PIME Asia News, Ali Ehsani: 'Christians already attacked in Kabul', 13 August 2021.

⁷⁷⁶ Confidential source, 30 December 2021.

⁷⁷⁷ UCA News, Dangers multiply for Afghan Christians under Taliban rule, 8 September 2021.

⁷⁷⁸ UNESCO, Afghanistan – Education and Literacy, last accessed 14 May 2021.

⁷⁷⁹ Afghan Ministry of Education, quoted in: SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, pp. 63-66, February 2021.

⁷⁸⁰ Confidential source, 22 July 2021.

⁷⁸¹ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, pp. 63-66, February 2021.

⁷⁸² SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, pp. 63-66, February 2021.

⁷⁸³ Government of Afghanistan, Ministry of Education, United Nations Children's Fund, and Samuel Hall, All in School and Learning: Global Initiative on Out-Of-School Children-Afghanistan Country Study, pp. 20-21, 2018.

Kandahar, Zabul, Paktika and Uruzgan in particular, the percentage of girls attending school between the ages of seven and seventeen was very low: fifteen percent or less.⁷⁸⁴ The provinces where many girls were excluded from education were mainly inhabited by Pashtuns, were seen as conservative, and were also among the most insecure provinces in Afghanistan.⁷⁸⁵ In rural Afghanistan informal community education was offered by volunteers from their own homes in order to provide some degree of education, especially for girls. This type of education was part of the formal Afghan education system before the Taliban took power.⁷⁸⁶

Education for girls in areas already under Taliban control

As indicated in the previous country report, the Taliban had already stated before the takeover that they were no longer opposed to all forms of education for girls. According to the Overseas Development Institute (ODI), a research organisation in the field of international affairs,⁷⁸⁷ there was much disagreement within the Taliban about attitudes towards education in general and, more specifically, education for girls.⁷⁸⁸ In December 2020, the Taliban allowed UNICEF to open four thousand informal community schools in twenty provinces.⁷⁸⁹ However, at many places in areas where the Taliban had been in power for some time, girls had no access to education because local Taliban leaders did not allow education for girls.⁷⁹⁰ Children (boys and girls) were also not allowed to attend school by their parents because of the safety risks in many of these areas.⁷⁹¹ Traditional norms also limited girls' access to education.⁷⁹² As the previous country report noted, secondary education remained inaccessible to girls in virtually all areas already under Taliban control.⁷⁹³ However, anecdotal evidence suggested that in some areas under Taliban control, the Taliban enforced this ban on secondary education for Pashtun girls, but not for girls belonging to other ethnic groups such as the Hazaras.⁷⁹⁴

Safety risks for schoolchildren

Lack of security led to the closure of schools and the deaths of teachers and students. Between 2003 and 2020, four thousand schools closed due to lack of security.⁷⁹⁵ In 2020, violence led to the closure of 258 more schools, with the result that 122,679 children (83,984 boys and 38,695 girls) had no further access to education. More than half of these schools were located in southern Afghanistan and 31% in the north.⁷⁹⁶ In the first half of 2021, sixteen targeted attacks on schools and teaching staff took place, including the large-scale attack on the Hazara girls' school in Kabul (see 1.4.2.3). There were also 26 incidents in which schools or teaching staff were accidental victims of armed violence.⁷⁹⁷ Insurgent groups, and

⁷⁸⁴ Government of Afghanistan, Ministry of Education, United Nations Children's Fund, and Samuel Hall, *All in School and Learning: Global Initiative on Out-Of-School Children—Afghanistan Country Study*, p. 33, 2018.

⁷⁸⁵ Confidential source, 22 July 2021.

⁷⁸⁶ Afghanistan, *Community Based Education Policy*, 2019.

⁷⁸⁷ For more information, see: odi.org.

⁷⁸⁸ ODI, *Taliban attitudes and policies towards education*, February 2021.

⁷⁸⁹ Confidential source, 22 July 2021; VOA News, *Rare UN-Taliban Agreement to Set Up 4,000 Schools in Insurgent-Held Afghan Territory*, 19 December 2020.

⁷⁹⁰ The Washington Post, *Why the Taliban agreed to let more girls in Afghanistan go to school*, 6 January 2021.

⁷⁹¹ The Liaison Office, *Ten Years Later: An Assessment of Uruzgan Province a Decade After the Dutch Military Departure*, pp. 15-16, November 2020; The Guardian, *After the retreat: what now for Afghanistan?*, 4 July 2021; The New York Times, *For Afghan Women, Taliban Stir Fears of Return to a Repressive Past*, 17 August 2021.

⁷⁹² UNICEF Afghanistan, *Education*, undated, last accessed 4 March 2022.

⁷⁹³ VOA News, *Rare UN-Taliban Agreement to Set Up 4,000 Schools in Insurgent-Held Afghan Territory*, 19 December 2020. See: Dutch Ministry of Foreign Affairs, *General country of origin information report on Afghanistan*, November 2021 (Dutch only), p. 92.

⁷⁹⁴ ZEIT Magazin (via European Press Prize), *Among the Taliban*, November 2020.

⁷⁹⁵ Confidential source, 23 July 2021.

⁷⁹⁶ UNAMA, *Afghanistan Protection of Civilians in Armed Conflict Annual Report 2020*, pp. 38-39, February 2021.

⁷⁹⁷ UNAMA, *Afghanistan Protection of Civilians in Armed Conflict Midyear Update: 1 January to 30 June 2021*, p. 11, 26 July 2021.

the Taliban in particular, were responsible for 22 attacks against schools in 2020.⁷⁹⁸ The majority of these attacks were targeted. Government forces were responsible for twenty incidents involving schools, students or teaching staff. Eighteen of these cases involved collateral damage.⁷⁹⁹

Girls' primary and secondary education since the takeover by the Taliban

Since the takeover by the Taliban, primary schools have reopened to boys and girls, but secondary education remains largely inaccessible to girls. Shortly after the Taliban took power, the situation regarding girls' education was very unclear. According to UNICEF, public schools were closed in August 2021 because of the holidays or because of measures against Covid-19. Secondary school exams did take place in August, however.⁸⁰⁰ According to *De Volkskrant*, girls in Herat and Uruzgan were allowed to take these exams,⁸⁰¹ but according to TOLO News, the Taliban banned girls in several districts of Badakhshan on pain of a fine of 40,000 afghani (approx 380 euros).⁸⁰² The schools were closed again a few days later.

In mid-September, the Taliban opened secondary schools for boys, but made no mention of the future of female secondary school students.⁸⁰³ From the end of 2021, most Afghan students had a three-month winter holiday.⁸⁰⁴ A Taliban decree on the status of women in early December did not include any information about girls' right to attend secondary school.⁸⁰⁵ Enquiries made by the BBC to the *de facto* Deputy Minister of Education in December revealed that the Taliban were not planning to allow girls to attend secondary school until the announcement of new policies in this area in 2022.⁸⁰⁶ Other Taliban representatives stated that the Taliban planned to allow girls to attend secondary school and university,⁸⁰⁷ provided girls and boys were separated.⁸⁰⁸ According to commentators, this was a dubious excuse not to open schools yet, as boys and girls had separate secondary education in most places in Afghanistan anyway.⁸⁰⁹ On 17 January 2022, Zabihullah Mujahid, the spokesman for the *de facto* government and the *de facto* Deputy Minister of Culture and Information, announced that all schools for girls would open on 21 March 2022.⁸¹⁰ However, on 23 March 2021, the *de facto* Ministry of Education announced that secondary schools would remain closed to girls until a system of secondary education for girls in line with sharia and Afghan cultural norms was established.⁸¹¹

⁷⁹⁸ The Taliban were responsible in seventeen cases and ISKP in two cases.

⁷⁹⁹ UNAMA, Afghanistan Protection of Civilians in Armed Conflict Annual Report 2020, pp. 38-39, February 2021.

⁸⁰⁰ UNICEF, Afghanistan Humanitarian Situation Report: 1 August -20 August 2021, undated.

⁸⁰¹ *De Volkskrant*, Getuigenissen van een bestaan onder de Taliban: 'Ik hoor dat ze me zoeken. Ze gaan van huis tot huis', 24 August 2021.

⁸⁰² TOLO News, Taliban Prevents Girls from Taking Entrance Exams, 22 August 2021.

⁸⁰³ The Washington Post, Taliban reopens high school for boys, but makes no mention of female students, 17 September 2021; Al Jazeera, Taliban says classes resume for Afghan boys, no mention of girls, 17 September 2021.

⁸⁰⁴ VOA News, Unique Effort Reopens Girls' Schools in an Afghan Province, 1 December 2021.

⁸⁰⁵ Al Jazeera, Taliban bans forced marriage of women in Afghanistan, 3 December 2021.

⁸⁰⁶ BBC, Afghanistan: Girls' despair as Taliban confirm secondary school ban, 8 December 2021.

⁸⁰⁷ EFE, All Afghan girls to return to school after winter break: Taliban official, 19 December 2021; NPR, What the Taliban really want from the world, in their own words, 15 December 2021.

⁸⁰⁸ NPR, What the Taliban really want from the world, in their own words, 15 December 2021; TOLO News, Afghan Girls Lament 'Worst Year' for Students, 26 December 2021. See also: WION, Afghan education minister says co-education is against Islamic values, 26 December 2021.

⁸⁰⁹ New Lines Magazine, Is This the Future of Taliban Rule?, 13 December 2021.

⁸¹⁰ Al Jazeera, Taliban says all Afghan girls will be back in school by March, 17 January 2022.

⁸¹¹ Bakhtar News Agency (Twitter), Announcement by the Education Ministry: The Ministry of Education notifies all girls' schools and high schools above sixth grade that lessons in these schools and high schools have been postponed until further notice. When a comprehensive system in accordance with Sharia law and Afghan tradition and culture is established, the schools will be officially notified by the leadership of the Islamic Emirate. (پوهنې د څښکېلې پورې ټاټې امر تر درسونه لیسو او مکاتبو دیندو چې کپړي ورکول خبر دي پورته څخه ټولګي شپږم له چې ته لیسو او ښوونځیو هغو ټولو نجونو د خبرتیا وزارت خبر رسما ته لیسو او مکاتبو به... بیا وشي حکم مشرتابه د امارت داسلامي او جوړه طرحه جامع سمه سره کلتور او دود افغاني او شریعت له اړه دي په چې کله هر ،دي (شي ورکول)، 23 March 2022. See also: Reuters, Taliban orders girl high schools remain closed, leaving students in tears, 23 March 2022; ANP, Afghaanse meisjes toch nog niet terug naar middelbare school, 23 March 2022.

In practice, some girls did go to secondary school during the last months of 2021.⁸¹² According to the BBC, at least some secondary schools for girls were open in the provinces of Herat, Zabul, Sar-e Pul, Jawzjan, Balkh, Kunduz and Samangan.⁸¹³ At the same time, female students in secondary schools in Herat were not allowed to take annual exams in November.⁸¹⁴ At the provincial level, some local Taliban administrators re-closed schools that opened to girls, according to the BBC.⁸¹⁵ Even in provinces where secondary schools were open to girls, parents sometimes kept their daughters at home, for example because they were afraid of the reaction of the Taliban⁸¹⁶ or because of the humanitarian crisis.⁸¹⁷ The humanitarian crisis also had a negative impact on male participation in secondary education and participation in primary education by both boys and girls.⁸¹⁸ Finally, a source stated that a shortage of male teachers in Kabul has prevented many boys from attending secondary school, as they are not allowed to be taught by female teachers.⁸¹⁹

University education for girls

On 2 February 2022, Afghan public universities reopened to both men and women for the first time since the Taliban took power. The universities concerned were in the following six provinces: Kandahar, Helmand, Nimroz, Farah, Laghman and Nangarhar. According to ANP, few students appeared on the first day, but in Laghman, for example, the Taliban had taken measures to make segregated education possible and thus to facilitate the participation of women in university education.⁸²⁰ A source within the *de facto* government stated that universities could choose how they wanted to implement gender segregation: teaching men and women at different times or teaching men and women in different classrooms.⁸²¹ The opening of universities in the other, colder provinces was planned for the end of February, after the end of the winter season.⁸²² VOA News reported on 26 February that public universities across the country had indeed opened their doors to male and female students. Men and women had separate classes, many professors were absent and women had to wear hijabs.⁸²³

4.1.13

Women

The position of Afghan women has improved considerably over the past twenty years. There were significant differences between the situation of Afghan women in rural and urban areas, and between districts that were and were not controlled by the Taliban. After the seizure of power, the Taliban stated that women would be given more rights than in the past and that the Taliban would guarantee all their rights 'within the limits of Islam'.⁸²⁴ In the months that followed, girls in most provinces of Afghanistan were not allowed to attend secondary school (see previous section for details) and the Taliban ordered female officials – apart from some

⁸¹² The New York Times, Taliban Allow Girls to Return to Some High Schools, but With Big Caveats, 3 November 2021.

⁸¹³ BBC, Afghanistan: Girls' despair as Taliban confirm secondary school ban, 8 December 2021.

⁸¹⁴ New Lines Magazine, Is This the Future of Taliban Rule?, 13 December 2021.

⁸¹⁵ BBC, Afghanistan: Girls' despair as Taliban confirm secondary school ban, 8 December 2021.

⁸¹⁶ Confidential source, 18 November 2021; BBC, Afghanistan: Girls' despair as Taliban confirm secondary school ban, 8 December 2021.

⁸¹⁷ Confidential source, 18 November 2021; BBC, Afghanistan: Girls' despair as Taliban confirm secondary school ban, 8 December 2021.

⁸¹⁸ Confidential source, 18 November 2021.

⁸¹⁹ Confidential source, 18 November 2021.

⁸²⁰ ANP, Universiteiten heropenen in Afghanistan met weinig vrouwen, 2 February 2022.

⁸²¹ De Volkskrant, Afgaanse universiteiten weer open voor vrouwen; er zijn zelfs Taliban die hun eigen dochters naar school sturen, 2 February 2022.

⁸²² De Volkskrant, Afgaanse universiteiten weer open voor vrouwen; er zijn zelfs Taliban die hun eigen dochters naar school sturen, 2 February 2022.

⁸²³ VOA News, All Public Universities in Afghanistan Open to Male, Female Students, 26 February 2022.

⁸²⁴ NRC, Vrouwen in Afghanistan: 'Zo willen we echt niet leven', 20 August 2021.

essential professions – to stay at home. The system of services and shelters to help female victims of violence also almost completely collapsed.⁸²⁵ Sources also suggested that conservative male relatives took advantage of the changing social climate to oppress female relatives by forcing them to stay at home,⁸²⁶ or by trying to take children away from single mothers.⁸²⁷ The following paragraphs describe the situation of women in Afghanistan before and after the Taliban takeover. A distinction is made as far as possible between the position of women in districts that have been under Taliban control for some time and the rest of the country.

4.1.13.1

Women's organisations before the Taliban takeover

Since 2001, Afghan women have played an important role in civil society. Before the takeover by the Taliban, there were also many active women's organisations.⁸²⁸ According to its website, the largest women's organisation in Afghanistan, Women for Afghan Women (WAW), had 850 employees and a total of 32 locations to take in and/or provide advice to vulnerable women and children. Provincial Women's Networks (PWNs) existed in at least fifteen Afghan provinces.⁸²⁹ However, the activities of NGOs were still mainly concentrated in urban areas,⁸³⁰ in particular in Kabul, followed by the provinces: Nangahar, Herat, Balkh and Kandahar.⁸³¹ In general, the local authorities publicly acknowledged the important role that NGOs, including women's organisations, played in providing services and humanitarian aid to the population.⁸³² The importance of protecting women's rights was also publicly recognised at a high political level.⁸³³ However, according to sources, this support for women's rights was not always reflected in practice in the actions of officials who were supposed to implement the policy.⁸³⁴ This was partly due to resistance to female leaders.⁸³⁵

Women's organisations in Taliban-dominated areas

In areas already under Taliban control at the beginning of the reporting period, some NGO activities were allowed if the Taliban believed they would contribute to support for the Taliban among the local population. This applied to activities such as humanitarian aid, primary education and healthcare.⁸³⁶ However, there was considerable opposition within the Taliban to women's participation in such activities. In March 2021, the Taliban sent a letter to development organisations

⁸²⁵ Amnesty International, Afghanistan: Survivors of gender-based violence abandoned following Taliban takeover – new research, 6 December 2021.

⁸²⁶ The Wall Street Journal, After Taliban Return, Afghan Women Face Old Pressures From Fathers, Brothers, 15 December 2021.

⁸²⁷ The Guardian, 'They came for my daughter': Afghan single mothers face losing children under Taliban, 8 September 2021.

⁸²⁸ ODI thinktank, NGOs and civil society in Afghanistan, pp. 14-15, November 2020; Women for Afghan Women, Afghanistan, last accessed 23 July 2021. <https://womenforafghanwomen.org/afghanistan/>. There were twelve family guidance centres, twelve women's protection centres, four children's support centres, three transitional houses and a halfway house.

⁸²⁹ Cordaid, A Lifeline for Women-Led Civic Action in Rural Afghanistan, 16 March 2021. PWNs conduct research and analyse policy issues, and hold government and other actors accountable for fulfilling their obligations in relation to the promotion of women's rights and gender equality. They also try to ensure attention for the situation and needs of rural women in Afghan peace processes at all levels. According to the website of Equality for Peace and Democracy (EPD), the Afghan NGO that set up the network, the PWNs are active in the following provinces: Kabul, Herat, Bamyan, Nangarhar, Kunduz, Kandahar, Faryab, Parwan, Laghman, Uruzgan, Helmand, Badkhsan, Paktia, Daikundi and Balkh. See: [Provincial Women's Network | \(epd-afg.org\)](https://epd-afg.org/), accessed 12 May 2021.

⁸³⁰ Confidential source, 30 June and 5 July 2021; ODI, NGOs and civil society in Afghanistan, pp. 14-15, November 2020.

⁸³¹ Confidential source, 30 June and 5 July 2021; ODI, NGOs and civil society in Afghanistan, pp. 14-15, November 2020.

⁸³² ODI, NGOs and civil society in Afghanistan, pp. 14-15, November 2020.

⁸³³ Confidential source, 30 June and 5 July 2021.

⁸³⁴ Confidential source, 23 July 2021.

⁸³⁵ Confidential source, 30 June and 5 July 2021.

⁸³⁶ ODI, NGOs and civil society in Afghanistan, pp. 18-19, November 2020.

stating that it was not allowed to take women away from their homes for activities to promote their economic position, sports and education.⁸³⁷ Several NGOs and female Afghan NGO employees stated that the local Taliban banned female NGO employees from carrying out activities,⁸³⁸ or that they could only work if they were accompanied by a male chaperone (mahram).⁸³⁹

Women's organisations after the Taliban takeover

Space for civil society organisations, including women's organisations, has been reduced by the Taliban's intimidation tactics.⁸⁴⁰ Almost all shelters for female victims of violence have also had to close.⁸⁴¹ The Taliban have seized WAW's office and computers in Kabul.⁸⁴² Many female activists feared reprisals by the Taliban and hid in shelters set up after the Taliban took power to hide activists.⁸⁴³ Nevertheless, women's rights organisations have regularly taken to the streets to protest against, among other things, restrictions on the right to education and work and the dress code that the *de facto* Ministry of Virtue and Vice announced.⁸⁴⁴ At the meeting of Western countries, the Taliban and Afghan civil society in Oslo at the end of January 2022, women's rights defenders had the opportunity to engage in discussion with the Taliban.⁸⁴⁵

4.1.13.2

Dress code for women

Afghan women wear different types of head covering ranging from the burqa, which covers the entire face, to the loose-fitting hijab (*shayla*), which leaves the hairline visible. On the basis of a large-scale population survey from 2019, the previous country report stated that 99% of the Afghan population believed that women should wear some form of head covering in public places and that half of Afghans thought this should be a burqa or niqab.⁸⁴⁶ No comparable survey has been conducted since the previous country report. Social attitudes towards women's dress codes are unlikely to have changed significantly as these are deeply rooted cultural practices.⁸⁴⁷

Dress code for women in areas already under Taliban control for some time

The Taliban imposed strict dress codes in areas it already controlled before the general takeover. This was true for both men and women (see 4.1.10).⁸⁴⁸ Many of these districts were regarded as more conservative in any case, and many women in these districts were already wearing face-covering clothes before the arrival of the Taliban.⁸⁴⁹ According to *The Washington Post*, the Taliban intensified its dress code enforcement in a district in Helmand as the organisation tightened its control over the district.⁸⁵⁰ During the reporting period, there was at least one report of an

⁸³⁷ France 24, Taliban aid crackdown spreads fear over treatment of women, 4 March 2021.

⁸³⁸ France 24, Taliban aid crackdown spreads fear over treatment of women, 4 March 2021; Confidential source, 23 July 2021. See also: The Guardian, After the retreat: what now for Afghanistan?, 4 July 2021.

⁸³⁹ France 24, Taliban aid crackdown spreads fear over treatment of women, 4 March 2021.

⁸⁴⁰ Confidential source, 1 December 2021; confidential source, 17 March 2022.

⁸⁴¹ Open Democracy, I travelled around Taliban-controlled Afghanistan. This is what I saw, 24 November 2021; Amnesty International, Afghanistan: Survivors of gender-based violence abandoned following Taliban takeover – new research, 6 December 2021.

⁸⁴² Open Democracy, I travelled around Taliban-controlled Afghanistan. This is what I saw, 24 November 2021.

⁸⁴³ Confidential source, 19 November 2021; ABC News, In Afghanistan, women's rights activists feared for their lives, now they are disappearing, 21 November 2021.

⁸⁴⁴ Confidential source, 30 December 2021; Confidential source, 17 March 2022.

⁸⁴⁵ Al Jazeera, Taliban, Western officials meet in Oslo to discuss Afghanistan, 24 November 2022.

⁸⁴⁶ Asia Foundation, A Survey of the Afghan People, pp. 205-208, 2019.

⁸⁴⁷ See also: YaLa Press, Fashion rights in Afghanistan, by Atiq Rahimi, Afghanistan, 8 October 2020; Confidential source, 30 June and 5 July 2021.

⁸⁴⁸ Confidential source, 8 June 2021.

⁸⁴⁹ The New Yorker, The Other Afghan Woman, 6 September 2021.

⁸⁵⁰ The Washington Post, How life under Taliban rule in Afghanistan has changed - and how it hasn't, 29 December 2020.

incident in which local Taliban leaders flogged a woman for not covering her face.⁸⁵¹ AP reported on an incident in Takhar province in which the Taliban flogged girls for wearing sandals.⁸⁵² The head of the police in Balkh province accused the Taliban of killing a woman for wearing 'tight clothes' and going outside without a male chaperone (for more details, see 4.1.13.6 on mahrams).⁸⁵³

Dress code after the Taliban takeover

After the Taliban took power, many women in cities began to wear burqas as a precaution.⁸⁵⁴ However, the Taliban leadership announced on 17 August 2021 that wearing a burqa was not mandatory, but that women were required to wear a hijab.⁸⁵⁵ This was confirmed in a manual with rules for daily life from the Ministry of Virtue and Vice.⁸⁵⁶ In January 2022, the Ministry of Virtue and Vice put up posters in Kabul showing a woman in a burqa and calling on women to wear hijabs.⁸⁵⁷ Shortly after the Taliban took power, media reports gave the impression that women in major cities such as Herat and Kabul were allowed to go in public wearing the hijab, at least in certain neighbourhoods.⁸⁵⁸ VOA News spoke to a woman who said that in Takhar province, the Taliban required women to wear clothing that completely covered the face.⁸⁵⁹ Several months later, sources indicated that the Taliban had not made it mandatory to wear a burqa in Kabul⁸⁶⁰ and Mazar-i-Sharif.⁸⁶¹ Women were also going out without a burqa in Herat in December, according to *New Lines Magazine*.⁸⁶² In late January 2022, there were protests in Kabul against the poster campaign on women's dress code by the Ministry of Virtue and Vice, mentioned above. According to Al Jazeera, women in Kabul at the time were still wearing different styles of headgear, ranging from burqas to looser headscarves.⁸⁶³ *De Volkskrant* also confirmed that women in central parts of Kabul were going out without a burqa in late January 2022.⁸⁶⁴

4.1.13.3

Working women

While women were largely banned from public life when the Taliban first ruled Afghanistan, the World Bank estimated that by 2021, more than twenty percent of Afghan women were working.⁸⁶⁵ Women were active in various sectors such as

⁸⁵¹ The New York Times, *Afghan Women Fear the Worst, Whether War or Peace Lies Ahead*, 1 May 2021. In 2019, there were reports of similar incidents: The Guardian, 'I lost consciousness': woman whipped by the Taliban over burqa without veil, 18 April 2019.

⁸⁵² AP, *Afghan women fear return to 'dark days' amid Taliban sweep*, 13 August 2021.

⁸⁵³ RFE/RL, *Afghan Police Say Taliban Killed Young Woman For Wearing Tight Clothing*, 4 August 2021; ANI, *21-year-old girl shot by Taliban for not wearing veil*, 5 August 2021.

⁸⁵⁴ Bloomberg, *As Kabul Falls, the Burqa Shops of Afghanistan Get Busy*, 15 August 2021; RFE/RL, *Afghan Women Disappear Under Burqas Amid Taliban Advance*, 13 August 2021.

⁸⁵⁵ Al Arabiya, *Taliban say burqa not compulsory for women, hijab is as they take over Afghanistan*, 17 August 2021.

⁸⁵⁶ The Guardian, *'We don't want people to be in a panic,' says chief of Taliban morality police*, 19 September 2021.

⁸⁵⁷ France 24, *Taliban religious police issue posters ordering women to cover up*, 7 January 2022.

⁸⁵⁸ *De Volkskrant*, *Getuigenissen van een bestaan onder de Taliban: 'Ik hoor dat ze me zoeken. Ze gaan van huis tot huis'*, 24 augustus 2021; The New York Times, *Under Taliban Rule, Life in Kabul Transforms Once Again*, 24 August 2021.

⁸⁵⁹ VOA News, *Afghan Women Report Some Harassment as Taliban Promise Security*, 24 August 2021.

⁸⁶⁰ Confidential source, 1 December 2021; Confidential source, 25 November 2021; Rolling Stone, *The conquering militants govern by fear. Poverty deepens, and behind closed doors journalists are beaten and rumors of executions spread. A portrait of a country on the edge*, 28 November 2021; Confidential source, 3 December 2021; NOS, *Correspondent Aletta Andre in Afghanistan: Hoe is het leven onder de Taliban?*, 27 December 2021.

⁸⁶¹ Buisnes Insider, *A murder, a warning, and now Afghans worry that they could be next*, 19 November 2021.

⁸⁶² *New Lines Magazine*, *Is This the Future of Taliban Rule?*, 13 December 2021.

⁸⁶³ Al Jazeera, *In Afghanistan, Taliban diktat sparks debate about women's attire*, 26 January 2022.

⁸⁶⁴ *De Volkskrant*, *Werkende vrouwen laveren voorzichtig om Taliban heen*, 31 January 2022.

⁸⁶⁵ Wereldbank, *Labor force participation rate, female (% of female population ages 15+) (modeled ILO estimate) - Afghanistan*, 29 January 2021, accessed 4 June 2021.

journalism, politics, the judiciary, the legal profession, government, the police and the army, medical care, the humanitarian sector, education, in factories and in civil society. Some women had set up their own businesses.⁸⁶⁶ Only twenty percent of the jobs in Afghanistan were regarded as 'stable jobs'.⁸⁶⁷ Women with such jobs lived mainly in cities.⁸⁶⁸ There were Afghan women who held senior positions in, for example, politics, the media and the judiciary.⁸⁶⁹ The Afghan government's negotiating team for the peace negotiations with the Taliban included four women.⁸⁷⁰ Even so, Special Inspector General for Afghanistan Reconstruction (SIGAR) stated that the Afghan labour market was still characterised by a high level of inequality between men and women, mainly caused by conservative norms.⁸⁷¹

Working women in districts already under Taliban control before the takeover

In areas that had been under Taliban control for some time, the Taliban largely banned women from working.⁸⁷² The Taliban subjected women who went outside the home to attend education or to work to intimidation and threats.⁸⁷³ Several dozen women working in areas still under the control of the Ghani government – in particular female employees of the Afghan government or international organisations, women who worked in the media or women activists – were victims of targeted attacks by unknown insurgent groups (see 4.1.1.1, 4.1.2, 4.1.4 and 4.1.5). In the urban areas captured by the Taliban before the capture of Kabul, the Taliban only allowed male officials to return to work.⁸⁷⁴ The exception to this were 'essential' female workers,⁸⁷⁵ such as female physicians.⁸⁷⁶

Working women after the Taliban takeover

Shortly after the takeover, the Taliban's central leadership stated a number of times that Afghan women could continue to work,⁸⁷⁷ but in the weeks that followed, the Taliban announced ever more restrictions on female participation in the labour market. On 1 September 2021, the Taliban leadership reiterated that women would be allowed to continue to work as officials, but added that they would not be allowed to hold senior positions in government or ministries.⁸⁷⁸ On 19 September 2021, Kabul's new city government announced that female officials were no longer welcome at the office.⁸⁷⁹ At the end of 2021, the vast majority of female Afghan

⁸⁶⁶ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, p. 117, February 2021; The New York Times, In Former Taliban Stronghold, Defiant Women Hit the Gym, 12 October 2020; Los Angeles Times, They grew up under U.S. occupation. What happens when the troops leave?, 16 November 2020; CNN, She's the first female tour guide in Afghanistan, but she's determined not to be the last, 8 March 2021.

⁸⁶⁷ With a fair, fixed income and access to the welfare system for the employee and his/her family.

⁸⁶⁸ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, p. 114, February 2021.

⁸⁶⁹ RUDAW Media Network, Sacrificing Afghan women's liberties will cause 'anarchy': human rights chief, 5 December 2019.

⁸⁷⁰ Afghanistan, State Ministry for Peace, Peace Negotiation Team of The Islamic Republic of Afghanistan, undated, last accessed 29 July 2021.

⁸⁷¹ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, p. 111, February 2021.

⁸⁷² The New York Times, Taliban Try to Polish Their Image as They Push for Victory, 6 July 2021.

⁸⁷³ The Washington Post, How life under Taliban rule in Afghanistan has changed - and how it hasn't, 29 December 2020.

⁸⁷⁴ The New York Times, Taliban Try to Polish Their Image as They Push for Victory, 4 August 2021; Reuters, Afghan women forced from banking jobs as Taliban take control, 15 August 2021; NPR, At-Risk Afghans Who Fear The Taliban Hunker Down And Wait To Leave, 24 August 2021.

⁸⁷⁵ The New York Times, Taliban Quash Protests and Seize Enemies, Tightening Grip on Afghanistan, 19 August 2021; De Volkskrant, Getuigenissen van een bestaan onder de Taliban: 'Ik hoor dat ze me zoeken. Ze gaan van huis tot huis', 24 August 2021.

⁸⁷⁶ CNN, 'No one can dare ask why': What it's like to live in a town where everything is controlled by the Taliban, 14 April 2021.

⁸⁷⁷ France 24, Afghan women's groups eye uncertain future under vague 'Islamic framework', 26 August 2021; The New York Times, The Taliban wants to forget the past, a leader tells The Times, but there will be some restrictions., 25 August 2021.

⁸⁷⁸ The Guardian, Women can continue working in Afghan government, say Taliban, 1 September 2021.

⁸⁷⁹ The Guardian, Kabul government's female workers told to stay at home by Taliban, 19 September 2021; ABC News, Taliban tells female Kabul government workers not go to work as a deadly blast rocks Jalalabad, 19 September 2021.

officials were still at home.⁸⁸⁰ A Taliban decree on the status of women in early December failed to clarify whether it was possible for female officials to return to work.⁸⁸¹ According to *The New York Times*, female officials were required to report to the office once a month to perpetuate 'the fiction' that the Taliban had not fired them.⁸⁸² Initially, in more than half of Afghan provinces, the Taliban banned female humanitarian personnel from performing their work or imposed severe restrictions (the use of mahram) that made it virtually impossible for women to carry out their activities, according to Human Rights Watch.⁸⁸³ UN OCHA reported that the situation in this respect improved significantly throughout the country from December 2021.⁸⁸⁴ At local level, however, the Taliban continued to impose varying requirements for the participation of female personnel in humanitarian activities. For example, female aid workers in certain regions were required to adhere to mahram rules, or were only allowed in certain humanitarian sectors (such as health services).⁸⁸⁵

There were exceptions to the ban on working. Female officials in (essential) occupations that could not be filled by men were told to return to work by the Taliban. They included female healthcare personnel,⁸⁸⁶ female primary school teachers,⁸⁸⁷ female officials with some forms of technical expertise,⁸⁸⁸ female passport office employees,⁸⁸⁹ female customs officers at airports,⁸⁹⁰ and female cleaners.⁸⁹¹ Female employees in the private sector⁸⁹² and some female entrepreneurs were also able to continue to work.⁸⁹³ In January and February 2022, the Taliban appointed several women to symbolic government posts, according to the International Crisis Group: the female doctor Malalai Faizi was appointed as the director of Malalai Maternity Hospital and Nisa Mobarez was appointed as a representative for women in Badakhshan province.⁸⁹⁴ According to *De Volkskrant*, there was no interference by the Taliban in personnel policy in the private sector at the beginning of 2022. Women in this sector were allowed to continue working, provided they carried out their activities separately from men.⁸⁹⁵ In three provinces,⁸⁹⁶ Taliban leaders provided written guarantees that female humanitarian personnel could continue to work without restrictions.⁸⁹⁷ A source stated that some

⁸⁸⁰ The Wall Street Journal, After Taliban Return, Afghan Women Face Old Pressures From Fathers, Brothers, 15 December 2021.

⁸⁸¹ CNN, Taliban decree on women's rights, which made no mention of school or work, dismissed by Afghan women and experts, 4 December 2021.

⁸⁸² The New York Times, Threatened and Beaten, Afghan Women Defy Taliban With Protests, 26 January 2022.

⁸⁸³ Human Rights Watch, Afghanistan: Taliban Blocking Female Aid Workers, 4 November 2021.

⁸⁸⁴ OCHA, Humanitarian Access Snapshot, December 2021.

⁸⁸⁵ Confidential source, 18 March 2022.

⁸⁸⁶ Reuters, Taliban say Afghan women health service staff should go back to work, 27 August 2021.

⁸⁸⁷ Confidential source, 1 December 2021.

⁸⁸⁸ ABC News, Taliban tells female Kabul government workers not go to work as a deadly blast rocks Jalalabad, 19 September 2021.

⁸⁸⁹ Confidential source, 14 December 2021.

⁸⁹⁰ New Lines Magazine, Is This the Future of Taliban Rule?, 13 December 2021.

⁸⁹¹ ABC News, Taliban tells female Kabul government workers not go to work as a deadly blast rocks Jalalabad, 19 September 2021.

⁸⁹² Confidential source, 1 December 2021; New Lines Magazine, Is This the Future of Taliban Rule?, 13 December 2021.

⁸⁹³ Salaam Times, Female entrepreneurs in Herat remain defiant of restrictions, 8 December 2021; Wadsam, Markets For Women's Products To Open In Capital & Provinces of Afghanistan, 22 December 2021; Le Monde, « A quoi ça sert d'aller à l'école si tu ne peux pas travailler ? » : confidences de femmes afghanes dans un salon de beauté, à Kandahar, 10 November 2021.

⁸⁹⁴ International Crisis Group, Crisis Watch, February 2022.

⁸⁹⁵ De Volkskrant, Werkende vrouwen laveren voorzichtig om Taliban heen, 31 January 2022. See also: Confidential source, 1 December 2021.

⁸⁹⁶ The report does not specify which provinces these are.

⁸⁹⁷ Human Rights Watch, Afghanistan: Taliban Blocking Female Aid Workers, 4 November 2021.

women who were allowed to work by the Taliban or were not explicitly prohibited from doing so were staying at home for fear of reprisals.⁸⁹⁸

4.1.13.4 Access to healthcare

Access to healthcare was already limited for Afghans (especially the poor) under the Ghani government. According to research by UN Women, twenty to thirty percent of all Afghans already had very limited access to basic healthcare before the coronavirus pandemic.⁸⁹⁹ There were extra barriers to the use of healthcare by women, despite international efforts to make healthcare more accessible to women.⁹⁰⁰ Even after many years of investment in maternal care, Afghanistan still performed poorly in terms of maternal mortality. It was the only Asian country with a 'very high' level of maternal mortality, according to UNICEF.⁹⁰¹ Access to care for women was particularly limited in rural areas. The four main factors underlying this, according to SIGAR, were a shortage of female healthcare professionals, conservative socio-cultural norms, a lack of knowledge among female patients, and poverty.⁹⁰² According to a recent study by AAN, the worsening security situation was a further factor in 2021.⁹⁰³ Human Rights Watch stated that the decline in foreign aid for healthcare had also reduced the availability and quality of healthcare for women in major cities. This particularly affected women living in poverty.⁹⁰⁴

Access to healthcare after the Taliban takeover

Afghan women's access to healthcare was further limited by the overall shrinkage of the sector after the Taliban takeover.⁹⁰⁵ According to Al Jazeera, hundreds of clinics had already closed by the end of September 2021.⁹⁰⁶ The BBC stated in December 2021 that 2,300 clinics had closed since the Taliban took power.⁹⁰⁷ Due to the humanitarian crisis in Afghanistan, many mothers and babies suffered from malnutrition. In many cases, the remaining hospitals in Afghanistan were unable to provide the necessary care. As early as September 2021, about four children a week were dying from malnutrition and related diseases at a children's hospital in Kabul.⁹⁰⁸ In addition to reports of the general deterioration of healthcare, there were reports of local Taliban leaders hindering midwives from performing their work, for example in the province of Paktia. According to UNFPA, under the new

⁸⁹⁸ Confidential source, 25 January 2021.

⁸⁹⁹ UN Women, *Unlocking the Lockdown Gender-Differentiated Consequences of Covid-19 in Afghanistan*, p. 31, 2020.

⁹⁰⁰ Improving Afghan women's access to healthcare – especially maternal care – has been a priority of international donors for the last twenty years. Despite the lack of reliable data on maternal mortality, SIGAR states that the available evidence shows that women's access to healthcare has improved significantly. Comparative research indicates that maternal mortality fell from 1,200 deaths per 100,000 births in 2002 to 638 in 2017. According to the World Health Organization, life expectancy at birth for Afghan women rose from 58 years in 2002 to 66 years in 2019. For men, life expectancy was 55.6 years in 2002 and 63.4 years in 2019. The number of midwives increased from 467 in 2002 to 4,000 in 2018. See: SIGAR, *Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan*, pp. 54-55, February 2021.

⁹⁰¹ UNICEF, *Maternal Mortality*, undated, last accessed 27 July 2021. <https://data.unicef.org/topic/maternal-health/maternal-mortality/>.

⁹⁰² SIGAR, *Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan*, pp. 54-55, February 2021.

⁹⁰³ AAN, *Rural Women's Access to Health: Poverty, insecurity and traditions are the main obstacles*, 9 July 2021. In conservative communities, there is a taboo on women consulting male doctors and healthcare professionals. However, the poor security situation makes it difficult and dangerous to assign female caregivers to rural areas. In rural areas, women also often have little knowledge about and control over healthcare decisions. Combined with high levels of poverty, this often leads to a situation where husbands or mothers-in-law decide to spend the household income on other things, because maternal care is seen as expensive, unnecessary and – when the distance to the hospital/midwife is great – potentially dangerous. See also: Human Rights Watch, *"I Would Like Four Kids — If We Stay Alive": Women's Access to Health Care in Afghanistan*, p. 3, 6 May 2021; Marie Claire, *Afghanistan : défier la mort pour donner la vie*, 3 December 2020.

⁹⁰⁴ Human Rights Watch, *"I Would Like Four Kids — If We Stay Alive": Women's Access to Health Care in Afghanistan*, p. 3, 6 May 2021.

⁹⁰⁵ Al Jazeera, *Afghanistan healthcare 'on brink of collapse' amid Omicron scare*, 16 December 2021.

⁹⁰⁶ Al Jazeera, *Medics overwhelmed as Afghanistan healthcare crumbles*, 28 September 2021.

⁹⁰⁷ BBC, *'It's like hell in here': The struggle to save Afghanistan's starving babies*, 2 December 2021.

⁹⁰⁸ BBC, *'It's like hell in here': The struggle to save Afghanistan's starving babies*, 2 December 2021.

Taliban administration there were 'some successes' of continuity of midwife services⁹⁰⁹ especially in areas where UNFPA programmes were active.⁹¹⁰

4.1.13.5 Legal capacity

As the previous country report stated, women (unmarried women, married women and widows) have legal capacity from the age of eighteen under Article 39 of the Civil Code.⁹¹¹ However, SIGAR indicated that in practice women often renounce certain rights – such as property rights – under pressure from conservative social norms.⁹¹² In general, even before the Taliban took power, especially in rural areas,⁹¹³ women had little opportunity to make their own decisions about matters such as running the household, healthcare, work and the future of their children/daughters.⁹¹⁴ After the seizure of power, the Taliban did not issue any declarations or decrees regarding the legal capacity of women.

4.1.13.6 *Use of a mahram before the Taliban takeover*

Most Afghan women were unable to travel unaccompanied even before the Taliban took power. According to traditional norms, Afghan women are only allowed to travel with a *mahram*: her husband or a male relative whom she cannot marry (her father, brother, uncle or son). According to one source, men could act as mahrams from the time they are considered adults by the community, from about thirteen or fourteen years of age.⁹¹⁵ However, there was increasing scope for Afghan women to travel with a female relative, according to a source.⁹¹⁶ This picture was confirmed in a study by the International Finance Corporation. In a survey of two thousand women in various Afghan cities (Kabul, Herat, Mazar-i-Sharif, Jalalabad),⁹¹⁷ 75% said that they did not leave home unaccompanied; the most common escort (in half of cases) was a female relative, i.e. not a mahram. Twenty percent of the women said that they travel with a mahram. However, there were large regional differences. In Herat and Mazar-i-Sharif, women travelled alone more often than with a mahram,⁹¹⁸ while in Jalalabad women usually travelled with a mahram.⁹¹⁹

Use of a mahram in areas already under Taliban control for some time

In areas already under their control before the seizure of power, the Taliban prohibited women from leaving home unless accompanied by a mahram.⁹²⁰ There was evidence that the Taliban tried and punished women who ignored this ban.⁹²¹ As mentioned earlier, in early August 2021 the head of the police in Balkh accused

⁹⁰⁹ The source does not clarify what 'some successes' means.

⁹¹⁰ Christian Science Monitor (The), How Afghan midwives are challenging Taliban strictures on women, 7 October 2021.

⁹¹¹ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 84; Confidential source, 23 July 2021.

⁹¹² SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, page 112, February 2021; Confidential source, 23 July 2021.

⁹¹³ The Guardian, 'Divorce isn't an option': Afghan women find hope in saffron scheme, 23 June 2020; Confidential source, 23 July 2021.

⁹¹⁴ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, page 7, February 2021.

⁹¹⁵ Confidential source, 1 December 2021.

⁹¹⁶ Confidential source, 9 June 2021.

⁹¹⁷ International Finance Corporation, On the Road to Greater Mobility Understanding the demand for gender-segregated transportation in urban Afghanistan, p. 13, 2021.

⁹¹⁸ International Finance Corporation, On the Road to Greater Mobility Understanding the demand for gender-segregated transportation in urban Afghanistan, p. 26, 2021.

⁹¹⁹ International Finance Corporation, On the Road to Greater Mobility Understanding the demand for gender-segregated transportation in urban Afghanistan, p. 44, 2021.

⁹²⁰ ANI, Afghanistan: Taliban imposes new severe restrictions on women, media in Balkh Province, 11 July 2021; The Guardian, After the retreat: what now for Afghanistan?, 4 July 2021.

⁹²¹ CNN, 'No one can dare ask why': What it's like to live in a town where everything is controlled by the Taliban, 14 April 2021.

the Taliban of killing a woman for wearing clothes that were too tight and failing to comply with the ban on travelling without a mahram (see 4.1.10).⁹²²

Use of a mahram since the Taliban takeover

On 24 August 2021, a Taliban spokesman ordered women to stay at home until the Taliban had procedures in place to 'ensure their safety'. The spokesman said Taliban fighters had not been trained in how to deal with women, the BBC said.⁹²³ In an interview with *The New York Times* on 25 August, the Taliban leadership said it would only require women to be in the company of a mahram on trips lasting three days or more.⁹²⁴ The manual by the *de facto* Ministry of Virtue and Vice stated that women were not allowed to go out without a mahram, but that this rule should be enforced in an 'easy and kind' way.⁹²⁵ At the end of December, the same ministry announced that transport operators were not allowed to offer transport to women if they wished to travel further than 72 kilometres without a mahram.⁹²⁶ In February 2022, the Taliban announced that women were no longer allowed to fly abroad without a mahram.⁹²⁷ In practice, local Taliban leaders banned women from going to work without a mahram,⁹²⁸ and there were also reports of intimidation of women walking around without a mahram by individual Taliban fighters.⁹²⁹ At the same time, sources stated that after several months of the new Taliban rule, women in Kabul were still going out without a mahram.⁹³⁰ This also applied to Herat.⁹³¹ It is not clear to what extent the ban on travelling longer distances without a mahram is enforced.

4.1.13.7

Forced marriages

In Afghanistan, some individuals marry on their own initiative and by choice, but arranged and/or forced marriages are more common.⁹³² There were no recent reliable figures on the prevalence of forced marriages before the Taliban took power.⁹³³ Forced marriages occur in a social context in which marriages are seen as an economic transaction.⁹³⁴ The acceptance of child marriages, polygamy,⁹³⁵ the exchanging of unmarried daughters between families, cousin marriages to keep the inheritance within the family,⁹³⁶ *baad* (marrying daughters off in order to pay a debt or settle a dispute),⁹³⁷ and the payment of a bride price⁹³⁸ contributed to the high

⁹²² RFE/RL, Afghan Police Say Taliban Killed Young Woman For Wearing Tight Clothing, 4 August 2021.

⁹²³ BBC, Afghanistan: Taliban tell working women to stay at home, 24 August 2021.

⁹²⁴ The New York Times, The Taliban wants to forget the past, a leader tells The Times, but there will be some restrictions., 25 August 2021.

⁹²⁵ Human Rights Watch, Afghanistan: Taliban 'Vice' Handbook Abusive, 29 October 2021.

⁹²⁶ Al Jazeera, No long-distance travel for women without male relative: Taliban, 26 December 2021. See also: VOA News, Taliban Further Restrict Afghan Women With New Travel Rules, 26 December 2021.

⁹²⁷ France 24, Taliban ban Afghans from evacuating amid massive security sweep, 28 February 2022.

⁹²⁸ Human Rights Watch, Afghanistan: Taliban Blocking Female Aid Workers, 4 November 2021.

⁹²⁹ The Wall Street Journal, After Taliban Return, Afghan Women Face Old Pressures From Fathers, Brothers, 15 December 2021.

⁹³⁰ Confidential source, 3 December 2021; NOS, Correspondent Aletta Andre in Afghanistan: Hoe is het leven onder de Taliban?, 27 December 2021.

⁹³¹ New Lines Magazine, Is This the Future of Taliban Rule?, 13 December 2021.

⁹³² RFE/RL, Afghan District Attempts To Abolish Forced Marriages, 12 August 2020; SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, p. 7, February 2021.

⁹³³ One figure that is often quoted is an estimate from 2006. At the time, the AIHRC estimated that sixty to eighty percent of marriages in Afghanistan were forced and child marriages. World Vision, Breaking the Chain: Empowering girls and communities to end child marriages during COVID-19 and beyond, p. 13, 2021.

⁹³⁴ Full article: 'Good men don't elope': Afghan migrant men's discourses on labour migration, marriage and masculinity (tandfonline.com)

⁹³⁵ However, according to the Pew Research Center, less than one percent of Afghan men live with more than one woman. Pew Research Center, Polygamy is rare around the world and mostly confined to a few regions, 7 December 2020. [Polygamy is rare around the world | Pew Research Center](#)

⁹³⁶ UNFPA, Child Marriage and Other Harmful Practices: A Desk Review of Evidence from South-East Asia, p. 42, 2020.

⁹³⁷ UNFPA, Child Marriage and Other Harmful Practices: A Desk Review of Evidence from South-East Asia, p. 2, 2020.

⁹³⁸ A bride price is paid to the bride (or her family) by the family of the groom. A dowry is what the bride's family gives to the bride to take with her when she gets married. In Afghanistan the bride price is used.

level of compulsion in marriage.⁹³⁹ Much attention was paid to the consequences of forced marriages for women, but young men were also regularly forced to marry a girl or woman they did not actually want to marry.⁹⁴⁰

Forced marriages in areas under Taliban control

In July 2021, media reported that the Taliban's Culture Commission had instructed religious leaders to draw up lists of unmarried women in their regions, including widows under the age of 45, allegedly with the purpose of marrying these women off to Taliban fighters.⁹⁴¹ There were also reports that Taliban leaders in northern and north-eastern Afghanistan were forcing families to marry off at least one daughter per family to a Taliban fighter.⁹⁴² It is not clear to what extent these reports are correct and to what extent these instructions were carried out.

Forced marriages after the Taliban takeover

In a December 2021 decree on the status of women, the Taliban stated that women should not be forced to marry.⁹⁴³ However, the deteriorating humanitarian situation in Afghanistan has led to an increase in arranged marriages, especially of young girls, because families need the bride price in order to provide for the basic necessities of life for the rest of the family.⁹⁴⁴

4.1.13.8

Child marriages (situation before the Taliban takeover)

As the previous country report noted, the legal age of marriage is sixteen years for women (fifteen years with the father's consent) and eighteen years for men.⁹⁴⁵ Arranged marriages of girls under the age of eighteen were widespread in Afghanistan, according to UNFPA.⁹⁴⁶ After Bangladesh and Nepal, Afghanistan was the country with the highest rate of child marriages in the region. In Bangladesh, 22% of girls married before the age of fifteen and 59% before the age of eighteen. In Afghanistan the figures were 9% and 35% respectively.⁹⁴⁷ A source also estimated that one in three Afghan girls was married off before the age of eighteen.⁹⁴⁸ Articles and reports contain examples of Afghan girls being married off at a younger age (as young as eight).⁹⁴⁹ Child marriages were especially common in rural areas, especially in areas on the border with Pakistan. According to UNFPA, families used child marriages to strengthen ties with rival families and clans, as part of agreements, as a way of resolving feuds or to settle debts. Poor families often felt

⁹³⁹ RFE/RL, Afghan District Attempts To Abolish Forced Marriages, 12 August 2020; World Vision, #HiddenHero: Breaking the cycle of child marriage in Afghanistan, 23 July 2020.

⁹⁴⁰ UNFPA, Child Marriage and Other Harmful Practices: A Desk Review of Evidence from South-East Asia, p. 1, 2020.

⁹⁴¹ Latest, Taliban Issues Diktat Asking Local Religious Leaders for List of Girls Above 15, Widows Under 45 To Be Married to Their Fighters: Reports, 16 July 2021.

⁹⁴² The Conversation, Afghanistan after the US withdrawal: The Taliban speak more moderately but their extremist rule hasn't evolved in 20 years, 22 July 2021. This article refers to: Salam Watadar, *تخار در طالبان: به را دختر یک خانواده هر: تخار در طالبان* (swn.af);

⁹⁴³ The New York Times, Taliban Decree an End to Forced Marriages in Afghanistan, 3 December 2021.

⁹⁴⁴ UNICEF, Girls increasingly at risk of child marriage in Afghanistan, 12 November 2021; NBC, Desperate for cash, Afghan families are selling young daughters into marriage, 21 November 2021.

⁹⁴⁵ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 85.

⁹⁴⁶ UNFPA Afghanistan, Child Marriage, undated, last viewed 27 July 2021. [UNFPA Afghanistan | Child Marriage](#)

⁹⁴⁷ VOA News, The Worth of a Girl, July 2019. See: **Error! Hyperlink reference not valid.**, last accessed 5 March 2022.

⁹⁴⁸ Confidential source, 22 July 2021.

⁹⁴⁹ RFE/RL, Boys With Brides: Afghanistan's Untold Dilemma Of Underage Marriages, 12 April 2019; VOA News, July 2019; The Guardian, Nine-year-old child bride reportedly killed by husband in Afghanistan, 31 July 2018; Her, 'Girls my age should not be married': Child bride married at age 11 speaks out for World Refugee Day, July 2020; World Vision, Breaking the Chain: Empowering girls and communities to end child marriages during COVID-19 and beyond, p. 13, 2021; Pajhwok, Daily wage mother saves her minor daughter from forced marriage, 25 November 2020; AAN, Living with the Taleban (2): Local experiences in Nad Ali district, Helmand province, 18 January 2021.

financially constrained⁹⁵⁰ to sell their daughters to a wealthier, generally much older husband for a high bride price.⁹⁵¹ According to UN research, under the Ghani government little action was taken against adult men who married minors and the other individuals who allowed child marriages to take place.⁹⁵²

4.1.13.9 *Running away (situation before the Taliban takeover)*

Afghan women had a legal right to escape forced marriage and other forms of domestic violence by running away (*farar-az-manzal*) with a marriage candidate of their own choosing or by entering a shelter.⁹⁵³ As stated in the previous country report, running away was not an offence under the Penal Code.⁹⁵⁴ In 2012, the Afghan Supreme Court ruled that running away to escape abuse or violence was not a crime, but running away with the intent to engage in fornication (*zina*) was punishable by law.⁹⁵⁵ *Zina* could carry up to 15 years in prison under the Afghan Penal Code, Human Rights Watch said.⁹⁵⁶ In practice, women who ran away to escape abuse, violence or forced marriage were often prosecuted for attempted fornication.⁹⁵⁷ In addition, even before the Taliban took power, men and women who went against their families' marriage choices were at risk of retaliation from family members and the wider community in the form of honour killings (see 4.1.14).⁹⁵⁸

4.1.13.10 Single women

Living independently or living together without being married

According to sources, it was already socially unacceptable under the Ghani government for Afghan women to live with a man without being married.⁹⁵⁹ However, one source indicated that there were definitely couples from more progressive families who lived together in secret and concealed this from the community.⁹⁶⁰ It was also contrary to the cultural norms for women to live alone.⁹⁶¹ This was a more common phenomenon, especially in large cities, than unmarried cohabiting couples.⁹⁶² *The Guardian* estimated in August 2021 that there were thousands of women living alone.⁹⁶³

Women who remain single and unmarried mothers

⁹⁵⁰ The Borgen Project, Gender violence and domestic abuse in Afghanistan, 3 September 2020.

⁹⁵¹ UNFPA Afghanistan, Child Marriage, undated, last viewed 27 July 2021. UNFPA Afghanistan | Child Marriage

⁹⁵² UNAMA, In Search of Justice for Crimes of Violence Against Women and Girls, p. 15, December 2020.

⁹⁵³ Ahsan-Tirmizi, S., Pious peripheries: Runaway Women in Post-Taliban Afghanistan, Stanford University Press, p. 25, 2021.

⁹⁵⁴ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 86.

⁹⁵⁵ Ahsan-Tirmizi, S., Pious peripheries: Runaway Women in Post-Taliban Afghanistan, Stanford University Press, p. 26, 2021.

⁹⁵⁶ Human Rights Watch, Afghanistan: End 'Moral Crimes' Charges, 'Virginity' Tests, 25 May 2016.

⁹⁵⁷ Ahsan-Tirmizi, S., Pious peripheries: Runaway Women in Post-Taliban Afghanistan, Stanford University Press, p. 26, 2021; UNAMA, In Search of Justice for Crimes of Violence Against Women and Girls, p. 15, December 2020; Mahendru, R., Girls and women speak out from Afghan moral prisons: Tackling extremism and violence against women in a conflict environment, Global Public Health, p. 739, 2021.

⁹⁵⁸ Mahendru, R., Girls and women speak out from Afghan moral prisons: Tackling extremism and violence against women in a conflict environment, Global Public Health, p. 739, 2021; Confidential source, 22 July 2021.

⁹⁵⁹ AAN, "A Future of One's Own": One young woman's struggle to thrive in modern Herat, 21 June 2021; Confidential source, 9 June 2021.

⁹⁶⁰ Confidential source, 9 June 2021.

⁹⁶¹ The Guardian, 'Nowhere to go': divorced Afghan women in peril as the Taliban close in, 13 August 2021.

⁹⁶² Confidential source, 23 July 2021; Vanity Fair, Portrait : À Kaboul, le rêve féministe de Nargis Azaryun, 4 November 2020. Nargis Azaryun : À Kaboul, son rêve féministe (vanityfair.fr); IOM, Family reunification: An essential step in returnees' journeys to safe and dignified reintegration in Afghanistan, 15 May 2021. Family reunification: An essential step in returnees' journeys to safe and dignified reintegration in Afghanistan | International Organization for Migration (iom.int); AAN, "A Future of One's Own": One young woman's struggle to thrive in modern Herat, 21 June 2021.

⁹⁶³ The Guardian, 'Nowhere to go': divorced Afghan women in peril as the Taliban close in, 13 August 2021. See also: Confidential source, 23 July 2021; Confidential source, 26 June 2021.

In Afghan society, there is considerable pressure on women to get married. This is especially the case in conservative, rural areas. Getting married relieves the bride's family of an extra mouth to feed and provides income in the form of a bride price.⁹⁶⁴ In addition, a marriage reduces the chance of the honour of the bride's family being compromised by accusations of 'immoral behaviour' by the unmarried daughter, such as having sexual or other contacts with men.⁹⁶⁵ Most of conservative Afghan society sees 'older' unmarried women as an anomaly.⁹⁶⁶ However, in cities and more progressive families, it was more common for women to get married later or to remain unmarried.⁹⁶⁷ Girls or women who became pregnant outside marriage were already guilty of a crime (*zina*) before the Taliban took power. If such women were unable to marry the father of the unborn child, they ran the risk of criminal prosecution (see paragraph on 'running away') or of being the victims of honour killings (see 4.1.14).

Divorced women

Although Afghan women could seek a divorce, they did not have the same rights as men in this respect even before the Taliban took power. While men could divorce at any time without giving a reason, women could only do so through court proceedings, if certain criteria of neglect were met. Divorced women were regarded as a source of shame within the family. This was the case when they sought a divorce themselves, but also when their ex-husband had taken the initiative.⁹⁶⁸ Despite these obstacles, the number of women who divorced their husbands has increased in recent years (precise figures on the number of divorced women are unknown, however).⁹⁶⁹ However, divorce initiated by the woman mainly seemed to be a possibility for women (especially working or wealthy women) in large cities who could support themselves economically without a husband.⁹⁷⁰ Without any resources of their own to fall back on, most divorced women ended up with their own families. Under Article 255 of the Civil Code, male relatives in the capacity of *mahram* were obliged to provide for the necessities of life of their unmarried female relatives if they lived with them. But precisely because divorced women were an economic burden and source of shame, they were often unwelcome guests in their own families.⁹⁷¹ In some cases, this led to mental health problems,⁹⁷² neglect or rejection.⁹⁷³ Apart from the fact that divorced women could end up in an

⁹⁶⁴ UNFPA, Child Marriage and Other Harmful Practices: A Desk Review of Evidence from South-East Asia, p. 17, 2020.

⁹⁶⁵ Norwegian Refugee Council, Sara was to be married – at the age of seven, undated, last accessed 29 July 2021. Sara was to be married – at the age of seven (nrc.no)

⁹⁶⁶ UNFPA, Child Marriage and Other Harmful Practices: A Desk Review of Evidence from South-East Asia, p. 17, 2020.

⁹⁶⁷ AAN, Covid-19 in Afghanistan (7): The effects of the pandemic on the private lives and safety of women at home, 1 October 2020; World Vision, #HiddenHero: Breaking the cycle of child marriage in Afghanistan, 23 July 2020; CNN, She's the first female tour guide in Afghanistan, but she's determined not to be the last, 8 March 2021.

⁹⁶⁸ The New York Times, Fighting Patriarchy, and Fearing Worse From the Taliban, 6 September 2020.

⁹⁶⁹ Arab News, Afghan women embrace divorce as new form of empowerment, 14 April 2017.

⁹⁷⁰ The New York Times, In Afghanistan, 'I Feel Like a Divorced Woman Is Up for Grabs', 17 April 2017; The Guardian, 'Divorce isn't an option': Afghan women find hope in saffron scheme, 23 June 2020. After the divorce, Afghan women were only entitled to maintenance (*iddat*) for three months, and usually they had little capital or income to rely on. In principle, Afghan women were entitled to *mahr* on getting divorce, a gift that women should receive from their spouse on entering into marriage. In practice, the *mahr* was generally given to the bride's family in the form of a bride price. As a result, women rarely saw anything of the *mahr* after divorce. See: Rahmani, N., Divorced Women's Financial Rights In Afghanistan: Does Mahr Offer Financial Security To Afghan Divorced Women?, A thesis in fulfilment of the requirements for the degree of Doctor of Philosophy Faculty of Law University of Technology Sydney, p. 271, June 2019.

⁹⁷¹ Rahmani, N., Divorced Women's Financial Rights In Afghanistan: Does Mahr Offer Financial Security To Afghan Divorced Women?, A thesis in fulfilment of the requirements for the degree of Doctor of Philosophy Faculty of Law University of Technology Sydney, p. 15, June 2019.

⁹⁷² Rahmani, N., Divorced Women's Financial Rights In Afghanistan: Does Mahr Offer Financial Security To Afghan Divorced Women?, A thesis in fulfilment of the requirements for the degree of Doctor of Philosophy Faculty of Law University of Technology Sydney, p. 15, June 2019.

⁹⁷³ The Guardian, 'Nowhere to go': divorced Afghan women in peril as the Taliban close in, 13 August 2021.

economically precarious situation, they were also in danger of losing their children.⁹⁷⁴ In addition, divorced women were also often victims of sexual assault and/or sexual harassment by third parties because they were seen as immoral and 'sexually available'.⁹⁷⁵

Divorce since the Taliban takeover

The morality manual of the Ministry of Virtue and Vice (see 2.2.4) stipulates that under certain circumstances women have the right to seek a divorce.⁹⁷⁶ Due to the disappearance of most of the structures to help vulnerable women, women wishing to divorce against the will of their families or husbands are unlikely to have anywhere to go for shelter and legal assistance.⁹⁷⁷ It is not known if any divorce cases have been brought before Taliban courts since the takeover and, if so, how they have been handled. For more general information on the Afghan legal system since the Taliban took power, see 4.3.

Widows

As a result of the conflict, Afghanistan has a large number of widows and orphans. In 2019, it was estimated that there were two million widows in Afghanistan.⁹⁷⁸ Because property and especially land in Afghanistan are generally only in the name of the man,⁹⁷⁹ widows often found themselves in an economically precarious situation after the death of their husbands.⁹⁸⁰ In principle, under Islamic law, widows are entitled to their *mahr* (see the section on divorce) and part of the estate (a quarter if a widow has no children and an eighth if a widow does have children). In practice, the estate usually went only to the brothers and male descendants of a deceased husband.⁹⁸¹ This meant that if the widow had no sons, her in-laws often seized the entire estate.⁹⁸² As already noted, male relatives are supposed to take care of single women in the capacity of *mahram*. Among the Pashtuns, this meant in practice that widows had to marry one of their brothers-in-law.⁹⁸³ However, several media articles and reports from international organisations and NGOs gave the impression that both their own family and their in-laws often refused to care for

⁹⁷⁴ The Guardian, 'Nowhere to go': divorced Afghan women in peril as the Taliban close in, 13 August 2021. Women have the right to care (*hedānat*) for their sons up to the age of seven and for their daughters up to the age of nine. Rahmani, N., Divorced Women's Financial Rights In Afghanistan: Does Mahr Offer Financial Security To Afghan Divorced Women?, A thesis in fulfilment of the requirements for the degree of Doctor of Philosophy Faculty of Law University of Technology Sydney, p. 234, June 2019.

⁹⁷⁵ Rahmani, N., Divorced Women's Financial Rights In Afghanistan: Does Mahr Offer Financial Security To Afghan Divorced Women?, A thesis in fulfilment of the requirements for the degree of Doctor of Philosophy Faculty of Law University of Technology Sydney, p. 267, June 2019; The New York Times, In Afghanistan, 'I Feel Like a Divorced Woman Is Up for Grabs', 17 April 2017; TED, A rare, intimate look at the lives of single mothers in Afghanistan, 27 October 2017.

⁹⁷⁶ The Guardian, 'We don't want people to be in a panic,' says chief of Taliban morality police, 19 September 2021.

⁹⁷⁷ The Guardian, 'Nowhere to go': divorced Afghan women in peril as the Taliban close in, 13 August 2021; Amnesty International, Afghanistan: Survivors of gender-based violence abandoned following Taliban takeover – new research, 6 December 2021; The Guardian, 'I don't know where to go': uncertain fate of the women in Kabul's shelters, 1 October 2021.

⁹⁷⁸ Reuters, After four decades of war, Afghan widows battle for homes, 22 January 2020; Aryana Aid, Widow Skills Training, undated, last accessed 23 July 2021.

⁹⁷⁹ According to the most recent data, women are joint or sole owners of less than five percent of the registered land in Afghanistan. OCHA, Humanitarian needs overview Afghanistan – Programme Cycle 2021, p. 98, December 2020.

⁹⁸⁰ In recent years, however, considerable national and international efforts have been made in Afghanistan to register land ownership in the name of both the husband and wife, which should improve women's legal position in the event of the death of a husband. See: World Bank Blogs, Safeguarding Afghan women's property rights, 2 March 2021; OCHA, Humanitarian Needs Overview Afghanistan – Programme Cycle 2021, p. 98, December 2020.

⁹⁸¹ Global Protection Cluster, A Brief Guide to Women's Land Rights in Afghanistan, p. 3, October 2020.

⁹⁸² OECD, SIGI: Afghanistan, p. 3, undated, last accessed 21 July 2021; Reuters, Afghan woman prays that peace will save her fourth husband, 22 September 2020; Arab News, Afghanistan has half a million widows, and the number is increasing, says government, 24 June 2018.

⁹⁸³ TED Ideas, A rare, intimate look at the lives of single mothers in Afghanistan, 27 October 2017; Reuters, Afghan woman prays that peace will save her fourth husband, 22 September 2020; The New York Times, A Generation of Widows, Raising Children Who Will Be Forged by Loss, 1 December 2018.

widows,⁹⁸⁴ or neglected and/or mistreated them.⁹⁸⁵ In March 2021, A senior Taliban leader criticised the neglect of widows and orphans by their in-laws.⁹⁸⁶ If a widow has one or more adult sons, they should take care of her according to Islamic and cultural norms. RFE/RL wrote in February 2021 that thousands of Afghan widows were forced to beg in order to provide for themselves and their children.⁹⁸⁷ Young widows – who were numerous in Afghanistan due to the long-running conflict⁹⁸⁸ – were also at risk of unwanted intimacy, harassment and sexual assault if left alone.⁹⁸⁹

The position of widows after the Taliban takeover

In the decree on the status of women, the Taliban stated that widows should not be forced to remarry. Under this decree, widows have the right to remarry from seventeen weeks after the death of their husband.⁹⁹⁰ The Taliban leadership also said it had instructed courts to treat women fairly in inheritance disputes, according to Al Jazeera.⁹⁹¹ It is not clear to what extent this order was complied with in practice.

Women whose husbands have disappeared

As described in the previous country report, a court may declare someone dead on the basis of Article 326 of the Civil Code if they have been missing for more than four years. As indicated in the previous country report, when the judge has confirmed the death of a missing person, normal inheritance rights apply.⁹⁹² On the basis of Article 194 of the Civil Code, women also have the right to seek a separation due to absence if their husband goes missing.⁹⁹³ This separation is only granted after a waiting period of up to three years.⁹⁹⁴

4.1.13.11 *Violence against women*

After East Timor, Afghanistan is the Asian country with the highest level of partner violence against women, based on a comparison of results of population surveys conducted between 2000 and 2019.⁹⁹⁵ In 2015, 46% of Afghan female respondents indicated that they had been the victim of physical or sexual violence by a partner in the previous year.⁹⁹⁶ 51% reported that they had been a victim of partner violence at some point in their lives. In a 2018 survey, 65% of Afghan male participants reported having occasionally used physical violence against their wife or wives. 80% of the women stated that they had been the victim of physical violence by a husband or third party.⁹⁹⁷ In the first ten months of 2020, the AIHRC registered 3,477 reports of domestic violence (this is probably the tip of the

⁹⁸⁴ RFE/RL, Amid Poverty And Discrimination, Afghan Women Beg For Survival, 19 February 2021; Reuters, After four decades of war, Afghan widows battle for homes, 22 January 2020.

⁹⁸⁵ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, pp. 15-16, February 2021.

⁹⁸⁶ VOA News, Speech Offers Rare Glimpse Into Taliban Inner Politics, 3 March 2021.

⁹⁸⁷ RFE/RL, Amid Poverty And Discrimination, Afghan Women Beg For Survival, 19 January 2021.

⁹⁸⁸ It is estimated that the average age of widows in Afghanistan is 35 years. See: The New Humanitarian, Sorrow and Stigma: The Double Tragedy of Afghanistan's Young Widows, 8 February 2018.

⁹⁸⁹ TED Ideas, A rare, intimate look at the lives of single mothers in Afghanistan, 27 October 2017; The New York Times, A Generation of Widows, Raising Children Who Will Be Forged by Loss, 1 December 2018. See also:

⁹⁹⁰ The New York Times, Taliban Decree an End to Forced Marriages in Afghanistan, 3 December 2021.

⁹⁹¹ Al Jazeera, Taliban bans forced marriage of women in Afghanistan, 3 December 2021.

⁹⁹² Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 108.

⁹⁹³ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 108.

⁹⁹⁴ Ahsan-Tirmizi, S., Pious peripheries: Runaway Women in Post-Taliban Afghanistan, Stanford University Press, pp. 25-26, 2021.

⁹⁹⁵ The last Afghan population survey dates from 2015. UNFPA Asia, kNowVAWdata Phase I Report, March 2021.

⁹⁹⁶ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, page 105, February 2021.

⁹⁹⁷ CISION Newswire, Women and Men Call For Peace and Gender Equality, Reveals Promundo and UN Women's Study on Gender Relations in Afghanistan, 29 January 2019. See also: The Guardian, 'Violence starts at home': the Afghan women tackling domestic abuse at its source, 29 January 2021.

iceberg, as domestic violence is rarely reported).⁹⁹⁸ In research into the impact of Covid-19 on violence against women, 97% of female respondents indicated that gender-related violence had increased since the outbreak of the pandemic.⁹⁹⁹

Conflict-related violence

In 2020, UNAMA reported 271 cases of sexual and gender-related violence, 18 of which qualified as conflict-related sexual violence. The victims of conflict-related sexual violence consisted of nine boys, five women and four girls. The Taliban were responsible for violence against three girls. Members of the Afghan government forces also engaged in sexual assault. There were credible allegations of nine other instances of conflict-related violence, but these could not be verified. In 2020, the number of reports of conflict-related sexual violence decreased compared to 2019,¹⁰⁰⁰ probably as a result of the pandemic, according to the UN.¹⁰⁰¹

Criminal prosecution of perpetrators of violence against women

Although various forms of violence against women were criminal offences, criminal prosecution of the perpetrators did not usually occur before the Taliban took power.¹⁰⁰² Sexual violence was punishable under the Penal Code, and various other forms of gender-related violence were punishable under the Law on the Elimination of Violence Against Women (EVAW) and the Law Prohibiting the Intimidation of Women and Children.¹⁰⁰³ In order to improve the criminal prosecution of perpetrators of violence against women, the Afghan government had set up specialist prosecutor's offices and family units in the Afghan police in each province. These organisations were all operational until the Taliban took power, according to the UN.¹⁰⁰⁴ Nevertheless, sources stated that only a fraction of the female victims of domestic violence or violence by acquaintances reported it¹⁰⁰⁵ or sought some other form of help.¹⁰⁰⁶ Few perpetrators of violence against girls and women were convicted and impunity remained the norm, according to the UN.¹⁰⁰⁷ With regard to the serious cases of violence against women that were brought before a court, OHCHR and UNAMA stated that 85% of the perpetrators were convicted.¹⁰⁰⁸ Sources agreed that the perpetrator was significantly more likely to be prosecuted for gender-related violence if he was a third party than in cases of domestic violence.¹⁰⁰⁹

⁹⁹⁸ The National World, 'I'll kill myself before I return': Afghan women face higher threat of abuse during Covid, 19 February 2021.

⁹⁹⁹ UN, Gender Alert On Covid-19 Afghanistan, p. 4, July 23, 2021; This observation is supported in: AAN, Covid-19 in Afghanistan (7): The effects of the pandemic on the private lives and safety of women at home; The New Humanitarian, COVID-19 drives a quiet crisis in Afghanistan: Female suicide

¹⁰⁰⁰ In 2019, the UN documented 102 cases of sexual violence. Twenty-seven cases were conflict-related, affecting seven women and seven girls. Thirteen boys were also victims of such violence.

¹⁰⁰¹ United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, Afghanistan, last update 31 March 2021, last accessed 27 July 2021.

¹⁰⁰² Human Rights Watch, "I Thought Our Life Might Get Better", 5 August 2021.

¹⁰⁰³ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 89. Marital rape is not an offence. Ahsan-Tirmizi, S., Pious peripheries: Runaway Women in Post-Taliban Afghanistan, Stanford University Press, pp. 27-28, 2021.

¹⁰⁰⁴ United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, Afghanistan, last update 31 March 2021, last accessed 27 July 2021.

¹⁰⁰⁵ Confidential source, 9 June 2021.

¹⁰⁰⁶ UNFPA, Fighting Cultural Taboos to Provide Gender-Based Violence Services, 7 December 2020.

¹⁰⁰⁷ United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, Afghanistan, last update 31 March 2021, last accessed 27 July 2021.

¹⁰⁰⁸ This means that in 41.3% of the total number of cases (303) the perpetrator was convicted. This figure was 42.5% in cases where the woman was murdered or forced to commit suicide/immolate herself. A perpetrator was convicted in 57.3% of the cases involving rape. The conviction rate was much lower for crimes such as honour killing (22.7%), serious assault leading to permanent physical harm (31.7%), forced marriage (11.1%) or child marriage (6.3%). UNAMA, In Search of Justice for Crimes of Violence Against Women and Girls, p. 8, December 2020.

¹⁰⁰⁹ Confidential source, 29 July 2021.

Criminal prosecution of rape victims

For the first time in Afghan history, the Law on the Elimination of Violence Against Women (EVAW) explicitly criminalised rapists.¹⁰¹⁰ In practice, however, under the Ghani government, victims were still at risk of being prosecuted for 'fornication' if they reported a rape.¹⁰¹¹ As stated earlier, zina (fornication/sex outside marriage) is regarded as a moral crime in Afghanistan. Women could be prosecuted for it, with imprisonment as a possible punishment. This criminalisation of fornication deterred many female rape victims from seeking help from the authorities: research showed that the authorities regularly accused rape victims of fornication,¹⁰¹² whether or not on the basis of a negative result in a so-called virginity test.¹⁰¹³

Mediation and informal dispute resolution in cases of domestic violence

Women without access to the police often had to rely on informal dispute resolution if they were victims of domestic violence.¹⁰¹⁴ UNAMA and OHCHR stated that in 31% of the cases they investigated there was no criminal prosecution, because the perpetrator was not arrested within the time limit or because other solutions such as mediation between the victim and the perpetrator or perpetrators were used. OHCHR and UNAMA also noted that their other monitoring had shown that 'less serious' cases of violence against women such as assault, sexual assault and/or intimidation were much less likely to be recorded and/or processed by the police.¹⁰¹⁵ These cases were more often resolved through some form of (informal) dispute settlement by family units of the police, social workers or, for example, village elders.¹⁰¹⁶ According to SIGAR, informal dispute resolution was cheaper and more accessible to women, but there was no guarantee that women's rights would be respected in this context. There was even a risk that informal dispute resolution would further normalise violence against women.¹⁰¹⁷ A confidential source stated that informal dispute settlement by village elders often had a negative outcome for women.¹⁰¹⁸ Sources stated that after returning to their families after mediation, victims of domestic violence were often subjected to such violence again or were the victims of honour killings (for more information on honour killings, see 4.1.14).¹⁰¹⁹ Human Rights Watch stated that courts in Taliban-controlled districts often forced women to return to their husbands when they accused their husbands of domestic violence. They did this through 'mediation' or by threatening the women in question with prosecution for moral crimes.¹⁰²⁰ However, this kind of coercion was very probably also used by other actors such as families or village elders in conservative areas not controlled by the Taliban.¹⁰²¹

Shelters for victims of domestic violence

¹⁰¹⁰ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, p. 100, February 2021.

¹⁰¹¹ Committee on the Elimination of All Forms of Violence Against Women, CEDAW/C/AFG/CO/3, paragraphs 23-24, 2 March 2020.

¹⁰¹² UNAMA & OHCHR, In Search of Justice for Crimes of Violence Against Women and Girls, p. 4, December 2020.

¹⁰¹³ Human Rights Watch, "I Thought Our Life Might Get Better": Implementing Afghanistan's Elimination of Violence against Women Law, 5 August 2021.

¹⁰¹⁴ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, page 105, February 2021.

¹⁰¹⁵ UNAMA & OHCHR, In Search of Justice for Crimes of Violence Against Women and Girls, p. 11, December 2020.

¹⁰¹⁶ Roman, F., "Hear us Now", On Supporting Afghan Women in Need of Shelter, a Lesson from Indonesia, LLM Capstone Thesis Central European University, p. 18, June 2020; SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, p. 105, February 2021.

¹⁰¹⁷ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, page 105, February 2021.

¹⁰¹⁸ Confidential source, 23 July 2021.

¹⁰¹⁹ Confidential source, 22 July 2021. See also: Human Rights Watch, "I Thought Our Life Might Get Better", 5 August 2021.

¹⁰²⁰ Human Rights Watch, "You Have No Right to Complain" Education, Social Restrictions, and Justice in Taliban-Held Afghanistan, 30 June 2020. See also: AAN, Living with the Taleban (2): Local experiences in Nad Ali district, Helmand province, 18 January 2021.

¹⁰²¹ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, page 105, February 2021.

Until the Taliban took power, there were dozens of shelters for victims of violence against women in Afghanistan.¹⁰²² Sources estimate that there were between thirty and forty shelters in twenty provinces of Afghanistan.¹⁰²³ In general, it was difficult for victims of domestic violence to seek support from such a shelter, because there was a lot of stigma surrounding the centres.¹⁰²⁴ Many Afghans saw them as 'brothels',¹⁰²⁵ which had a negative impact on family life.¹⁰²⁶ The centres were run by NGOs,¹⁰²⁷ but could only function with permission from the Ministry of Women's Affairs on the basis of the 2011 *Women Protection Guidelines*.¹⁰²⁸ A source noted that the availability of shelters and support for victims of violence against women had decreased over the last three years due to a decline in international support for Afghanistan, the deteriorating security situation and attempts by the government to weaken the independence of NGOs (for more details, see 4.2.3 on freedom of association and assembly).¹⁰²⁹

Protection by the family

Anecdotal evidence suggested that women who had been victims of serious forms of domestic violence by their husbands and/or in-laws were sometimes taken care of by their own parents.¹⁰³⁰ However, according to a confidential source, it was very rare for families to accept their daughters turning their backs on their husbands, and a daughter's decision to run away was more likely to result in violent reprisals against the daughter by her own parents than in shelter and support.¹⁰³¹

Shelter for victims of domestic violence since the takeover by the Taliban

The Taliban dismantled the Ministry of Women's Affairs, which coordinated support for female victims of violence. According to research by Amnesty International, Taliban fighters closed almost all shelters for victims of violence against women, and many locations were looted.¹⁰³² According to *The Guardian*, the Taliban presented the occupants of a shelter in Pul-e-Khumri with the choice of returning to their families or going to the empty women's prison.¹⁰³³ In some cases, shelters that decided to close for fear of the Taliban returned female victims to their families.¹⁰³⁴ The few shelters that were still operational in October were not taking in any new women.¹⁰³⁵ Both the women who ran these shelters and the women who used them are now usually in hiding for fear of reprisals by the perpetrators of

¹⁰²² The New York Times, Shelters Have Saved Countless Afghan Women. So Why Are They Afraid?, 17 March 2018.

¹⁰²³ Roman, F., "Hear us Now", On Supporting Afghan Women in Need of Shelter, a Lesson from Indonesia, LLM Capstone Thesis Central European University, p. 16, June 2020; The New York Times, Shelters Have Saved Countless Afghan Women. So Why Are They Afraid?, 17 March 2018.

¹⁰²⁴ Ahsan-Tirmizi, S., Pious peripheries: Runaway Women in Post-Taliban Afghanistan, Stanford University Press, p. 17, 2021.

¹⁰²⁵ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, p. 102, February 2021; Confidential source, 9 June 2021; Ahsan-Tirmizi, S., Pious peripheries: Runaway Women in Post-Taliban Afghanistan, Stanford University Press, p. 18, 2021.

¹⁰²⁶ The New York Times, Shelters Have Saved Countless Afghan Women. So Why Are They Afraid?, 17 March 2018; Roman, F., "Hear us Now", On Supporting Afghan Women in Need of Shelter, a Lesson from Indonesia, LLM Capstone Thesis Central European University, p. 13, June 2020; Ahsan-Tirmizi, S., Pious peripheries: Runaway Women in Post-Taliban Afghanistan, Stanford University Press, p. 18, 2021.

¹⁰²⁷ Women for Afghan Women, What we do: WAW's Work in Afghanistan, undated, last accessed 28 July 2021.

¹⁰²⁸ The New York Times, Shelters Have Saved Countless Afghan Women. So Why Are They Afraid?, 17 March 2018.

¹⁰²⁹ Confidential source, 29 July 2021.

¹⁰³⁰ AAN, Living with the Taleban (2): Local experiences in Nad Ali district, Helmand province, 18 January 2021; UNFPA, A Family Steps-Up for their Daughter, a Gender-Based Violence Survivor, 29 November 2020; UNFPA, Refusing to submit to a virginity test, one bride risks death, 26 April 2021.

¹⁰³¹ Confidential source, 22 July 2021.

¹⁰³² Amnesty International, Afghanistan: Survivors of gender-based violence abandoned following Taliban takeover – new research, 6 December 2021.

¹⁰³³ The Guardian, 'I don't know where to go': uncertain fate of the women in Kabul's shelters, 1 October 2021.

¹⁰³⁴ RFE/RL, Afghan Women's Shelters Vanishing Under Taliban Rule, 26 September 2021.

¹⁰³⁵ The Guardian, 'I don't know where to go': uncertain fate of the women in Kabul's shelters, 1 October 2021.

domestic violence or other forms of violence against women.¹⁰³⁶ The release of thousands of prisoners by the Taliban during their offensive and on seizing power poses a risk to these women, as the released prisoners included perpetrators of domestic violence, who may be seeking revenge.¹⁰³⁷

4.1.13.12 Moral crimes

As the previous country report noted, so-called 'moral crimes' are a category of crimes that includes drug use, running away from home (for example due to domestic violence) and extramarital sex, including in the case of rape.¹⁰³⁸ The previous country report stated that about half of Afghan adult female prisoners had been imprisoned for moral crimes.¹⁰³⁹ This was the case for almost all imprisoned girls (95%).¹⁰⁴⁰ No new figures are available on the number of women and girls convicted and imprisoned for moral crimes before the Taliban takeover. In April 2020, hundreds of Afghan girls and women were released under a decision to pardon prisoners to protect overcrowded prisons from Covid-19.¹⁰⁴¹ The United States Department of State (USDoS) stated that in 2020 the majority of individuals in Afghanistan still in prison for moral crimes were women.¹⁰⁴² According to research, women in prisons experienced violence.¹⁰⁴³ Women released after being imprisoned for a moral crime had difficulty reintegrating into society because they were generally not accepted by their families and were sometimes not admitted to shelters.¹⁰⁴⁴

House arrest (situation before the Taliban takeover)

The Afghan Penal Code provided for a number of alternatives to detention for adults guilty of an offence punishable by imprisonment. These alternatives included probation, house arrest, deprivation of social rights and community service.¹⁰⁴⁵ Several sources stated that they did not know how often women were placed under house arrest as a punishment.¹⁰⁴⁶

4.1.13.13 'Westernised women'

The most recent research into Afghan returnees concerns the experiences of male returnees.¹⁰⁴⁷ However, there are Afghan women who have returned to Afghanistan from Iran and Pakistan and there are also Afghan women who have returned to

¹⁰³⁶ Amnesty International, Afghanistan: Survivors of gender-based violence abandoned following Taliban takeover – new research, 6 December 2021.

¹⁰³⁷ Amnesty International, Afghanistan: Survivors of gender-based violence abandoned following Taliban takeover – new research, 6 December 2021; The New York Times, Afghan Women Who Once Presided Over Abuse Cases Now Fear for Their Lives, 20 October 2021.

¹⁰³⁸ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2021, p. 66.

¹⁰³⁹ See also: The International Legal Foundation, Safe Reentry for Formerly Incarcerated Women and Girls in Afghanistan, 8 March 2021. [Safe Reentry for Formerly Incarcerated Women and Girls in Afghanistan \(theilf.org\)](https://theilf.org)

¹⁰⁴⁰ SIGAR, Support for Gender Equality: Lessons From the U.S. Experience in Afghanistan, page 101, February 2021. SIGAR refers here to figures from Human Rights Watch from 2013; USDoS, Afghanistan 2020 Human Rights Report, pp. 10 and 34, 2021.

¹⁰⁴¹ The International Legal Foundation, Safe Reentry for Formerly Incarcerated Women and Girls in Afghanistan, 8 March 2021; Confidential source, 23 July 2021.

¹⁰⁴² USDoS, Afghanistan 2020 Human Rights Report, p. 10, 2021.

¹⁰⁴³ Mahendru, R., Girls and women speak out from Afghan moral prisons: Tackling extremism and violence against women in a conflict environment, Global Public Health, p. 741, 2021.

¹⁰⁴⁴ The International Legal Foundation, Safe Reentry for Formerly Incarcerated Women and Girls in Afghanistan, 8 March 2021.

¹⁰⁴⁵ Street Child & Samuel Hall, Building Alternatives: Supporting Afghan Women & Children in Conflict With the Law, November 2021.

¹⁰⁴⁶ Confidential source, 23 July 2021; Confidential source, 9 June 2021.

¹⁰⁴⁷ DFAT, Country Information Report Afghanistan, section 5.41, 27 June 2019; Omar, M., Post-return experiences in Afghanistan: perceptions of the 'rightless' on failed reintegration policies and their paths from returnees to internally displaced persons (IDPs), University of South-Eastern Norway, p. 67, 2020.

Afghanistan after staying in 'Western countries' for study or work.¹⁰⁴⁸ A confidential source stated that when these women returned, they would be expected to adhere to conservative norms regarding matters such as choice of clothing.¹⁰⁴⁹ The family's attitude largely determines to what extent a woman will be subject to further restrictions. However, there are also examples of Afghan women who, after staying abroad for work or study, landed a job with an international employer in Kabul and were able to move fairly freely in the city's more progressive social circles.¹⁰⁵⁰ However, a confidential source stated that Afghan women are often seen as 'suspect' by the average Afghan after living abroad, as they might have participated in 'immoral' activities. According to this source, it is therefore important for a woman who has been abroad to have family who can support and protect her. If this family is not present, this makes the woman vulnerable to further stigmatisation and intimidation.¹⁰⁵¹ There was no specific information available on the Taliban's attitude towards 'Westernised' women or men since the Taliban took power.

4.1.14 *Blood feuds and honour killings*

4.1.14.1 Honour killings

As the previous country report stated, honour killings are deeply rooted in Afghan traditional patriarchal culture, and violence against women is widespread in Afghanistan, especially in tribal areas bordering Pakistan.¹⁰⁵² These are mainly inhabited by the Pashtuns. The tribal laws of the Pashtuns regard family honour as the most important measure of men's status in society. Any alleged action by female relatives that 'compromises' this family honour is seen as unacceptable,¹⁰⁵³ and as a valid reason for 'punishing' these women with the aim of protecting the family's moral integrity.¹⁰⁵⁴ According to Amnesty International, the following situations could be among the grounds for murdering a female relative: talking to a man who is not a relative, rejecting a marriage partner chosen by the family, committing adultery or being accused of adultery, becoming pregnant outside marriage, failing to follow conservative dress codes, and being a rape victim.¹⁰⁵⁵

Profiles of victims of honour killings

Pashtun norms and values have had a profound impact on gender roles and relationships throughout Afghanistan. Reports and articles on honour killings confirm that the phenomenon occurs in several regions of Afghanistan, including the capital Kabul.¹⁰⁵⁶ According to research, honour killings in Afghanistan are more common in rural areas.¹⁰⁵⁷ It was not possible to identify recent research looking at differences between ethnic groups in relation to the use of honour killings. UNAMA documented several cases of honour killings in the period between 2018 and 2020. Both girls and adult women were victims of this practice. In most cases, they were killed by male relatives after running away from home or being accused of having a sexual

¹⁰⁴⁸ Confidential source, 9 June 2021; The New Yorker, The People We're Leaving Behind in Afghanistan, 29 June 2021; European Commission, The story of Zahra, an Afghan student in Kazakhstan, 28 January 2021.

¹⁰⁴⁹ Confidential source, 23 July 2021.

¹⁰⁵⁰ Confidential source, 30 June and 5 July 2021; Confidential source, 26 June 2021.

¹⁰⁵¹ Confidential source, 9 June 2021. For more information on this subject, see: UK, Home Office, Country Policy and Information Note Afghanistan: Afghans perceived as 'Westernised', June 2021.

¹⁰⁵² Confidential source, 23 July 2021.

¹⁰⁵³ SIGAR, Support for Gender Equality: Lessons from the U.S. Experience in Afghanistan, page 112, February 2021.

¹⁰⁵⁴ UNAMA, In Search of Justice for Crimes of Violence Against Women and Girls, p. 4, December 2020.

¹⁰⁵⁵ Amnesty International, Honour killings in Afghanistan: Brishna's story, 18 May 2020.

¹⁰⁵⁶ Radio Free Europe, Horrific Murder Of Teenage Girl Again Puts Spotlight On Afghanistan's 'Honor' Killings, 7 May 2020.

¹⁰⁵⁷ Gibbs, A. en anderen, Factors associated with 'honour killing' in Afghanistan and the occupied Palestinian Territories: Two cross-sectional studies, PLOS ONE, 2019.

relationship outside marriage.¹⁰⁵⁸ The use of honour killings is not strictly tied to social class: it occurs in both richer and poorer families.¹⁰⁵⁹ However, women who come from poorer families and/or are subjected to other forms of domestic violence reported honour killings in their families more often than women from more affluent backgrounds.¹⁰⁶⁰

Figures on honour killings

Recent figures confirm that honour killings still regularly occur in Afghanistan. Between September 2018 and February 2020, UNAMA and OHCHR counted 22 honour killings.¹⁰⁶¹ In the first ten months of 2019, the AIHRC counted 3,910 cases of violence against women.¹⁰⁶² In 2019 as a whole, the AIHRC counted 238 murders involving a female victim, 96 of which were honour killings.¹⁰⁶³ During the first ten months of 2020, the AIHRC counted 3,477 cases of violence against women; 167 of these cases involved murder and the majority of these murders were the result of honour killings, according to the AIHRC.¹⁰⁶⁴ As honour killings are often hidden, these figures do not give a complete picture of the number of honour killings in Afghanistan during the reporting period.

Relatives of honour killing victims as targets

There is no recent information available on the extent to which family members of honour killing victims may themselves be victims of reprisals. A report in *The New York Times* in 2017 stated that female relatives (mothers, aunts) of girls/women accused of compromising the family honour were also at risk of being killed if they assisted the target of the allegations. This was the case for two women in Ghor province who tried to help and save their younger female relatives from honour killings.¹⁰⁶⁵ A source confirmed that helping a family member threatened with honour crimes could lead to retaliation.¹⁰⁶⁶

The legal framework regarding honour killings

As the country report from March 2019 indicated, 'honour' no longer constitutes grounds for a reduced sentence in murder cases. In the case of honour killings, the old Penal Code provided, on the basis of Article 398, for a reduction of the penalty if a female family member was murdered to protect the family's honour. After the new Penal Code came into effect, honour killings were equated to murder.¹⁰⁶⁷ The status of the Penal Code since the takeover is unclear.

Protection against honour killings by the authorities

The previous country report stated that when women run away to try to escape domestic violence – which can lead to honour killings by relatives – the Afghan authorities often send them home or put them under pressure to accept

¹⁰⁵⁸ UNAMA, In Search of Justice for Crimes of Violence Against Women and Girls, December 2020.

¹⁰⁵⁹ Ahsan-Tirmizi, S., Pious peripheries: Runaway Women in Post-Taliban Afghanistan, Stanford University Press, pp. 1-3, 2021.

¹⁰⁶⁰ Gibbs, A. en anderen, Factors associated with 'honour killing' in Afghanistan and the occupied Palestinian Territories: Two cross-sectional studies, PLOS ONE, 2019.

¹⁰⁶¹ UNAMA, In Search of Justice for Crimes of Violence Against Women and Girls, p. 6, December 2020.

¹⁰⁶² Afghanistan Independent Human Rights Commission (AIHRC), Report on Violence against Women in Afghanistan (The first 10 months of 2020), p. 1, undated.

¹⁰⁶³ AIHRC, Summary Report on Violence against Women, 23 March 2020.

¹⁰⁶⁴ AIHRC, Report on Violence against Women in Afghanistan (The first 10 months of 2020), p. 1, undated.

¹⁰⁶⁵ The New York Times, No Justice, 'No Value' for Women in a Lawless Afghan Province, 8 July 2017.

¹⁰⁶⁶ Confidential source, 9 June 2021.

¹⁰⁶⁷ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 54.

mediation.¹⁰⁶⁸ Reports of recent honour killings in Afghanistan confirm that this practice remains a regular occurrence.¹⁰⁶⁹

Criminal prosecution of perpetrators of honour killings

The UNAMA data mentioned earlier showed that the percentage of convictions of perpetrators of honour killings was much lower than that in the case of murders of women by third parties. In the case of 'regular' murders, the perpetrator was convicted in 51% of the cases studied. In the case of honour killings, a conviction occurred in 22.7% of the cases. 30.8% of the perpetrators of honour killings were arrested, compared to 60.8% of the perpetrators of other murders. UNAMA stated that in many cases the police were unable to arrest the perpetrators because they had fled to areas not under the control of the Afghan authorities.¹⁰⁷⁰

Alternative solutions to honour killings

No information is available on the extent to which alternative solutions to honour killings (such as mediation by village elders) were used. A recent EASO report, based on older research (from 2014), stated that honour killings are generally prepared for and carried out in secret, with little scope for community mediation, for example.¹⁰⁷¹ Anecdotal evidence showed that girls at risk of honour killings were sometimes rescued by relatives.¹⁰⁷² There were also examples of girls and women who had escaped honour killings by seeking professional help from organisations fighting violence against women and running shelters for female victims.¹⁰⁷³

4.1.14.2

Blood feuds

Blood feuds are (prolonged) conflicts between families, in which there is a succession of murders in revenge for previous murders or other forms of alleged injustice. In Afghanistan, this phenomenon often occurs in connection with loans that are not repaid and land disputes.¹⁰⁷⁴ Sometimes blood feuds go hand in hand with ethnic tensions.¹⁰⁷⁵ There were further examples of blood feuds during 2020 and 2021.¹⁰⁷⁶ In some of these cases, it was difficult to distinguish between Taliban violence and blood feuds.¹⁰⁷⁷ This lack of clarity is partly due to the fact that, since 2001, some Afghans have falsely portrayed rivals as Taliban fighters in order to settle accounts with them with the help of international forces.¹⁰⁷⁸ Sources stated that individuals and/or families used the increasing instability and uncertainty about

¹⁰⁶⁸ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 54. See also: The New York Times, A Thin Line of Defense Against 'Honor Killings', 2 March 2015.

¹⁰⁶⁹ RFE/RL, Horrific Murder Of Teenage Girl Again Puts Spotlight On Afghanistan's 'Honor' Killings, 7 May 2020.

¹⁰⁷⁰ UNAMA & OHCHR, In Search of Justice for Crimes of Violence Against Women and Girls, p. 6, December 2020.

¹⁰⁷¹ EASO, Afghanistan Criminal law, customary justice and informal dispute resolution p. 19, July 2020. This report refers to: Nojumi, N., The merits of non-state justice: An effective mechanism for a stable Afghanistan, 5 November 2014.

¹⁰⁷² UNFPA, Refusing to submit to a virginity test, one bride risks death, 26 April 2021.

¹⁰⁷³ UNFPA, Elopement or kidnapping? A love story in Afghanistan, 13 April 2021. See also: The New York Times, A Thin Line of Defense Against 'Honor Killings', 2 March 2015; UNFPA, I Save Lives" - The Work of a Women Friendly Health Space Psychosocial Counselor, 2 December 2020; Confidential source, 23 July 2021.

¹⁰⁷⁴ For more information about blood feuds, see: EASO, Afghanistan Criminal law, customary justice and informal dispute resolution, pp. 29-34, July 2020.

¹⁰⁷⁵ Confidential source, 29 July 2021.

¹⁰⁷⁶ RFE/RL, This Afghan Girl Watched The Taliban Execute Her Parents. Then She Picked Up An AK-47 And Killed Two Militants Herself., 22 July 2020, TRT World, Eight people from same family killed in Afghanistan mosque shooting, 18 April 2021.

¹⁰⁷⁷ The New York Times, A Girl's Heroic Battle Against the Taliban Was Also a Family Feud, 22 July 2020. See also: De Correspondent, Afghanistan-kenner Bette Dam over de taliban van nu, waarom ze weer aan de macht zijn, en hoe de wereld zich tot hen kan verhouden, 23 August 2021. The New York Times identified the disappearance of US military bases as a potential source of new land conflicts, as it is unclear on whose land these bases were built. The departure could give rise to conflict between individuals with conflicting claims to the land. The New York Times, U.S. Leaves Behind Afghan Bases — and a Legacy of Land Disputes, 8 December 2020.

¹⁰⁷⁸ See: De Groene Amsterdammer, Afghanistan en het eenzijdige verhaal: Pas op voor de schoonmaker, 11 August 2021; Thomas, C. De Afghanistan-crisis: 'Het land is oorlogsmoe', GA, 1 September 2021.

the perpetrators of attacks (see 4.1.1) to settle long-running land conflicts or family feuds through executions.¹⁰⁷⁹

Resolution of blood feuds

Families can decide to settle blood feuds. According to one source, it is more common for families to seek help from tribal leaders and leadership councils (*jirga/shura*) than from the authorities.¹⁰⁸⁰ It can be risky for the police to get involved in a blood feud.¹⁰⁸¹ In the case of large-scale blood feuds with an ethnic dimension, the authorities in the form of governors or district leaders sometimes intervene to prevent further escalation through mediation.¹⁰⁸² The solution to blood feuds generally consists of paying off a debt or paying compensation for a loss. In some cases, a female relative is married off to meet these requirements.¹⁰⁸³ The source stated that whether mediation is possible depends on the willingness of the family heads to participate. This willingness is largely determined by the personalities of the family heads, the position of the family within the community and the ties between the family and tribal leaders.¹⁰⁸⁴ If mediation is not possible, many men who know they are the target of a blood feud decide to flee to another place within Afghanistan.¹⁰⁸⁵

4.1.15 (Unaccompanied) minors

Afghanistan has a very young population. The median age in Afghanistan is 18.4 years,¹⁰⁸⁶ and 47.7% of the population is under 15 years of age.¹⁰⁸⁷ In 2020, Afghanistan was still the most dangerous country in the world for children.¹⁰⁸⁸ According to UNICEF, children in Afghanistan were at constant risk of death or serious injury from explosive war remnants, ground engagements and air strikes.¹⁰⁸⁹ As in 2019, children accounted for thirty percent of civilian casualties as a result of the conflict in Afghanistan in 2020. In 2020, 760 children were killed and 1,859 were injured in conflict-related violence. 68% of the underage victims were boys and 32% were girls.¹⁰⁹⁰

Age of majority (situation before the Taliban takeover)

In 2019, the Child Rights Protection Law was passed by presidential decree; it states that individuals are of legal age from the age of eighteen.¹⁰⁹¹ There was considerable opposition to this law in parliament,¹⁰⁹² as some politicians believed that the notion that children do not come of age until they are eighteen is contrary to sharia law.¹⁰⁹³ As the previous country report noted, it is often difficult to determine the age of Afghan children,¹⁰⁹⁴ because – according to information from 2015 – 58% of children were not registered at birth.¹⁰⁹⁵

¹⁰⁷⁹ VOA News, HRW: Targeted Killings Aimed at Keeping Afghan Women from Public Life, 16 March 2021; The New York Times, How a Longstanding Rivalry Spiraled Into 5 Deaths Between 2 Families, 13 March 2021.

¹⁰⁸⁰ Confidential source, 29 July 2021; Gandhara, In Afghanistan's Pashtun Heartland, Tribal Rule Supersedes State Law, 15 February 2021; ZEIT Magazin (via European Press Prize), Among the Taliban, 1 November 2020.

¹⁰⁸¹ Confidential source, 29 July 2021.

¹⁰⁸² Confidential source, 29 July 2021.

¹⁰⁸³ US Department of State (USDoS), p. 34, 2021.

¹⁰⁸⁴ Confidential source, 29 July 2021.

¹⁰⁸⁵ Confidential source, 29 July 2021; Confidential source, 26 June 2021.

¹⁰⁸⁶ World Population Review, Afghanistan Population 2021, undated, last accessed 29 July 2021.

¹⁰⁸⁷ UNICEF, UNICEF AFGHANISTAN: Child notice update De leefomstandigheden van kinderen in Afghanistan, 2020; UNFPA Afghanistan, What We Do: Young People, undated, last accessed 29 July 2021.

¹⁰⁸⁸ United Nations Secretary General, Children and Armed Conflict, p. 2, 6 May 2021.

¹⁰⁸⁹ UNICEF Nederland, Stuur kinderen niet terug naar Afghanistan, 22 January 2021.

¹⁰⁹⁰ UNAMA & OHCHR, page 30, February 2021.

¹⁰⁹¹ Afghanistan, Law on Protection of Child Rights, March 2019.

¹⁰⁹² TOLO News, Afghanistan Begins Implementing Law On Child Protection, 5 May 2019.

¹⁰⁹³ AAN, Child Rights Protection Law in Afghanistan: Can the parliamentary chaos be resolved?, 18 March 2020.

¹⁰⁹⁴ Confidential source, 22 July 2021.

¹⁰⁹⁵ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 91.

Care of orphans/unaccompanied children by relatives

Following decades of conflict and poverty, there are millions of orphans and vulnerable minors in Afghanistan. According to the latest Afghan population survey from 2015, 4% of children under the age of eighteen had lost one or both parents.¹⁰⁹⁶ Most orphans in Afghanistan are taken care of by relatives, in accordance with the Islamic principle that Muslims are obliged to care for vulnerable children.¹⁰⁹⁷ This is clear from the fact that in 2015, one in ten Afghan households that took part in a population survey indicated that they had taken in a foster child and/or orphan.¹⁰⁹⁸ In some cases, these children are exploited or discriminated against by their foster parents, according to a confidential source.¹⁰⁹⁹

Care homes

Before the takeover by the Taliban, there were care homes in Afghanistan for unaccompanied children who could not turn to relatives. No recent figures are available on the number of orphanages in Afghanistan, but in 2017 EASO stated that there were 84 Children's Protection Action Network (CPAN) centres and 78 orphanages in Afghanistan.¹¹⁰⁰ A source said that before the Taliban takeover, there were care homes in all provinces and that the government had established three regional homes for vulnerable children in Nangarhar, Bamyan and Balkh.¹¹⁰¹ According to this source, an estimated ten thousand Afghan children were using them.¹¹⁰² According to USDoS, however, eighty percent of the children in orphanages were not orphans. They were children who had been given up by their families due to financial hardship.¹¹⁰³

Supervision of care homes and quality of care

The Afghan Ministry of Labour and Social Affairs was responsible for supervising the quality of the care provided in orphanages and the CPAN centres, but according to UNICEF and USDoS, the ministry's involvement was very limited.¹¹⁰⁴ On the basis of a 2015-2016 analysis, UNICEF concluded that the care provided to children in orphanages was substandard, with a lack of space, beds, food, school and sanitation.¹¹⁰⁵ In 2021, UNICEF confirmed that there were still no adequate facilities for unaccompanied children in Afghanistan.¹¹⁰⁶ According to USDoS, living conditions for children in orphanages were still poor in 2020. There was psychological, physical and sexual violence against children in care homes. In addition, there was not always running water and heating in winter and there was a lack of sanitation, medical assistance, recreation and education.¹¹⁰⁷ USDoS also stated in 2020 that some orphanages – run by both NGOs and the government – were guilty of human trafficking of the children in their care.¹¹⁰⁸

Care of minor returnees and tracing of relatives (situation before the Taliban takeover)

¹⁰⁹⁶ Afghanistan, Afghanistan Demographic and Health Survey 2015, 2015.

¹⁰⁹⁷ Humanium, Children of Afghanistan, undated, last accessed 22 July 2021; Confidential source, 22 July 2021.

¹⁰⁹⁸ Afghanistan, Afghanistan Demographic and Health Survey 2015, 2015.

¹⁰⁹⁹ Confidential source, 22 July 2021.

¹¹⁰⁰ EASO, Afghanistan Key socio-economic indicators, state protection, and mobility in Kabul City, Mazar-e Sharif, and Herat City, p. 118, 2017. [EASO_COI_Afghanistan_IPA_August2017.pdf \(europa.eu\)](#)

¹¹⁰¹ Confidential source, 22 July 2021.

¹¹⁰² Confidential source, 22 July 2021.

¹¹⁰³ USDoS, Afghanistan 2020 Human Rights Report, section 6, 30 March 2021.

¹¹⁰⁴ World Vision, 50% of families in Afghanistan forced to send their children to work during COVID-19 pandemic, 20 November 2020.

¹¹⁰⁵ UNICEF, Child Notice Afghanistan, p. 66, 2018.

¹¹⁰⁶ UNICEF, Stuur kinderen niet terug naar Afghanistan, 22 January 2021.

¹¹⁰⁷ USDoS, Afghanistan 2020 Human Rights Report, section 6, 30 March 2021.

¹¹⁰⁸ USDoS, 2020 Trafficking in Persons Report: Afghanistan, 2021.

Before the takeover by the Taliban, several organisations offered family tracing, such as War Child,¹¹⁰⁹ IOM, ICRC, UNICEF,¹¹¹⁰ HELP Germany, Youth Health Development Organization (YHDO), Human Resource Development Association (HRDA), Movement of People Organization (MPO) and Organization for Human Welfare (OHW).¹¹¹¹ UNICEF also coordinated with the Ministry of Labour and Social Affairs to facilitate temporary shelter for minor returnees.¹¹¹² However, research into the experiences of Afghan minors forcibly repatriated from Iran indicated that 1% of these returnees ended up in a reception facility. The majority returned to family (53%), and 44% of the young people rented accommodation.¹¹¹³ In 2018, the NGO Save the Children stated that in some cases minors returning to Afghanistan from Europe had no access to accommodation and/or shelter, education, work or medical care.¹¹¹⁴ It is not known what family tracing activities are still being carried out since the Taliban took power.

Street children

Even before the takeover by the Taliban, there were large numbers of street children, especially in the large cities of Afghanistan.¹¹¹⁵ The escalation of the conflict led to the arrival of many new street children in Kabul. UNICEF estimated in 2017 that there were around 60,000 street children in Kabul. The majority of these street children worked on the street, but had parents or relatives at whose home they slept.¹¹¹⁶ They had to work as otherwise their families could not make ends meet.¹¹¹⁷ For example, these children cleaned shoes, sold food or objects, or begged to make ends meet.¹¹¹⁸ Some were orphans or had no relatives to care for them.¹¹¹⁹ Children who moved from rural areas to the city to work¹¹²⁰ and displaced children¹¹²¹ were particularly at risk of ending up alone on the streets. Both girls and boys who worked and/or lived on the street were vulnerable to sexual abuse and at risk of ending up in prostitution.¹¹²² According to the NGO Save the Children, about 72,000 children arrived in Kabul in the second week of August 2021, seeking to flee the violence in the provinces. Most of these children slept on the streets, according to the NGO.¹¹²³

Bacha bazi

¹¹⁰⁹ UNICEF Afghanistan, Child protection, undated, last accessed 15 August 2021.

¹¹¹⁰ UNICEF, Protecting children on the move: Multisectoral Coordination In Afghanistan During Covid-19, undated, last accessed 30 July 2021.

¹¹¹¹ Confidential source, 22 July 2021.

¹¹¹² UNICEF, Protecting children on the move: Multisectoral Coordination In Afghanistan During Covid-19, p. 3, undated, last accessed 30 July 2021.

¹¹¹³ Samuel Hall, Coming Back To Afghanistan: Deported Minors' Needs At A Time Of Covid-19, p. 7, June 2020.

¹¹¹⁴ Save the Children Sweden, From Europe to Afghanistan: Experiences of Child Returnees, p. 51, 2018.

¹¹¹⁵ United Kingdom, Home Office, Country Policy and Information Note Afghanistan: Unaccompanied children, pp. 48-49, April 2021; Confidential source, 10 June 2021; Confidential source, 22 July 2021. See also: TOLO News, Profile: Samir, Orphaned by War, 23 September 2020.

¹¹¹⁶ UNICEF, Evaluation of "Improving Street-working Children's Access to Education and Livelihood Support for their Families" Kabul, Afghanistan Project Timeframe: 2014 – 2016 Evaluation Timeframe: January 2017 – September 2017, p. 65, September 2017.

¹¹¹⁷ USDos, 2020 Trafficking in Persons Report: Afghanistan, 2021; IOM, Family reunification: An essential step in returnees' journeys to safe and dignified reintegration in Afghanistan, 15 May 2021.

¹¹¹⁸ UNICEF, Evaluation of "Improving Street-working Children's Access to Education and Livelihood Support for their Families" Kabul, Afghanistan Project Timeframe: 2014 – 2016 Evaluation Timeframe: January 2017 – September 2017, September 2017.

¹¹¹⁹ Reuters, Killed, orphaned, sold: Afghan war takes brutal toll on children, 20 March 2019.

¹¹²⁰ Reuters, Killed, orphaned, sold: Afghan war takes brutal toll on children, 20 March 2019.

¹¹²¹ Confidential source, 10 June 2021.

¹¹²² Reuters, Killed, orphaned, sold: Afghan war takes brutal toll on children, 20 March 2019; Transcontinental Times, Rising Sexual Harassment Against Girl Laborers In Afghanistan, A Matter Of Concern, 22 May 2021; UNICEF, Evaluation of "Improving Street-working Children's Access to Education and Livelihood Support for their Families" Kabul, Afghanistan Project Timeframe: 2014 – 2016 Evaluation Timeframe: January 2017 – September 2017, p. 65, September 2017; USDos, 2020 Trafficking in Persons Report: Afghanistan, 2021.

¹¹²³ BBC, Afghanistan: Major cities fall to Taliban amid heavy fighting, 12 August 2021.

Bacha bazi ('boy play'), the phenomenon whereby powerful men sexually abuse boys and force them to dance in girls' clothing, continued under the Ghani government.¹¹²⁴ The UN Secretary-General identified thirteen children (nine boys, four girls) who had been victims of sexual violence in 2020. The police were responsible for six cases, including five cases of bacha bazi. The Taliban were identified as the perpetrator in three cases and the military, Afghan Local Police, Afghan National Army Territorial Force and militias were each guilty of one case.¹¹²⁵ UNAMA confirmed ten cases of sexual violence against children in 2020, involving nine boys and five girls. These included cases of bacha bazi. UNAMA indicated that the number of confirmed incidents was not representative of the scale on which child sexual abuse was taking place in the context of the conflict. There were more reports, but due to the extreme sensitivity of the subject and the need to protect the safety of the victims, these cases were difficult to verify.¹¹²⁶ USDoS identified a pattern of sexual enslavement of boys in Afghan security forces compounds, but stated that the Afghan Ministry of Interior Affairs, Ministry of Defence and National Directorate of Security (NDS) denied the problem.¹¹²⁷

Criminal prosecution of perpetrators of bacha bazi

As the previous country report stated, the practice of bacha bazi was prohibited under the Penal Code 2017 (Article 646) and the Law on Protection of Child Rights (Article 99).¹¹²⁸ Despite this, very few criminal investigations and convictions of perpetrators of bacha bazi took place in 2020/2021.¹¹²⁹ No member of the Afghan security forces has ever been prosecuted on suspicion of the offence of bacha bazi.¹¹³⁰ During the reporting period, as many as eight officers suspected of involvement in bacha bazi were prosecuted for other crimes such as 'moral crimes' and 'sodomy'¹¹³¹ in the provinces of Kandahar, Logar and Takhar.¹¹³² Many victims and their families were hesitant about reporting corruption through the formal legal system. Victims feared that perpetrators would use their social position and economic resources to bribe judges.¹¹³³

Bacha bazi since the Taliban takeover

Historically, the Taliban have presented themselves as opponents of bacha bazi, as the practice took off in the 1990s among the warlords regarded as the Taliban's main enemies. A source stated that under the first Taliban regime bacha bazi was not accepted,¹¹³⁴ and abuse of boys in connection with bacha bazi was punishable by death.¹¹³⁵ Anecdotal evidence suggests that the practice decreased during that period.¹¹³⁶ However, according to a source, there is currently no insight into the scale on which bacha bazi occurs.¹¹³⁷

¹¹²⁴ Confidential source, 8 June 2021; UNAMA, Afghanistan Protection of Civilians in Armed Conflict Annual Report 2020, p. 35, February 2021; Pajhwok, '9 Bacha Bazi cases registered in 4 provinces last year', 8 March 2021.

¹¹²⁵ UNSG, Children and armed conflict Report of the Secretary-General, p. 4, 6 May 2021.

¹¹²⁶ UNAMA, Afghanistan Protection of Civilians in Armed Conflict Annual Report 2020, page 35, February 2021.

¹¹²⁷ USDoS, 2020 Trafficking in Persons Report: Afghanistan, 2021.

¹¹²⁸ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 91.

¹¹²⁹ UNAMA, Afghanistan Protection of Civilians in Armed Conflict Annual Report 2020, p. 35, February 2021; ASP & YDHO, Enhancing Survivor-Centred Healthcare Response for Male Victims/Survivors of Sexual Violence in Afghanistan, p. 41, March 2021; Confidential source, 22 July 2021.

¹¹³⁰ Confidential source, 22 July 2021.

¹¹³¹ The New York Times, An Afghan Boy's Rape and Death Prompt a Rare Response: Arrests, 9 October 2020; Confidential source, 22 July 2021.

¹¹³² The New York Times, An Afghan Boy's Rape and Death Prompt a Rare Response: Arrests, 9 October 2020.

¹¹³³ ASP & YDHO, Enhancing Survivor-Centred Healthcare Response for Male Victims/Survivors of Sexual Violence in Afghanistan, p. 44, March 2021.

¹¹³⁴ Confidential source, 18 November 2021.

¹¹³⁵ AIER, Bitter Belated Afghan Vindication, 7 November 2021.

¹¹³⁶ Newlines Institute, What About the Boys: A Gendered Analysis of the U.S. Withdrawal and Bacha Bazi in Afghanistan, 24 June 2021.

¹¹³⁷ Confidential source, 18 November 2021.

4.1.16 *LGBT*¹¹³⁸

According to ILGA, little information was available about the situation of LGBT individuals in Afghanistan before the Taliban took power. There is no reason to assume that social attitudes towards LGBT individuals had changed significantly from the period covered by the previous country report before the Taliban took over. Since the Taliban took power, the social climate in cities, which was previously somewhat more tolerant in the area of sexual orientation, has become more restrictive. There have been reports of threats and violence against LGBT individuals, and many LGBT people have felt compelled to go into hiding as a result.¹¹³⁹

Gay men

Although there are men who have sex with men and women who have sex with women in Afghanistan (very little information/research is available on the latter group), according to one source Afghans do not traditionally identify themselves by their sexual orientation or gender identity. The idea that an individual may have a particular orientation or the notion that a community could exist around a common orientation or gender identity is not recognised in Afghan society, according to this source. Allegedly, the vast majority of men who perform sexual acts with people of the same sex do not see this as part of their identity.¹¹⁴⁰

Sexual relations between men exist and are 'tolerated' to a certain extent.¹¹⁴¹ However, openly identifying as gay and putting into practice the desire to share your life with a person of the same sex is completely unacceptable.¹¹⁴² This goes against traditional gender norms and tribal and other codes of honour.¹¹⁴³ If an individual's homosexual orientation becomes known, he or she runs the risk of becoming a victim of exclusion, discrimination and violence (see below). However, there was a small but growing progressive urban elite in Kabul in particular, among which there was greater tolerance towards homosexuality and in which more individuals openly expressed their homosexual or bisexual orientation.¹¹⁴⁴ Even so, according to one source, the number of men who openly identified as gay remained very small.¹¹⁴⁵ Sources indicated that in Kabul and other major cities such as Mazar-i-Sharif, there is more opportunity for gay men to have secret meetings with other gay men than in conservative regions.¹¹⁴⁶

Lesbians

Due to the lack of information on homosexuality in Afghanistan, it is not clear whether attitudes towards lesbian women are different from those towards gay men. As was clear from 4.1.13, many women have limited access to public life, and women who have sexual relations outside marriage are at risk of being punished for

¹¹³⁸ The ToR refers to LGB individuals, but information was also available about the situation of transgender people in Afghanistan during the reporting period. No information was available on the situation of intersex individuals.

¹¹³⁹ CNN, *Angry and afraid, Afghanistan's LGBTQ community say they're being hunted down after Taliban takeover*, 18 September 2021.

¹¹⁴⁰ Confidential source, 8 June 2021. See also: Daily Beast, *What It's Like Growing Up Gay in Afghanistan*, 13 April 2017; BBC, *Afghanistan LGBT community living under threat of death*, 7 August 2016.

¹¹⁴¹ The best-known result of the social acceptance of sexual relations between men in Afghanistan is the practice of powerful older men (bacha baz) having sexual relations with boys (bacha). Although this is a form of child abuse, this practice has only been criminalised for a number of years, and it is still fairly uncommon for offenders to be prosecuted (see 3.1.10). Outside bacha bazi, however, the existence of sexual relations between men, in which both men give consent, is also an 'open secret', according to sources. Daily Beast, *What It's Like Growing Up Gay in Afghanistan*, 13 April 2017.

¹¹⁴² Daily Beast, *What It's Like Growing Up Gay in Afghanistan*, 13 April 2017.

¹¹⁴³ Confidential source, 8 June 2021.

¹¹⁴⁴ Confidential source, 3 August 2021.

¹¹⁴⁵ Confidential source, 8 June 2021.

¹¹⁴⁶ Confidential source, 8 June 2021.

moral crimes or of becoming the victims of honour killings. In a recent Afghan television report, an anonymous lesbian woman admitted to hiding her sexuality for fear that her family would disinherit her if her sexuality became known.¹¹⁴⁷ The fear of family violence in the event of a lesbian orientation was also confirmed in older media articles.¹¹⁴⁸ Human Rights Watch argued that lesbian women may have less strong networks of supporters in Afghanistan than gay men. Human Rights Watch was unable to identify any organisations that championed the rights of lesbians before the Taliban takeover, whereas it did identify an organisation that supported gay men and transgender women.¹¹⁴⁹

Bisexuals

There is virtually no information available on bisexuals in Afghanistan. Many homosexual individuals live in practice as bisexuals. Anecdotal evidence suggests that both lesbians and gay men feel compelled to enter into heterosexual marriages in order to conceal their true orientation and to conform to cultural expectations around marriage.¹¹⁵⁰

Transgender people

Before the Taliban took power, there was a community of transgender women and men in cities such as Kabul and Mazar-i-Sharif, where they usually lived in groups outside the control of their families, according to a source.¹¹⁵¹ Many of these individuals worked as sex workers or dancers,¹¹⁵² and dressed as women.¹¹⁵³ These individuals suffered from severe forms of discrimination and sometimes lethal violence.¹¹⁵⁴

Homosexuality and the Penal Code (situation before the Taliban takeover)

In Afghanistan, sexual acts between two people of the same sex had already been criminalised before the Taliban took power.¹¹⁵⁵ As the previous country report stated, the Afghan Penal Code criminalised sexual intercourse between two people of the same sex¹¹⁵⁶ as so-called *tazir* offences (that is, offences for which there is no penalty in the Koran and over which judges have discretionary powers). The Penal Code distinguished different categories of criminal homosexual activities: *mosaheghe* (intercourse between two women), 'sodomy' (anal penetration), and *tafkhez* (intercourse between two individuals of the same sex without

¹¹⁴⁷ The World, Afghans who fled to Turkey are worried — and hopeful — about the prospect of peace at home, 20 April 2021. [Afghans in Turkey hope for peace in their home country \(pri.org\)](#); [Nusrat Parsa - دختر بنهانی زندگی داستان - در افغان همجنسگرای \(facebook.com\)\)\(facebook.com\)\)](#)

¹¹⁴⁸ BBC, Afghanistan LGBT community living under threat of death, 7 August 2016; Telegraph, A life in hiding: Kabul's gay community driven underground, 16 March 2020.

¹¹⁴⁹ Human Rights Watch, "Even If You Go to the Skies, We'll Find You": LGBT People in Afghanistan after the Taliban Take Over, 26 January 2022.

¹¹⁵⁰ Telegraph, A life in hiding: Kabul's gay community driven underground, 16 March 2020; ReportOUT, The Life of a Gay Man in Afghanistan, 19 May 2020; BBC, Afghanistan LGBT community living under threat of death, 7 August 2016; Human Rights Watch, "Even If You Go to the Skies, We'll Find You": LGBT People in Afghanistan after the Taliban Take Over, 26 January 2022.

¹¹⁵¹ Confidential source, 26 June 2021. See also: TOLO News, Afghan Transgender Woman Describes Abuse in Conservative Culture, 10 September 2020.

¹¹⁵² Confidential source, 26 June 2021; Confidential source, 8 June 2021. See also: Reuters, Husband, father, sex worker: As adults, Afghanistan's 'dancing boys' lead double lives, 3 May 2020.

¹¹⁵³ Reuters, Husband, father, sex worker: As adults, Afghanistan's 'dancing boys' lead double lives, 3 May 2020.

¹¹⁵⁴ Confidential source, 26 June 2021; TOLO News, Afghan Transgender Woman Describes Abuse in Conservative Culture, 10 September 2020; Transcontinental Times, Afghan Transgender Man Beaten After Appearing In A Satiric Series, 9 October 2020; Pajhwok, Savagely beaten Herat transgender fighting for life, 16 January 2021.

¹¹⁵⁵ ILGA, State-Sponsored Homophobia: Updated Edition 2020, p. 39, December 2020.

¹¹⁵⁶ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 90.

penetration).¹¹⁵⁷ These offences were punishable by between one and two years in prison.¹¹⁵⁸ Aggravating circumstances could be cited to increase the penalty.¹¹⁵⁹

Death penalty under Islamic law

There is uncertainty as to whether under Islamic law the death penalty may be imposed on individuals who have sexual intercourse with a same-sex partner in Afghanistan. This lack of clarity arose from Article 2 of the Penal Code. This article gave judges the possibility of trying offences classified as *hudud* (i.e. punishments determined by God) within Islamic law in line with the interpretation of Islamic law set out in the jurisprudence of the Hanafi school of law.¹¹⁶⁰ Within this system, fornication/sexual acts outside marriage (*zina*) are classified as a *hadd* offence (an offence punishable according to the hudud), meaning that death by stoning is the punishment for married Muslims who are guilty of it.¹¹⁶¹ The punishment for unmarried Muslims is a hundred lashes.¹¹⁶² As all forms of sexual intercourse between two individuals of the same sex count as sexual acts outside marriage, according to various sources this means that under Afghan law, in theory, the death penalty could be imposed for sexual acts between two people of the same sex.¹¹⁶³ Under Islamic law, for a charge of *zina* – where there is no confession – *hadd* sentences may only be imposed if four men testify that they witnessed the crime themselves.¹¹⁶⁴

Punishment of sexual acts between two persons of the same sex in practice

No figures were available on the number of arrests, trials and convictions of individuals suspected of homosexual acts under the Afghan Penal Code during the Ghani administration.¹¹⁶⁵ According to USDoS, LGBT individuals indicated that members of the security forces continued to arrest LGBT people and also discriminated against, assaulted and raped LGBT people.¹¹⁶⁶ Sources indicated that gay men were not actively prosecuted by the government in Afghanistan. They said they only knew of convictions for homosexual acts in the context of *bacha bazi*, where the perpetrator engages in sexual abuse of minors.¹¹⁶⁷ There was also no indication that *hudud* sentences were in practice imposed on homosexuals by Afghan judges during the Ghani administration. However, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) stated that there was a risk that local 'parallel justice systems', operating mainly in rural and isolated communities controlled by insurgent groups,¹¹⁶⁸ would impose these penalties.¹¹⁶⁹

¹¹⁵⁷ ILGA, State-Sponsored Homophobia: Updated Edition 2020, p. 40, December 2020.

¹¹⁵⁸ Human Dignity Trust, Afghanistan, undated, last accessed 17 May 2021.

¹¹⁵⁹ Human Dignity Trust, Afghanistan, undated, last accessed 17 May 2021.

¹¹⁶⁰ Rahimi, M., Afghanistan's new Penal Code: Whether or Not to codify Hudud and Qisas, The University of Texas at Austin, undated, last accessed 30 July 2021.

¹¹⁶¹ UK Home Office, Country Policy and Information Note, Afghanistan: Sexual orientation and gender identity or expression, para 2.4.5, February 2020; USCIRF, Factsheet: Shari'a and LGBTI persons, p. 3, March 2021; The Library of Congress, FAQs: Execution by Stoning and Privacy Laws Related to Sexual Crimes in Iran and Afghanistan, 30 April 2021.

¹¹⁶² Hosseini, Z., Criminalizing sexuality, International Journal of Human Rights, 2011.

¹¹⁶³ UK Home Office, Country Policy and Information Note, Afghanistan: Sexual orientation and gender identity or expression, para 2.4.5, February 2020; USCIRF, Factsheet: Shari'a and LGBTI persons, p. 3, March 2021; The Library of Congress, FAQs: Execution by Stoning and Privacy Laws Related to Sexual Crimes in Iran and Afghanistan, 30 April 2021.

¹¹⁶⁴ Hosseini, Z., Criminalizing sexuality, International Journal of Human Rights, 2011.

¹¹⁶⁵ Confidential source, 26 June 2021.

¹¹⁶⁶ USDoS, 2020 Country Reports on Human Rights Practices: Afghanistan, 2021.

¹¹⁶⁷ Confidential source, 8 June 2021; Confidential source, 26 June 2021.

¹¹⁶⁸ ILGA, State-sponsored homophobia: Updated Edition 2020, p. 39, December 2020.

¹¹⁶⁹ ILGA, State-sponsored homophobia : Updated Edition 2020, p. 39, December 2020. See also: USCIRF, Factsheet: Shari'a and LGBTI persons, p. 3, March 2021. See for example: The Wall Street Journal, The Taliban Say They've Changed. On the Ground, They're Just as Brutal., 31 May 2021.

The last report of such an incident, in which local authorities attempted to execute three men convicted of homosexual acts, dates back to 2015.¹¹⁷⁰

Violence against LGBT people

LGBT people are especially at risk of becoming victims of violence from their family members if their sexual orientation becomes known. This includes physical violence, sexual abuse, rape, kidnapping and deadly violence.¹¹⁷¹ According to one source, men who are perceived as 'feminine' are the most susceptible to this type of violence. This is the case for all such men, regardless of their origin or economic position. This source said that it knew of specific incidents in which male sex workers who had sex with men were victims of deadly violence or murder at the hands of their clients.¹¹⁷² On 25 December 2020, transgender activist and artist Saboor Husaini died in a hospital in Herat after being attacked by a group of unknown men.¹¹⁷³ Perpetrators of violence against gay men had complete impunity, a source said. This source was also aware of cases in which police and judges asked victims of homophobic violence for sex when they reported this violence.¹¹⁷⁴

Discrimination

According to USDoS, LGBT people were at risk of being fired because of their sexual orientation, and lacked access to certain forms of healthcare.¹¹⁷⁵ According to one source, men believed to have 'feminine characteristics' were most at risk of being discriminated against by both the authorities and fellow citizens for breaking cultural norms around gender. These men were at high risk of losing their jobs, felt uncomfortable in educational institutions, and were discriminated against by their families.¹¹⁷⁶ According to one source, before the Taliban took over there were clinics in Afghanistan run by international NGOs or the government where men who had sex with men could go for free sexual and reproductive healthcare.¹¹⁷⁷ A source said it was not aware of any cases of gay men being punished more severely for a common offence because of their sexuality.¹¹⁷⁸

Interest groups

According to ILGA, there were no known Afghan organisations championing the interests of LGBT people.¹¹⁷⁹ According to USDoS, such organisations operated underground because they could not register with the government.¹¹⁸⁰ Organisations working in the field of healthcare for men who have sex with men were subjected to threats and harassment from the department responsible for NGOs within the Ministry of Economic Affairs.¹¹⁸¹ A source stated that there was an organisation working in the field of transgender rights before the fall of the Ghani government.¹¹⁸²

The situation of LGBT individuals after the Taliban takeover

¹¹⁷⁰ ILGA, State-sponsored homophobia 19, p. 430, March 2019.

¹¹⁷¹ Reuters, Husband, father, sex worker: As adults, Afghanistan's 'dancing boys' lead double lives, 4 May 2020.

¹¹⁷² Confidential source, 8 June 2021.

¹¹⁷³ United States, USDoS, 2020 Country Reports on Human Rights Practices: Afghanistan, 2020.

¹¹⁷⁴ Confidential source, 8 June 2021.

¹¹⁷⁵ United States, USDoS, 2020 Country Reports on Human Rights Practices: Afghanistan, 2020.

¹¹⁷⁶ Confidential source, 8 June 2021.

¹¹⁷⁷ Confidential source, 8 June 2021.

¹¹⁷⁸ Confidential source, 26 June 2021.

¹¹⁷⁹ ILGA, State-sponsored homophobia : Updated Edition 2020, p. 39, December 2020.

¹¹⁸⁰ United States, USDoS, 2020 Country Reports on Human Rights Practices: Afghanistan, 2020.

¹¹⁸¹ United States, USDoS, 2020 Country Reports on Human Rights Practices: Afghanistan, 2020.

¹¹⁸² Confidential source, 26 June 2021

After the Taliban took power, many LGBT people in Afghanistan felt compelled to go into hiding,¹¹⁸³ or to change their clothing and behaviour.¹¹⁸⁴ In January 2022, Human Rights Watch stated, on the basis of interviews with sixty LGBT people in Afghanistan, that many of them had been subjected to threats and ill-treatment by Taliban fighters. Human Rights Watch also spoke to two men who said they had been raped by the Taliban. Other LGBT people interviewed by Human Rights Watch reported abuse by relatives, neighbours or ex-partners who had joined the Taliban. Some survey participants stated that LGBT people had gone missing since the Taliban took power, which possibly meant that they had been killed.¹¹⁸⁵ Other sources also reported violence against¹¹⁸⁶ and rape of LGBT people by Taliban fighters.¹¹⁸⁷ According to the Canadian NGO Rainbow Railroad, an organisation that helps Afghan LGBT individuals to flee the country, the Taliban have a death list with the names of LGBT people.¹¹⁸⁸ There were threats, house searches¹¹⁸⁹ and arrests.¹¹⁹⁰ According to another source, men with a 'feminine' appearance were especially at risk of being ill-treated in the street by Taliban fighters or third parties.¹¹⁹¹ CNN reported on an incident in which a person hiding an LGBT individual was assaulted by Taliban fighters during a house search.¹¹⁹² Rainbow Railroad also described a case in which the Taliban burned the passport of an LGBT person who wanted to leave Afghanistan.¹¹⁹³

In an interview with Reuters, a Taliban representative of the *de facto* Ministry of Finance stated that the Taliban intended to respect human rights within the limits of Islamic law, but that this did not include LGBT rights.¹¹⁹⁴ The manual of the Ministry of Virtue and Vice stated that religious leaders should prohibit sexual relations between persons of the same sex. It also stated that serious suspicions of homosexuality should be referred to the ministry's representative at the district level for trial and punishment.¹¹⁹⁵ One source said it was not aware of systematic attempts under the Taliban administration to criminalise LGBT people or of cases in which hudud sentences had been imposed. This person noted that the information currently available on the situation of LGBT people in Afghanistan is probably the tip of the iceberg.¹¹⁹⁶

¹¹⁸³ France24, The Taliban has a hit list for the Afghan LGBT community, NGO says, 2 November 2021.

¹¹⁸⁴ InfoMigrants, Etre LGBTQ en Afghanistan : l'exil comme seule option, 1 November 2021; CNN, Angry and afraid, Afghanistan's LGBTQ community say they're being hunted down after Taliban takeover, 18 September 2021.

¹¹⁸⁵ Human Rights Watch, "Even If You Go to the Skies, We'll Find You": LGBT People in Afghanistan After the Taliban Takeover, 26 January 2022.

¹¹⁸⁶ CNN, Angry and afraid, Afghanistan's LGBTQ community say they're being hunted down after Taliban takeover, 18 September 2021; France24, The Taliban has a hit list for the Afghan LGBT community, NGO says, 2 November 2021; InfoMigrants, Etre LGBTQ en Afghanistan : l'exil comme seule option, 1 November 2021; Confidential source, 17 November 2021; CNN, Taliban's religious police instructed to be more moderate, but vulnerable Afghans say brutal justice is still being meted out, 12 October 2021.

¹¹⁸⁷ CNN, Angry and afraid, Afghanistan's LGBTQ community say they're being hunted down after Taliban takeover, 18 September 2021.

¹¹⁸⁸ France24, The Taliban has a hit list for the Afghan LGBT community, NGO says, 2 November 2021.

¹¹⁸⁹ CNN, Angry and afraid, Afghanistan's LGBTQ community say they're being hunted down after Taliban takeover, 18 September 2021.

¹¹⁹⁰ BBC, 'I feel free' - LGBT Afghan refugees arrive in UK, 30 October 2021.

¹¹⁹¹ Confidential source, 17 November 2021.

¹¹⁹² CNN, Angry and afraid, Afghanistan's LGBTQ community say they're being hunted down after Taliban takeover, 18 September 2021.

¹¹⁹³ France24, The Taliban has a hit list for the Afghan LGBT community, NGO says, 2 November 2021.

¹¹⁹⁴ Reuters, 'Just give us our money': Taliban push to unlock Afghan billions abroad, 29 October 2021.

¹¹⁹⁵ Human Rights Watch, Afghanistan: Taliban Target LGBT Afghans, 26 January 2022.

In early January 2022, a spokesman for the same ministry said the number of PKK fighters on Turkish soil had fallen to 156.

4.2 Compliance and violations

4.2.1 Press freedom

Freedom of the press before the Taliban takeover

In 2021, as in 2020, Afghanistan was ranked 120th out of a total of 180 countries on the Reporters without Borders (RSF) *Press Freedom Index*.¹¹⁹⁷ According to Freedom House, before the fall of Kabul, Afghanistan had a vibrant media sector consisting of broadcasters and publications representing various points of view on different platforms (radio, TV, newspapers and magazines, Internet), and was not generally subject to censorship.¹¹⁹⁸ Both Covid-19 and the escalation of violence in Afghanistan forced dozens of broadcasting channels to close.¹¹⁹⁹ There were no attempts during this reporting period to make changes to media legislation with a view to curtailing press freedom. This was the case in the previous reporting period.¹²⁰⁰ However, the head of the secret service criticised journalists or media outlets that he believed were spreading enemy 'propaganda'.¹²⁰¹ Journalists were also detained and questioned by the National Directorate of Security (NDS), the Afghan secret service, after reporting in Taliban-occupied areas.¹²⁰²

Press freedom in areas already under Taliban control before the Taliban takeover

The biggest violation of the freedom of the Afghan media was the constant stream of threats and deadly violence against journalists (see 4.1.5). According to sources, this led to self-censorship by the Afghan media.¹²⁰³ The Taliban took over and shut down media organisations in regions it controlled before completely seizing power.¹²⁰⁴ The Afghan Journalists Safety Committee (AJSC) reported at the end of July that twenty media outlets had shut down since the violence escalated in May 2021.¹²⁰⁵ Five private broadcasters that were taken over by the Taliban started spreading Taliban propaganda and stopped broadcasting music and women's voices.¹²⁰⁶ In the first week after the Taliban took power, the national media continued to function. However, there were reports of enforced dismissals of female broadcasters, searches of journalists' houses, and violence against journalists covering protests against the Taliban.¹²⁰⁷

Freedom of the press since the Taliban takeover

Since the Taliban took power, forty percent of Afghan media outlets have closed. Sixty percent of Afghan journalists have lost their jobs. Job losses have been higher among female journalists. Eighty percent of female journalists have been forced to stop working. Not a single female journalist is still active in fifteen Afghan provinces.

¹¹⁹⁷ RSF, *Press Freedom Index*, 2021.

¹¹⁹⁸ Freedom House, *Afghanistan: Freedom in the World 2021*, 2021.

¹¹⁹⁹ TOLO News, *10 Afghan Radio Stations Went Silent in 6 Months: NAI*, 14 January 2021; ANI, *Afghanistan's media freedom in retreat as security situation deteriorates amid Taliban advances*, 27 July 2021.

¹²⁰⁰ Dutch Ministry of Foreign Affairs, *General country of origin information report on Afghanistan*, November 2020 (Dutch only), p. 56.

¹²⁰¹ *The Diplomat*, *Amid US Pullout, Taliban Issue Threat to Afghan Journalists*, 6 May 2021.

¹²⁰² RFE/RL, *Afghan Women Journalists Give Up Work For Survival Amid Taliban Advances*, 28 July 2021.

¹²⁰³ Human Rights Watch, *Afghanistan: Taliban Target Journalists, Women in Media*, 1 April 2021; Deutsche Welle, *Afghan women journalists and human rights activists are being forced into hiding*, 4 March 2021; RFE/RL, *Afghan Women Journalists Give Up Work For Survival Amid Taliban Advances*, 28 July 2021.

¹²⁰⁴ IFJ, *Afghanistan: Taliban disrupts media outlets in northern provinces*, 12 July 2021; NPR, *As The Taliban Capture More Territory, Afghan Journalists Face More Risks*, 22 July 2021.

¹²⁰⁵ ANI, *Afghanistan's media freedom in retreat as security situation deteriorates amid Taliban advances*, 27 July 2021.

¹²⁰⁶ ANI, *Afghanistan's media freedom in retreat as security situation deteriorates amid Taliban advances*, 27 July 2021. A Taliban representative denied to VOA News in July that the Taliban were against a free media sector and stated that they had only taken over divisions of the public broadcaster/state media. VOA News, *Calls Grow for Emergency Visas for Afghans Working With US Media*, 22 July 2021.

¹²⁰⁷ CPJ, *Taliban take 2 female state TV anchors off-air in Afghanistan, beat at least 2 journalists*, 19 August 2021.

Much of the local media has been wiped out in many provinces. In Herat, where 51 local media outlets were active before the Taliban takeover, there were still eighteen active in December 2021. The loss of financial support, including from international sources, was an important reason for the closure of many media outlets.¹²⁰⁸ As well as financial difficulties, media outlets also experienced pressure from the Taliban to adjust the content of their reporting and programming. On 19 December, the Taliban published eleven rules for journalists. These state, among other things, that journalists should not publish anything that is 'contrary to Islam', that journalists should not insult national public figures and that they should 'prepare detailed reports for the Government Media and Information Center'.¹²⁰⁹ The Taliban have ordered female television hosts to wear hijabs and banned television channels from broadcasting dramas featuring female actors.¹²¹⁰ In some provinces, the Taliban have ordered local media outlets to broadcast religious programmes instead of their normal programming.¹²¹¹ On 20 January 2022, local Taliban leaders in Daikundi ordered journalists to stop publishing negative news and learning English, according to the Afghan newspaper *Hasht-e Subh Daily*.¹²¹² Violence against journalists and uncertainty about how unclearly formulated rules should be interpreted led to self-censorship among journalists.¹²¹³ On 2 February 2022, according to Pajhwok Afghan News, Taliban spokesman Zabihullah Mujahid announced that there were no problems with the old Afghan media law and that the Taliban would revive the Media Violation Commission to investigate violations of press freedom. Mujahid encouraged journalists to respect the national interest and Islamic values in their reporting.¹²¹⁴ For more information on violence against journalists before and after the fall of Kabul, see 4.1.5.

4.2.2 *Freedom of expression*

Freedom of expression before the Taliban takeover

In August 2020, a group of opposition politicians published a letter stating they were being threatened because of their political activities. They argued that individuals within Afghan government agencies such as the Office of the First Vice President and the National Directorate of Security (NDS) were behind these threats.¹²¹⁵ In August 2021, two activists in the province of Ghor said the Afghan government had detained them for several hours and 24 hours respectively after they had criticised the government on social media over the growing insecurity in Ghor.¹²¹⁶ According to Freedom House, there were generally no restrictions on Afghans having private political discussions in areas under government control. In areas under Taliban control, this was more dangerous.¹²¹⁷ Foreign Policy stated that the freedom of expression of Afghan citizens who wished to share their views on political matters in public was limited due to the risk of attacks on public gatherings such as

¹²⁰⁸ RSF, 'Since the Taliban takeover, 40% of Afghan media have closed, 80% of women journalists have lost their jobs, 21 December 2021; The New York Times, 'Everything Changed Overnight': Afghan Reporters Face an Intolerant Regime, 8 November 2021.

¹²⁰⁹ Al Jazeera, 'Death knell': Afghan journalists fear new Taliban media rules, 29 September 2021.

¹²¹⁰ BBC, 'Afghanistan: Taliban unveil new rules banning women in TV dramas, 21 November 2021; Deutsche Welle, 'Afghanistan: What Taliban's new media rules mean for female actors, 28 November 2021.

¹²¹¹ RSF, 'Since the Taliban takeover, 40% of Afghan media have closed, 80% of women journalists have lost their jobs, 21 December 2021.

¹²¹² *Hasht-e Subh Daily*, 'Taliban Severely Restrict Media in Central Afghanistan, 22 January 2022.

¹²¹³ The Wall Street Journal, 'Afghan Journalists in Exile Keep Spotlight on Their Homeland, 1 December 2021.

¹²¹⁴ Pajhwok, 'Previous media law worth implementation: Mujahid, 2 February 2022.

¹²¹⁵ These individuals included Rahmatullah Nabil, Hazrat Omar Zakhelwal, Hekmat Khalil Karzai, Sayed Akbar Agha, Abdul Karim Khurram, Asif Ashna, Danish Karokhel and Faiz Mohammad Zaland. TOLO News, 'Political Figures Accuse Govt 'Circle' of Threatening Dissenters, 27 August 2020.

¹²¹⁶ Pajhwok, 'Detained over criticising government policies: Activists, 4 August 2021. Via UNAMA Media Monitoring.

¹²¹⁷ Freedom House, 'Afghanistan: Freedom in the World 2021, 2021.

demonstrations. Many politically engaged young people therefore used social media to share political views.¹²¹⁸ According to Freedom House, the Afghan secret service had increased its capacity to monitor online activity, but this had no appreciable impact on social media use.¹²¹⁹

Freedom of expression after the Taliban takeover

Out of fear of Taliban violence and in response to house searches and intimidating phone calls, many activists who have criticised the Taliban in the past have fled or gone into hiding.¹²²⁰ The Taliban have stated that they guarantee freedom of expression.¹²²¹ Some Afghan newspapers have in fact published critical op eds about the Taliban and the Taliban have also engaged in debate with opponents/critics on television.¹²²² However, the restrictions on press freedom in Afghanistan discussed in 4.2.1 are in themselves a serious violation of this right. In addition, CSM reported on a campaign of intimidation and sometimes deadly violence against local opinion-makers and activists who have continued to express criticism of the Taliban on social media since the Taliban took power.¹²²³ According to an Afghan analyst who was consulted for this article, the Taliban are targeting unknown local opinion-makers to minimise the outcry and to eradicate opposition from the grass roots.¹²²⁴ *The Wall Street Journal* described an incident in which a man from Farah was arrested and held prisoner for 24 hours for posting a message critical of the Taliban on Facebook. It also described an incident in which a man from Lashkar Gah (Helmand province) was kidnapped, assaulted and killed by Taliban fighters in November for the same reason. In January 2022, the Taliban arrested Professor Faizullah Jalal. Jalal had previously been highly critical of Mohammad Naeem, the spokesman for the Taliban's political office in Doha, during a debate with Naeem on a television show.¹²²⁵ There was a lot of support for Jalal on social media. Jalal was released after a few days.¹²²⁶ In February 2022, a female comedian, Nadima, went missing. According to RFE/RL, she was released from detention by the Taliban after 24 days.¹²²⁷ On Friday, 4 March 2022, another professor who had criticised the Taliban was also arrested by the Taliban.¹²²⁸ This man, Sayed Baqir Mohsini, was released a few days later.¹²²⁹ On 27 January 2022, the Taliban banned a press conference by Afghan journalists about the profession's situation since the Taliban took power.¹²³⁰ Finally, the Taliban cracked down on demonstrations against Taliban policies;¹²³¹ more details of this are given in the next section, on freedom of association and assembly.

Access to the Internet and social media before the Taliban takeover

According to the latest large-scale population survey, 17.6% of Afghans used the Internet in 2019. In 2021, a representative of Afghanistan at the UN General

¹²¹⁸ Foreign Policy, In Afghanistan, Social Media Is the Only Way to Talk Back to the Taliban, 11 September 2020.

¹²¹⁹ Freedom House, Afghanistan: Freedom in the World 2021, 2021.

¹²²⁰ International Federation for Human Rights (FIDH), Broken promises: Civil society under siege after 100 days of Taliban takeover, 23 November 2021; Confidential source, 19 November 2021.

¹²²¹ The Wall Street Journal, Taliban Detain Prominent Critic, Intensifying Crackdown on Dissent in Afghanistan, 10 January 2021.

¹²²² Christian Science Monitor (CSM Monitor), Free speech in Afghanistan? Who is silenced by Taliban, and why., 17 December 2021.

¹²²³ CSM Monitor, Free speech in Afghanistan? Who is silenced by Taliban, and why., 17 December 2021.

¹²²⁴ CSM Monitor, Free speech in Afghanistan? Who is silenced by Taliban, and why., 17 December 2021.

¹²²⁵ The Wall Street Journal, Taliban Detain Prominent Critic, Intensifying Crackdown on Dissent in Afghanistan, 10 January 2021.

¹²²⁶ Al Jazeera, Taliban releases prominent Afghan professor from custody: Family, 11 January 2022.

¹²²⁷ RFE/RL, Afghan-Canadian Aid Worker Reappears After Weeks In Taliban Detention.

¹²²⁸ ANI, Sayed Baqir Mohsini, Afghanistan University Professor, Who Criticised Taliban Goes Missing, 6 March 2022.

¹²²⁹ The Frontier Post, Female comedian missing for nearly 1 month in Kabul, 6 March 2021.

¹²³⁰ CPJ, Taliban blocks press conference by Afghanistan Journalists Federation, 27 January 2022.

¹²³¹ FIDH, Broken promises: Civil society under siege after 100 days of Taliban takeover, 23 November 2021.

Assembly stated that 20% of the population had access to the Internet.¹²³² According to Datareportal, this amounted to 7.65 million Internet users in 2020.¹²³³ The Afghan Telecom Regulatory Authority stated on its website that there were 1.4 million 4G subscribers, 5.9 million 3G subscribers and 2.8 million 2G subscribers in Afghanistan (making a total of 10.1 million subscribers).¹²³⁴ According to Datareportal, there were 3.6 million social media users in Afghanistan in January 2020, 3.5% more than in April 2019. The vast majority of social media users in Afghanistan were male.¹²³⁵ According to an expert consulted by the Swiss *Secrétariat d'État aux migrations* (SEM), this difference in access to social media between men and women was greater in rural than in urban areas.¹²³⁶

Access to the Internet and social media after the Taliban takeover

Access to the Internet and social media in Afghanistan since the Taliban took power has been limited by power cuts – a phenomenon that already existed in Afghanistan before the Taliban takeover – and local and temporary restrictions on the use of the Internet by the Taliban. UN human rights rapporteurs said in late December 2021 that the Taliban had been unable to pay electricity bills for several weeks, leading to power cuts that, among other things, restricted access to the Internet.¹²³⁷ The Taliban also restricted access to the Internet for strategic and political purposes. For example, all channels of communication with the Panjshir valley were closed during and in the aftermath of the Battle of Panjshir.¹²³⁸ There were also reports that the Taliban cut off local Internet access in certain areas in connection with protests in early September.¹²³⁹ Up to the date of publication of this report, there were no indications that the Taliban had blocked specific information/websites. According to *The Wall Street Journal*, Taliban fighters closely monitored social media accounts of critics.¹²⁴⁰ Accounts of Taliban leaders and ministries remain blocked on Facebook, although Facebook has made some exceptions for posts from the *de facto* Ministries of Public Health and Interior Affairs.¹²⁴¹

4.2.3 *Freedom of association and assembly*

Freedom of association and assembly before the Taliban takeover

According to Freedom House, Afghan law guaranteed the right to freedom of association, but this right was not respected in the same way in all regions of Afghanistan before the Taliban took power. Afghan government forces in the past fired live ammunition to break up demonstrations and the Taliban suppressed demonstrations.¹²⁴² In January 2021, police killed eleven protesters during a demonstration in Maidan Wardak.¹²⁴³ In June 2021, the ANDSF killed three

¹²³² United Nations, More Must Be Done to Close Digital Divide, End Poverty, Speakers Say, as Social Development Commission Continues Debate, 15 February 2021.

¹²³³ Datareportal, Digital 2020: Afghanistan, 17 February 2020.

¹²³⁴ Afghanistan, Afghanistan Telecom Regulatory Authority, Telecom Statistics, undated, last accessed 30 July 2021.

¹²³⁵ Datareportal, Digital 2020: Afghanistan, 17 February 2020.

¹²³⁶ Switzerland, SEM, Focus Afghanistan: Telefonie et Internet, p. 16, 30 June 2020. See also: TOLO News, Bamiyan Beset by Internet Outages, Poor Coverage, 13 September 2020.

¹²³⁷ OHCHR, Afghanistan: UN experts call for immediate action to stop escalating humanitarian catastrophe, 23 December 2021.

¹²³⁸ The New York Times, In Panjshir, Few Signs of an Active Resistance, or Any Fight at All, 7 October 2021; Wired, The battle for control of Afghanistan's internet, 7 September 2021.

¹²³⁹ WION, Taliban beat protesting women with whip, order internet shutdown in some areas, 9 September 2021; BBC, Afghanistan: UN condemns Taliban's brutal crackdown on protests, 10 September 2021.

¹²⁴⁰ The Wall Street Journal, Taliban Detain Prominent Critic, Intensifying Crackdown on Dissent in Afghanistan, 10 January 2021.

¹²⁴¹ The Intercept, Facebook, grants government of Afghanistan limited posting rights, 23 November 2021.

¹²⁴² Freedom House, Afghanistan: Freedom in the World 2021, 2021.

¹²⁴³ AA, Afghan police chief fired over killing of 11 protesters, 8 February 2021

individuals during a protest in Badakhshan against the poor security situation and lack of running water and electricity. Twenty people were also injured.¹²⁴⁴

Restrictions on the activities of NGOs

Bureaucratic obstacles and (small-scale) corruption made the work of both national and international organisations more difficult. In recent years, the Afghan government took several steps with potentially negative consequences for the ability of NGOs to carry out their activities, especially the draft law (referred to from now on as the 'draft NGO law') from 2019 that introduced more government oversight over NGOs and attempted to introduce a policy framework for regulating financial and other relations between the government and NGOs.¹²⁴⁵

Freedom of association and assembly after the Taliban takeover

The Taliban responded with force to protests against Taliban policies in several provinces and banned the holding of protests without permission from the Taliban. Shortly after the Taliban took power, Afghans took to the streets in several cities to demonstrate against the seizure of power and/or for an inclusive Afghanistan. Protests took place in Herat,¹²⁴⁶ Faizabad, Mazar-i-Sharif, Jalalabad,¹²⁴⁷ Kabul and elsewhere. Women led and dominated these protests in many places.¹²⁴⁸ Attempts by Taliban fighters to violently suppress these protests resulted in at least three deaths in both Jalalabad and Herat. In Kabul, people were also injured as a result of such actions.¹²⁴⁹ As already noted, a number of journalists who tried to report on these protests also faced arrests and violence. After this first wave of protests, the Taliban banned protests without permission.¹²⁵⁰ During protests against new restrictions for women and poor economic conditions that took place in late December, Taliban fighters opened fire on female demonstrators, according to witnesses.¹²⁵¹ On 16 January 2022, the Taliban used pepper spray against female protesters in Kabul demonstrating for the right to work and education.¹²⁵² The Taliban also allowed some protests. In December 2021, the Taliban allowed a protest in Kabul against the international community's decision to freeze Afghan bank assets.¹²⁵³ The Taliban also took no action against a protest by women for the right to education and participation in the labour market that took place in mid-December 2021.¹²⁵⁴ A protest in Panjshir against the killing of an 'innocent' young man by Taliban fighters likewise did not produce a violent response from Taliban fighters.¹²⁵⁵

4.2.4 *Freedom of religion and belief*

Freedom of religion and belief before the Taliban takeover

¹²⁴⁴ AA, Afghan police chief fired over killing of 11 protesters, 8 February 2021; TOLO News, 3 Protesters Killed, Over 20 Wounded in Badakhshan, 8 June 2021; AP, Security forces fire on Afghan protesters in NE, killing 3, 8 June 2021.

¹²⁴⁵ Pajhwok, Recent govt's decisions create difficulties for NGOs to operate, 5 May 2021.

¹²⁴⁶ The New York Times, 'Don't be afraid,' women chant on Afghanistan's streets in protest against the Taliban., 2 September 2021.

¹²⁴⁷ Reuters, Three dead after anti-Taliban protests in Jalalabad-witnesses, 18 August 2021.

¹²⁴⁸ FIDH, Broken promises: Civil society under siege after 100 days of Taliban takeover, 23 November 2021.

¹²⁴⁹ FIDH, Broken promises: Civil society under siege after 100 days of Taliban takeover, 23 November 2021. See also: The New York Times, Taliban Quash Protests and Seize Enemies, Tightening Grip on Afghanistan, 19 August 2021.

¹²⁵⁰ The Guardian, Taliban ban protests and slogans that don't have their approval, 8 September 2021.

¹²⁵¹ RFE/RL, Taliban Reportedly Opens Fire On Women Protesting Against Restrictions, 28 December 2021; VOA News, Witnesses: Taliban Fire Warning Shots on Afghan Female Protesters, 28 December 2021.

¹²⁵² France 24, Taliban militants pepper spray women protesting for the right to work, education, 16 January 2022.

¹²⁵³ France 24, Taliban allow protest calling for Afghan assets to be released, 21 December 2021.

¹²⁵⁴ RFE/RL, Kabul Women Stage Rare Protest For Jobs, Food, And Freedom, 16 December 2021.

¹²⁵⁵ TOLO News, Panjshir Residents Protest Killing of "Innocent" Youth, 26 December 2021.

The constitution stated that Islam is the official religion of Afghanistan, but that individuals are free 'in the exercise and performance of their religious rituals' 'within the bounds of law'. The Penal Code criminalised physical and verbal abuse of followers of all religions as well as the insulting of Islam. The Constitution stated that Hanafi jurisprudence was applicable in court cases where the Constitution or other legislation did not contain any relevant provisions. In this jurisprudence, conversion, the converting of others and blasphemy carry the death sentence.¹²⁵⁶ Despite the legal framework containing various guarantees for the protection of freedom of religion and belief, religious minorities in Afghanistan were already vulnerable to violence and discrimination by fundamentalist actors before the Taliban took power. The Afghan government did not actively persecute religious minorities, including converts, but representatives of several religious communities argued that the government was not doing enough to protect them from violence.¹²⁵⁷ More information on the situation of Shiites, non-practising Muslims and non-Muslims before the Taliban takeover can be found at 4.1.9, 4.1.10 and 4.1.11.

Freedom of religion and belief after the Taliban takeover

The Taliban have promised to protect the rights of minorities, including religious minorities.¹²⁵⁸ However, according to USCIRF, the situation of religious minorities in Afghanistan has worsened since the Taliban took power. It points to the fact that religious minorities are not represented in the government, that the Taliban have re-established the *de facto* Ministry of Virtue and Vice to enforce their interpretation of sharia, and that both the Taliban themselves and ISKP have attacked religious minorities.¹²⁵⁹ Shortly after the takeover, the Taliban leadership suggested that it intended to reintroduce the 1964 Constitution. This constitution guarantees fewer rights to religious minorities. By the end of February 2021, nothing had come of this intention. During the meeting in Oslo, a constitutional review commission was announced (for more details, see 4.3.2); this had not yet been started by February.¹²⁶⁰ There were also no specific reports during the first four months after the takeover of power of criminal prosecution of individuals for apostasy or blasphemy. For more details on the situation of specific religious minorities and non-practising Muslims, see 4.1.9, 4.1.10 and 4.1.11.

4.3 Oversight and legal protection

Afghanistan was ranked 122nd in the World Justice Project's *Rule of Law Index* (128 countries) in 2020. The ineffectiveness of the police and the deficiencies of the formal justice system led to extensive use of informal justice and increasing use of Taliban courts in Afghanistan. Since the takeover, Taliban fighters have largely taken over policing duties. The new legal system under the Taliban has not yet been consolidated,¹²⁶¹ but the Taliban have indicated that they wish to administer justice according to sharia (or their own interpretation of it). They have appointed judges at

¹²⁵⁶ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 60.

¹²⁵⁷ USCIRF, Afghanistan 2020 International Religious Freedom Report, p. 18, 2021.

¹²⁵⁸ ABC News, Despite promises, Taliban begin evicting Afghanistan's ethnic Hazaras from their land, 16 October 2021; ABC News, Taliban leader reaches out to West, promises rights for Afghan women, 26 August 2021.

¹²⁵⁹ USCIRF, Factsheet Afghanistan, October 2021.

¹²⁶⁰ Confidential source, 28 February 2022.

¹²⁶¹ France 24, Justice delayed as Taliban build their legal system in Afghanistan, 13 November 2021; Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

the provincial level and indicated that they will not use the services of lawyers and magistrates who were working at the time of or under the Ghani government.¹²⁶²

4.3.1 *The Afghan police*

Effectiveness of the police before the Taliban takeover

Afghanistan was ranked in last place in the Rule of Law Index for the maintenance of order and security and 121st for the enforcement of laws and regulations.¹²⁶³ SIGAR concluded in March 2021 that although there were a number of well-trained special forces, the police apparatus as a whole was unable to uphold the rule of law and maintain order.¹²⁶⁴ Afghanistan has an emergency number, 119, but according to the Overseas Security Advisory Council (OSAC), the Afghan authorities were generally ineffective at preventing crime and responding to emergency calls.¹²⁶⁵ Police ineffectiveness led to 'rampant' crime in Kabul,¹²⁶⁶ and robberies and muggings took place in all cities, day and night.¹²⁶⁷ Kidnappings for ransom were common.¹²⁶⁸ The wave of targeted attacks in Kabul and other parts of the country was one of the reasons why the police lacked the capacity to act against crime.¹²⁶⁹ In addition, sources stated that police officers of all ranks were openly corrupt and that some police officers were guilty of crime themselves.¹²⁷⁰ According to a source, reporting crime to the police could have serious negative consequences for the social position and safety of individuals.¹²⁷¹ Sources indicated that if individuals were victims of threats, violence or crime at the hands of local leaders, the police would not intervene, in view of the powerful position of these leaders and their ties to the Afghan government.¹²⁷²

Supervision of the police before the Taliban takeover

The Afghan government tried to fight corruption within the ranks of the police, but with very limited success.¹²⁷³ In July 2020, the public prosecutor's office indicated that around seven thousand individuals were of interest to the public prosecutor for this reason. The Afghan Ministry of Interior Affairs said that 1,637 cases were processed between 2018 and 2019, and 1,249 cases were processed in the first four months of 2020 (until the outbreak of the coronavirus pandemic). This led to the arrest of 1,518 people. In February 2021, the Ministry of Interior Affairs announced that it had fired 321 police officers over corruption.¹²⁷⁴ Despite these figures, the Afghan NGO Integrity Watch Afghanistan criticised efforts to tackle

¹²⁶² RFE/RL, Judge, Jury, And Executioner: Taliban Brings Afghanistan's Justice System Under Its Thumb, 1 December 2021; Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

¹²⁶³ World Justice Project, Rule of Law Index 2021, p. 33, 2021.

¹²⁶⁴ SIGAR, Quarterly Report to Congress, p. 82, 30 April 2021.

¹²⁶⁵ Overseas Security Advisory Council (OSAC), Afghanistan 2020 Crime & Safety Report, 25 February 2020.

¹²⁶⁶ ICT4COP, Community-Based Policing and Post-Conflict Police Reform: Contextual Assessment 3 South-East Asia, p. 3, November 2020 2020; The New York Times, They Fight Suicide Bombers. But Can Afghan Police Fight Crime?, 8 February 2020. See also: AAN, Kabul's Expanding Crime Scene (Part 2): Criminal activities and the police response, 21 February 2021.

¹²⁶⁷ Dutch Ministry of Foreign Affairs, Travel advice for Afghanistan, last accessed 30 July 2021; The New York Times, They Fight Suicide Bombers. But Can Afghan Police Fight Crime?, 8 February 2020; AP, Crime, conflict, chaos crushing Afghan hopes for tomorrow, 4 February 2021.

¹²⁶⁸ AP, Crime, conflict, chaos crushing Afghan hopes for tomorrow, 4 February 2021.

¹²⁶⁹ Al Jazeera, A day on the job with Kabul's crime scene investigators, 1 February 2021; The New York Times, In Kabul's Streets, Dogs Rule the Night, 22 March 2021.

¹²⁷⁰ OSAC, Afghanistan 2020 Crime & Safety Report, 25 February 2020. See also: The Strategy Bridge, Afghanistan's Policing Failure and the Uncertain Way Forward, 20 October 2020; SIGAR, Quarterly Report to Congress, p. 82, 30 April 2021; ODI, Afghanistan: Winning the War or Building a State?, 31 March 2021. See also: Reuters, New commander takes on corruption "mess" in Afghan police, 4 June 2019; TOLO News, SIGAR: 50% Police in South Use Drugs, 50-70% 'Ghost Soldiers', 26 August 2020.

¹²⁷¹ Confidential source, 29 July 2021.

¹²⁷² Confidential source, 29 July 2021; Confidential source, 4 August 2021.

¹²⁷³ United States, Department of Defense, Enhancing Security and Stability in Afghanistan, p. 9, 2019.

¹²⁷⁴ AA, Afghanistan: 321 officials sacked for corruption, 21 February 2021.

corruption in the summer of 2020, because high-ranking corrupt government officials had been left almost completely untouched.¹²⁷⁵ USDoS stated that while many government officials including provincial governors, ambassadors and deputy ministers lost their positions in 2020, many other government officials accused of corruption, involvement in drug trafficking or human rights violations had kept their positions or been moved to new positions.¹²⁷⁶

Effectiveness of the police after the Taliban takeover

As stated at 2.2.5, the Taliban established a basic police structure and Taliban fighters performed policing duties. A mixed picture emerges from reports regarding the behaviour and effectiveness of these police officers. On the one hand, there were reports of officers arbitrarily administering punishments,¹²⁷⁷ harassing women,¹²⁷⁸ and using excessive force to maintain order during protests.¹²⁷⁹ On the other hand, Afghan citizens reported that under the Taliban the police had become considerably less corrupt¹²⁸⁰ and were dealing with complaints and reports of crimes more effectively.¹²⁸¹ Citizens in Kabul stated that crime had decreased in the first few weeks after the Taliban took power.¹²⁸² Attacks (by ISKP) continued to take place (see 2.2.2). From October onwards, there were also reports of a resurgence in both small-scale and organised crime in Kabul – and other places – caused by the poor economic situation.¹²⁸³ In late December 2021, crime seemed to decrease again,¹²⁸⁴ but in January 2022 there was another upturn in crime across the country.¹²⁸⁵ A source stated that the Taliban were unable to act against organised crime due to limited specialist police capacity.¹²⁸⁶

4.3.2 *The Afghan legal system*

- 4.3.2.1 The formal legal system before the Taliban takeover
- Before the fall of the government, Afghanistan had a pluralistic legal system based on different, sometimes conflicting, sources of law. These were the constitution, international law, national laws and regulations and customary law based on tribal codes of norms and values such as the *pashtunwali*¹²⁸⁷ and interpretations of sharia. In principle, the constitution stated that national legislation took precedence over

¹²⁷⁵ TOLO News, MoI: Corrupt Criminals Will Face Justice, 14 July 2020. One exception was the arrest of Ahmad Ahmadi, the head of the anti-narcotics unit in Kabul, and four other high-ranking police officers in February 2020 for involvement in drug trafficking. See: AA, Afghanistan: Top cops selling drugs arrested, 6 February 2020.

¹²⁷⁶ USDoS, 2020 Country Reports on Human Rights Practices: Afghanistan, 2021.

¹²⁷⁷ The New York Times, Protests Spread to Kabul as Taliban Struggle to Govern, 19 August 2021.

¹²⁷⁸ The Wall Street Journal, After Taliban Return, Afghan Women Face Old Pressures From Fathers, Brothers, 15 December 2021.

¹²⁷⁹ FIDH, Broken promises: Civil society under siege after 100 days of Taliban takeover, 23 November 2021. See also: The New York Times, Taliban Quash Protests and Seize Enemies, Tightening Grip on Afghanistan, 19 August 2021; RFE/RL, Taliban Reportedly Opens Fire On Women Protesting Against Restrictions, 28 December 2021.

¹²⁸⁰ CNBC, Weddings go on in Kabul under the Taliban, but without singers, or police seeking bribes, 31 August 2021; The New York Times, Under Taliban Rule, Life in Kabul Transforms Once Again, 24 August 2021; NPR, Taliban-style security welcomed by some, feared by others, 4 October 2021.

¹²⁸¹ ABC, Despite mistrust, Afghan Shiites seek Taliban protection, 16 November 2021; NPR, Taliban-style security welcomed by some, feared by others, 4 October 2021.

¹²⁸² The Wall Street Journal, Taliban Commander Who Launched Bombings in Kabul Is Now a Police Chief in Charge of Security, 20 October 2021; AP, Taliban official: Strict punishment, executions will return, 23 September 2021.

¹²⁸³ Foreign Policy, Afghan Crime Wave Adds to Taliban Dystopia, 29 October 2021; Newlines Magazine, In the Afghan Capital, the Economic Desperation Is Palpable, 7 December 2021; Hasht-e Subh Daily, An Increase in Criminal Offenses Has Raised Concerns Among Baghlan Residents, 7 December 2021; NDTV, Man Arrested For Allegedly Trafficking 130 Women In Afghanistan, 16 November 2021; Hasht-e Subh Daily, 147 Criminals Arrested in Herat Province, 22 December 2021; Confidential source, 6 January 2022.

¹²⁸⁴ Confidential source, 6 January 2022; confidential source, 30 December 2021.

¹²⁸⁵ Confidential source, 31 January 2022.

¹²⁸⁶ Confidential source, 30 December 2021.

¹²⁸⁷ For more information about the *pashtunwali*, see: Zahid, F., Understanding Taliban Through The Prism Of Pashtunwali Code, Tribune Libre, November 2013.

sharia and customary law. Judges could only rely on sharia and customary law where the law contained no provisions on a particular subject and provided that the interpretation of sharia and customary law did not conflict with formal legislation.¹²⁸⁸ The Afghan legal system itself consisted of three tiers: courts of first instance, appeal courts and the supreme court. Every district and provincial capital had a court of first instance. Most legal cases in Afghanistan were supposed to be settled at first instance, but according to the Afghanistan Research and Evaluation Unit (AREU), the majority of cases ended up in the supreme court.¹²⁸⁹

No independent judiciary

Although the law guaranteed an independent judiciary,¹²⁹⁰ even before the Taliban took power this was not the case in practice due to non-compliance with constitutional principles, other legislation that undermined judicial independence and a historical lack of a 'culture of independence' within the Afghan judiciary, according to AREU.¹²⁹¹ Afghanistan was ranked 123rd in the Rule of Law Index for access to an effective justice system in civil cases.¹²⁹² Judges were driven by prejudice, political influence, fear and corruption, according to USDoS.¹²⁹³ Data from 2019 showed that Afghans experienced a high level of discrimination in criminal justice practice. With an average of 0.21 on a scale from 0 to 1.0, Afghanistan scored worse in this respect than other countries in the region. However, these data do not specify the exact grounds on the basis of which Afghans experienced discrimination.¹²⁹⁴ A source confirmed that ethnic minorities, especially Hazaras, may not be able to rely on assistance from the police in regions where they are in a minority.¹²⁹⁵ In addition, Afghan justice was less accessible due to a lack of resources and staff. In particular, there was a lack of female judges. As a result, many women were denied access to justice because they were not allowed to interact with male judges according to conservative social norms.¹²⁹⁶ The inaccessibility of formal justice was greater for Afghans in rural areas¹²⁹⁷ and was exacerbated by the Covid-19 pandemic, when almost all courts had to close.¹²⁹⁸

4.3.2.2

The informal legal system before the Taliban takeover

Partly due to the ineffectiveness and corruption of the formal legal system, Afghan citizens continued to resort to informal, parallel legal systems.¹²⁹⁹ According to research by the Asia Foundation, 46% of respondents had used informal justice at some point. This figure was 41.5% for the formal judicial system. Those living in rural areas made more use of such mechanisms than city dwellers. The principles on which customary law is based differ in different communities and ethnic groups. Jirgas and shuras play a prominent role in the interpretation of customary law, but there are also many other actors involved, such as religious leaders, lawyers, community members, NGOs and national institutions.¹³⁰⁰ According to the Asia Foundation, trust in the informal legal system was high. 81.2% of respondents believed that shuras and jirgas were fair and reliable, 74.4% believed they followed local norms and values, 74.2% said they were effective in delivering justice and

¹²⁸⁸ EASO, Afghanistan Criminal law, customary justice and informal dispute resolution, p. 11, July 2020.

¹²⁸⁹ Afghanistan Research and Evaluation Unit, Judicial Independence in Afghanistan, pp. 16-17, February 2021.

¹²⁹⁰ Afghanistan Research and Evaluation Unit, Judicial Independence in Afghanistan, p. 16, February 2021.

¹²⁹¹ Afghanistan Research and Evaluation Unit, Judicial Independence in Afghanistan, p. 49, February 2021.

¹²⁹² World Justice Project, Rule of Law Index 2020,, p. 33, 2020. WJP-ROLI-2020-Online_0.pdf (worldjusticeproject.org)

¹²⁹³ United States, USDoS, 2020 Country Reports on Human Rights Practices: Afghanistan, 2020.

¹²⁹⁴ World Justice Project, The Rule of Law in Afghanistan Key Findings from 2019, p. 10, 2020.

¹²⁹⁵ Confidential source, 29 July 2021.

¹²⁹⁶ United States, USDoS, 2020 Country Reports on Human Rights Practices: Afghanistan, 2020.

¹²⁹⁷ United States, USDoS, 2020 Country Reports on Human Rights Practices: Afghanistan, 2020.

¹²⁹⁸ IDLO, Rule of Law in the Time of Covid-19: Afghanistan, 30 July 2020.

¹²⁹⁹ United States, USDoS, 2020 Country Reports on Human Rights Practices: Afghanistan, 2020.

¹³⁰⁰ EASO, Afghanistan Criminal law, customary justice and informal dispute resolution, p. 18, July 2020.

73.2% stated that they handled cases quickly and efficiently.¹³⁰¹ However, the think tank ODI stated that while village elders are seen as fair dispute settlers in some villages, this was not the case in other villages. According to ODI, customary law mechanisms were little more than mechanisms for extortion by local leaders in those places. In addition, the Afghan state was hostile to this form of justice, which made it difficult to enforce judgments.¹³⁰² The Taliban also tried to discourage traditional forms of informal dispute settlement.¹³⁰³

4.3.2.3

Administration of justice by the Taliban before the takeover

The Taliban set up their own legal system in areas they had controlled for some time. This form of justice began to spread in 2014 when the Taliban conquered more territory and were able to set up administrative structures due to the departure of many international troops. Thus, during the reporting period, the Taliban had a monopoly on the administration of justice in most of the areas under its control.¹³⁰⁴ The Taliban legal system, like the formal Afghan legal system, consisted of three tiers. Use was primarily made of the first tier, according to ODI. The extent to which the Taliban courts of first instance were formalised and/or based in districts depended on the extent to which the Taliban controlled the districts.¹³⁰⁵ Both individuals living in Taliban districts and those from elsewhere could make use of Taliban courts.¹³⁰⁶ Research indicated that many citizens preferred Taliban justice over government justice,¹³⁰⁷ and this picture was also confirmed in articles in the media.¹³⁰⁸ Vulnerable groups such as women, however, indicated that they avoided Taliban courts in family-law conflicts or situations of domestic violence, for example. Taliban courts also imposed violent sentences on both men and women who, according to the Taliban, had violated sharia (see 4.1.10).¹³⁰⁹ Regarding the Hazaras' use of Taliban courts, a source stated that it was highly unlikely that a Hazara would voluntarily choose such a court before the fall of the Afghan government, for fear of discrimination.¹³¹⁰

4.3.2.4

The legal system since the Taliban takeover

The Taliban appointed Mullah Abdul Hakim Sharee as *de facto* Minister of Justice. Abdul Hakim is a key confidant of Akhundzada and was the head of the Taliban shadow courts before the fall of Kabul.¹³¹¹ In the first few months after the takeover, his ministry did not make any pronouncements on the precise organisation of the justice system under the Taliban,¹³¹² and according to a source, the Taliban had still not presented a new system by the end of December.¹³¹³ The Taliban's starting point is that they want to govern the country on the basis of sharia. The

¹³⁰¹ The Asia Foundation, Afghanistan in 2019: A Survey of the Afghan People, p. 23, 2 December 2019.

¹³⁰² ODI, Rebel rule of law Taliban courts in the west and north-west of Afghanistan, p. 3, May 2020.

¹³⁰³ RFE/RL, Taliban Courts Seek To Undermine Afghan Judiciary, 14 December 2020.

¹³⁰⁴ ODI, Rebel rule of law Taliban courts in the west and north-west of Afghanistan, pagina 4, May 2020.

¹³⁰⁵ ODI, Rebel rule of law Taliban courts in the west and north-west of Afghanistan, p. 4, May 2020.

¹³⁰⁶ AAN, Living with the Taleban (2): Local experiences in Nad Ali district, Helmand province, 18 January 2021.

¹³⁰⁷ AAN, Living with the Taleban (2): Local experiences in Nad Ali district, Helmand province, 18 January 2021; ODI, Rebel rule of law Taliban courts in the west and north-west of Afghanistan, p. 4, May 2020.

¹³⁰⁸ RFE/RL, Taliban Courts Seek To Undermine Afghan Judiciary, 14 December 2020; ZEIT Magazin (via European Press Prize), Among the Taliban, November 2020.

¹³⁰⁹ France24, Taliban tribunal gives woman 40 lashes for talking to a man on the phone, 22 April 2021; Khaama Press, Three people whipped in Herat for eating during the 'Ramadan' month, 20 April 2021; The Diplomat, Western Amnesia and the Trauma of Taliban Rule, 30 April 2021. The head of the AIHRC's women's affairs department confirmed in 2019 that women in remote areas are subjected to flogging and stoning if they fail to comply with Taliban rules. Rudaw, Sacrificing Afghan women's liberties will cause 'anarchy': human rights chief, 5 December 2019.

¹³¹⁰ Confidential source, 9 June 2021.

¹³¹¹ AA, Who's who in Taliban interim government?, 9 September 2021.

¹³¹² France 24, Justice delayed as Taliban build their legal system in Afghanistan, 13 November 2021; OHCHR, Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights, 14 December 2021.

¹³¹³ Confidential source, 30 December 2021.

Taliban reject the current Afghan Constitution, which enshrines equal rights and a democratic system.¹³¹⁴ However, it is not clear whether the Taliban intend to restore an earlier constitution (pre-2004), develop a new one or not use a constitution.¹³¹⁵ The Taliban are ruling by decree for the time being.¹³¹⁶ At the end of September, the Taliban indicated that they intended to follow the constitution of 1964.¹³¹⁷ By the end of December 2021, nothing had come of this intention. During the meeting in Oslo, a constitutional review commission was announced. This had not yet been started by the end of February 2022. The Taliban leadership recently confirmed that the 2004 constitution was still in force.¹³¹⁸ It is not clear whether the Taliban recognise the rest of the old legislation, including the Penal Code.¹³¹⁹ Nooruddin Turabi, the head of the prison system under the *de facto* government, said that the Taliban would adopt a strict interpretation of sharia as their starting point for the punishment of crime. According to him, this meant that severe hudud punishments such as chopping off the hands of thieves and executing murderers would return. He added that these punishments would probably no longer take place in public.¹³²⁰ A source stated that the Taliban appeared to be following the Penal Code for the time being and had appointed a commission to review all legislation from the past 20 years in order to determine whether it could be kept.¹³²¹

At the end of 2021, despite uncertainty about the organisation of the legal system, steps were taken to resume the administration of justice. After the fall of Kabul, the main pillars of the old legal system – the Ministry of Justice, the supreme court and the public prosecutor's office – initially stopped functioning.¹³²² The Taliban announced the creation of a supreme court in October and appointed Abdul Hakim Haqqani as chief justice.¹³²³ The Taliban then announced that they no longer needed the services of magistrates who worked under the Ghani government.¹³²⁴ In late November, the Taliban also announced that bar associations would come under the Ministry of Justice and that only Taliban-approved lawyers would have the right to practise.¹³²⁵ On 16 December 2021, Akhundzada appointed 32 directors, heads of departments, judges and other key officials to the Supreme Court by decree. On 25 December he also appointed a *de facto* Attorney General.¹³²⁶ In December, the Taliban announced the appointment of 69 provincial-level judges in all provinces except Panjshir.¹³²⁷ These were appointments to the courts of first instance and courts of appeal.¹³²⁸ By the end of February 2022, courts were active in all 34 provinces of Afghanistan, according to a source. Two thousand Afghan judges had been replaced by Islamic scholars, according to this source. According to this source,

¹³¹⁴ VOA News, Taliban Say They Will Use Parts of Monarchy Constitution to Run Afghanistan for Now, 28 September 2021.

¹³¹⁵ Le Monde, En Afghanistan, la théocratie des talibans déjà confrontée à ses vieux démons, 5 October 2021.

¹³¹⁶ See for example: The Guardian, Taliban ban protests and slogans that don't have their approval, 8 September 2021; CNN, Taliban decree on women's rights, which made no mention of school or work, dismissed by Afghan women and experts, 4 December 2021.

¹³¹⁷ VOA News, Taliban Say They Will Use Parts of Monarchy Constitution to Run Afghanistan for Now, 28 September 2021.

¹³¹⁸ Confidential source, 28 February 2022.

¹³¹⁹ OHCHR, Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights, 14 December 2021.

¹³²⁰ The Guardian, 'Necessary for security': veteran Taliban enforcer says amputations will resume, 24 September 2021; AP, Taliban official: Strict punishment, executions will return, 23 September 2021.

¹³²¹ Confidential source, 30 December 2021.

¹³²² Slaw, An Afghan Law Librarian on the Demise of his Country's Legal System, 17 December 2021.

¹³²³ The Frontier Post, Taliban announces creation of new Supreme Court of Afghanistan, October 2021.

¹³²⁴ Giustozzi, A. & R. Al Aqeedi, Security and Governance in the Taliban's Emirate, Newlines Institute, 24 November 2021.

¹³²⁵ RFE/RL, Judge, Jury, And Executioner: Taliban Brings Afghanistan's Justice System Under Its Thumb, 1 December 2021.

¹³²⁶ United Nations Secretary General, The situation in Afghanistan and its implications for international peace and security, p. 3, 3 February 2022.

¹³²⁷ TOLO News, Supreme Court Appoints 69 Provincial Judges, 16 December 2021.

¹³²⁸ Confidential source, 30 December 2021.

the *de facto* Ministry of Justice has set up a training programme for these new judges – who have relatively little knowledge of sharia.¹³²⁹ In March 2022, dozens of judges working under the Ghani administration protested in order to draw attention to their 'uncertain fate'. They stated that the 2,500 judges who had been active under the Ghani government did not know what their status was and had not been paid for months.¹³³⁰ Their appointment of judges within the existing structure of the legal system appears to indicate that the Taliban wish to take over the legal system's setup as it existed under the Ghani government.¹³³¹ According to a source, some lower-ranking employees who worked in the judiciary under the Ghani government and had received training in sharia law had been recalled.¹³³² In January 2022, the Supreme Court announced it would set up a special court to try drug crimes.¹³³³

In practice, since the fall of Kabul, the Taliban have continued to administer justice in some parts of Afghanistan according to the model they used before taking power.¹³³⁴ NPR reported that the Taliban had also brought in village elders to mediate in a murder case.¹³³⁵ As noted in 4.1.9, the Taliban appeared to allow justice to be administered according to Shia jurisprudence in some areas. In large cities such as Kabul and Kandahar, the administration of justice did not start until December 2021, and in the meantime the Taliban only used mediation.¹³³⁶ This resulted in large backlogs in the trial of crime suspects¹³³⁷ and pressure in prisons.¹³³⁸

4.3.3

Situation in prisons before the Taliban takeover

The situation in prisons before the Taliban took power was poor. Prisons were overcrowded, not all prisoners had access to a fair trial and a significant proportion of prisoners were subjected to torture or other inhumane treatment. According to USDoS, individuals were sometimes imprisoned for extended periods without trial.¹³³⁹ OHCHR and UNAMA investigated the treatment of prisoners held on suspicion of security offences and terrorism.¹³⁴⁰ The UN agencies concluded that prisoners were almost never informed of their rights before questioning and almost never had access to a lawyer. Nearly half of the prisoners they surveyed were forced to put their fingerprints on a statement without knowing what it said. OHCHR and UNAMA also stated that nearly a third of the prisoners surveyed gave credible descriptions of torture and other inhumane treatment.¹³⁴¹ However, the use of torture and inhumane treatment decreased slightly in both Afghan National Police (ANP) and National Directorate of Security (NDS) detention centres. In ANP prisons, 31.2 percent of prisoners stated that they had been subjected to this practice during

¹³²⁹ Confidential source, 28 February 2021.

¹³³⁰ TOLO News, Former Judges Hold Protest Over Their 'Uncertain Fate', 2 March 2022.

¹³³¹ The Frontier Post, Taliban announces creation of new Supreme Court of Afghanistan, October 2021.

¹³³² Confidential source, 30 December 2021.

¹³³³ Confidential source, 31 January 2022.

¹³³⁴ See for example: France 24, Taliban summon Afghan interpreters who worked for Dutch, threaten families, 5 October 2021; Der Spiegel, The Taliban's Campaign to Rob Villagers of Their Land, 6 October 2021; France 24, Justice delayed as Taliban build their legal system in Afghanistan, 13 November 2021.

¹³³⁵ NPR, Taliban-style security welcomed by some, feared by others, 4 October 2021.

¹³³⁶ The Wall Street Journal, Taliban Commander Who Launched Bombings in Kabul Is Now a Police Chief in Charge of Security, 20 October 2021; l'Humanite, Afghanistan. Reportage à la prison de Kandahar, où s'applique la charia version talibans, 15 December 2021.

¹³³⁷ OHCHR, Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights, 14 December 2021.

¹³³⁸ OHCHR, Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights, 14 December 2021; l'Humanite, Afghanistan. Reportage à la prison de Kandahar, où s'applique la charia version talibans, 15 December 2021.

¹³³⁹ US Department of State, Afghanistan 2020 Human Rights Report, p. 10, 2021.

¹³⁴⁰ 656 prisoners were interviewed.

¹³⁴¹ UNAMA & OHCHR, Preventing Torture and Upholding the Rights of Detainees in Afghanistan: A Factor for Peace, p. 4, February 2021.

the previous survey. In the new survey, the figure was 27.5 percent. In NDS prisons, the percentage dropped from 19.4 to 16 percent.¹³⁴² The general living conditions in prisons in Afghanistan were poor, partly because of an acute lack of capacity. According to Al Jazeera, Afghanistan's largest prison, Pul-e-Charkhi on the outskirts of Kabul, had space for 5,000 prisoners, but more than 10,000 individuals were being held there in October 2020.¹³⁴³ Poor living conditions in prisons regularly led to protests among prisoners, sometimes resulting in fatalities.¹³⁴⁴ More than twenty thousand prisoners, including those on remand, were released by presidential decree in 2020 because of Covid-19.¹³⁴⁵ The Taliban's capture of provincial capitals was accompanied by the release of thousands of prisoners (see 1.3.4).

Prisons in areas under Taliban control

In Taliban areas, a network of prisons existed where, according to *The New York Times*, thousands of people were or had been incarcerated and where some of these prisoners had been subjected to torture,¹³⁴⁶ mainly on suspicion of links with the Afghan government and government forces.¹³⁴⁷ There was strong evidence that in 2021 the Taliban imprisoned many alleged enemies in these prisons while conquering new areas.¹³⁴⁸

Criminal prosecution of perpetrators of torture

There was very little criminal prosecution of perpetrators of torture in government territory before the fall of Kabul. The Anti-Torture Committee, which operated under the leadership of the public prosecutor, stated that between 1 January 2019 and 1 October 2020, eighteen cases of torture had been brought to court under Article 450 of the Penal Code. In five cases the perpetrators were convicted and in three cases the suspects were acquitted. The other cases were still pending.¹³⁴⁹

Children in prisons

Hundreds of minors were also held in prison in Afghanistan on suspicion of links to armed groups.¹³⁵⁰ Often these were child soldiers,¹³⁵¹ or children of combatants.¹³⁵² As of 31 December 2020, there were 165 children (164 boys and one girl) in prison on suspicion of crimes against national security, and 318 children – mostly of non-Afghan descent – were being held with their mothers on suspicion of links to ISKP.¹³⁵³ In May 2021, 189 children were being held with their mothers – who were suspected of links to ISKP – in NDS detention centres.¹³⁵⁴ The youngest underage

¹³⁴² UNAMA & OHCHR, Preventing Torture and Upholding the Rights of Detainees in Afghanistan: A Factor for Peace, page 4, February 2021.

¹³⁴³ Al Jazeera, Several inmates killed in Herat prison riot: Afghan officials, 29 October 2020.

¹³⁴⁴ Al Jazeera, Several inmates killed in Herat prison riot: Afghan officials, 29 October 2020; TOLO News, Eight Killed in Herat Prison Riot: Official, 29 October 2020.

¹³⁴⁵ Open Government Partnership, Lessons from Reformers: Pretrial Detention, 14 December 2020.

¹³⁴⁶ VOA News, Afghans Rescued from Taliban Say They Were Tortured, 20 February 2021; The New York Times, 'I Wake Up and Scream': Secret Taliban Prisons Terrorize Thousands, 27 February 2021

¹³⁴⁷ Human Rights Watch, The New York Times, 'I Wake Up and Scream': Secret Taliban Prisons Terrorize Thousands, 27 February 2021. See also: India.com, 42 Freed in One Day From Taliban Jail in Afghanistan, 16 February 2021.

¹³⁴⁸ Human Rights Watch, Afghanistan: Threats of Taliban Atrocities in Kandahar, 23 July 2021; The New York Times, Afghan Civilian Casualties Soar as U.S. Exits, Monitors Say, 26 July 2021.

¹³⁴⁹ UNAMA & OHCHR, Preventing Torture and Upholding the Rights of Detainees in Afghanistan: A Factor for Peace, page 36, February 2021.

¹³⁵⁰ Human Rights Watch, "Forgotten Children" Children detained in Afghanistan for alleged association with armed groups, June 2021.

¹³⁵¹ Human Rights Watch, "Forgotten Children" Children detained in Afghanistan for alleged association with armed groups, June 2021.

¹³⁵² Confidential source, 10 June 2021.

¹³⁵³ UNSG, Children and armed conflict Report of the Secretary-General, p. 4, 6 May 2021.

¹³⁵⁴ Human Rights Watch, "Forgotten Children" Children detained in Afghanistan for alleged association with armed groups, June 2021.

prisoners were ten years old.¹³⁵⁵ All children suspected of crimes against state security were held in a special juvenile detention centre for children suspected of crimes against state security in Kabul. They faced possible sentences of ten to fifteen years in prison. As well as this juvenile detention centre in Kabul, there are 33 juvenile detention centres throughout Afghanistan for children suspected of other crimes. The OHCHR and UNAMA survey found that underage prisoners were more likely to be subjected to torture than adult prisoners.¹³⁵⁶ According to sources, juvenile detention centres offer education and access to healthcare to a limited extent,¹³⁵⁷ but there is a serious lack of psychosocial support and assistance aimed at rehabilitation and reintegration.¹³⁵⁸ The majority of juvenile detention centres are located in inadequate buildings that do not have enough space for sports and where there is sometimes a complete lack of daylight.¹³⁵⁹ According to Human Rights Watch, there were no children among the Taliban prisoners released under the US peace deal.¹³⁶⁰

4.3.4 *Corporal punishment, the death penalty and extrajudicial executions*

The death penalty before the Taliban takeover

In Afghanistan, the death penalty could be imposed on the basis of the Penal Code and interpretations of sharia. However, the scope for imposing the death penalty was severely limited with the entry into force of the new Penal Code in 2017. According to EASO, the death penalty has rarely been carried out in recent years. There were five executions in 2017, three in 2018 and none in 2019.¹³⁶¹ Amnesty International stated that no executions occurred in 2020. However, at least four more individuals were sentenced to death that year for abduction and murder.¹³⁶² These convictions were in addition to the 976 individuals awaiting the death penalty.¹³⁶³ As part of the US-Taliban agreement, 156 captured Taliban fighters who had been sentenced to death were released.¹³⁶⁴ No information is available on the total number of pardons issued in 2020. In January 2021, the Taliban warned the Afghan government against carrying out the executions of Taliban fighters who were still held in prison. According to the Taliban, this would lead to a violent response, as peace talks were incompatible with executions, the Taliban said.¹³⁶⁵

Corporal punishment and the death penalty after the Taliban takeover

As already noted, the Taliban have announced that they will punish crimes according to a strict interpretation of sharia. Sharia prescribes corporal punishment and the death penalty for various crimes, but according to Islamic law the conditions for applying these punishments are very strict.¹³⁶⁶ It is generally held that the death penalty may – but does not have to – be imposed for premeditated murder,

¹³⁵⁵ Human Rights Watch, "Forgotten Children" Children detained in Afghanistan for alleged association with armed groups, June 2021.

¹³⁵⁶ UNAMA & OHCHR, Preventing Torture and Upholding the Rights of Detainees in Afghanistan: A Factor for Peace, page 36, February 2021.

¹³⁵⁷ Human Rights Watch, "Forgotten Children" Children detained in Afghanistan for alleged association with armed groups, June 2021; Confidential source, 10 June 2021.

¹³⁵⁸ Confidential source, 10 June 2021.

¹³⁵⁹ Human Rights Watch, "Forgotten Children" Children detained in Afghanistan for alleged association with armed groups, June 2021.

¹³⁶⁰ Human Rights Watch, "Forgotten Children" Children detained in Afghanistan for alleged association with armed groups, June 2021.

¹³⁶¹ EASO, Country Guidance Afghanistan 2020: Article 15(a) QD, last update December 2020.

¹³⁶² Amnesty International, Global Report: Death Sentences and Executions 2020, p. 25, 2021.

¹³⁶³ Amnesty International, Global Report: Death Sentences and Executions 2020, p. 24, 2021.

¹³⁶⁴ Amnesty International, Global Report: Death Sentences and Executions 2020, p. 25, 2021.

¹³⁶⁵ TOLO News, Taliban Warns Govt Against Execution of its Jailed Members, 21 January 2021. ¹

¹³⁶⁶ The Guardian, 'Necessary for security': veteran Taliban enforcer says amputations will resume, 24 September 2021; AP, Taliban official: Strict punishment, executions will return, 23 September 2021.

adultery, apostasy, and 'waging war against God'.¹³⁶⁷ Corporal punishment is associated with offences such as theft, adultery, libel and banditry.¹³⁶⁸ Since there were no official courts during the early months of the Taliban rule, the use of corporal punishment was in principle always extrajudicial.¹³⁶⁹ In Herat, the Taliban shot dead four kidnappers and hung their bodies by the roadside.¹³⁷⁰ However, the Taliban claimed that the kidnappers were killed in a firefight, and not following a judicial sentence. In Kabul, thieves were forced to parade through the city with painted faces and stale bread in their mouths.¹³⁷¹ There have been no reports in international media since 15 August of cases in which Taliban courts imposed the death penalty for zina or blasphemy and conversion. As the Taliban have indicated that they no longer wish to carry out executions and corporal punishment in public (or wish to do so less often), there is limited information on the application of this type of punishment. According to a source, village elders in the provinces imposed the death penalty or corporal punishment for zina (adultery) in several cases after 15 August, but this was not always done with the knowledge of the Taliban and Taliban 'approval' only followed afterwards.¹³⁷² These were therefore also extrajudicial punishments.

Extrajudicial executions after the Taliban takeover

Since the fall of Kabul, the Taliban have carried out extrajudicial executions of at least a hundred former ANDSF fighters (see 4.1.2.3),¹³⁷³ and dozens of alleged ISKP supporters (see 2.1.6).¹³⁷⁴ In addition, there were reports of extrajudicial executions of thirteen Hazaras, most of whom were former ANDSF fighters (see 4.1.8).¹³⁷⁵

4.3.5

Transitional justice

In March 2020, the Appeals Chamber of the International Criminal Court (ICC) approved the request of ICC Prosecutor Fatou Bensouda to open an investigation into war crimes and crimes against humanity in Afghanistan. This happened after Bensouda appealed a previous decision (2019) by the Pre-Trial Chamber II not to allow such an investigation.¹³⁷⁶ During the reporting period, a meeting took place between the then Afghan foreign minister and the ICC, at which the minister asked the ICC prosecutor for help in bringing war criminals to justice. This represented a misinterpretation of the role of the prosecutor and the ICC, and a misunderstanding of the independent position of this court.¹³⁷⁷ The Rome Statute of the International Criminal Court states that the prosecutor should conduct his investigations independently, without interference or influence from third parties. The AIHRC

¹³⁶⁷ For more information on this subject, see: PRI, *Sharia law and the death penalty Would abolition of the death penalty be unfaithful to the message of Islam?*, 2015.

¹³⁶⁸ Azmeh, W., *Corporal Punishment Verses in the Qur'an are to be Reinterpreted to Counter Violent Extremist Practices from Within the Islamic Juristic Tradition*, Digest of Middle East Studies, 2015.

¹³⁶⁹ Confidential source, 30 December 2021

¹³⁷⁰ BBC, *Afghanistan: Taliban hang bodies as warning in city of Herat*, 25 September 2021.

¹³⁷¹ CNN, *Taliban's religious police instructed to be more moderate, but vulnerable Afghans say brutal justice is still being meted out*, 12 October 2021; NPR, *Taliban-style security welcomed by some, feared by others*, 4 October 2021.

¹³⁷² Confidential source, 30 December 2021.

¹³⁷³ Human Rights Watch, *"No Forgiveness for People Like You": Executions and Enforced Disappearances in Afghanistan under the Taliban*, 30 November 2021; AFP, *Afghanistan: l'ONU accuse les talibans d'au moins 72 exécutions extrajudiciaires*, 14 December 2021; OHCHR, *Oral update on the situation of human rights in Afghanistan: Statement by Nada Al-Nashif, UN Deputy High Commissioner for Human Rights*, 14 December 2021.

¹³⁷⁴ The Wall Street Journal, *Killings of Islamic State Militants Highlight Power Struggle With Afghanistan's Taliban*, 26 September 2021; VOA News, *Afghan Taliban Claim to Have Captured 600 IS Militants*, 10 November 2021.

¹³⁷⁵ Amnesty International, *Afghanistan: 13 Hazara killed by Taliban fighters in Daykundi province – new investigation*, 5 October 2021.

¹³⁷⁶ ICC, *Afghanistan: ICC Appeals Chamber authorises the opening of an investigation*, 5 March 2020.

¹³⁷⁷ AAN, *How to Investigate War Crimes? Kabul tells the ICC it is dealing with them, while the AIHRC pleads for help from the UN*, 15 June 2021.

criticised the government for the lack of progress on transitional justice,¹³⁷⁸ and there were also concerns about the lack of interest in the rights of war victims in the peace negotiations.¹³⁷⁹

¹³⁷⁸ AAN, How to Investigate War Crimes? Kabul tells the ICC it is dealing with them, while the AIHRC pleads for help from the UN, 15 June 2021.

¹³⁷⁹ AAN, The Intra-Afghan Peace Talks: Warring parties negotiate, victims of war are excluded, 16 October 2020.

5 Refugees and displaced persons

Due to the deteriorating security situation, the number of displaced persons in Afghanistan and refugees from Afghanistan to neighbouring countries increased markedly before the takeover by the Taliban. This was due to the conflict as well as other causes. In 2021 as a whole, about 700,000 Afghans were displaced as a result of the conflict.¹³⁸⁰ The period between May and August in particular led to high levels of conflict-related displacement: according to the UN, a quarter of a million people, eighty percent of whom were women and children, fled their homes during these months.¹³⁸¹ Afghanistan's neighbours, especially Pakistan and Iran, have hosted millions of documented Afghan refugees and undocumented Afghans for decades. Covid-19, economic crises and a lack of international solidarity and insufficient international contributions to help with the reception of Afghan refugees have greatly reduced the willingness to receive Afghans in Pakistan and Iran.¹³⁸² In the run-up to the takeover by the Taliban, Iran indicated several times that it wanted to close the border with Afghanistan.¹³⁸³ Pakistan also indicated that it was not prepared to receive a new Afghan refugee influx.¹³⁸⁴ The number of forced returns, especially from Iran, increased sharply in 2020 (see Chapter 5).

With the end of the armed conflict, conflict-related displacement has almost completely stopped and some previously displaced Afghans have started to return to their own villages and cities.¹³⁸⁵ However, hundreds of thousands of Afghans have attempted to leave the country since 15 August 2021 for fear of the Taliban or because of the poor humanitarian situation.¹³⁸⁶ Since the Taliban took power, both Pakistan and Iran have imposed travel restrictions and, with a few exceptions, only Afghans with passports and visas can legally cross the border into either country.¹³⁸⁷ December 2021 saw a steady rise in Afghans trying to flee to both countries.¹³⁸⁸ The humanitarian situation in Afghanistan at the time was very serious. By the end of 2021, twenty-three million of the approximately forty million inhabitants of Afghanistan were suffering from acute hunger or were malnourished.¹³⁸⁹ In January 2022, according to the World Food Programme (WFP), 25 of the 34 Afghan provinces were in an emergency situation and were experiencing acute malnutrition, with two million children malnourished.¹³⁹⁰ Financial restrictions on Afghanistan since the Taliban took power, including the freezing of the Afghan Central Bank's reserves, the imposition of sanctions against the Taliban and the cessation of

¹³⁸⁰ UNHCR, Displaced families in Kabul caught in downward spiral, 16 December 2021.

¹³⁸¹ NPR, A quarter-million people have fled their homes as violence in Afghanistan escalates, 13 August 2021; Al Jazeera, Huge rise in Afghanistan IDPs as thousands flee Taliban advance, 9 August 2021.

¹³⁸² Confidential source, 26 July 2021; AA, Iran, Afghanistan border closed amid COVID-19 fears, 29 April 2021.

¹³⁸³ Confidential source, 26 July 2021; AA, Iran, Afghanistan border closed amid COVID-19 fears, 29 April 2021; AA, Iran to bar Afghan refugees from crossing border, 18 August 2021; Confidential source, 17 August 2021.

¹³⁸⁴ Hindustan Times, Pakistan will shut its border with Afghanistan in 'national interest' if Taliban takes over post-US withdrawal, 27 July 2021; VOA News, Pakistan Refuses to Host Additional Afghan Refugees, 13 July 2021.

¹³⁸⁵ Confidential source, 14 December 2021.

¹³⁸⁶ Norwegian Refugee Council, Humanitarian needs in Iran rise as 300,000 Afghans arrive since Taliban takeover, 10 November 2021; VOA News, More Than 300,000 Afghans Flee to Pakistan Since Taliban Takeover of Afghanistan, 16 December 2021.

¹³⁸⁷ Confidential source, 6 December 2021; Confidential source, 8 December 2021; UNHCR, News Comment: UNHCR: Afghans struggle to seek safety as borders remain shut to most, 1 December 2021.

¹³⁸⁸ Confidential source, 22 December 2021.

¹³⁸⁹ UNHCR, Flash External Update: Afghanistan Situation #12 – As of 15 December 2021 (two-week coverage period), undated.

¹³⁹⁰ ABC News, Aid groups deal with 'painfully thin and lifeless children' as Afghan food crisis deepens, 21 January 2022.

international development funds, have limited the possibilities for providing support to the Afghan people.¹³⁹¹

5.1 Afghan refugees in Pakistan and Iran

5.1.1 *Number of Afghan refugees in Pakistan and Iran before the Taliban takeover*
On 31 December 2020, there were more than 2.2 million registered Afghan refugees in the neighbouring countries of Pakistan and Iran.¹³⁹² Of these, 1.435 million were in Pakistan and 780,000 in Iran.¹³⁹³ In both Pakistan and Iran, government registration has historically provided Afghan asylum-seekers/refugees with access to refugee status. In practice this means that Afghans in Iran with a so-called *amayesh* card¹³⁹⁴ and Afghans in Pakistan with a proof of registration (PoR) card are recognised as refugees.¹³⁹⁵ The last time Pakistan conducted a large-scale registration of new Afghan refugees was in 2006 and 2007. Since then, attempts have merely been made to register children of registered refugees,¹³⁹⁶ and to check and renew the status of PoR cardholders.¹³⁹⁷ In Iran, no information is available on recent registrations of Afghan refugees, but Afghan asylum-seekers already seemed to lack access to the Iranian asylum procedure before the Taliban took power.¹³⁹⁸

The above means that even before the Taliban took power, the official number of Afghan refugees in both countries did not reflect the actual number of Afghan individuals qualifying as refugees by international standards.¹³⁹⁹ In addition, there are doubts about the reliability of these Pakistani and Iranian figures. The Pakistani authorities did not provide up-to-date information on the number of Afghan refugees in Pakistan to UNHCR and the authorities of Iran lowered the estimate of the number of registered Afghan refugees in Iran in 2020 without consulting UNHCR.¹⁴⁰⁰ As well as the registered refugees, there were 568,000 Afghan passport holders in Iran who had family passports¹⁴⁰¹ or a valid visa. In addition, there were an estimated two million undocumented Afghans in Iran.¹⁴⁰² In Pakistan there were about 1.5 million undocumented Afghans.¹⁴⁰³ In 2017, Pakistan granted Afghan Citizenship Cards (ACCs) to 878,000 undocumented Afghans with IOM assistance. The ACC provides Afghans with access to healthcare and education and protects them from arrest and deportation.¹⁴⁰⁴ However, these cards expired on 30 June 2020 and have not been renewed since.¹⁴⁰⁵

¹³⁹¹ Amnesty International, Afghanistan: Country must have access to funds to avoid humanitarian disaster, 23 November 2021.

¹³⁹² UNHCR, Afghanistan Situation, last update 31 December 2020, last accessed 8 July 2021.

¹³⁹³ UNHCR, Afghanistan Situation, last update 31 December 2020, last accessed 8 July 2021.

¹³⁹⁴ UNHCR, Iran Help: Are you a person that UNHCR Iran can support?, undated, last accessed 30 December 2021.

¹³⁹⁵ UNHCR Pakistan, Government delivered first new Proof of Registration smartcards to Afghan refugees, 25 May 2021.

¹³⁹⁶ UNHCR Pakistan, Asylum System in Pakistan, undated, last accessed 27 July 2021.

¹³⁹⁷ UNHCR, PoR card renewal, verification exercise for Afghan refugees postponed due to COVID-19, 31 March 2021; UNHCR, DRIVE Pakistan: Verification Exercise Update (November 2021), 13 December 2021.

¹³⁹⁸ Confidential source, 26 July 2021.

¹³⁹⁹ Confidential source, 26 July 2021.

¹⁴⁰⁰ Confidential source, 26 July 2021. See also: UNHCR, Refugees in Iran, undated, last accessed 27 July 2021. On this page UNHCR states: 'According to the latest figures communicated by the Government in October 2020, on which consultations are ongoing, 800,000 refugees live in Iran, of which 780,000 are Afghans and 20,000 are Iraqis.'

¹⁴⁰¹ These are old Afghan passports, in which women and children were still included in the passport of the head of the family.

¹⁴⁰² Confidential source, 26 July 2021.

¹⁴⁰³ Confidential source, 26 July 2021.

¹⁴⁰⁴ Confidential source, 6 December 2021; Confidential source, 8 December 2021.

¹⁴⁰⁵ Confidential source, 8 December 2021.

Since the Taliban took power, neither Pakistan nor Iran have taken any action to assess asylum applications from newly arrived Afghans or from Afghans already settled in Pakistan and Iran. According to a source, the Pakistani authorities have made no efforts to verify whether Afghans who have travelled to Pakistan since 15 August 2021 are eligible for protection.¹⁴⁰⁶ In Pakistan, Afghans with concerns about their safety can contact UNHCR. UNHCR carries out pre-screening and provides Afghans who qualify for protection under the UN Refugee Convention with asylum seeker certificates.¹⁴⁰⁷ These certificates provide protection against deportation by the Pakistani authorities.¹⁴⁰⁸ In the first three months after the fall of Kabul, 50,000 Afghans had registered with UNHCR and UNHCR had issued 1,500 certificates.¹⁴⁰⁹ In general, according to a source, there is for UNHCR in Pakistan currently little capacity to offer protection to newly arrived Afghan newcomers who might qualify for it.¹⁴¹⁰ UNHCR does not conduct pre-screening in Iran. According to UNHCR, in Iran the Bureau for Aliens and Foreign Immigrant Affairs (BAFIA) is responsible for registering asylum-seekers and processing asylum applications. However, in December 2021 this agency had not yet decided on its policy regarding new Afghan asylum-seekers, according to UNHCR.¹⁴¹¹

5.1.2 *Travel restrictions imposed by Iran and Pakistan*

The official border crossings between Afghanistan and Iran are Islam Qala-Taybad, Abu Nasr Farahi-Mahirud and Zaranj-Milak. Islam Qala-Taybad is regarded as the most important of these three crossings. In April 2021, Iran temporarily closed the entire border to travellers from Afghanistan due to Covid-19.¹⁴¹² It is not clear exactly when the border reopened, but in June 2021 two border crossings between Iran and Afghanistan were reopened to two-way traffic for citizens.¹⁴¹³ Since the Taliban took control of the border posts on the Afghan side, some of these have remained open for trade with Iran.¹⁴¹⁴ The Iranian authorities closed border crossings several times in August 2021 due to developments in Afghanistan and to contain the spread of the coronavirus.¹⁴¹⁵

The official border crossings between Afghanistan and Pakistan are Spin Boldak-Chaman and Torkham. Spin Boldak is located to the south of Kandahar. Torkham is a city in Pakistan, connecting the Afghan province of Nangarhar with the tribal zone in the Khyber Pakhtunkhwa province of Pakistan. Pakistan temporarily closed the Chaman border post in June 2021,¹⁴¹⁶ and the Torkham border post in July 2021.¹⁴¹⁷ Pakistan cited Covid-19 as the reason for the closures. The closure of the Chaman border post coincided with heavy fighting between the Taliban and the Afghan army around this border post. After the Taliban took over this border post in July, it was closed again by Pakistan. However, it was reopened to foot traffic in late July 2021 following negotiations between Pakistan and the Taliban.¹⁴¹⁸ During this period, the Pakistani president announced that if the Taliban came to power he

¹⁴⁰⁶ Confidential source, 8 December 2021.

¹⁴⁰⁷ UNHCR, Help Pakistan: Asylum in Pakistan, undated, last accessed 30 December 2021; UNHCR Pakistan, Asylum system in Pakistan, undated, last accessed 30 December 2021.

¹⁴⁰⁸ Confidential source, 6 December 2021.

¹⁴⁰⁹ Confidential source, 6 December 2021.

¹⁴¹⁰ Confidential source, 6 December 2021.

¹⁴¹¹ UNHCR, Iran Help: Are you a new arrival from Afghanistan?, undated, last accessed 30 December 2021.

¹⁴¹² Confidential source, 26 July 2021; AA, Iran, Afghanistan border closed amid COVID-19 fears, 29 April 2021.

¹⁴¹³ IOM, COVID-19 Point of Entry Monitoring | Afghanistan, 22 June 2021.

¹⁴¹⁴ Confidential source, 17 August 2021.

¹⁴¹⁵ Middle East Monitor, Iran closes border crossing with Afghanistan amid Afghan exodus, 7 August 2021; Khaama, Iran closes border with Afghanistan amid heavy conflicts, 8 August 2021.

¹⁴¹⁶ AsiaNews.it, As COVID-19 spreads in Afghanistan, Pakistan closes its borders, 18 June 2021.

¹⁴¹⁷ RFE/RL, Pakistan Closes Key Border Crossing With Afghanistan, Citing COVID-19 Concerns, 6 July 2021; Garda, Afghanistan, Pakistan: Authorities close Torkham border crossing as of July 16 due to COVID-19 concerns, 16 July 2021.

¹⁴¹⁸ RFE/RL, Trade-Hindering Turmoil On Afghan-Pakistan Border Is Just Part Of Problem, 23 July 2021.

would close the borders with Afghanistan in order to protect Pakistani national interests.¹⁴¹⁹ The Pakistani foreign minister indicated that Pakistan did not have sufficient capacity to cope with the expected influx of Afghan refugees.¹⁴²⁰

The Pakistani authorities have built a fence along almost the entire Afghan border, making it more difficult for Afghans to cross the border at informal crossings.¹⁴²¹ The border between Pakistan and Afghanistan is 2,600 kilometres long. In January 2022, the Pakistani authorities stated that 94% of this border had been sealed with fences.¹⁴²² Official border crossings for the most part remained closed for three months after the fall of Kabul. The border crossing at Torkham was almost completely closed and the Chaman border crossing was also closed several times.¹⁴²³ At Torkham, only Afghan students¹⁴²⁴ and Afghans who wanted to go to Pakistan for medical reasons were allowed to enter the country.¹⁴²⁵ At Chaman, in addition to these two categories, the Pakistani authorities also allowed Afghans with a tazkera from Kandahar to cross the border.¹⁴²⁶ Since the end of October, Pakistan has admitted Afghans with a valid passport and a Pakistani visa.¹⁴²⁷ A visa could be applied for online or in person and was free.¹⁴²⁸ Pakistan also announced at the end of 2021 that children under the age of eight would not need a passport to enter Pakistan if their parents had a passport and visa.¹⁴²⁹ This was still the case in January 2022. According to a source, parents were also not required to provide other documents (such as a birth certificate) to prove that the minors were their children. According to this source, the Pakistani authorities asked a few questions to establish the relationship between the parents and the child.¹⁴³⁰

After the fall of Kabul, Afghans could only cross the Iranian border with a valid passport and visa.¹⁴³¹ From 22 August 2021, Dogharun/Islam Qala and Mahirud/Abu Nasr-e Farahi remained closed to Afghan asylum-seekers and undocumented Afghans.¹⁴³² Iran only allowed entry to Afghans at these border crossings if they had a passport and a visa.¹⁴³³ At the Milak/Zaranj border crossing, Iran only allowed business travellers who had passports and visas to enter. On 25 December, the Iranian authorities announced a two-week lockdown at all national borders to prevent the spread of the omicron variant of the Covid-19 virus.¹⁴³⁴ On 9 January 2022, the Iranian authorities reopened the borders to Afghan travellers with a valid visa.¹⁴³⁵

¹⁴¹⁹ Hindustan Times, Pakistan will shut its border with Afghanistan in 'national interest' if Taliban takes over post-US withdrawal, 27 July 2021.

¹⁴²⁰ Hindustan Times, Pakistan will shut its border with Afghanistan in 'national interest' if Taliban takes over post US withdrawal, 27 July 2021.

¹⁴²¹ The New York Times, Afghans Flee to Pakistan. An Uncertain Future Awaits., 1 November 2021.

¹⁴²² Ariana News, Pakistan completes 94% of border fence, despite 'isolated' incidents, 6 January 2022; TOLO News, Durand Line Fencing 94% Completed: Pakistan, 6 January 2022.

¹⁴²³ Foreign Policy, Afghan Refugees Get Cold Welcome in Pakistan, 22 November 2021; Confidential source, 6 December 2021.

¹⁴²⁴ Confidential source, 6 December 2021.

¹⁴²⁵ UNHCR, News Comment: UNHCR: Afghans struggle to seek safety as borders remain shut to most, 1 December 2021; Confidential source, 6 December 2021.

¹⁴²⁶ Confidential source, 6 December 2021; TNS, Barbed borders, 31 October 2021.

¹⁴²⁷ Confidential source, 6 December 2021; Confidential source, 8 December 2021; Al Jazeera, Pakistan eases travel restrictions, announces aid for Afghanistan, 22 October 2021.

¹⁴²⁸ Al Jazeera, Pakistan eases travel restrictions, announces aid for Afghanistan, 22 October 2021.

¹⁴²⁹ Confidential source, 6 December 2021.

¹⁴³⁰ Confidential source, 25 January 2022.

¹⁴³¹ UNHCR, Flash External Update: Afghanistan Situation #10, As of 15 November 2021 (two-week period), 22 November 2021.

¹⁴³² UNHCR, Iran new arrivals from Afghanistan, 22 January 2022.

¹⁴³³ UNHCR, Iran new arrivals from AfghanistanIRAN , 22 January 2022.

¹⁴³⁴ Garda World, Iran: Authorities close all land borders as of Dec. 25 for two weeks to combat the rise in COVID-19 Omicron variant /update 50, 25 December 2021.

¹⁴³⁵ UNHCR, Afghanistan situation: Emergency preparedness and response in Iran, 23 January 2022.

5.1.3 *Travel movements to Iran and Pakistan*

Travel movements before the Taliban takeover

Despite travel restrictions, both legal and illegal travel movements to and from Iran and Pakistan took place before and after the Taliban takeover.¹⁴³⁶ Before 15 August, there were about twenty to forty thousand travel movements to Pakistan through official border crossings every day.¹⁴³⁷ These were mainly for short-term stays, for example for economic activities or family visits.¹⁴³⁸ Every year, between 750,000 and a million Afghans – especially young men – travelled to Iran to work or to travel on to Turkey and Europe. From May 2021, there were also many families doing the same.¹⁴³⁹ From 1 May onwards, twenty to thirty thousand individuals migrated every week, including a significant number of families.¹⁴⁴⁰ Most migrants who took part in an IOM survey said they were migrating in search of work. They came mainly from the provinces of Kabul, Balkh, Baghlan, Sar-e Pul, Takhar, Kunduz, Faryab, Badghis, Herat, Ghor, Ghazni, Wardak, Laghman and Nangarhar.¹⁴⁴¹ Many Afghans who wanted to go to Iran left the country via Zaranj,¹⁴⁴² the capital of Nimroz province and a hub for people smuggling, before travelling to Iran through the city of Dak in Pakistan's inhospitable province of Balochistan.¹⁴⁴³ Since the escalation of violence in Afghanistan in the spring of 2021, about ten thousand Afghans a day have left Zaranj in smuggling vehicles, according to researcher David Mansfield.¹⁴⁴⁴

Travel movements since the Taliban takeover

About 300,000 Afghans fled to Pakistan between mid-August and mid-December, according to the Pakistani authorities. 105,000 Afghans came to Pakistan with a valid passport and visa. The rest entered Pakistan illegally.¹⁴⁴⁵ According to UNHCR, in 2021 as a whole (1 January to 13 December), 63,810 Afghans reported to UNHCR in Pakistan for protection.¹⁴⁴⁶ Afghans enter Pakistan illegally with the help of smugglers via informal border crossings. According to a confidential source, the price to be smuggled from Afghanistan to Pakistan doubled after 15 August, suggesting an increase in demand for smugglers. Most Afghans attempting to enter Pakistan illegally travel through the mountains in the north or the desert in the south.¹⁴⁴⁷ Pakistan deported about 1,800 Afghans in September and October 2021, according to UNHCR (for more details, see Chapter 6).¹⁴⁴⁸ Since late October 2021, when border crossings with Pakistan reopened to travellers with valid passports and visas, much of the normal circular traffic to and from Pakistan has also resumed. A source stated that there had been tens of thousands of travel movements through

¹⁴³⁶ RFE/RL, 'We Don't Have A Choice': Thousands Of Afghans Fleeing Abroad Daily As Taliban Violence Soars', 26 July 2021.

During the current reporting period, people were charged and/or convicted on the basis of anonymous witness statements.

¹⁴³⁸ Confidential source, 2 December 2021.

¹⁴³⁹ RFE/RL, 'We Don't Have A Choice': Thousands Of Afghans Fleeing Abroad Daily As Taliban Violence Soars', 26 July 2021.

¹⁴⁴⁰ IOM, geciteerd in: RFE/RL, 'We Don't Have A Choice': Thousands Of Afghans Fleeing Abroad Daily As Taliban Violence Soars', 26 July 2021.

¹⁴⁴¹ IOM, geciteerd in: RFE/RL, 'We Don't Have A Choice': Thousands Of Afghans Fleeing Abroad Daily As Taliban Violence Soars', 26 July 2021.

¹⁴⁴² The New York Times, As Fears Grip Afghanistan, Hundreds of Thousands Flee, 31 July 2021.

¹⁴⁴³ Confidential source, 30 July 2021; NIOC, Human smuggling and trafficking in Pakistan, pp. 4, 7, July 2020.

¹⁴⁴⁴ An independent researcher and expert in the field of drug smuggling in Afghanistan and elsewhere. For more information, see: David Mansfield - Independent Socio-Economist Consultant.

¹⁴⁴⁵ VOA News, More Than 300,000 Afghans Flee to Pakistan Since Taliban Takeover of Afghanistan, 16 December 2021.

¹⁴⁴⁶ UNHCR, Afghanistan Situation, undated, last accessed 30 December 2021.

¹⁴⁴⁷ Confidential source, 8 December 2021.

¹⁴⁴⁸ UNHCR, News Comment: UNHCR: Afghans struggle to seek safety as borders remain shut to most, 1 December 2021.

the Spin Boldak-Chaman border crossing and thousands through Torkham since November.¹⁴⁴⁹

The border with Iran is very porous. The Iranian authorities stated that 500,000 Afghans arrived in Iran in 2021 as a whole.¹⁴⁵⁰ The Norwegian Refugee Council estimated that 300,000 Afghans entered Iran between 15 August and the end of October.¹⁴⁵¹ According to sources, between four and five thousand Afghans a day fled to Iran in November.¹⁴⁵² UNHCR stated that it remained difficult for UNHCR to monitor and verify new arrivals of Afghans in Iran due to the absence of a central registration system and limited access to border areas.¹⁴⁵³ Since September 2021, the percentage of Afghans entering Iran via unofficial routes and smugglers (relative to the total number of Afghans travelling to Iran) has fallen sharply. In September 2021, just over three quarters of Afghans entering Iran through unofficial channels arrived with the aid of smugglers. This proportion fell to one third in December, according to UNHCR.¹⁴⁵⁴ According to another source, thousands of legal, mostly circular, travel movements for economic reasons took place via the Islam Qala border crossing and hundreds via Zaranj.¹⁴⁵⁵ According to UNHCR, 30,000 Afghans reported to UNHCR in Iran for protection in 2021 as a whole.¹⁴⁵⁶

5.1.4 *UNHCR activities in Iran before the Taliban takeover*

Because recognised Afghan refugees had been in Iran for a long time and most of them (96%) lived in host communities in cities,¹⁴⁵⁷ UNHCR's role in hosting refugees and providing humanitarian support was relatively limited before the Taliban takeover. UNHCR supported the Iranian authorities in providing education, medical care, legal aid and economic aid to Afghan refugees.¹⁴⁵⁸ UNHCR also offered protection to vulnerable Afghan individuals who were not registered as refugees in Iran, but who could be classified as such under the Refugee Convention.¹⁴⁵⁹ UNHCR advocated internationally for the resettlement of refugees from Iran to third countries.¹⁴⁶⁰ UNHCR also facilitated voluntary returns to Afghanistan,¹⁴⁶¹ although it said it did not encourage this choice due to the unstable situation in Afghanistan.¹⁴⁶²

5.1.5 *UNHCR activities in Pakistan before the Taliban takeover*

Pakistan has not ratified the UN Refugee Convention. Under an agreement signed forty years ago between Pakistan and UNHCR, UNHCR has provided humanitarian aid to Afghan refugees and host communities in Pakistan for four decades. UNHCR ran 54 refugee villages in Pakistan, although seventy percent of Pakistan's Afghan refugees live in cities.¹⁴⁶³ Since 2009, UNHCR has implemented the Refugee-Affected and Hosting Areas (RAHA) programme to

¹⁴⁴⁹ Confidential source, 14 December 2021.

¹⁴⁵⁰ UNHCR, Afghanistan situation: Emergency preparedness and response in Iran, 23 January 2022.

¹⁴⁵¹ Norwegian Refugee Council, Humanitarian needs in Iran rise as 300,000 Afghans arrive since Taliban takeover, 10 November 2021.

¹⁴⁵² Norwegian Refugee Council, Humanitarian needs in Iran rise as 300,000 Afghans arrive since Taliban takeover, 10 November 2021.

¹⁴⁵³ UNHCR, Afghanistan situation: Emergency preparedness and response in Iran, 23 January 2022.

¹⁴⁵⁴ UNHCR, Afghanistan situation: Emergency preparedness and response in Iran, 23 January 2022.

¹⁴⁵⁵ Confidential source, 14 December 2021.

¹⁴⁵⁶ UNHCR, Afghanistan Situation, undated, last accessed 30 December 2021.

¹⁴⁵⁷ UNHCR, Refugees in Iran, undated, last accessed 27 July 2021.

¹⁴⁵⁸ UNHCR Iran, What we do, undated, last accessed 27 July 2021.

¹⁴⁵⁹ Confidential source, 26 July 2021.

¹⁴⁶⁰ UNHCR, Refugees in Iran, undated, last accessed 27 July 2021.

¹⁴⁶¹ UNHCR Iran, Voluntary Repatriation, undated, last accessed 27 July 2021.

¹⁴⁶² UNHCR Iran, Voluntary Repatriation, undated, last accessed 27 July 2021.

¹⁴⁶³ UNHCR Pakistan, Where we work, undated, last accessed 27 July 2021.

alleviate the burden on communities in Pakistan hosting many Afghan refugees.¹⁴⁶⁴ From 2002, UNHCR provided support to Afghan refugees in Pakistan who wished to return to Afghanistan – before the change of power – as part of the world's largest voluntary return programme.¹⁴⁶⁵

5.1.6 *Obstacles to UNHCR activities before the Taliban takeover*

Covid-19 initially made it difficult to provide humanitarian aid, but according to sources, aid provision was made possible again through the application of protocols to combat Covid-19.¹⁴⁶⁶ However, prior to the Taliban takeover, UNHCR suffered from a severe lack of resources to provide the required humanitarian support to Afghan refugees and Afghan host communities in Iran and Pakistan.¹⁴⁶⁷ A lack of willingness among other countries to take on Afghans hosted in Iran and Pakistan led to increased resistance to taking in Afghan refugees, according to a confidential source. This hampered the provision of aid to these refugees, according to this source.¹⁴⁶⁸

5.2 **Afghan refugees in Tajikistan and Uzbekistan**

The high level of violence in northern Afghanistan led to an increase in the number of Afghan refugees in neighbouring Tajikistan before the Taliban took power.¹⁴⁶⁹ Before the spring, there were about seven thousand Afghans in Tajikistan. Between April 2021 and the fall of Kabul, they were joined by three thousand more Afghans who had managed to obtain a visa for Tajikistan, according to the news organisation Eurasianet.¹⁴⁷⁰ In July 2021, the Tajik authorities said they had taken in a thousand Afghan refugees.¹⁴⁷¹ The Tajik government initially indicated its willingness to take in a hundred thousand Afghan refugees in the event of further escalation of the conflict,¹⁴⁷² and began building refugee camps on the border with Afghanistan.¹⁴⁷³ Tajikistan also temporarily housed hundreds of Afghan soldiers fleeing the Taliban.¹⁴⁷⁴

However, Tajikistan decided not to take in any refugees after the Taliban took power.¹⁴⁷⁵ Since the fall of Kabul, Afghanistan's land borders with its northern neighbours Tajikistan and Uzbekistan have been completely closed,¹⁴⁷⁶ apart from the admission of a small number of women and children into Tajikistan.¹⁴⁷⁷ In October, however, a representative of the Tajik security agency stated that there were 15,000 Afghan refugees in Tajikistan.¹⁴⁷⁸ About

¹⁴⁶⁴ UNHCR Pakistan, Refugee-affected and hosting areas, undated, last accessed 27 July 2021.

¹⁴⁶⁵ UNHCR Pakistan, UNHCR in Pakistan, undated, last accessed 27 July 2021.

¹⁴⁶⁶ Confidential source, 26 July 2021.

¹⁴⁶⁷ UNHCR, UNHCR warns of imminent humanitarian crisis in Afghanistan, 13 July 2021; Confidential source, 6 July 2021.

¹⁴⁶⁸ Confidential source, 26 July 2021.

¹⁴⁶⁹ Reuters, Tajikistan takes in over 1,000 Afghan refugees, 7 July 2021; Confidential source, 26 July 2021; Confidential source, 6 July 2021.

¹⁴⁷⁰ Eurasianet, Afghan refugees hope Tajikistan is just a pit stop, 15 October 2021.

¹⁴⁷¹ Reuters, Tajikistan takes in over 1,000 Afghan refugees, 7 July 2021; Confidential source, 26 July 2021.

¹⁴⁷² Reuters, Tajikistan says it's ready to take in up to 100,000 Afghan refugees, 23 July 2021; RFE/RL, Tajikistan Says It's Ready To Shelter Up To 100,000 Refugees From Afghanistan, 23 July 2021.

¹⁴⁷³ Sputnik News, Construction of Camp for Afghan Refugees Begins in Southern Tajikistan, 30 July 2021.

¹⁴⁷⁴ Reuters, Tajikistan takes in over 1,000 Afghan refugees, 7 July 2021.

¹⁴⁷⁵ The Diplomat, What Explains Tajikistan's Evolving Position on Afghan Refugees?, 22 September 2021.

¹⁴⁷⁶ UNHCR, News Comment: UNHCR: Afghans struggle to seek safety as borders remain shut to most, 1 December 2021.

¹⁴⁷⁷ Eurasianet, Afghan refugees hope Tajikistan is just a pit stop, 15 October 2021.

¹⁴⁷⁸ Eurasianet, Afghan refugees hope Tajikistan is just a pit stop, 15 October 2021.

13,000 Afghan refugees arrived in Uzbekistan between January and November 2021, according to the Uzbek authorities.¹⁴⁷⁹

5.3 Foreign refugees and asylum-seekers in Afghanistan (situation before the Taliban takeover)

As of March 2021, there were about 72,000 foreign asylum-seekers and refugees in Afghanistan, mainly in the provinces of Paktika, Khost and Kabul.¹⁴⁸⁰ Most of them were Pakistanis who came to Afghanistan in 2014 to flee the violence in the Pakistani province of North Waziristan.¹⁴⁸¹ The majority of these individuals were living in host communities,¹⁴⁸² but there was also a significant number of refugees from North Waziristan living in the Gulan camp in Khost on the Afghanistan-Pakistan border.¹⁴⁸³ According to a source, Afghan host communities generally received these refugees hospitably, partly because of tribal solidarity.¹⁴⁸⁴ However, refugees from North Waziristan had limited access to healthcare and education due to the low presence of these services in Khost and Paktika and the poor financial position of the refugees. With regard to education, there was also a lack of willingness among parents to educate children, especially daughters.¹⁴⁸⁵ The economic position and access to income of this group of refugees worsened due to Covid-19.¹⁴⁸⁶ According to UNHCR, as well as the large group of refugees from North Waziristan, there were also 380 refugees and asylum-seekers from eight different countries (including Turkey and Iran) who had registered individually as asylum-seekers at UNHCR's office in Kabul.¹⁴⁸⁷

5.4 Displacement

IOM monitors the movements of Afghans within, out of and into Afghanistan due to both the armed conflict and natural disasters. IOM indicated that by the end of 2020 there were nearly five million internally displaced persons in Afghanistan,¹⁴⁸⁸ of whom about a fifth had been displaced as a result of natural disasters and the rest by war violence.¹⁴⁸⁹ In 2020, IOM registered the arrival of 864,150 new displaced persons in host communities (arrival internally displaced persons (IDPs)), the departure of 923,508 Afghans from their homes (fled IDPs), and the return of 947,393 displaced persons to their original homes (return IDPs).¹⁴⁹⁰ In 2021 as a whole, nearly 700,000 people were displaced as a result of the conflict.¹⁴⁹¹ Most displacement of this type

¹⁴⁷⁹ UNHCR, Operational Portal: Afghanistan Situation, 30 November 2021, last accessed 31 January 2022.

¹⁴⁸⁰ UNHCR, Islamic Republic of Afghanistan, last update 31 June 2021, last accessed 8 July 2021.

¹⁴⁸¹ Arab News, Six years on, 12,000 Pakistani refugee families from North Waziristan stranded in Afghanistan, 30 December 2020.

¹⁴⁸² Confidential source, 26 July 2021.

¹⁴⁸³ Arab News, Six years on, 12,000 Pakistani refugee families from North Waziristan stranded in Afghanistan, 30 December 2020; Confidential source, 26 July 2021.

¹⁴⁸⁴ Confidential source, 26 July 2021.

¹⁴⁸⁵ Confidential source, 26 July 2021.

¹⁴⁸⁶ Confidential source, 26 July 2021.

¹⁴⁸⁷ UNHCR, Afghanistan – Global Focus, undated, last accessed 8 July 2021.

¹⁴⁸⁸ IOM, Displacement Tracking Matrix (DTM) Afghanistan – Round 11, December 2020. See also: IDMC, Afghanistan, last update 31 December 2020, last accessed 8 July 2021.

¹⁴⁸⁹ IOM, DTM Afghanistan: Baseline Mobility Assessment, December 2020.

¹⁴⁹⁰ IOM, DTM Afghanistan: Baseline Mobility Assessment, December 2020.

¹⁴⁹¹ UN OCHA, Afghanistan: Conflict Induced Displacements (as of 27 December 2021): Actual displacements between 1 January 2021 and 22 November 2021, last accessed 30 December 2021.

occurred before the fall of Kabul on 15 August.¹⁴⁹² Since then, there has been virtually no new conflict-related displacement, and many people displaced by the conflict have returned home.¹⁴⁹³ Displacement from other causes such as drought continued after the Taliban took power.¹⁴⁹⁴ In early 2022, IOM stated that there were a total of 5.5 million IDPs in Afghanistan.¹⁴⁹⁵ According to UNHCR, as of 1 December 2021, there were still 3.4 million IDPs as a result of the conflict.¹⁴⁹⁶

5.4.1 *Displacement before the Taliban takeover*

A marked increase in displacement as a result of the conflict

OCHA registered a marked increase in displacement due to war violence between May and August 2021. According to OCHA, 434,857 people were displaced by the conflict in 2020 as a whole.¹⁴⁹⁷ In the first half of 2021 (1 January 2021 to 13 July 2021), the figure was already 329,546.¹⁴⁹⁸ While there was no significant increase in the number of IDPs in November and December 2020, the numbers rose as a result of the conflict in January 2021 and escalated from May onwards.¹⁴⁹⁹ About twenty thousand people were displaced in November 2020 and thirty thousand in December. In January 2021, this rose to around fifty thousand new IDPs per month. In May this number had risen to over eighty thousand and in June to about a hundred thousand.¹⁵⁰⁰ About a quarter of a million Afghans were displaced between May and August 2021, according to the UN.¹⁵⁰¹ Many Afghans from cities and districts under fire from the Taliban fled to Kabul, where they slept in the open.¹⁵⁰² According to the British NGO Save the Children, about 72,000 children arrived in Kabul in the second week of August 2021, seeking to flee the violence in the provinces.¹⁵⁰³

Regions of origin of people displaced as a result of conflict

Kunduz was the province from which the most individuals were displaced in 2020, followed by the provinces of Faryab, Helmand, Baghlan and Takhar.¹⁵⁰⁴ There were also numerous displacements from the provinces of Balkh, Uruzgan and Nangarhar. In the first half of 2021, Kunduz was still one of the provinces from which the most IDPs had fled the fighting, along with Nangarhar and Wardak. Other provinces from which many IDPs originated were Laghman, Helmand, Kandahar, Faryab and Badakhshan.¹⁵⁰⁵ Between 29 April and 24 July, the level of displacement was again highest in Kunduz, with more than eighty thousand cases of displacement.¹⁵⁰⁶ This province was followed by the provinces of Daikundi, Laghman, Nangarhar and Takhar, each

¹⁴⁹² UN OCHA, Afghanistan: Conflict Induced Displacements (as of 27 December 2021): Actual displacements between 1 January 2021 and 22 November 2021, last accessed 30 December 2021.

¹⁴⁹³ Confidential source, 14 December 2021.

¹⁴⁹⁴ IOM, DTM Afghanistan emergency event tracking (12 October – 15 November 2021), 28 November 2021.

¹⁴⁹⁵ ANI, IOM expresses concern over millions of displaced people in Afghanistan, 4 January 2022.

¹⁴⁹⁶ UNHCR, Flash external update: Afghanistan situation #14, 15 February 2022.

¹⁴⁹⁷ OCHA, Afghanistan: Conflict Induced Displacements (as of 25 July 2021), period 1 January 2021 – 13 July 2021, last accessed 27 July 2021.

¹⁴⁹⁸ OCHA, Afghanistan: Conflict Induced Displacements (as of 25 July 2021), last accessed 27 July 2021.

¹⁴⁹⁹ Confidential source, 26 July 2021.

¹⁵⁰⁰ OCHA, Afghanistan: Conflict Induced Displacements (as of 25 July 2021), period 1 January 2021 – 13 July 2021, last accessed 27 July 2021.

¹⁵⁰¹ NPR, A quarter-million people have fled their homes as violence in Afghanistan escalates, 13 August 2021.

¹⁵⁰² The Guardian, Seven days that shook Afghanistan: how city after city fell to the Taliban, 13 August 2021.

¹⁵⁰³ Save the Children, Thousands Of Children Living On The Streets In Kabul After Escaping Violence – Save The Children, 12 August 2021.

¹⁵⁰⁴ Confidential source, 26 July 2021.

¹⁵⁰⁵ OCHA, Afghanistan: Conflict Induced Displacements (as of 04 July 2021), last accessed 8 July 2021.

¹⁵⁰⁶ OCHA, Afghanistan: Conflict Induced Displacements (as of 8 August 2021), last accessed 14 August 2021.

with around twenty thousand departing IDPs.¹⁵⁰⁷ Between 3 July and 24 July 2021, displacement was highest from Kandahar and Kunar provinces (with nearly ten thousand IDPs per province). These provinces were followed by Badghis, Kunduz and Badakhshan. There was less displacement from central Afghanistan, i.e. the provinces of Baghlan, Bamyan, Wardak and Ghazni. However, OCHA stated that the data on Afghanistan were incomplete due to problems with access to certain areas.¹⁵⁰⁸

Other causes of displacement

In 2021 Afghanistan suffered from extreme drought, due to the meteorological phenomenon El Niño.¹⁵⁰⁹ This is likely to have contributed to a further increase in the number of migratory movements within and from Afghanistan.¹⁵¹⁰ President Ghani officially declared a state of emergency on 22 June due to the drought in Afghanistan. Because of the drought, the expected harvest of various products was much lower: rice (-20%), vegetables (-25-30%), fruit (-80%). In addition, a serious shortage of wheat was also expected and it also seemed likely that livestock farming would encounter problems due to the shortage of water. This came on top of the conflict, which reduced harvests and made transportation of goods increasingly difficult. This affected the availability and prices of food. Fourteen million Afghans (out of a population of about forty million) were already facing acute famine by July 2021.¹⁵¹¹ In addition to drought and conflict, other factors contributed to displacement and migration. These included high crime rates (see 4.3.1) and an economic crisis exacerbated by Covid-19.¹⁵¹²

Regions of origin of displaced persons

IOM data on displacement due to various causes shows that Helmand, Kandahar, Faryab, Nangarhar and Farah are the provinces from which most IDPs came between 2012 and 2020.¹⁵¹³ In 2020, most IDPs came from Helmand, Kandahar and Balkh.¹⁵¹⁴

Destination of displaced persons

Two out of three IDPs fled to another location within their own province.¹⁵¹⁵ In 2020, displaced Afghans who had fled the violence mainly went to Kunduz, followed by Takhar, Baghlan and Helmand. In the first half of 2021, these IDPs mainly went to Kunduz and Nangarhar, followed by Wardak and Kandahar. Many IDPs also went to Baghlan, Laghman, Badakhshan, Faryab and Helmand.¹⁵¹⁶ At the end of 2020, Herat province had the highest number of IDPs and Nangarhar province had the highest number of returned IDPs. The districts with the highest number of IDPs and returnees combined were the cities of Herat, Kabul and Lashkar Gah.¹⁵¹⁷

Return of displaced persons

According to IOM, 947,393 IDPs returned to their areas of origin in 2020. Eighty percent of the returned IDPs returned from another place in their own province. The provinces to which the most IDPs returned between 2012 and

¹⁵⁰⁷ OCHA, Afghanistan: Conflict Induced Displacements (as of 8 August 2021), last accessed 14 August 2021.

¹⁵⁰⁸ OCHA, Afghanistan: Conflict Induced Displacements (as of 8 August 2021), last accessed 14 August 2021.

¹⁵⁰⁹ Global Network Against Food Crises, 2021 Global Report on Food Crises, p. 93, 2021.

¹⁵¹⁰ Confidential source, 6 July 2021.

¹⁵¹¹ Confidential source, 6 July 2021; Confidential source, 2 July 2021.

¹⁵¹² Confidential source, 6 July 2021.

¹⁵¹³ IOM, DTM Afghanistan: Baseline Mobility Assessment, December 2020.

¹⁵¹⁴ IOM, DTM Afghanistan: Baseline Mobility Assessment, December 2020.

¹⁵¹⁵ IOM, DTM Afghanistan: Baseline Mobility Assessment, December 2020.

¹⁵¹⁶ OCHA, Afghanistan: Conflict Induced Displacements (as of 04 July 2021), last accessed 8 July 2021.

¹⁵¹⁷ IOM, DTM Afghanistan: Baseline Mobility Assessment, December 2020.

2020 as well as in 2020 alone were Kunduz, Helmand, Takhar, Baghlan and Nangarhar.¹⁵¹⁸ A quarter of the returned IDPs returned to Kunduz. There were very few returns to the provinces of Logar, Laghman and Wardak. More than 85% of the IDPs from these provinces had not returned by the end of 2020.¹⁵¹⁹

5.4.2 *Displacement since the Taliban takeover*

A marked decrease in displacement as a result of the conflict

In 2021 (1 January to 22 November 2021), 690,248 individuals were displaced as a result of the conflict.¹⁵²⁰ Nearly all of these conflict-related displacement cases occurred before September 2021. In August, 15,847 individuals were displaced and in September there were 13,349 new cases of displacement (by way of comparison, in July there were 260,237 new cases of displacement). In October, the number dropped to 1,421 new cases of displacement.¹⁵²¹ The number of provinces from which IDPs originated also decreased during the year. In August, there were still displacements from 21 of Afghanistan's 34 provinces, with many people leaving the provinces of Herat, Badghis and Kunduz in particular. Kabul was the main destination for IDPs that month, followed by Herat. In September there was still conflict-related displacement from twelve provinces. More than a third of these IDPs (5,348 out of 13,349) were from Panjshir province, followed by the provinces of Daikundi (2,856) and Herat (2,280). Kabul remained the main destination for IDPs, followed by the provinces of Daikundi and Herat. In October there was conflict-related displacement from two provinces: Ghor (1,351) and Badghis (70). In Ghor most people left from Shahrak district (1,246) and in Badghis everyone left from Qala-i Naw district. The main destination was the province of Herat.¹⁵²² Of the nearly 700,000 newly displaced persons as a result of the conflict from 2021, about 170,000 had returned home by February 2022, according to UNHCR.¹⁵²³

Persistent displacement due to other causes

IOM data showed that non-conflict-related displacement continued after the Taliban took power. Between 12 October and 15 November 2021, 9,608 communities in 355 districts in Afghanistan were asked how many people there were in their communities at that time who had arrived from other communities since August 2021. The total came to 1,165,458 individuals (159,039 families). Kabul and Baghlan received most of these IDPs. The communities surveyed stated that 1,313,359 individuals who had left their communities since August had not returned. Kabul, Mazar-i Sharif and Herat were the districts from which most individuals had left.¹⁵²⁴ The main shocks communities had to deal with in October were natural disasters (especially drought), a fall in incomes, job losses and rising food prices.¹⁵²⁵

Return of displaced persons

¹⁵¹⁸ IOM, DTM Afghanistan: Baseline Mobility Assessment, December 2020.

¹⁵¹⁹ IOM, DTM Afghanistan: Baseline Mobility Assessment, December 2020.

¹⁵²⁰ UN OCHA, Afghanistan: Conflict Induced Displacements (as of 27 December 2021): Actual displacements between 1 January 2021 and 22 November 2021, last accessed 30 December 2021.

¹⁵²¹ UN OCHA, Afghanistan: Conflict Induced Displacements (as of 27 December 2021): Actual displacements between 1 January 2021 and 22 November 2021, last accessed 30 December 2021.

¹⁵²² UN OCHA, Afghanistan: Conflict Induced Displacements (as of 27 December 2021): Actual displacements between 1 January 2021 and 22 November 2021, last accessed 30 December 2021.

¹⁵²³ UNHCR, Flash external update: Afghanistan situation #14, 15 February 2022.

¹⁵²⁴ IOM, DTM Afghanistan emergency event tracking (12 October – 15 November 2021), 28 November 2021.

¹⁵²⁵ IOM, DTM Afghanistan emergency event tracking (12 October – 15 November 2021), 28 November 2021.

According to sources, individuals displaced due to the conflict and other causes have been returning since the Taliban took power.¹⁵²⁶ About 170,000 people displaced by the conflict returned.¹⁵²⁶ With regard to displacement due to various causes, on balance people seem to have been returning since 15 August 2021. The communities surveyed by IOM between October and November stated that since August, 2,059,774 individuals who left their own communities before August 2021 had returned. The provinces to which most individuals returned were Faryab, Kandahar and Jawzjan. On balance, therefore, from August onwards there were more returns than new displacements.¹⁵²⁷ IOM data from December 2021 confirmed this picture. The communities surveyed by IOM in December stated that 1,292,109 individuals who had left their communities since August had not yet returned. At the same time, these communities stated that 2,194,472 people who had left before August had returned since August.¹⁵²⁸

5.4.3

UNHCR activities in Afghanistan

UNHCR provided humanitarian assistance and protection to IDPs before the Taliban takeover and worked with the Afghan authorities to facilitate the voluntary, safe and dignified return of Afghan refugees and IDPs to their own communities. In July 2021, UNHCR identified forty locations in Afghanistan that had priority for the return of IDPs, the so-called Priority Areas of Return and Reintegration (PARRs).¹⁵²⁹ In these regions, returnees, IDPs and the local community live side by side.¹⁵³⁰ UNHCR and the Afghan government provided humanitarian assistance in these areas, along with activities aimed at promoting economic development and social cohesion. In this work UNHCR and the Afghan government collaborated with private parties (notably the Afghanistan Chamber of Commerce and Industry), other UN agencies and development organisations. In addition, UNHCR helped the Afghan authorities register and receive foreign refugees and coordinate dialogues between Afghanistan, Iran and Pakistan on the refugee and IDP crisis.¹⁵³¹ UNHCR also contributed to measures to combat the coronavirus pandemic in 2021.¹⁵³² Nevertheless, in March 2021 Amnesty International stated that IDPs in Afghanistan remained extremely vulnerable to the medical and economic consequences of Covid-19.¹⁵³³ UNHCR also stated that it was continuing to provide humanitarian support under the #stayanddeliver initiative after the Taliban took power.¹⁵³⁴ From November, it started bringing in relief supplies via airlifts from Qatar,¹⁵³⁵ and by trucks via Uzbekistan.¹⁵³⁶ From August 2021 to 15 December 2021, UNHCR provided humanitarian assistance to 700,000 individuals.¹⁵³⁷

¹⁵²⁶ Confidential source, 14 December 2021; confidential source, 2 December 2021.

¹⁵²⁷ IOM, DTM Afghanistan emergency event tracking (12 October – 15 November 2021), 28 November 2021.

¹⁵²⁸ IOM, DTM Afghanistan emergency event tracking (1 December – 19 December 2021),

¹⁵²⁹ Confidential source, 26 July 2021. See also: UNHCR, Afghanistan Priority Areas of Return and Reintegration, August 2020 The PARRs are: Jebrial, Kahdistan, Noor Abad, Sakhi Camp & Qalin Bafan, Shash Pool, Qashqa, Sher Khan, Bandar, Laghmani, Aka Khail Area, Qala-e-Nasro & Bini Warsak, Ustad Khalillullah Khalili, Ghaziabad, Tarakhail Daag, Aziz Khan Kas, Charbagh, Daman, Majboorabad, Shekh Mesri, Loya Wala, Mirwais Mina.

¹⁵³⁰ UNHCR, Afghanistan Priority Areas of Return and Reintegration, August 2020.

¹⁵³¹ UNHCR, 2021 Planning Summary – Operation: Afghanistan, 12 January 2021.

¹⁵³² UNHCR, 2021 Planning Summary – Operation: Afghanistan, 12 January 2021.

¹⁵³³ Amnesty International, Afghanistan: Country's four million internally displaced need urgent support amid pandemic, 31 March 2021.

¹⁵³⁴ UNHCR, Despite brutal attack, UNHCR will stay and deliver in Afghanistan, 27 August 2021.

¹⁵³⁵ UNHCR, UNHCR begins airlifting aid to Kabul, 2 November 2021.

¹⁵³⁶ UNHCR, Flash External Update: Afghanistan Situation #12 – As of 15 December 2021 (two-week coverage period), undated.

¹⁵³⁷ UNHCR, Flash External Update: Afghanistan Situation #12 – As of 15 December 2021 (two-week coverage period), undated.

5.4.4

Obstacles to UNHCR activities in Afghanistan

In early 2021, UNHCR experienced a severe shortage in funds to provide needed humanitarian support to IDPs in Afghanistan.¹⁵³⁸ The security situation also limited access to a number of areas where humanitarian assistance was required. Although the Taliban generally granted humanitarian organisations access – after negotiating with them – to areas it already controlled before its large-scale offensive, fighting reduced access for aid workers.¹⁵³⁹ Since the Taliban took power, UN agencies have had 'broad humanitarian access', including access to Afghan provinces where UN agencies had not been for years.¹⁵⁴⁰ Financial restrictions on Afghanistan (the freezing of Afghan reserves, disruption to banking transactions, the cessation of international development cooperation efforts and sanctions on the Taliban) limited the capacity of UN agencies and other actors to respond to the humanitarian crisis.¹⁵⁴¹ On 22 December 2021, the UN Security Council adopted a resolution to facilitate humanitarian aid to Afghanistan by excluding this type of support from the sanctions regime.¹⁵⁴²

¹⁵³⁸ UNHCR, UNHCR warns of imminent humanitarian crisis in Afghanistan, 13 July 2021; Confidential source, 6 July 2021.

¹⁵³⁹ Confidential source, 6 July 2021.

¹⁵⁴⁰ UNAMA, Briefing by special representative Deborah Lyons to the Security Council, 17 November 2021.

¹⁵⁴¹ Amnesty International, Afghanistan: Country must have access to funds to avoid humanitarian disaster, 23 November 2021.

¹⁵⁴² United Nations, Security Council Unanimously Adopts Resolution 2615 (2021), Enabling Provision of Humanitarian Aid to Afghanistan as Country Faces Economic Crisis, 22 December 2021.

6 Returns

This chapter examines the situation of returnees to Afghanistan from the Netherlands and from the countries neighbouring Afghanistan. There have been no forced returns from Europe since the Taliban took power.¹⁵⁴³ However, Afghans have been deported on a large scale – and to a very limited extent returned voluntarily¹⁵⁴⁴ – from neighbouring countries, especially Iran.¹⁵⁴⁵ UNHCR advised against returning to Afghanistan in August 2021.¹⁵⁴⁶ This advice was still current in December 2021.¹⁵⁴⁷

6.1 Returns from the Netherlands before the Taliban takeover

6.1.1 *Agreements between the Netherlands and Afghanistan regarding return*

As mentioned in the previous country report, cooperation between the Netherlands and Afghanistan on returns was based on a memorandum of understanding (MoU) from 2003. This trilateral memorandum was signed by the Netherlands, the Afghan government of the time and UNHCR and made forced returns possible, provided relevant humanitarian considerations were taken into account.¹⁵⁴⁸ Agreements were also made at EU level with former Afghan governments on cooperation in the area of migration and return. On 26 April 2021, the EU signed the Joint Declaration on Migration Cooperation with Afghanistan,¹⁵⁴⁹ which replaced the 2016 EU-Afghanistan Joint Way Forward on Migration Issues.¹⁵⁵⁰ This European initiative complemented the arrangements under the MoU between the Netherlands and Afghanistan.¹⁵⁵¹ The status of these agreements since the Taliban took power is unclear.

On 11 August 2021, the Dutch government decided to suspend deportations for at least six months, as did a number of other European countries.¹⁵⁵² This decision formally came into effect on 26 August 2021 and was extended for six months on 26 February 2022.¹⁵⁵³ Since 15 August 2021, there have been no forced returns of Afghans from the Netherlands or from elsewhere in the EU.¹⁵⁵⁴

¹⁵⁴³ Confidential source, 2 December 2021.

¹⁵⁴⁴ Confidential source, 14 December 2021.

¹⁵⁴⁵ UNHCR, News Comment: UNHCR: Afghans struggle to seek safety as borders remain shut to most, 1 December 2021.

¹⁵⁴⁶ UNHCR, UNHCR position on returns to Afghanistan, August 2021.

¹⁵⁴⁷ Confidential source, 14 December 2021.

¹⁵⁴⁸ Dutch Ministry of Foreign Affairs, General country of origin information report on Afghanistan, November 2020 (Dutch only), p. 96; Tripartite Memorandum of Understanding (the MoU) between the Islamic Transitional State of Afghanistan, the Government of the Netherlands and the United Nations High Commissioner for Refugees (UNHCR). See: [kst-19637-732-b1.pdf](#); [schriftelijk-overleg-raad-buitenlandse-zaken-van-10-mei-2021 \(2\).pdf](#)

¹⁵⁴⁹ Agence Europe, EU and Afghanistan extend cooperation in fight against illegal migration, 27 April 2021.

¹⁵⁵⁰ IEU.Monitoring, Migration: EU and Afghanistan sign Joint Declaration on Cooperation, 26 April 2021. For the text of the Joint Way Forward, see: European Union and Islamic Republic Afghanistan, Joint Way Forward on migration issues between Afghanistan and the EU, 2016.

¹⁵⁵¹ Dutch Ministry of Foreign Affairs, Verslag van een schriftelijk overleg, May 2021; Confidential source, 18 June 2021; Dutch Ministry of Foreign Affairs, Kamerbrief aangaande de toekomstige inzet en hulp aan Afghanistan, 18 June 2021.

¹⁵⁵² NOS, Nederland zet voorlopig geen Afghanen uit, 11 August 2021.

¹⁵⁵³ IND, Besluit- en vertrekmoratorium Afgaanse asielaanvragen verlengd, 25 February 2022.

¹⁵⁵⁴ Confidential source, 2 December 2021.

6.1.2 *Number of returnees from the Netherlands to Afghanistan*

The Netherlands collaborated with IOM to facilitate voluntary returns to Afghanistan, and with the European Return and Reintegration Network (ERRIN)¹⁵⁵⁵ to provide reintegration support to forced returnees under certain conditions. In 2020, IOM facilitated the voluntary return of ten Afghans. Between January and July 2021, this figure was twelve.¹⁵⁵⁶ Since 2020, forced returns from the Netherlands have been largely suspended due to the coronavirus pandemic.¹⁵⁵⁷ There was one forced return from the Netherlands to Afghanistan between January and July 2021.¹⁵⁵⁸

6.1.3 *Support for returnees from the Netherlands*

Voluntary returnees from the Netherlands received return and reintegration support from IOM, provided they met a number of criteria.¹⁵⁵⁹ Reintegration support was determined on the basis of a reintegration plan and could amount to as much as 1,800 euros for adult returnees and 2,800 euros for minor returnees. The majority of this amount was paid out 'in kind', for example in the form of training or goods. Returnees could choose to have 300 euros paid in cash. This sum was deducted from the total amount.¹⁵⁶⁰ Forced returnees could – under certain conditions – make use of programmes offered under the ERRIN programme. In Afghanistan, the NGO IRARA provided this support,¹⁵⁶¹ which consisted of assistance on arrival, such as temporary accommodation and transport from the airport to this accommodation, and long-term reintegration support, such as long-term accommodation, training or job search assistance.¹⁵⁶² A survey by the Mixed Migration Centre (MMC), a research organisation of the Danish Refugee Council focusing on migration, conducted among 49 Afghans returning from Europe showed that just under half of the returnees actually received return support.¹⁵⁶³ Several smaller-scale qualitative studies with Afghans returning from European countries confirmed this picture.¹⁵⁶⁴ The MMC did not provide any insight into the reason for the lack of return support.

6.1.4 *Arrival at the airport*

The sources consulted did not state that returnees from Europe were systematically subjected to violence or ill-treatment by the Afghan authorities on their arrival at the airport.¹⁵⁶⁵ In a study of more than a hundred Afghan returnees from Germany, anthropologist Friederike Stahlmann identified the case of a returnee from Germany who had been identified as 'dangerous' by the German authorities and who was subsequently arrested, detained and ill-treated by the Afghan authorities on arrival at the airport.¹⁵⁶⁶ In addition, some Afghan returnees underwent lengthy

¹⁵⁵⁵ ERRIN is a network of sixteen European countries aiming to improve cooperation between European migration services, including with a view to facilitating the return and reintegration of migrants. For more information, see: [About ERRIN - ERRIN \(returnnetwork.eu\)](https://errin.network.eu)

¹⁵⁵⁶ IOM Nederland, *Maandelijkse cijfers vrijwillige terugkeer 2008 – heden*, ongedateerd, last accessed 1 July 2021; Confidential source, 2 July 2021.

¹⁵⁵⁷ European Commission, *The impact of COVID-19 in the migration area in EU and OECD countries*, April 2021.

¹⁵⁵⁸ Confidential source, 2 July 2021.

¹⁵⁵⁹ IOM Nederland, *Wat is herintegratieondersteuning?*, undated, last accessed 25 June 2021.

¹⁵⁶⁰ IOM Nederland, *Wat is herintegratieondersteuning?*, undated, last accessed 25 June 2021.

¹⁵⁶¹ For more information, see: **Error! Hyperlink reference not valid.**, last accessed 31 January 2021.

¹⁵⁶² ERRIN, *ERRIN Reintegration Programme for Returning Migrants: Afghanistan*, undated. Last accessed 6 July 2021.

¹⁵⁶³ Mixed Migration Centre, *MMC Asia 4Mi Snapshot – June 2021 A spotlight on economic reintegration for Afghan returnees*, p. 4, June 2021.

¹⁵⁶⁴ Ahmad A., *From Austria to Afghanistan Forced return and a new migration cycle*, VIDC Global Dialogue, January 2021; Salihi R., *'Assisted' and 'Voluntary' Return? Implementation of AVVR schemes in Afghanistan*, International Institute of Social Studies Working Paper No. 676, April 2021.

¹⁵⁶⁵ Confidential source, 18 June 2021; Stahlmann, F., *Erfahrungen und Perspektiven Abgeschobener Afghanen im Kontext Aktueller Politischer und Wirtschaftlicher Entwicklungen Afghanistans*, Diakonie Deutschland, pp. 22, 24, 69-71, June 2021; Ahmad A., *From Austria to Afghanistan Forced return and a new migration cycle*, Vienna Institute for International Dialogue and Cooperation (VIDC) Global Dialogue, January 2021.

¹⁵⁶⁶ Stahlmann F., *Erfahrungen und Perspektiven Abgeschobener Afghanen im Kontext Aktueller Politischer und Wirtschaftlicher Entwicklungen Afghanistans*, Diakonie Deutschland, pp. 21-22, June 2021.

interrogation at the airport, according to Stahlmann. These interrogations focused among other things on whether the returnees were genuine Afghans, since they had fled the country rather than defending it.¹⁵⁶⁷ Older research by the NGO AHRDO (2019) reported that the Afghan authorities sometimes harassed returnees at the airport.¹⁵⁶⁸

Stahlmann also stated that the Taliban often knew very quickly about Afghans who had returned from Europe. Several families living in remote provinces of Afghanistan were contacted by the Taliban a few days after their relatives returned. The Taliban pressured them to disclose the whereabouts of their relatives. It is difficult to determine from whom the Taliban received this information, but the Taliban themselves stated that they had infiltrated the Afghan security forces and customs.¹⁵⁶⁹

6.1.5 *Violence against returnees from Europe*

There has been no systematic monitoring of the conditions of returnees from Europe to Afghanistan. Tens of thousands of individuals returned to Afghanistan in the years preceding the change of power. Research with 63 Afghan returnees from Germany who stayed in Afghanistan for more than two months after their return showed that 90.5% of them were victims of violence and 54% were victims of multiple violent incidents. According to the researcher Friederike Stahlmann, these involved both violent incidents that were directly related to the person's status as a returnee and violent incidents that could have happened to anyone in Afghanistan. The first category of violence included incidents in which family, acquaintances or third parties inflicted violence on the returnee because they suspected that the returnee had misbehaved in Europe. Violence against the returnee as a result of the latter's inability to repay the debt incurred to finance the trip to Europe also fell into this category.¹⁵⁷⁰ Violence associated with forced recruitment, assaults and crime fell into the second category.¹⁵⁷¹ According to data from MMC, returnees from European countries were more likely than returnees from Iran, Pakistan, Turkey and other countries to report that violence was their biggest problem on their return. 51% of returnees from Europe identified violence as their biggest challenge on their return.¹⁵⁷²

6.1.6 *The economic conditions of returnees from Europe*

With regard to the economic position of returnees from Europe, Stahlmann stated that 75% of the returnees she interviewed survived thanks to remittances from abroad. Only one returnee in her study had a job with a salary sufficient to live on. Fifteen percent of the returnees were homeless.¹⁵⁷³ In another survey of sixteen Afghan returnees from Austria, thirteen participants indicated that they had difficulty finding a stable income or accessing help from the authorities.¹⁵⁷⁴ The

¹⁵⁶⁷ Stahlmann F, Erfahrungen und Perspektiven Abgeschobener Afghanen im Kontext Aktueller Politischer und Wirtschaftlicher Entwicklungen Afghanistans, Diakonie Deutschland, p. 21, June 2021.

¹⁵⁶⁸ Afghanistan Human Rights and Democracy Organization (AHRDO), Deportation to Afghanistan: A Challenge to State Legitimacy and Stability?, pp. 8, 19, November 2019

¹⁵⁶⁹ Stahlmann F, Erfahrungen und Perspektiven Abgeschobener Afghanen im Kontext Aktueller Politischer und Wirtschaftlicher Entwicklungen Afghanistans, Diakonie Deutschland, p. 24, June 2021.

¹⁵⁷⁰ Stahlmann, F., Erfahrungen und Perspektiven Abgeschobener Afghanen im Kontext Aktueller Politischer und Wirtschaftlicher Entwicklungen Afghanistans, Diakonie Deutschland, p. 34, June 2021.

¹⁵⁷¹ Stahlmann, F., Erfahrungen und Perspektiven Abgeschobener Afghanen im Kontext Aktueller Politischer und Wirtschaftlicher Entwicklungen Afghanistans, Diakonie Deutschland, p. 34, June 2021.

¹⁵⁷² Mixed Migration Centre, MMC Asia 4Mi Snapshot – June 2021 A spotlight on economic reintegration for Afghan returnees, June 2021.

¹⁵⁷³ Stahlmann, F., Erfahrungen und Perspektiven Abgeschobener Afghanen im Kontext Aktueller Politischer und Wirtschaftlicher Entwicklungen Afghanistans, Diakonie Deutschland, p. 34, June 2021.

¹⁵⁷⁴ Ahmad A., From Austria to Afghanistan Forced return and a new migration cycle, VIDC Global Dialogue, p. 19 January 2021.

poor economic situation of returnees from Europe reflects that of many Afghans who have not been abroad or of Afghans who have returned from Iran and Pakistan. 93% of the Afghan population were already living in poverty before the Taliban took power. There was a lot of food insecurity in large Afghan cities where many IDPs were living together.¹⁵⁷⁵ One source said it was difficult for all Afghans who had moved or fled to cities to survive without having a network or property there.¹⁵⁷⁶ In the MMC survey, returnees from Iran described economic problems as their greatest challenge more often than returnees from Europe.¹⁵⁷⁷ However, many returnees from Europe stated that their economic situation was worse after their return than when they left Afghanistan. They had sold properties or incurred debts to pay for the trip, and their social networks had dwindled.¹⁵⁷⁸

6.2 Returns from neighbouring countries before and after the Taliban takeover

Even before the Taliban took power, there was already a marked increase in mainly forced returns of undocumented Afghans from Iran. Since the Taliban took power, both Iran and Pakistan have taken measures to curb refugee flows. In 2021 Pakistan was on the point of constructing a fence along the entire Afghanistan-Pakistan border. Iran has further ramped up deportations of undocumented Afghans since August 2021.¹⁵⁷⁹ Pakistan and Tajikistan have also deported Afghans, to a lesser extent than Iran.¹⁵⁸⁰

6.2.1

Return agreements between Afghanistan and neighbouring countries

Up to the point when the Taliban took power, Afghanistan had a tripartite memorandum of understanding (MoU) with Iran and UNHCR to facilitate voluntary returns from Iran to Afghanistan. The status of this MoU since the Taliban takeover is unclear. A similar deal between Afghanistan, Pakistan and UNHCR has not been renewed since June 2020 for reasons that are unclear, according to a source.¹⁵⁸¹ In addition to the MoUs, Afghanistan, Pakistan, Iran and UNHCR jointly developed the Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries (SSAR) in 2012. A coordination mechanism was set up for this purpose. This mechanism facilitates cooperation between these three countries, international donors and NGOs to support Afghan refugees in the region.¹⁵⁸² The seventh meeting of this platform's steering committee took place in October 2020, and in November 2020 there was a high-level consultation ahead of the 2020 Afghanistan Conference at which the importance of facilitating voluntary returns was confirmed.¹⁵⁸³ The Afghan Ministry of Refugees and Repatriation (MoRR) subsequently tried to schedule a meeting with Pakistan to make concrete arrangements for the implementation of plans, but due to Covid-19 and travel restrictions, this meeting had not yet taken place by July 2021.¹⁵⁸⁴ It is not clear what impact the Taliban takeover had on these efforts.

¹⁵⁷⁵ Global Network Against Food Crises, 2021 Global Report on Food Crises, p. 92, 2021.

¹⁵⁷⁶ Confidential source, 4 August 2021.

¹⁵⁷⁷ Mixed Migration Centre, MMC Asia 4Mi Snapshot – June 2021 A spotlight on economic reintegration for Afghan returnees, June 2021.

¹⁵⁷⁸ Ahmad A., From Austria to Afghanistan Forced return and a new migration cycle, VIDC Global Dialogue, p. 19, January 2021.

¹⁵⁷⁹ UNHCR, News Comment: UNHCR: Afghans struggle to seek safety as borders remain shut to most, 1 December 2021

¹⁵⁸⁰ UNHCR, News Comment: UNHCR: Afghans struggle to seek safety as borders remain shut to most, 1 December 2021

¹⁵⁸¹ Confidential source, 26 July 2021.

¹⁵⁸² SSAR Support Platform, The Support Platform for the Solutions Strategy for Afghan Refugees (SSAR), undated, last accessed 27 July 2021.

¹⁵⁸³ UNHCR, High Level Consultation in the Lead up to the 2020 Afghan Conference, 20 November 2020.

¹⁵⁸⁴ Confidential source, 26 July 2021.

6.2.2

Returns from Pakistan and Iran to Afghanistan before the Taliban takeover

IOM stated that more than one million Afghans returned or were deported from Iran and Pakistan in 2020.¹⁵⁸⁵ According to OCHA data, 868,000 individuals returned or were deported, mainly from Iran (860,000 individuals) and to a lesser extent from Pakistan (7,900 individuals) and Turkey (6,000 individuals).¹⁵⁸⁶ The demographic characteristics of the returnees from Iran and Pakistan were as follows:¹⁵⁸⁷

	Adult men	Adult women	Minors
Iran	43%	14%	43%
Pakistan	20%	26%	54%

Table 5.1: demographic characteristics of Afghan returnees from Iran and Pakistan

In the first half of 2021 (up to 17 June), 565,587 Afghans returned from Iran and Pakistan. The vast majority, 559,240 individuals, returned from Iran. There were 6,347 returnees from Pakistan. The number of Afghan returnees from Iran in the first half of 2021 was 66.4% higher than in the same period the previous year.¹⁵⁸⁸ There were voluntary returns to Afghanistan from Iran and Pakistan by 1,128 registered Afghan refugees in the first half of 2021 (up to 25 June).¹⁵⁸⁹ Many returnees were displaced on their arrival in Afghanistan, being unable to return to their own districts due to violence¹⁵⁹⁰ and/or lack of economic opportunities (for more information on the situation of IDPs, see Chapter 4).¹⁵⁹¹

6.2.3

Causes of the increase in returns from Iran before the Taliban takeover

UNHCR estimated that in addition to 780,000 registered refugees (June 2021),¹⁵⁹² there are also about 1.5 to 2 million undocumented Afghans living in Iran, who, according to the Iranian government, are not entitled to protection. In 2020, the number of returnees from Iran to Afghanistan reached its highest level in six years. In 2018 and 2019, the numbers of Afghan returnees from Iran were 775,000 and 440,000 respectively. For the most part they were undocumented Afghan migrants.¹⁵⁹³ Poor economic conditions in Iran due to international sanctions and the pandemic were at the root of this development.¹⁵⁹⁴ Many Afghans who had come to Iran to work saw their income disappear and decided to return of their own accord. A third of the returnees were deported by Iran.¹⁵⁹⁵ Herat province received the most Afghan returnees (178,000) in 2020, followed by the provinces of Faryab, Nimroz (both 69,000) and Ghor (59,000). Many returnees from Iran were unable to return to their own communities and settled in IDP camps around Herat and other cities.¹⁵⁹⁶

¹⁵⁸⁵ IOM, Record Cross-Border Migrant Returns Contribute to Bleak Humanitarian Outlook for Afghanistan in 2021, 19 March 2021.

¹⁵⁸⁶ OCHA, Afghanistan: Snapshot of Population Movements - January to December 2020 (As of 23 Jan 2021), 23 January 2021. For more information about the situation of Afghans in Turkey, see: Afghan Exodus: Migrants in Turkey left to fend for themselves - Afghanistan Analysts Network - English (afghanistan-analysts.org)

¹⁵⁸⁷ OCHA, Afghanistan: Snapshot of Population Movements - January to December 2020 (As of 23 Jan 2021), 23 January 2021.

¹⁵⁸⁸ IOM, Return of Undocumented Afghans: Weekly Situation Report 11-17 June 2021, June 2021.

¹⁵⁸⁹ UNHCR, Afghanistan Situation, undated, last accessed 29 June 2021.

¹⁵⁹⁰ Samuel Hall & Help Age, COVID-19, Displacement & Older People In Afghanistan, p. 3, December 2020.

¹⁵⁹¹ Friedrich Ebert Stiftung, New Publication "Holding the Middle Ground" assesses internal displacement in Afghanistan, 1 December 2020.

¹⁵⁹² UNHCR, Afghanistan Situation, undated, last accessed 29 June 2021.

¹⁵⁹³ VOA News, COVID-19, Insecurity Slow Afghan Refugee Returns From Pakistan and Iran, 18 November 2020.

¹⁵⁹⁴ AA, COVID-19: Over 100,000 Afghans return from Iran, 18 March 2020; TOLO News, 1.4M Afghans Returned From Iran in Past 18 Months: Ministry, 10 June 2021; OCHA, Humanitarian Programme Cycle 2020 Year-End Monitoring Report of Financing, Achievements and Response Challenges January - December 2020, p. 8, 2021; The World, Afghan returnees struggle with unemployment, violence at home,, 12 February 2021.

¹⁵⁹⁵ The New Humanitarian, As deportations soar, Afghan returnees struggle on home soil, 26 January 2021.

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6.2.4

Returns from Pakistan and Tajikistan since the Taliban takeover

According to IOM data, 24,874 undocumented Afghans 'spontaneously' returned from Pakistan through the Chaman and Torkham border crossings between 1 January and 18 December 2021.¹⁵⁹⁷ Inability to pay rent and charges for gas, water and electricity were the most cited reasons for returning to Afghanistan among this group of Afghans.¹⁵⁹⁸ Pakistan deported several thousand Afghans in October and November 2021.¹⁵⁹⁹ The Pakistani newspaper *Dawn* said Pakistan had deported 965 Afghans from Quetta and 1,486 Afghans from Karachi and Lasbela between the change of power and the end of October.¹⁶⁰⁰ UNHCR stated that a total of 1,800 Afghans were deported in September and October 2021.¹⁶⁰¹ In December 2021, the Pakistani authorities ordered Afghans who had entered Pakistan illegally since the Taliban took power (about 200,000 people, according to Pakistani estimates) to leave the country within ninety days.¹⁶⁰² Tajikistan deported 23 Afghan asylum-seekers in November 2021 without a residence procedure having been completed. This group of asylum-seekers included women and children.¹⁶⁰³

6.2.5

Returns from Iran since the Taliban takeover

A total of 1.2 million Afghans returned from Iran in 2021, the highest number ever measured by IOM.¹⁶⁰⁴ UNHCR estimated that Iran deported about three thousand Afghans a day between 15 August and November without any residence procedure beforehand.¹⁶⁰⁵ Between August and early December 2021, about half a million Afghans returned from Iran. About 360,000 Afghans were deported and 126,000 Afghans returned on their own initiative. UNHCR said that many of the latter group decided to move back for fear of deportation.¹⁶⁰⁶ In January 2022, UNHCR estimated that 65% of the recently arrived Afghans in Iran had been deported.¹⁶⁰⁷ Provincial offices of Iran's Bureau for Aliens and Foreign Immigrant Affairs (BAFIA) reported that the Iranian authorities in the border provinces of Sistan and Balochistan were arresting about four hundred Afghans a day.¹⁶⁰⁸ According to the US-funded regional news organisation *Al-Mashareq*, the number of deportations of Afghans from Iran in January 2022 was still between two and five thousand people a day.¹⁶⁰⁹ Some Afghans deported from Iran said that they had been held in crowded, filthy detention camps on the border with Afghanistan before their deportation.¹⁶¹⁰ According to BIAFA, the majority of undocumented Afghans detected were deported within 24 hours.¹⁶¹¹ Iran was accused of using excessive force in deporting Afghans.¹⁶¹²

¹⁵⁹⁷ IOM, Spontaneous return of undocumented Afghan migrants from Pakistan, 18 December 2021.

¹⁵⁹⁸ IOM, Spontaneous return of undocumented Afghan migrants from Pakistan, 18 December 2021.

¹⁵⁹⁹ DAWN, Deporting Afghans: a never-ending story of miseries, 25 October 2021.

¹⁶⁰⁰ DAWN, Deporting Afghans: a never-ending story of miseries, 25 October 2021.

¹⁶⁰¹ UNHCR, News Comment: UNHCR: Afghans struggle to seek safety as borders remain shut to most, 1 December 2021.

¹⁶⁰² VOA News, More Than 300,000 Afghans Flee to Pakistan Since Taliban Takeover of Afghanistan, 16 December 2021.

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¹⁶⁰⁴ The Wall Street Journal, Iran Steps Up Deportations of Afghans Trying to Flee Taliban and Poverty, 12 December 2021.

¹⁶⁰⁵ The Wall Street Journal, Iran Steps Up Deportations of Afghans Trying to Flee Taliban and Poverty, 12 December 2021.

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¹⁶⁰⁷ UNHCR, Afghanistan situation: Emergency preparedness and response in Iran, 23 January 2022.

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¹⁶¹² UNHCR, News Comment: UNHCR: Afghans struggle to seek safety as borders remain shut to most, 1 December 2021

- 6.2.6 *UNHCR-facilitated returns from Pakistan and Iran*
During 2021 as a whole, approximately 1,300 Afghans registered with the UNHCR for voluntary returns from Iran and Pakistan,¹⁶¹³ and 1,100 of these 1,300 returnees returned before 15 August 2021.¹⁶¹⁴ Voluntary returns (via UNHCR) have thus decreased sharply since the fall of Kabul.
- 6.2.7 *Treatment by the Taliban of returnees from neighbouring countries*
A source said it was not aware of Taliban violence against Afghans deported by neighbouring countries.¹⁶¹⁵ According to this source, this also applied to Afghan asylum-seekers who were deported by Tajikistan before their asylum application was examined.¹⁶¹⁶ UNHCR warned that deporting asylum-seekers without processing their asylum applications could put them at risk.¹⁶¹⁷
- 6.2.8 *Support for returnees from Iran before the Taliban takeover*
UNHCR provided return support – including cash – to registered Afghan refugees in Iran who voluntarily returned to Afghanistan, but the numbers involved were very small.¹⁶¹⁸ IOM, in collaboration with the Afghan MoRR, offered return support in reception centres on the border with Iran (in Herat and Nimroz) to voluntary and deported undocumented returnees. In early 2021, IOM provided this support to about five hundred Afghan returnees per week,¹⁶¹⁹ about five percent of the total number of weekly returnees.¹⁶²⁰ The support consisted of coronavirus tests, emergency aid, psychosocial support and transport to the next destination within Afghanistan.¹⁶²¹ Some returnees also received a hot meal. Support for returnees at the Iranian border was limited by a lack of funds.¹⁶²² In February 2021, a fire destroyed an IOM reception facility 120 kilometres west of Herat. Research by the MMC among returnees in Afghanistan showed that returnees from Iran least often indicated that they had received (long-term) support after returning (compared to returnees from Europe, Turkey, Pakistan and other countries). Eleven percent of respondents who returned from Iran said they had received some form of assistance.¹⁶²³
- 6.2.9 *Support for returnees from Pakistan before the Taliban takeover*
UNHCR also provided return assistance to registered refugees in Pakistan who wanted to return voluntarily. IOM provided support to undocumented individuals on their arrival in Afghanistan. According to IOM, in the first half of 2021 the vast majority (97%) of IOM-registered returnees from Pakistan received assistance on their arrival in Afghanistan.¹⁶²⁴ In Torkham, most Afghan returnees from Pakistan received the first form of return support. UNDP research, however, indicated that there was considerable variation in the quality and quantity of the support provided there. In particular, there was a lack of accommodation for returnees in transit in

¹⁶¹³ UNHCR, Afghanistan Situation, 27 December 2021, last accessed 31 December 2021.

¹⁶¹⁴ Confidential source, 14 December 2021.

¹⁶¹⁵ Confidential source, 14 December 2021.

¹⁶¹⁶ Confidential source, 14 December 2021.

¹⁶¹⁷ UNHCR, UNHCR urges Tajikistan to halt returns of Afghans at risk, 19 November 2021.

¹⁶¹⁸ Confidential source, 26 July 2021.

¹⁶¹⁹ IOM, Explosion on Afghan-Iranian Border Damages IOM Reception Centre, Stalls Services to Afghan Returnees, 15 February 2021.

¹⁶²⁰ IOM, Record Cross-Border Migrant Returns Contribute to Bleak Humanitarian Outlook for Afghanistan in 2021, 19 March 2021.

¹⁶²¹ IOM, Explosion on Afghan-Iranian Border Damages IOM Reception Centre, Stalls Services to Afghan Returnees, 15 February 2021.

¹⁶²² IOM, Record Cross-Border Migrant Returns Contribute to Bleak Humanitarian Outlook for Afghanistan in 2021, 19 March 2021.

¹⁶²³ Mixed Migration Centre, MMC Asia 4Mi Snapshot – June 2021 A spotlight on economic reintegration for Afghan returnees, June 2021.

¹⁶²⁴ IOM, Return of Undocumented Afghans: Weekly Situation Report 11-17 June 2021, June 2021.

Torkham.¹⁶²⁵ Based on research among returnees in Kabul, Nangarhar and Laghman, UNDP stated that the quality of the support provided at the final destination was also substandard. According to UNDP, the services provided were of low quality, inconsistent, unreliable and insufficient to meet the needs of large families. UNDP also concluded that returnees faced corruption on the part of providers of return support and an 'impossible' degree of bureaucracy, which meant that much support remained inaccessible. In addition, many returnees were unaware of the existence of support or how to access these services.¹⁶²⁶

6.2.10 *Restrictions on travel to and in Afghanistan before the Taliban takeover*

The Afghan government did not impose travel restrictions on voluntary and forced returnees to Afghanistan.¹⁶²⁷ There were limited restrictions on domestic travel due to Covid-19. These measures differed between the provinces. Domestic air travel was possible to a limited extent.¹⁶²⁸ The escalation of violence from May 2021 made domestic travel increasingly difficult. The security risks were greater and the Taliban controlled more roads. Major cities controlled by the Afghan government became increasingly isolated (see Chapter 1). In July 2021, the Ghani government asked European countries to suspend returns due to increased insecurity.¹⁶²⁹ Since the takeover by the Taliban, all border posts have been controlled by the Taliban. Despite this, Afghans continued to try to reach neighbouring countries by road after 15 August 2021 (see 1.4.1). Between 15 and 31 August 2021, an evacuation took place via the airport at Kabul. Evacuation flights for foreign nationals and Afghans with a visa or other form of permission to travel abroad were only possible to a limited extent (see 1.4.1).

6.2.11 *Travel restrictions on travel to, within and from Afghanistan since the Taliban takeover*

Up to the end of February 2022, the Taliban appeared to generally allow travellers with valid travel documents to travel over land to neighbouring countries.¹⁶³⁰ Departures via Kabul airport came to a halt in December 2021 due to the suspension of flights by Qatar. Land travel via Pakistan was still taking place until at least the end of February 2022.¹⁶³¹ On 27 February 2022, a Taliban spokesman announced that families wishing to leave the country could only do so if they had a valid reason and that evacuation activities by other countries and NGOs must stop.¹⁶³² The Taliban spokesman was thought to have been specifically referring to Afghans who had worked with NATO or the US armed forces.¹⁶³³ In addition, the Taliban stated that it would also be forbidden for women to fly without a mahram.¹⁶³⁴ A few days later, the Taliban stated that Afghans with the proper travel documents and an 'invitation' would be allowed to leave the country.¹⁶³⁵ It is not clear to what extent this Taliban rhetoric led to the imposition of travel restrictions in practice. Up to mid-March 2022, there were no known indications of travel restrictions in practice as announced by the Taliban spokesman.

¹⁶²⁵ OCHA, Humanitarian Programme Cycle 2020 Year-End Monitoring Report of Financing, Achievements and Response Challenges January - December 2020, 2021.

¹⁶²⁶ UNDP, Provincial Profiles the Return Journey: A Mapping of Services Needed, Available, and Accessible for Afghan Returnees from Pakistan, August 2020.

¹⁶²⁷ Confidential source, 26 July 2021.

¹⁶²⁸ FCO, Foreign travel advice: Afghanistan – Corona virus, undated, last viewed 27 July 2021.

¹⁶²⁹ EU Observer, Six EU states want migrant returns to war-torn Afghanistan, 11 August 2021.

¹⁶³⁰ Confidential source, 14 December 2021.

¹⁶³¹ Al Jazeera, Afghans with correct legal documents may travel abroad: Taliban, 2 March 2022.

¹⁶³² France 24, Taliban ban Afghans from evacuating amid massive security sweep, 28 February 2022.

¹⁶³³ Al Jazeera, Afghans with correct legal documents may travel abroad: Taliban, 2 March 2022.

¹⁶³⁴ France 24, Taliban ban Afghans from evacuating amid massive security sweep, 28 February 2022.

¹⁶³⁵ I24 News, Taliban spokesman: Afghans with correct legal documents may travel abroad, 1 March 2022.

Travelling in Afghanistan seems to have become easier several months after the Taliban took power. According to *The Wall Street Journal*, major roads in Afghanistan have become much more usable as roadside bombs have been removed and there are fewer roadside checks by Taliban fighters.¹⁶³⁶ *The Washington Post* confirms that in contrast with the time before the Taliban takeover, at the end of 2021 it was possible to travel on highways at night.¹⁶³⁷ The lack of surfaced roads, the poor condition of the roads, and natural factors such as heavy snowfall and rain made remote provinces of Afghanistan difficult to reach, especially in winter.¹⁶³⁸ For women, the requirement to have a mahram for long journeys further restricted their freedom of movement (see 4.1.13.6 for details on the use of mahrams).

The Taliban negotiated with Qatar and Turkey about the reopening and management of Kabul airport. At the end of January 2022, *Daily Sabah* reported that the three parties had reached an agreement on key questions relating to the airport's management.¹⁶³⁹ Domestic flights from Kabul airport had already resumed in early September 2021.¹⁶⁴⁰ On 1 February 2022, Qatar Airways announced that it would operate two flights per week from Kabul.¹⁶⁴¹ By mid-March 2022, however, the flights had not yet resumed.

¹⁶³⁶ The Wall Street Journal, A Journey Along Afghanistan's Main Highway Leads through a Country in Transition, 22 January 2022.

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8 Appendixes

8.1 Map of Afghanistan



Managementboek © 2019

8.2 For the security situation per province before the takeover by the Taliban, please see the Dutch report, pages 267-305.