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Afghanistan

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## Introduction

This general country of origin information (COI) report describes the situation in Afghanistan insofar as it is relevant for the assessment of asylum applications by persons originating from that country and for decisions relating to the return of rejected Afghan asylum seekers. The report is an update of the general country of origin information report for Afghanistan of March 2022. The reporting period runs from April 2022 to May 2023. Relevant developments up to the time of the report's publication have been included as far as possible.

The report was drawn up on the basis of the questions asked and points for attention mentioned in the Terms of Reference (ToR). These ToR were compiled by the Ministry of Justice and Security and adopted on 15 November 2022. Together with the country of origin report, the ToR are available on the website of the Dutch Government.

This report constitutes a factual, neutral and objective account of the findings that were made during the period under consideration. It was drawn up on the basis of public and confidential sources, using carefully selected and analysed information. Use has been made of information from various agencies of the United Nations, national and international non-governmental organisations (NGOs and INGOs), specialist literature and national and international media reporting. Unless stated otherwise or when the facts are generally undisputed, the content in this report is based on multiple sources. The text represents a synthesis of the sources. Where qualifications are given, these derive from the sources. The public sources that were consulted are listed in section 6.1 of this report.

This report uses information from interviews conducted with relevant and expert sources. These interviews were mostly conducted during a fact-finding mission in the region in February/March 2023. Some interviews were conducted online. Use is also made of confidential information originating from the diplomatic mission(s) of the Netherlands in Afghanistan (temporarily based in Doha, Qatar) and elsewhere, as well as from conversations and correspondence. The information obtained confidentially has chiefly been used to support and supplement content based on publicly available information. These sources are referred to as 'confidential source' in the footnotes and dated. Where information from a single source is included, this is explicitly stated. This information was worth reporting, but could not be confirmed through other sources.

This COI report is not a policy document, does not reflect the government's views or policy in relation to a country or region and does not offer any policy recommendations. Nor does it contain any conclusions regarding immigration policy.

This report does not claim to be exhaustive in its mentioning of individual security incidents and human rights violations; the incidents specifically mentioned are cited for the purpose of substantiating a more general picture. However, the situation in Afghanistan with regard to the topics dealt with in the report can differ from place to place and/or change very rapidly.

The report is structured as follows:

Chapter One deals with relevant political developments and the security situation in Afghanistan up to 30 April 2023.

Chapter Two contains information about identity documents.

Chapter Three gives an overview of the human rights situation in Afghanistan.

Chapter Four describes the issue of Afghan displaced persons and refugees.

Chapter Five describes issues that may arise when Afghans return to their country of origin.



## 1 Political and security situation

In this country of origin report, the 'Republic of Afghanistan' refers to the Islamic Republic of Afghanistan before the takeover of power by the Taliban on 15 August 2021. Present-day Afghanistan under the *de facto* rule of the Taliban is referred to as the 'Emirate of Afghanistan' or the Islamic Emirate of Afghanistan founded by the Taliban. References in this report to the Taliban or to representatives of the Taliban regime mean the *de facto* authorities and the *de facto* representatives. The terms Taliban and 'de facto authorities' are used interchangeably. 'De facto' is also sometimes abbreviated to 'df'.

This chapter discusses the political developments and the security situation in Afghanistan from April 2022 to April 2023.

The first part discusses the governance and organisation of the Taliban, relations within the Taliban and the Taliban's relations with other actors.

The second part of the chapter discusses the main developments relating to security in Afghanistan.

### 1.1 Political developments

#### 1.1.1 Main political developments

The period (April 2022-April 2023) to which this report relates was characterised by an increasing curtailment of human rights - in particular for women -, a growing humanitarian crisis, conflict against armed groups such as Islamic State Khorasan Province (ISKP) and the National Resistance Front (NRF) and signs of internal discord within the Taliban.

After the Taliban took power on 15 August 2021, women's rights were increasingly restricted. For example, the possibility for women and girls to attend secondary and higher education was suspended. Women were forced to cover themselves completely and were not allowed to travel long distances without a *mahram* (male chaperone). This applied to *all* women from this point onwards; before the takeover of power, these practices already applied to some women. Women were barred by the Taliban from holding positions in the judiciary, NGOs and the UN, and from access to public spaces. Existing legal structures were suspended and the Taliban's interpretation of sharia was increasingly introduced. Most judges were replaced by Taliban members, who often had only religious training. In November 2022, sharia-based punishments such as *hudud* and *qisas* were introduced.<sup>1</sup> This meant, among other things, floggings and severe punishments for offences such as *zina* (sex outside marriage and adultery). In December 2022, the first public execution under *qisas* took place.<sup>2</sup>

<sup>1</sup> *Hudud* offences carry punishments that are said to have been determined by God through sharia law, including the death penalty, stoning and whipping. *Hudud* offences include *zina* (sex outside marriage and adultery), *riddah* (apostasy), *hirabah* (waging war against God and society), *sariqa* (theft), *shurb al-khamr* (drinking alcohol) and *qadhf* (defamation).

*Qisas* (retaliation) follows the principle of 'an eye for an eye, a tooth for a tooth' and is used in cases of murder or intentional wounding.

<sup>2</sup> Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2022; BBC News, *Afghanistan: Taliban leader orders Sharia law punishments*, 14 November 2022; CNN, *Taliban to impose their interpretation of Sharia law in Afghanistan*, 15 November 2022; Al Jazeera, *The Taliban's year-one report card*, 15 August 2022; OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, 9 February 2023; Brookings, *Afghanistan in 2023: Taliban internal*

The economic and hence the humanitarian crisis intensified. According to Human Rights Watch (HRW), during 2022 ninety percent of the population experienced food insecurity. Tens of millions of people were forced to skip meals or go without food for entire days. Continuous malnutrition led to increased rates of starvation and long-term health problems in children.<sup>3</sup>

The takeover of power in 2021 marked the end of the armed struggle between the Taliban and allied forces. As a result, violence in Afghanistan decreased markedly immediately after the takeover. However, according to the UNSG's periodic reports, the number of 'security-related incidents' increased again from the end of 2021 (although it remained well below the pre-takeover level), only to fall again at the end of 2022. There were attacks by ISKP<sup>4</sup> and resistance groups such as the NRF. ISKP's targets were often public places and ethnic and religious minorities such as the Hazaras.<sup>5</sup> In the summer of 2022, the NRF<sup>6</sup> increased the number of attacks, particularly in the north of the country. The de facto security forces carried out house searches for supporters of the NRF and ISKP,<sup>7</sup> committing arbitrary detentions, enforced disappearances and extrajudicial executions in the process.<sup>8</sup>

The Taliban are not recognised as the legitimate government of Afghanistan by the international community, despite efforts by the Taliban to gain recognition. Internal squabbles within the Taliban between hardliners and more pragmatic leaders became increasingly apparent during the reporting period. One example is the subject of women's education. Despite the apparent differences of opinion, Emir Hibatullah Akhundzada maintained absolute leadership and always had the last word. Thus access to education for girls and women after primary school age remained suspended.<sup>9</sup>

In early August 2022, al-Qaeda leader Ayman al-Zawahiri was killed in Kabul by a US drone. According to the US, this proved that Afghanistan still harbours al-Qaeda members who are on the US 'most wanted list'. The US stated that this infringes the peace agreement concluded in Doha (February 2020).<sup>10</sup>

The suppression of freedom of expression continued. Members of the GDI (General Directorate for Intelligence) security service and other de facto government bodies threatened media outlets and were responsible for violence against journalists. Hundreds of media outlets were closed and an estimated eighty percent of female journalists lost their jobs.<sup>11</sup> The UNSG reported on the arrests of 84 journalists and media representatives by the de facto Taliban authorities in the period 1 January

*power struggles and militancy*, 23 February 2023; UN News, *Afghanistan: Collapse of legal system is 'human rights catastrophe'*, 20 January 2023.

<sup>3</sup> Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023; OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, 9 February 2023.

<sup>4</sup> See paragraph 1.1.5.

<sup>5</sup> Schweizerische Flüchtlingshilfe (SFH), *Afghanistan: Die aktuelle Sicherheitslage*, paragraph 3.1., 2 November 2022; OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, 9 February 2023; Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023.

<sup>6</sup> See paragraph 1.2.4.

<sup>7</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, paragraph 36, 7 December 2022.

<sup>8</sup> Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023.

<sup>9</sup> Le Monde, *A Kaboul, des dissensions au sein du régime taliban*, 14 February 2023.

<sup>10</sup> BBC News, *Ayman al-Zawahiri: Al-Qaeda leader killed in US drone strike*, 2 August 2022.

<sup>11</sup> Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023; Al Jazeera, *The Taliban's year-one report card*, 15 August 2022.



2022 - 13 November 2022.<sup>12</sup> The Afghanistan Journalist Centre (AFJC) cited 193 incidents<sup>13</sup> in which journalists were targeted by the Taliban in the period May 2022 - May 2023: two injuries, six cases of physical harassment, 115 threats and seventy arrests of journalists. In the previous twelve months, there had been a total of 130 incidents in which journalists were targeted, according to AFJC.<sup>14</sup>

### 1.1.2

#### *Taliban administration*

On 15 August 2021, the Taliban captured Kabul. They thus gained control of Afghanistan and changed the name of the country to 'the Islamic Emirate of Afghanistan'.<sup>15</sup>

#### *De facto (interim) government*

After taking power, the Taliban announced that they had set up an interim government. However, there was no known timetable or plan for a transition to a more permanent structure.<sup>16</sup>

The Taliban's de facto interim government consists of about thirty members. All ministers are affiliated or sympathise with the Taliban. The vast majority are Pashtun, Afghanistan's largest population group. Some are on the UN sanctions list and are regarded as terrorists by the US.<sup>17</sup> There are no women in the government. According to the think tank Chatham House, among others, there are no plans for a transition to a more inclusive government. This is especially true if the existing internal struggles continue.<sup>18</sup> See 1.1.3 on this subject.

The interim government is headed by Emir Hibatullah Akhundzada. Under him is Prime Minister Mohammad Hasan Akhund. The first deputy prime minister (out of three) is Mullah Abdul Ghani Baradar, the deputy prime minister for economic affairs. He is a co-founder of the Taliban and led the peace negotiations with the US. The Minister of the Interior is Sirajuddin Haqqani, leader of the Haqqani Network<sup>19</sup>. Mullah Muhammad Yaqoob, the son of Mulla Omar<sup>20</sup>, is Minister of Defence. Mawlawi Amir Khan Muttaqi is the foreign minister and Zabihullah Mujahid is the government's spokesperson.<sup>21</sup> The other two deputy prime ministers are Mullah Abdul Salam Hanafi for administrative affairs and Maulawi Abdul Kabir for political affairs.<sup>22</sup>

On 17 May 2023, the Taliban announced that Abdul Kabir would temporarily take over as prime minister. This was reportedly because Hasan Akhund had health problems.<sup>23</sup>

<sup>12</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, 7 December 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/340-S/2022/692*, 14 September 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/76/862-S/2022/485*, 5 June 2022.

<sup>13</sup> The total of 213 incidents also included one murder and 19 other incidents for which ISKP was responsible.

<sup>14</sup> Institute for Economics & Peace (IEP), *Global Terrorism Index 2021, Measuring the Impact of Terrorism, Afghanistan*, p.20, March 2022; Institute for Economics & Peace (IEP), *Global Terrorism Index 2022, Measuring the Impact of Terrorism, Afghanistan*, p.21, March 2023; Afghanistan International, *Afghanistan Journalists Center Records 64% Rise in Violence Against Media Professionals*, 5 March 2023.

<sup>15</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.10, March 2022.

<sup>16</sup> Chatham House, *Afghanistan: One year of Taliban rule*, 15 August 2022,

<sup>17</sup> Council on Foreign Relations (CFR), *The Taliban in Afghanistan*, 17 August 2022.

<sup>18</sup> Chatham House, *Afghanistan: One year of Taliban rule*, 15 August 2022,

<sup>19</sup> See paragraph 1.1.3.

<sup>20</sup> Founder of the Taliban, see explanation further in the paragraph.

<sup>21</sup> Council on Foreign Relations (CFR), *The Taliban in Afghanistan*, 17 August 2022.

<sup>22</sup> CIA World Factbook, *Executive Branch Afghanistan*, <https://www.cia.gov/the-world-factbook/field/executive-branch/>, last accessed on 17 April 2023.

<sup>23</sup> VOA News, *UN-Blacklisted Taliban Leader Becomes Acting Afghan Prime Minister*, 17 May 2023; RFE/RL, Azadi Briefing, *Who is the Taliban's New Premiere?*, 19 May 2023.

### *Key positions in the de facto government*

Information on key individuals in the Taliban and the interim government is given below.

Position: Supreme leader and emir

Name: Hibatullah Akhundzada

Akhundzada is an Islamic scholar who in 2016 was appointed head of the Taliban's leadership council, the Rahbari Shura<sup>24</sup> and hence supreme leader (*amir-ul-momenin*).

Akhundzada is a Pashtun who was born in Kandahar. He was not involved in the formation of the Taliban. In the 1980s he fought in the Islamic resistance against the Soviets, but he is seen more as a religious leader than as a military one. In the 1990s he was head of the sharia courts. As supreme leader he is not part of the cabinet. In practice, however, he has the last word in political, religious and military decisions.<sup>25</sup>

Akhundzada is the person who issues the decrees containing restrictive measures.<sup>26</sup> He is an ultra-conservative cleric who does not appear in public. He rarely leaves Kandahar and surrounds himself with clerics and tribal leaders who oppose education and work for women. There is only one photo of him, which dates back many years. He is said to have come to the capital only once since the fall of Kabul. He reportedly gave a speech at a gathering of pro-Taliban clerics on this occasion. However, this was a closed meeting to which media were not admitted. According to those present, he sat with his back to the audience and hid his face.<sup>27</sup> Unlike other senior Taliban leaders, he is not on the UN sanctions list, nor is he wanted by the US.<sup>28</sup>

Position: Prime Minister

Name: Mohammad Hasan Akhund, temporarily replaced by Abdul Kabir

Akhund is an Islamic cleric (*mullah*), who is Pashtun and comes from Kandahar. Together with Mullah Omar, he was one of the four 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. He is a long-standing member of the Rehbari Shura. Akhund is on the UN sanctions list for his leadership role within the Taliban over the years. He was foreign minister and deputy prime minister when the Taliban were in power from 1996-2001.<sup>29</sup>

On 17 May 2023, the Taliban temporarily appointed Abdul Kabir as prime minister due to Hasan Akhund's health problems. Abdul Kabir is one of Akhund's three deputies. The appointment is said to be temporary, but it is unclear whether Akhund, a 78-year-old cleric, will return to his post. Kabir, aged sixty, was a military commander and shadow governor during the Taliban's nineteen-year insurgency

<sup>24</sup> The highest advisory and decision-making authority of the Taliban, see 1.3.

<sup>25</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.41, March 2022; Voice of America, *Taliban Welcome, Others Criticize Return of Former Afghan Officials*, 8 June 2022; BBC, *Afghanistan: Who's who in the Taliban leadership*, 7 September 2021.

<sup>26</sup> BBC, *Afghanistan: Who's who in the Taliban leadership*, 7 September 2021.

<sup>27</sup> Confidential source 8 May 2023.

<sup>28</sup> ABC News, *Ruling Taliban display rare division in public over bans*, 16 February 2023.

<sup>29</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.41, March 2022.

<sup>30</sup> BBC, *Afghanistan: Who's who in the Taliban leadership*, 7 September 2021; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.41, March 2022.

against the Afghan government. He was an official during the Taliban's first period of power from 1996 to 2001 and has been on the UN sanctions list since 2001.<sup>30</sup>

Position: First deputy prime minister

Name: Abdul Ghani Baradar

Baradar is a Pashtun who was born in the province of Uruzgan but grew up in Kandahar. He was one of the founders of the Taliban. Together with the rest of the Taliban leadership, he fled to Pakistan in 2001 and played a key role in rebuilding the movement and coordinating the armed resistance. However, Baradar also showed a willingness to seek diplomatic solutions. As early as 2001, he negotiated the surrender of the Taliban with President Karzai. 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. In 2018, at the insistence of the US, 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 from 2019.<sup>31</sup>

Position: Minister of the Interior

Name: Sirajuddin Haqqani

Sirajuddin Haqqani is the son of Jalaluddin Haqqani, the founder of the Haqqani Network.<sup>32</sup> After his father's death, Sirajuddin became the leader of the network. As Minister of the Interior, he is in charge of the police, the secret service and customs. Haqqani is on the UN sanctions list and the 'most wanted' list of the FBI. The US has offered a ten-million-dollar reward for information leading to his arrest.<sup>33 34</sup>

Position: Minister of Defence

Name: Muhammad Yaqoob

Yaqoob is the son of Mullah Omar, the founder of the Taliban. In recent years, he was the head of the powerful military operational commission, which oversaw military operations in fifteen (southern) provinces.<sup>35</sup>

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.<sup>36</sup>

<sup>30</sup> VOA News, *UN-Blacklisted Taliban Leader Becomes Acting Afghan Prime Minister*, 17 May 2023; RFE/RL, Azadi Briefing, *Who is the Taliban's New Premiere?*, 19 May 2023.

<sup>31</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp. 41-41, March 2022; BBC, *Afghanistan: Who's who in the Taliban leadership*, 7 September 2021; BBC, *Who are the Taliban?*, 12 August 2022.

<sup>32</sup> See paragraph 1.1.3.

<sup>33</sup> ABC News, *Ruling Taliban display rare division in public over bans*, 16 February 2023.

<sup>34</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.42, March 2022; BBC, *Afghanistan: Who's who in the Taliban leadership*, 7 September 2021; BBC, *Who are the Taliban?*, 12 August 2022.

<sup>35</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, March 2022, p.42; *Afghanistan: Who's who in the Taliban leadership*, 7 September 2021; BBC, *Who are the Taliban?*, 12 August 2022.

<sup>36</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.42, March 2022; Council on Foreign Relations (CFR), *The Taliban in Afghanistan*, 17 August 2022.

Position: Chief justice and head of the Taliban's judicial structure

Name: Mullah Abdul Hakim Ishaqai

Mullah Abdul Hakim is the chief justice and thus the head of the Taliban's judicial structure. He led the negotiating team in Doha.<sup>37</sup> Hakim is a conservative hardliner and is seen as the Taliban leader with the greatest religious credibility, together with the emir.<sup>38</sup>

Position: Spokesperson

Name: Zabihullah Mujahid<sup>39</sup>

Zabihullah Mujahid studied Islamic law at the Haqqani madrassa in Pakistan. He was a fighter and journalist for Taliban media, and has been spokesman for the Taliban for many years.<sup>40</sup> He was also Deputy Minister for Information and Culture following the takeover of power, but lost this position.<sup>41</sup>

### 1.1.3

#### *The Taliban's internal organisation*

After the Taliban took over power, the important positions in the de facto government were mainly divided between the two most powerful factions within the movement: the southern 'Kandaharis'<sup>42</sup> and the south-eastern Haqqanis.<sup>43 44</sup> Taliban leaders belonging to ethnic minorities and (Pashtun) Taliban leaders from northern Afghanistan received only a few relatively unimportant appointments. For more details about the appointments made at that time, see the Afghanistan country of origin report of March 2022.<sup>45</sup>

#### *Administrative capacity and brain drain*

The Taliban have tried to keep officials from the Ghani government in the ministries to some extent, in order to preserve institutional memory and technical expertise. The reason for this was that the Taliban had not held complete control of the country for twenty years and had spent much of their time fighting. However, they had built up experience with shadow governments at provincial level. Many districts in the country had also been controlled by the Taliban for years before the total takeover of power in August 2021. Some Taliban fighters had never been to the city and had never known a life other than jihad.<sup>46</sup> Some of the Islamic Republic's officials fled following the takeover of power. Those who remained were increasingly replaced by Taliban sympathisers. Although officials from the Ghani government have continued to work, the de facto government does not always have sufficient knowledge and capacity to run the country.

According to one source, many Taliban members have little or no education. For some, 'fighting was their only education'. Some have had a good education abroad.

<sup>37</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp. 159–160, March 2022; *Afghanistan: Who's who in the Taliban leadership*, 7 September 2021; BBC, *Who are the Taliban?*, 12 August 2022.

<sup>38</sup> Confidential source 11 May 2023.

<sup>39</sup> Council on Foreign Relations (CFR), *The Taliban in Afghanistan*, 17 August 2022.

<sup>40</sup> Tribune, *They thought I was a ghost*, 12 September 2021.

<sup>41</sup> Confidential source 13 April 2023.

<sup>42</sup> This is the group around Hibatullah Akhundzada; see the passage about Rabhari Shura and the Haqqani Network in this section.

<sup>43</sup> United States Institute for Peace (USIP), *One Year Later: Taliban Reprise Repressive Rule, but Struggle to Build a State*, 17 August 2022.

<sup>44</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.43, March 2022.

<sup>45</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.43, March 2022.

<sup>46</sup> AAN, *New Lives in the City: How Taleban have experienced life in Kabul*, 2 February 2023; Confidential source 13 April 2023.

Others have spent up to twelve years in Guantanamo Bay prison and suffered trauma there.<sup>47</sup>

#### *Centralisation versus autonomy*

Since taking power, the Taliban have attempted to centralise the country's administration. As well as doing this for power-related strategic reasons, they also want to keep the country's income in the hands of their own Pashtun tribes.<sup>48</sup>

According to several analysts, however, centralisation will weaken one of the Taliban's success factors, namely the decentralised power of autonomous Taliban commanders. When the commanders were pursuing the common goal of overthrowing the Ghani government, they had a great deal of operational freedom. In the north there were also non-Pashtun commanders. Now it is proving difficult to integrate leaders from the battlefield into the new administrative structures. Commanders such as Qari Fasihuddin (a Tajik from the north) used to enjoy extensive authority and freedom, but are now increasingly expected to give up their autonomy and follow orders. Centralisation has marginalised the very figures who were crucial to the Taliban's victory. Several senior political and military leaders are no longer part of the decision-making process. All of this, according to analysts, could lead to more discord, desertions, violence and disintegration of the regime.<sup>49</sup>

However, some local Taliban leaders still retain a certain degree of autonomy and implement the regulations from Kabul in their own way. One example was the unofficial opening of girls' schools in certain places (see the heading *Discord within the Taliban*). Other regulations from the emir were also implemented in somewhat different ways - more strictly or liberally - in different provinces.<sup>50</sup>

#### *Non-Pashtuns within the Taliban*

As described above, there are also non-Pashtun commanders among the Taliban. These are Tajiks, Uzbeks and Hazaras. Giving positions to people of a different ethnicity or from a different area was a technique used by the Taliban to prevent corruption and increase its power base. For example, they might place a Pashtun commander from Kandahar in the north. Because this person had no local network or system of clientelism, there was less chance of corruption and he could be better controlled.<sup>51</sup> According to a confidential source, 90-95% of the top positions in the de facto government are occupied by Pashtuns. No percentages are known for the lower levels of commanders. According to the same source, they are probably not very different. Furthermore, it depends on the region; especially in the north there are more Tajiks and Uzbeks and the occasional Hazara. Constant shifts in appointments can be seen.<sup>52</sup>

#### *Rahbari Shura and the Haqqani Network*

For decades, the Taliban have been led by a council of leaders called Rahbari Shura. This highest decision-making and advisory authority has 26 members. It is also called the Quetta Shura, after the city in Pakistan where Mullah Omar and his most important confidants are said to have fled to after the arrival of the Americans. Analysts believe that the Rahbari Shura is now engaged in running the Taliban

<sup>47</sup> Confidential source 22 February 2023; Confidential source 28 February 2023; CNN, *Taliban name ex-Guantanamo detainees and wanted man to new caretaker government*, 8 September 2021.

<sup>48</sup> East Asia Forum, *Taliban leaders still lack legitimacy*, 20 October 2022.

<sup>49</sup> Middle East Eye, *Dysfunctional centralization and growing fragility under Taliban rule*, 6 September 2022; East Asia Forum, *Taliban leaders still lack legitimacy*, 20 October 2022.

<sup>50</sup> Confidential source 4 March 2023.

<sup>51</sup> Confidential source 4 March 2023.

<sup>52</sup> Confidential source 23 June 2023.

administration. The council is headed by Hibatullah Akhundzada<sup>53, 54</sup> Various members of the Rahbari Shura are also members of the interim cabinet, such as de facto interior minister Sirajuddin Haqqani, defence minister Mohammad Yaqoob, prime minister Muhammad Akhund and deputy prime minister Abdul Ghani Baradar.<sup>55</sup>

The Haqqani Network, which officially falls under the Rahbari Shura but distanced itself from the Rahbari Shura leadership following the death of Mullah Omar, is headed by interior minister Sirajuddin Haqqani. Even before the takeover of power by the Taliban, the Haqqani Network was one of the more powerful local networks within the Taliban. It was notorious for attacks on civilians and suicide bombings in Kabul. The group is built around the Haqqani family who are based in Khost. The network is semi-autonomous and has its own leadership councils in Pakistan (the Peshawar Shura and the Miran Shah Shura).<sup>56</sup>

### *Discord within the Taliban*

During the reporting period, discord within the Taliban about the policies to be pursued was apparent at various times. However, the Taliban do their utmost to prevent internal discord from coming out into the open. They are said to see themselves as the opposite of the old mujahideen, who, as they themselves put it, 'let the country perish because of their mutual quarrels'. The emir has so far always had the last word and has forced ministers to adopt his position on major and minor issues.<sup>57</sup>

One example of this was access to education for girls and women. The emir was always opposed to this. On 23 March 2022, he cancelled at the last minute a long-standing promise that girls would be allowed to return to secondary school.<sup>58</sup> More restrictive measures were put in place<sup>59</sup> and women were finally banned from attending university in December 2022.<sup>60</sup> Several senior Taliban officials opposed the decision, and some sent their own daughters to schools run by NGOs or abroad before the takeover of power.<sup>61</sup> Girls' schools in various places are also said to have remained open unofficially for a while. The local Taliban rulers reportedly turned a blind eye to this until it became known and then banned by the central Taliban leadership.<sup>62</sup> This is also said to have been the case with medical training for women. See 3.1.9. on the position of women and girls.

Another instance of internal discord became visible in connection with the ban on women working for aid and UN organisations. Various ministries are said to have disagreed with this, but the hardliners and the emir had their way.<sup>63</sup> The Ministers of Defence and the Interior reportedly tried to have the decision revoked for aid

<sup>53</sup> See description in paragraph 1.1.2.

<sup>54</sup> Council on Foreign Relations (CFR), *The Taliban in Afghanistan*, 17 August 2022; BBC, *Who are the Taliban?*, 12 August 2022.

<sup>55</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.41, March 2022.

<sup>56</sup> ABC News, *Ruling Taliban display rare division in public over bans*, 16 February 2023; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.34, March 2022.

<sup>57</sup> Frankfurter Allgemeine Zeitung (FAZ), *Der Emir hat das letzte Wort*, 22 December 2022; United States Institute for Peace (USIP), *One Year Later: Taliban Reprise Repressive Rule, but Struggle to Build a State*, 17 August 2022; Chatham House, *Afghanistan: One year of Taliban rule*, 15 August 2022.

<sup>58</sup> Frankfurter Allgemeine Zeitung (FAZ), *Der Emir hat das letzte Wort*, 22 December 2022; United States Institute for Peace (USIP), *One Year Later: Taliban Reprise Repressive Rule, but Struggle to Build a State*, 17 August 2022.

<sup>59</sup> See paragraph 3.1.9 on women.

<sup>60</sup> Frankfurter Allgemeine Zeitung (FAZ), *Der Emir hat das letzte Wort*, 22 December 2022; United States Institute for Peace (USIP), *One Year Later: Taliban Reprise Repressive Rule, but Struggle to Build a State*, 17 August 2022.

<sup>61</sup> AFP, *Afghanistan: les talibans ont "trompé" les ONG, selon un responsable humanitaire*, 10 January 2023 ; The Guardian, *Hypocrisy or a reason for hope? The Taliban who send their girls to school*, 14 August 2022.

<sup>62</sup> Confidential source 4 March 2023.

<sup>63</sup> NRC, *Werk niet mee aan Afgaanse genderapartheid*, 17 January 2023.

organisations.<sup>64</sup> At least one senior official was demoted to a lower position for speaking out against the ban.<sup>65</sup> On this subject, see 1.3.2 on aid organisations and 3.1.9 on women.

A remarkable insight into the internal struggle was given in statements made by the interior minister Haqqani during a speech on 11 February 2023 in Khost province. 'Monopolising power and hurting the reputation of the entire system are not to our benefit,' he said. He was thought to be implicitly referring to the emir's policies. The Taliban's spokesman Zabihullah Mujahed later said that 'criticism is best voiced privately'.<sup>66</sup>

Another influential Taliban leader, defence minister Mullah Mohammad Yaqoob, said in a speech on 15 February 2023 that the Taliban 'should never be arrogant' and that they should 'always respond to the legitimate demands of the nation'.<sup>67</sup>

It is not clear how far and how deep the disagreements go. In any case, the emir is said to have taken preventive measures, including against any external threats. He is reportedly protected in Kandahar by a special guard with armed fighters from the neighbouring province of Helmand.<sup>68</sup> He is also rumoured to be trying to set up a parallel army.<sup>69</sup>

#### 1.1.4

##### *The role of people who held important political positions before August 2021*

Many people who held important political positions before the Taliban took power left the country and went abroad. Former president Mohammad Ashraf Ghani resides in the United Arab Emirates (UAE). Former first vice president Amrullah Saleh is said to be in Tajikistan, as is former defence minister Bismillah Mohammadi and the leader of the NRF Ahmed Massoud. Former second vice president Sarwar Danesh is in New Zealand with a large group of relatives.<sup>70</sup> Former foreign minister Hanif Atmar is said to live in Turkey.<sup>71</sup> Former security adviser Hamdallah Mohib and former head of national security Ahmad Zia Siraj are said to live in London. Mujahideen leader and former governor of Herat Ismail Khan is said to be in Iran.<sup>72</sup> The former female minister of women's affairs Massouda Jalal lives in Europe.<sup>73</sup> Many senior officials have left the country and are staying in Turkey.<sup>74</sup>

A few formerly prominent figures still live in Kabul, such as former president Hamid Karzai, former head of the High Peace Council Abdullah Abdullah, former senate president Fazal Hadi Muslimayar and leader of the extremist group *Hizb-e-Islami*, Golbedin Hekmatyar.<sup>75</sup>

According to one source, most formerly prominent figures still living in Kabul are of Pashtun origin.<sup>76</sup>

Some of those who have left the country have tried to exert influence from abroad. For example, Hanif Atmar (the former foreign minister) tried to appoint an Afghan

<sup>64</sup> Confidential source 28 December 2022.

<sup>65</sup> Confidential source 23 January 2023.

<sup>66</sup> Le Monde, *A Kaboul, des dissensions au sein du régime taliban*, 14 February 2023; ABC News, *Ruling Taliban display rare division in public over bans*, 16 February 2023.

<sup>67</sup> RFE/RL, *The Azadi Briefing: Taliban Divisions Come Out Into The Open*, 17 February 2023.

<sup>68</sup> Le Monde, *A Kaboul, des dissensions au sein du régime taliban*, 14 February 2023.

<sup>69</sup> Confidential source 27 March 2023.

<sup>70</sup> Afghanistan Times, *Political figures of the previous Afghan government: Where they are now*, 25 August 2022.

<sup>71</sup> Afghanistan Times, *Political figures of the previous Afghan government: Where they are now*, 25 August 2022.

<sup>72</sup> Afghanistan Times, *Political figures of the previous Afghan government: Where they are now*, 25 August 2022.

<sup>73</sup> <https://www.massoudajalal.com/about>, accessed 29 June 2023.

<sup>74</sup> Voice of America, *Taliban Welcome, Others Criticize Return of Former Afghan Officials*, 8 June 2022.

<sup>75</sup> Afghanistan Times, *Political figures of the previous Afghan government: Where they are now*, 25 August 2022.

<sup>76</sup> Confidential source 26 February 2023.

representative to the UN in New York. Naseer Faiq currently holds the position as *chargé d'affaires*. The Taliban have appointed Suhail Shaheen, but he is not yet recognised by the UN. (See also 1.1.7 on diplomatic recognition.) Others such as Ashraf Ghani, Massouda Jalal and Hamdallah Mohib tried to exert influence through media interviews.<sup>77</sup>

#### *Return Commission*

After the takeover of power, the Taliban issued an amnesty for employees of the Ghani government.<sup>78</sup> Following this, the Taliban also set up the Return and Communications Commission for Former Afghan Officials and Political Figures (henceforth Return Commission) to welcome back prominent Afghans in exile. This was to prevent them from joining an enemy camp. In the first half of 2022, the commission claimed to have ensured the safe return of dozens of Afghan politicians, including former senior officials of the Ministry of Defence. Prominent returnees were promised a warm welcome, with security escorts and other welcoming gestures.<sup>79</sup>

#### *Return of prominent persons*

In June 2022, several officials and leaders of the former Afghan government returned to Kabul. The most senior official was Farooq Wardak, a former education minister. Others included the former Deputy Minister of Transport, a director of a state electricity company, a member of the National Security Council and a spokesman for the Ministry of Defence. The Taliban took pictures of the arrivals of the former officials and posted them on social media. According to a Taliban spokesman, they 'came back to their homes, not to work for the government'. They were reportedly given special 'immunity cards' to ensure that they would not be arrested because of their former work.<sup>80</sup> It is not clear whether this actually happened.

According to the Return Commission, more than one hundred prominent people had returned by the end of 2022.<sup>81</sup>

Former director of the security agency Rahmatullah Nabil - who himself resides outside Afghanistan - confirmed that some officials had returned to Afghanistan for personal and business reasons, to look after their property.<sup>82</sup>

According to one source, the Return Commission is mainly used as a propaganda tool by the Taliban. They want to show that it is safe to return and that the Taliban protect returnees. Prominent persons who return cannot work in key positions and are not allowed to be politically active. The returnees included technocrats and deputy directors. Many of them chose to stop holding high positions and go into business. Others sold all their possessions and left again. Some returned because they did not want to live in a reception centre as asylum seekers. 'Afghans are a proud people,' said a source. Others returned because they had fled without their families and wanted to be closer to them.<sup>83</sup>

See also 5.1. on returning to Afghanistan.

#### *Return of prominent women*

<sup>77</sup> Afghanistan Times, *Political figures of the previous Afghan government: Where they are now*, 25 August 2022; Confidential source 15 April 2023.

<sup>78</sup> See paragraph 3.1.1.

<sup>79</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.24, 12 August 2022.

<sup>80</sup> Voice of America, *Taliban Welcome, Others Criticize Return of Former Afghan Officials*, 8 June 2022.

<sup>81</sup> Tolo News, *Over 100 Political Figures Returned to Afghanistan in 3 Months: Commission*, 15 January 2023.

<sup>82</sup> Voice of America, *Taliban Welcome, Others Criticize Return of Former Afghan Officials*, 8 June 2022.

<sup>83</sup> Confidential source 24 February 2023.



No prominent women have returned for a considerable period of time. Asila Wardak, a former Afghan diplomat, says she sees no possibility of earning an income with the Taliban in power. Former mayor of Maidan Shahr Zarifa Ghafari returned briefly but left again after two weeks. She described Afghanistan as a 'prison for women' and challenged a senior Taliban official on Twitter to bring his own daughters, sisters or other female family members back to the country.<sup>84</sup> Senior Taliban officials are said to have housed female relatives abroad.<sup>85</sup>

### 1.1.5 *Relationship between Taliban and Islamic State Khorasan Province (ISKP)*

#### 1.1.5.1 *Islamic State Khorasan Province (ISKP): general*

Islamic State Khorasan Province (ISKP), also known as ISIS-K, ISK-P or IS-K, posed the greatest threat to security in Afghanistan during the reporting period. Numerous attacks were carried out, with targets including the Taliban, religious and other minorities such as Hazaras, Sikhs and Sufis, and the international community. According to figures from USIP (the United States Institute of Peace), there were 70 attacks between January and April 2022, 71 attacks between May and August 2022, and 27 attacks between September and December 2022.<sup>86</sup> According to figures in UNAMA's reports, there were 48 attacks in the period 22 May - 16 August 2022, 30 attacks in the period 17 August - 13 November 2022, and 16 attacks in the period 14 November 2022 - 31 January 2023.<sup>87</sup>

ISKP is the regional branch of IS. The name refers to the historical region of Khorasan, which roughly corresponds to modern-day Afghanistan, Iran and Turkmenistan.<sup>88</sup> ISKP originates from a violent minority movement within Salafism which looks back to the early years of Islam around the seventh century for its moral compass.<sup>89</sup>

According to various media, the group, which was founded in January 2015, is one of the most extreme and violent of all jihadist militant groups in Afghanistan.<sup>90</sup> ISKP had its ideological base in the eastern Afghan province of Nangarhar.<sup>91</sup> ISKP receives financial and political support from its 'parent organisation' IS and has the capacity to operate across borders.<sup>92</sup>

#### *Targets*

There is a lot of uncertainty about ISKP. It is not possible to give a clear picture of the group's targets. They include the Taliban, religious minorities including Shia

<sup>84</sup> Voice of America, *Taliban Welcome, Others Criticize Return of Former Afghan Officials*, 8 June 2022; Twitter @Zharifa\_Ghafari, 18 May 2022, [https://twitter.com/Zarifa\\_Ghafari/status/1526816242031640583?ref\\_src=twsrc%5Etfw](https://twitter.com/Zarifa_Ghafari/status/1526816242031640583?ref_src=twsrc%5Etfw)

<sup>85</sup> Guardian, *Hypocrisy or a reason for hope? The Taliban who send their girls to school*, 14 August 2022.

<sup>86</sup> UPIS (United States Institute of Peace), *The Growing Threat of the Islamic State in Afghanistan and South Asia*, see table on p.10, 7 June 2023.

<sup>87</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/772-S/2023/151*, 27 February 2023; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, 7 December 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/340-S/2022/692*, 14 September 2022.

<sup>88</sup> BBC, *Afghanistan: Who are Islamic State Khorasan Province militants?*, 11 October 2021; Encyclopedias Britannica, The Editors of Encyclopaedia. "Khorāsān", 22 March 2023.

<sup>89</sup> HRW, *Afghanistan: Taliban Execute, 'Disappear' Alleged Militants*, 7 July 2022.

<sup>90</sup> BBC, *Afghanistan: Who are Islamic State Khorasan Province militants?*, 11 October 2021; Dutch Ministry of Foreign Affairs, *General country of origin information report Pakistan*, p. 14, September 2022.

<sup>91</sup> BBC, *Afghanistan: Who are Islamic State Khorasan Province militants?*, 11 October 2021.

<sup>92</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Report 326, 12 August 2022.

Muslims such as Hazaras, Sikhs and Sufis, and international targets more generally.<sup>93</sup>

### *Attacks*

In the months following the Taliban's takeover of power, ISKP carried out more attacks than ever, according to the International Crisis Group (ICG).<sup>94</sup> It was responsible, among other things, for the attack on Kabul airport in August 2021, which left 183 dead.<sup>95</sup> According to figures from USIP, there were 122 attacks between May and August 2021, and 119 attacks between September and December 2021.<sup>96</sup>

ISKP focused its acts of terrorism more on urban areas. Because ISKP traditionally recruited from among the educated class - and particularly Salafists<sup>97</sup> - in cities such as Kabul and Jalalabad, it had an advantage in urban warfare. The mass break-out - some sources refer to it as a 'release'<sup>98</sup> - of hundreds of ISKP prisoners during the takeover of power by the Taliban brought new energy and dynamism to the uprising.<sup>99</sup> The ISKP fighters carried out a series of attacks on members of the Taliban.<sup>100</sup>

At the end of 2021, the Taliban started a tough counter-campaign against ISKP in the cities, forcing ISKP to modify its tactics again. As a result, ISKP carried out significantly fewer attacks.<sup>101</sup> According to figures from UNAMA, the number of attacks fell from 121 in the period 17 August - 13 November 2021 to 53 in the period 14 November 2021 - 31 January 2022.<sup>102</sup> In the province of Nangarhar, the group had less operational capacity, but in the neighbouring province of Kunar, it continued to attack the Taliban. The group also occasionally attacked individual checkpoints by ambushing them with heavy weaponry. The group traditionally enjoyed support in the east of the country, but expanded its area of operations with sporadic attacks in the south and west. There were also more frequent attacks in the north. The group mainly directed these attacks against Shiite Hazaras and Sufi minorities, who were its traditional targets. Most of the operations were stand-alone,

<sup>93</sup> BBC, *Afghanistan: Who are Islamic State Khorasan Province militants?*, 11 October 2021; Diplomat, *In Afghanistan, Taliban Face a Growing Threat in ISKP*, 21 March 2023.

<sup>94</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Report 326, p. 8, 12 August 2022.

<sup>95</sup> BBC, *Afghanistan: Who are Islamic State Khorasan Province militants?*, 11 October 2021.

<sup>96</sup> UPIS (United States Institute of Peace), *The Growing Threat of the Islamic State in Afghanistan and South Asia*, see table on p.10, 7 June 2023.

<sup>97</sup> Salafism is a conservative, fundamentalist, puritanical movement within Islam. The movement is inspired by the first three generations of Muslims from the early period of Islam. Salafists regard these three generations as a blueprint for what Islam should be. See: *Historiek, Salafisme – Conservatieve stroming binnen de soennitische islam*, 6 December 2019.

<sup>98</sup> US House of Representatives, Committee on Homeland Security, *Katko, McCaul, Rogers Warn of Dangerous Threat Posed by Prisoners Released by Taliban*, 20 August 2021.

<sup>99</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Report 326, p. 8, 12 August 2022.

<sup>100</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Report 326, p. 8, 12 August 2022.

<sup>101</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Report 326, p. 9, 12 August 2022.

<sup>102</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/772-S/2023/151*, 27 February 2023; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, 7 December 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/340-S/2022/692*, 14 September 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/76/862-S/2022/485*, 5 June 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/76/667-S/2022/64*, 28 January 2022.

but in the north, according to ICG - as well as in the east - there seemed to be a more coordinated approach.<sup>103</sup>

According to figures from the Iranian Institute for East Strategic Studies, ISKP carried out a total of 273 attacks in Afghanistan between 23 August 2021 and 27 March 2023. Eight of these took place in the west (Herat, Farah), five in the south (Helmand, Kandahar), 38 in the north (Balkh, Samangan, Kunduz, Takhar, Badakshan) and 222 in the east (Parwan, Kabul, Logar, Laghman, Kunar, Nangarhar). The institute claims to base its findings on media reports, news from Taliban websites, reports from known observers, announcements from ISIL and local sources.<sup>104</sup>

It was difficult for the Taliban to weaken ISKP or to retaliate. Among other reasons this was due to the Taliban lacking sufficient capacity and to ISKP's fragmented approach and varying attack techniques. As well as focusing on soft targets such as Shiite and Sufi minorities, the group also claimed responsibility for rocket attacks on Tajikistan and Uzbekistan in the spring and summer of 2022. According to ICG, these attacks were mainly intended to debunk the Taliban narrative that only the Taliban can bring peace and stability to the region.<sup>105</sup>

In early 2023, ISKP began extending the scope of its attacks. In addition to the Taliban, religious and other minorities such as the Hazaras and some international actors, there seemed to be a cross-border threat and the potential capacity for attacks against Western countries.<sup>106</sup> Attacks took place in Tajikistan, Pakistan and Uzbekistan. Within Afghanistan there were attacks on Chinese, Russian and Pakistani targets. The attacks in Afghanistan itself seemed more targeted at the groups mentioned above. The Taliban lacked the capacity to counter ISKP effectively. It did, however, succeed in somewhat disrupting ISKP's presence in the east of the country. Fighting ISKP is an important task for the Taliban, as they present the ending of war and conflict as their main 'achievement'.<sup>107</sup> For a detailed overview of ISKP's attacks on Hazaras, see 3.1.6.2. For more details on the ISKP's range of action, see 1.2.4.

The Taliban carried out aggressive house searches for ISKP fighters and their supporters. In doing so, they cracked down on Salafists, on the assumption that they automatically supported ISKP.<sup>108</sup> The house searches and the more general discrimination against and pressure on Salafists by the Taliban led to anti-Taliban sentiment among Salafists. This may in fact have given a boost to recruitment efforts among this group.<sup>109</sup> At the same time, the heavy-handed house searches themselves sometimes seemed to have had a discouraging effect on ISKP's recruitment.<sup>110</sup>

<sup>103</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Report 326, p. 9, 12 August 2022.

<sup>104</sup> East Institute - Institute for East Strategic Studies, *Mapping ISKP attacks in Afghanistan*, <https://www.iess.ir/en/event/2821/> accessed 23 June 2023.

<sup>105</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Report 326, p. 9,10, 12 August 2022; Diplomat, *In Afghanistan, Taliban Face a Growing Threat in ISKP*, 21 March 2023.

<sup>106</sup> Diplomat, *Islamic State-Khorasan's Transition Into a Transregional Threat*, 11 November 2022; Diplomat, *In Afghanistan, Taliban Face a Growing Threat in ISKP*, 21 March 2023; Telegraaf, *Helemaal terug bij af; Dreiging van aanslagen in Europa neemt toe; experts vrezzen wederopstanding Islamitische Staat*, 23 April 2023.

<sup>107</sup> Confidential source 8 February 2023; Diplomat, *Islamic State-Khorasan's Transition Into a Transregional Threat*, 11 November 2022; Diplomat, *In Afghanistan, Taliban Face a Growing Threat in ISKP*, 21 March 2023; Jamestown Foundation, *Terrorism Monitor, ISKP Expands its Focus Toward Central Asia*, 14 April 2023.

<sup>108</sup> HRW, *Afghanistan: Taliban Execute, 'Disappear' Alleged Militants*, 7 July 2022; Confidential source 24 February 2023.

<sup>109</sup> Confidential source 13 April 2023; EUAA, *Country Guidance: Afghanistan*, p.61, January 2023.

<sup>110</sup> Confidential source 8 February 2023

See also 1.1.5.2 on recruitment.

#### 1.1.5.2 *Recruitment (including forced recruitment) by ISKP*

##### Forced recruitment by ISKP

ISKP forcibly recruited children for combat and support tasks. According to the 2022 human rights report of US State Department (USDOS), children under the age of 12 were among those forcibly recruited by ISKP.<sup>111</sup> See 1.2.8 and 1.2.7.1 on this.

There are no indications that forced recruitment of adults was conducted by ISKP. Voluntary recruitment did take place, however, and people were sometimes put under pressure to share information about safe houses, for example.<sup>112</sup>

##### Recruitment by ISKP

In the urban areas, ISKP typically consisted mainly of middle-class men and women who had joined the group for ideological reasons. In rural areas where ISKP was active, pressure was exerted on communities to back ISKP.

For recruitment, according to sources, ISKP targeted individuals who for personal, psychological or socio-economic reasons were looking for a group to which they could belong. An example might be former Taliban and al-Qaeda fighters who were discontented or wanted revenge.<sup>113</sup> Some former Taliban fighters reportedly missed combat and the lifestyle associated with it, and joined ISKP for this reason. Others felt that they had never received any reward for their many years of jihad,<sup>114</sup> or missed the feeling of togetherness they had experienced during combat and were looking for a 'sense of belonging'.<sup>115</sup> Children were also actively recruited.<sup>116</sup> It is unclear how many former Taliban fighters joined ISKP.

According to the International Crisis Group (ICG), ISKP had little success up to August 2022<sup>117</sup>, but would continue trying.<sup>118</sup>

It is also unknown how successful recruitment was among former ANDSF members.<sup>119</sup> According to the Wall Street Journal (WSJ), members of the former ANDSF have also joined ISKP for both ideological and economic reasons.<sup>120</sup>

This was because as well as idealistic reasons there were also said to be financial reasons for joining ISKP. People without paid work were said to see the armed struggle as a solution. Sometimes fighting was the only skill they had.<sup>121</sup> In addition,

<sup>111</sup> US Department of State, *Country Report on Human Rights 2022 – Afghanistan*, p.3, 20 March 2023.

<sup>112</sup> Confidential source 21 April 2023.

<sup>113</sup> EUAA (European Union Agency for Asylum), *Country Guidance: Afghanistan*, p.70, April 2022; Confidential source 24 February 2023.

<sup>114</sup> Confidential source 22 February 2023.

<sup>115</sup> Confidential source 23 February 2023.

<sup>116</sup> EUAA (European Union Agency for Asylum), *Country Guidance: Afghanistan*, p.70, April 2022.

<sup>117</sup> Rapport gepubliceerd in August 2022.

<sup>118</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Report 326, 12 August 2022.

<sup>119</sup> Confidential source 13 April 2023.

<sup>120</sup> Wall Street Journal (WSJ), *Left Behind After U.S. Withdrawal, Some Former Afghan Spies and Soldiers Turn to Islamic State*, 31 October 2021; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, March 2022.

<sup>121</sup> Confidential source 22 February 2023; Wall Street Journal (WSJ), *Left Behind After U.S. Withdrawal, Some Former Afghan Spies and Soldiers Turn to Islamic State*, 31 October 2021; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, March 2022.

ISKP reportedly paid its fighters better than the Taliban.<sup>122</sup> Combatants were said to receive a 'joining bonus' of around 300 dollars when they joined.<sup>123</sup> Most of the time, however, the main motivation was ideological. ISKP focused on trained recruits. They formed small decentralised cells that stayed below the radar and were trained in the homes of sympathisers.<sup>124</sup>

According to one source, ISKP recruitment within Afghanistan seemed to have stagnated, although analyses of this varied. According to one source, in February 2023 the number of fighters was between 2,500 and 3,000. Another source reported a doubling from 3,000 to 6,000 in March 2023. Most fighters were in Kabul and the north-east of the country. Recruitment was made more difficult and expensive by the fact that ISKP did not control any territory.<sup>125</sup>

#### *Recruitment of non-Pashtuns by ISKP*

ISKP is said to be trying to recruit ethnic Tajiks, Uzbeks and Turkmens in Afghanistan, because dissatisfaction with the Taliban is growing among these ethnic groups.<sup>126</sup> ISKP also used the narrative of the *Pashtunisation* of Afghanistan under the Taliban, which it claimed will put other ethnic groups at risk. It contended that the Taliban was hostile to Uzbeks and Tajiks and was serving as a 'puppet regime for foreign powers and maintaining contacts with apostate regimes'.<sup>127</sup>

#### *ISKP recruitment in Central Asia*

According to various sources, ISKP also recruited in Central Asia during the reporting period. They mainly did this online, using the local languages. For example, Tajiks from Afghanistan were recruited in Dari in Perso-Arabic script, and Tajiks from Tajikistan in Tajik in Cyrillic script.<sup>128</sup> In a counterterrorism operation by the Taliban in northern Afghanistan in March 2023, Tajik and Uzbek fighters were reportedly found and killed.<sup>129</sup>

Radicalisation of young men did not occur so much in Central Asia, but above all in Russia, sources added. Migrant workers who went to work in Russia often felt marginalised and deprived. This made them susceptible to radicalisation.<sup>130</sup> See also 3.1.13 on deserters.

#### *Salafists*

According to the Taliban, the Afghan Salafi community is a potential recruitment pool for ISKP. For this reason, after taking power, the Taliban generally cracked down on Salafists. However, many Salafists in the country did not support ISKP and opposed the group. According to some analysts, ISKP tried to provoke the Taliban into an arbitrary and tough crackdown on Afghanistan's Salafist communities for its own long-term benefit. This has reportedly already led to Taliban policies such as collective punishment of Salafists suspected of links with the ISKP. According to Human Rights Watch (HRW), entire Salafist communities in Kunar and Nangarhar provinces were subjected to night-time raids, disappearances, summary executions and imprisonment of men and sometimes boys, even if they had no connection with

<sup>122</sup> Confidential source 23 February 2023; Confidential source 21 April 2023; EUAA, *Afghanistan – Targeting of Individuals*, p. 191, August 2022.

<sup>123</sup> Confidential source 24 February 2023.

<sup>124</sup> Confidential source 23 February 2023; Confidential source 28 February 2023; Confidential source 24 February 2023.

<sup>125</sup> Diplomat, *In Afghanistan, Taliban Face a Growing Threat in ISKP*, 21 March 2023; Confidential source 8 February 2023

<sup>126</sup> EUAA (European Union Agency for Asylum), *Country Guidance: Afghanistan*, p.191, April 2022.

<sup>127</sup> Confidential source 28 February 2023; Jamestown Foundation, *Terrorism Monitor, ISKP Expands its Focus Toward Central Asia*, 14 April 2023.

<sup>128</sup> Confidential source 28 February 2023; Confidential source 2 March 2023; Confidential source 16 April 2023.

<sup>129</sup> Jamestown Foundation, *Terrorism Monitor, ISKP Expands its Focus Toward Central Asia*, 14 April 2023

<sup>130</sup> Confidential source 2 March 2023; Confidential source 28 February 2023.

ISKP. Although HRW did not have exact figures, many people were reported to have been the victims of summary executions or disappearances.<sup>131</sup> According to Radio Free Europe, there are several hundred thousand Salafists in Afghanistan, mainly in Nangarhar, Kunar and Nuristan provinces.<sup>132</sup>

#### 1.1.5.3 *Relations between the Taliban and ISKP*

##### *Ideological differences*

The Taliban and ISKP are engaged in an armed struggle based on deep enmity. This has its origins in political disagreements and the differences between the religious currents within the conservative Islam to which they adhere.<sup>133</sup> ISKP accuses the Taliban of being apostates and polytheists. The Taliban consider ISKP to be 'heretical extremists'. One major point of disagreement is the existing world order. ISKP wants to overthrow this, whereas the Taliban has become a player in this world order.<sup>134</sup> ISKP accused the Taliban of abandoning jihad and the battlefield in favour of a peace settlement 'negotiated in posh hotels in Doha (Qatar)'. As ISKP considers members of the Taliban to be 'apostates', killing Taliban militants is permissible under their interpretation of Islamic law.<sup>135</sup> Against this background, ISKP also tried to lure fighters away from the Taliban. However, they had little success in this.<sup>136</sup> See the section on recruitment by ISKP.

#### 1.1.6 *Relations between the Taliban and al-Qaeda*

Relations between the Taliban and al-Qaeda remained close during the reporting period, according to a UN report. Al-Qaeda welcomed the Taliban's takeover of power and reiterated its support for Taliban leader Hibatullah Akhundzada.<sup>137</sup> Al-Qaeda was said to have been in a period of 'strategic restraint' following the takeover of power.<sup>138</sup>

The Haqqani network was seen as the group with the closest ties to al-Qaeda. Haqqani remained a partner that provided support and facilitated al-Qaeda's retreat to safe havens. The network reportedly maintained ties with so-called 'legacy al-Qaeda': those who long ago established relations with the late Jalaluddin Haqqani and to whom the Haqqanis feel grateful or indebted.<sup>139</sup> According to the UN, al-Qaeda enjoyed more freedom under the de facto Taliban regime and recruited and trained fighters and engaged in fund-raising in Afghan territory. In early August

<sup>131</sup> EUAA, *Country Guidance: Afghanistan*, p.61, January 2023; HRW, *Afghanistan: Taliban Execute, 'Disappear' Alleged Militants*, 7 July 2022.

<sup>132</sup> RFE/RL, *Taliban Wages Deadly Crackdown On Afghan Salafists As War With IS-K Intensifies*, 22 October 2021.

<sup>133</sup> The main ideological difference between the Taliban and ISKP is that ISKP aims for a global jihad and the creation of a political entity consisting of all Muslim countries and territories, whereas the Taliban are more nationalistic and say that their focus is on control of Afghanistan's territory. Theologically, the Taliban are a conservative clerical movement following a puritanical version of the Hanafi school of Sunni Islam, a school to which the vast majority of Sunni Afghans adhere. The Taliban generally believe in Sufism and tend to avoid anti-Shiite sectarian violence. The ISKP endorses the ideology of the more austere Wahhabi/Salafist branch of Sunni Islam, does not believe in Sufism and regards Shiites as infidels.

<sup>134</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Report 326, p.10, 12 August 2022.

<sup>135</sup> BBC, *Afghanistan: Who are Islamic State Khorasan Province militants?*, 11 October 2021.

<sup>136</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Report 326, 12 August 2022.

<sup>137</sup> UN Security Council, *Letter dated 25 May 2022 from the Chair of the Security Council, Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council, S/2022/419*, p.1, 26 May 2022.

<sup>138</sup> CSIS – Centre for Strategic and International Studies, *Zawahiri's Death and What's Next for al Qaeda*, 4 August 2022.

<sup>139</sup> UN Security Council, *Letter dated 25 May 2022 from the Chair of the Security Council, Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council, S/2022/419*, p.10, 26 May 2022.

2022, al-Qaeda leader Ayman al-Zawahiri was killed in his hideout in Kabul by a US drone. According to the US, this supported the theory that other al-Qaeda leaders were in the country and receiving protection there.<sup>140</sup> For al-Qaeda's range of action, see 1.2.4.

### 1.1.7 *Recognition of the Taliban, foreign embassies in Kabul and Afghan embassies*

#### *Recognition of the Taliban*

No country in the world has recognised the Taliban regime as the legitimate government of Afghanistan. However, several countries have accredited Taliban diplomats. By doing this they maintain de facto diplomatic relations, without implying official recognition.<sup>141</sup>

#### *Afghan embassies abroad*

On 25 March 2023, Taliban spokesman Zabihullah Mujahid said that the de facto authorities want to start exercising more control over Afghan embassies abroad. They had sent diplomats to fourteen countries and were in the process of sending more abroad. The Islamic Emirate had posted diplomats to Iran, Turkey, Pakistan, Russia, China, Kazakhstan and various African and Arab countries, the spokesman said. He gave no further details.<sup>142</sup>

The country of Afghanistan has about 45 embassies and 20 consulates around the world. Most of these are led by diplomats appointed by the government of former president Ashraf Ghani. These embassies have united in a network called the Diplomatic Missions of the Islamic Republic of Afghanistan, which regularly issues statements about developments in Afghanistan and makes recommendations to the international community.<sup>143</sup> However, according to Suhail Shaheen, a number of the Ghani government's diplomats are following the Taliban's instructions. Shaheen himself has been appointed by the Taliban as a representative to the UN in New York, although this appointment has not yet been recognised by the UN. In addition, he still holds his position as head of the Taliban's political office in Doha. Shaheen's comment is said to relate to the embassies in Iran, Saudi Arabia and Malaysia.<sup>144</sup> The embassy in Tehran is said to have been completely transferred to diplomats from the Taliban.<sup>145</sup> In some places such as Pakistan and China, the ambassadors have reportedly been replaced under pressure from Taliban loyalists.<sup>146</sup> Taliban representatives have also taken over the consulate-general in Istanbul, the consulate in Termez in Tajikistan, and the embassies in Dubai and Moscow.<sup>147</sup> All Afghanistan's neighbouring countries are said to now have a Taliban representative at the embassy or at a consulate.<sup>148</sup>

<sup>140</sup> Council on Foreign Relations (CFR), *The Taliban in Afghanistan*, 17 August 2022; George Washington University, *GW Program on Extremism, Al-Qaeda, the Taliban, and the Future of U.S. Counterterrorism in Afghanistan*, 8 September 2022.

<sup>141</sup> Voice of America (VOA), *Russia Latest Country to Establish Diplomatic Ties With Taliban*, 9 April 2022; Council on Foreign Relations (CFR), *The Taliban in Afghanistan*, 17 August 2022.

<sup>142</sup> Independent, *Taliban want control of more Afghan diplomatic missions*, 25 March 2023; Tolo News, *Islamic Emirate Has Diplomats in 14 World Countries: Mujahid*, 24 March 2023.

<sup>143</sup> Confidential source 29 June 2023.

<sup>144</sup> Voice of America (VOA), *Russia Latest Country to Establish Diplomatic Ties With Taliban*, 9 April 2022.

<sup>145</sup> VOA News, *Iran Hands Over Afghan Embassy in Tehran to Taliban*, 27 February 2023.

<sup>146</sup> Gandhara (RFE/RL), *Afghanistan's Embassies Remain In Limbo As Most Staff Still Loyal To Toppled Government*, 17 January 2022.

<sup>147</sup> Tolqun News, *The Afghan consulate in Istanbul was handed over to the Taliban*, February 2023; Confidential source 28 February 2023; Confidential source 27 February 2023; Confidential source 2 March 2023; Confidential source 27 March 2023.

<sup>148</sup> Confidential source 13 April 2023.

In neighbouring Tajikistan, the embassy is said to have grown into a bulwark of the opposition against the Taliban. At the embassy in Italy, the police had to intervene in a dispute between employees appointed by the Ghani government and a former employee who supported the Taliban. He claimed to be the new ambassador.<sup>149</sup> The embassies in which representatives of the Ghani government were still employed during the reporting period no longer received funds from the Foreign Ministry. They obtained their income from, among other things, issuing visas and legalising documents such as birth certificates, commercial documents and transport permits.<sup>150</sup> Previously, money was also earned by issuing passports.<sup>151</sup> Some employees had taken up other activities or trade in addition to their unpaid job at the embassy.<sup>152</sup> One embassy stated that it received money from wealthy Afghans for events. They had also sold official cars.<sup>153</sup> Diplomats lent each other money in order to survive. Several of them tried to apply for asylum in the country of their placement or elsewhere. In some cases they were successful. However, there were also diplomats who were at risk of being deported from their country of residence.<sup>154</sup> According to one source, there was contact between the embassies and Kabul on financial, legal and consular matters, but not on political issues. There was said to be a 'fine line', with embassy employees working with the Taliban for matters such as issuing visas, but also being afraid of prosecution if they returned to Kabul.<sup>155</sup>

#### *Reopening of foreign embassies and representations in Kabul*

After the takeover of power, many embassies in Kabul closed their doors. At the end of the reporting period, around ten countries and organisations had representations in Kabul. These included the EU, India<sup>156</sup>, China, Iran, Malaysia, Pakistan, Qatar, Russia and Turkmenistan<sup>157</sup>, as well as Japan,<sup>158</sup> Indonesia, Uzbekistan and Tajikistan.<sup>159</sup> Turkey is the only NATO country to have a representation in Afghanistan, with an embassy and two consulates.<sup>160</sup> The Russian consulate-general in Mazar-e-Sharif was reopened.<sup>161</sup>

In February 2023, Saudi Arabian diplomats left Kabul and relocated to Islamabad.<sup>162</sup> There were rumours that other embassies were also going to remove their diplomats. Embassies were said to be concerned about the threat of attacks by ISKP. The group had claimed several attacks in Kabul, including a suicide attack on the Pakistani *chargé d'affaires* in Afghanistan Ubaidur Rehman Nizamani, an attack on the Russian embassy and one on a hotel frequented by Chinese nationals.<sup>163</sup> At the end of the reporting period, several countries, including Kazakhstan and Turkmenistan, were said to be planning to send a representation to Kabul again.<sup>164</sup>

<sup>149</sup> Gandhara (RFE/RL), *Afghanistan's Embassies Remain In Limbo As Most Staff Still Loyal To Toppled Government*, 17 January 2022.

<sup>150</sup> Confidential source 2 March 2023; Gandhara (RFE/RL), *Afghanistan's Embassies Remain In Limbo As Most Staff Still Loyal To Toppled Government*, 17 January 2022.

<sup>151</sup> Confidential source 22 February 2023.

<sup>152</sup> Confidential source 2 March 2023.

<sup>153</sup> Confidential source 27 February 2023.

<sup>154</sup> Confidential source 29 June 2023.

<sup>155</sup> Confidential source 2 March 2023.

<sup>156</sup> New Indian Express, *India reopens embassy in Kabul after 10 months; deploys technical team with relief aid*, 24 June 2022.

<sup>157</sup> Voice of America (VOA), *Russia Latest Country to Establish Diplomatic Ties With Taliban*, 9 April 2022; Council on Foreign Relations (CFR), *The Taliban in Afghanistan*, 17 August 2022.

<sup>158</sup> Confidential source 5 December 2022.

<sup>159</sup> Confidential source 13 April 2023.

<sup>160</sup> Confidential source 17 March 2023.

<sup>161</sup> Confidential source 13 April 2023.

<sup>162</sup> Reuters, *Saudi diplomats leave Afghanistan, relocate to Pakistani capital -sources*, 6 February 2023; Confidential source 13 April 2023.

<sup>163</sup> Dawn, *Saudi 'exit' from Kabul sparks fears of exodus*, 8 February 2023; RFE/RL, *The Azadi Briefing, A Diplomatic Exodus From Afghanistan*, 10 February 2023.

<sup>164</sup> Confidential source 17 April 2023.



### 1.1.8 *The Taliban's relations with Iran and Pakistan*

#### *The Taliban's relations with Iran*

Shia Iran is an ideological opponent of the Sunni Taliban. Iran watched with dismay as an extremist Sunni group successfully transformed from an insurgent group into a potential player on the international stage, as this situation creates a permanent threat right on Iran's border. As well as the ideological opposition, according to the United States Institute for Peace (USIP) there are also practical problems and disagreements.<sup>165</sup>

Iran has not recognised the Taliban regime. Although relations between Iran and Afghanistan improved, tensions existed between Iran and the de facto Taliban regime during the reporting period. However, Iran has a pragmatic approach towards the new rulers in Afghanistan, with Iran's concerns regarding security, migration, the drug-smuggling economy, regional dynamics and water being simply too great to overlook, and therefore forming the main driver for engagement. In this light, the Afghan embassy in Tehran was handed over to the Taliban in February 2023. At the same time, Iran is standing up for the position of the Shiite minority in Afghanistan. The treatment of this minority leads to disagreements from time to time. Tehran felt that the Taliban discriminates against Shiite Hazaras and the Tajik minority. Although most Tajiks in Afghanistan are Sunni, Iranians and Tajiks share a common linguistic background. In January 2022, the Iranian government brokered peace negotiations between the Taliban and Ahmad Massoud's ethnic Tajik-dominated NRF. Massoud is the son of the legendary fighter Ahmad Shah Massoud who was previously supported by Iran, among others. Ahmad Massoud is said to have close ties with some senior members of the Iranian regime.<sup>166</sup>

Another subject that generated friction was water. Iran accused Afghanistan of having violated a 1973 water-sharing treaty for years. The Ghani government built dams on the Helmand River, including the newly built Kamal Khan Dam. These are said to now be completed, so that little or no water flows from the river to Lake Hamoon in the predominantly Sunni Iranian province of Sistan-Baluchistan, which is struggling with extreme drought. This disagreement continued.<sup>167</sup> In late May 2023, tensions led to clashes on the Iran-Afghan border, in which at least three people were killed and several injured.<sup>168</sup>

Another point of contention was the continuation under the Taliban of the production of opiates such as opium and methamphetamine. Large seizures in Iran of drugs originating from Afghanistan were a source of annoyance to the Iranian regime.<sup>169</sup> A further problem was the many refugees who continued to enter the country. There were about 3.5 million Afghan refugees in Iran. An estimated 460,000 were sent back in the first half of 2022. These were mainly single men who had entered illegally and who were suspected by Iran of having migrated for economic reasons. Although Iran has an inclusive refugee policy, Afghan refugees who entered in an irregular manner were often subject to discrimination and ill-treatment. Since the fall of Kabul, Iran has increased the number of visas issued in Afghanistan, and consular services have never stopped. In this way, Iran hopes to regulate migration

<sup>165</sup> Institute for Peace (USIP), *Iran's Response to the Taliban's Comeback in Afghanistan*, p.9, August 2022.

<sup>166</sup> Middle East Eye, *For Tehran, Afghanistan is a problem not an opportunity*, 25 August 2022; United States Institute for Peace (USIP), *Iran's Response to the Taliban's Comeback in Afghanistan*, p.9, August 2022; Minority Rights Directory of Minorities and Indigenous Peoples, *Afghanistan, Tajiks*, <https://minorityrights.org/minorities/tajiks/> accessed 14 June 2023.

<sup>167</sup> Middle East Eye, *For Tehran, Afghanistan is a problem not an opportunity*, 25 August 2022; United States Institute for Peace (USIP), *Iran's Response to the Taliban's Comeback in Afghanistan*, p.9, August 2022.

<sup>168</sup> NY Times, *At Least Three Are Killed in Clashes on Iranian-Afghan Border*, 28 May 2023.

<sup>169</sup> Middle East Eye, *For Tehran, Afghanistan is a problem not an opportunity*, 25 August 2022; United States Institute for Peace (USIP), *Iran's Response to the Taliban's Comeback in Afghanistan*, p.9, August 2022.

as much as possible and to keep it out of the hands of criminal gangs. See 4.1.2.1 on Afghan refugees in Iran.

Trade flows between the two countries - which were traditionally extensive - decreased after the change of power in Kabul.<sup>170</sup>

Tensions persisted and clashes between Iranian border guards and the Taliban broke out along the common border. In the period 17 August 2022 - 13 November 2022, three border incidents took place, including in the Pul-e Abresham area in Nimroz province on 17 October 2022.<sup>171</sup>

#### *The Taliban's relations with Pakistan*

Pakistan and Afghanistan share a 2,700-km border.<sup>172</sup> Successive Afghan governments have refused to accept the existing Durand Line (drawn by the British colonial administration in 1893) as the official border. Pakistan has built a fence along much of this. The construction work led to clashes between the Taliban and Pakistani border guards. The border is porous and Pashtuns living in the border area have traditionally been able to move freely on both sides of the border with a special proof of identity. Those living near the border and smugglers also use informal border crossings such as mountain paths.<sup>173</sup>

During the Taliban's armed insurgency against international forces and the Ghani government, Pakistan maintained particularly close ties with the Haqqani network. The change of power in Afghanistan coincided with an increase in attacks by the extremist group *Tehreek-e-Taliban Pakistan* (TTP) in Pakistan. The country accused the Taliban of providing the TTP with a safe base in Afghan territory, allowing it to launch attacks from Afghanistan.<sup>174</sup> Pakistan was also displeased with the large numbers of Afghan refugees entering the country. See also 4.1.2.1. on Afghan refugees in Pakistan.

Since the takeover by the Taliban, hostilities along the Afghanistan-Pakistan border have intensified. In the period 17 August 2022 - 31 January 2023, as far as is known, 22 incidents took place on the border between the two countries, resulting in deaths and injuries. These included incidents in the Dand-e Patan area, in the province of Paktia on 14 September 2022 and in the Spin Boldak district of Kandahar province on 19 and 20 October 2022.<sup>175</sup> On 12 December 2022 there was another incident at the border, in which several persons from both sides were killed and injured.<sup>176</sup>

Pakistan tried to ease the rising tensions with diplomatic steps. These included the reopening of the Spin Boldak-Chaman border crossing, which had been closed after the shooting incident. A Minister of State for Foreign Affairs also travelled to Kabul at the end of November 2022.<sup>177</sup>

<sup>170</sup> Middle East Eye, *For Tehran, Afghanistan is a problem not an opportunity*, 25 August 2022.

<sup>171</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 22, 7 December 2022; Middle East Eye, *For Tehran, Afghanistan is a problem not an opportunity*, 25 August 2022.

<sup>172</sup> Middle East Institute, *Pakistan-Afghan Taliban relations face mounting challenges*, 2 December 2022; Gandhara (RFE/RL), *Key Border Crossing Between Pakistan And Afghanistan Reopens After Clashes*, 21 November 2022

<sup>173</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Pakistan*, pp. 8 and 111, September 2022.

<sup>174</sup> Al Jazeera, *Pakistan summons Afghan diplomat over border shelling*, 16 December 2022.

<sup>175</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 22, 7 December 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, A/77/772-S/2023/151, paragraph 30, 27 February 2023; Middle East Institute, *Pakistan-Afghan Taliban relations face mounting challenges*, 2 December 2022.

<sup>176</sup> Al Jazeera, *Pakistan summons Afghan diplomat over border shelling*, 16 December 2022; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.47-48, March 2022.

<sup>177</sup> Middle East Institute, *Pakistan-Afghan Taliban relations face mounting challenges*, 2 December 2022.

## 1.2 Security situation

### *General security situation*

The Taliban takeover brought to an end the direct armed conflict between the Taliban and the former ANDSF (Afghan National Defense and Security Forces) government forces. This led to an immediate reduction in the number of civilian casualties resulting from war violence. The Taliban's offensives had caused many civilian casualties, and military offensives against the Afghan forces were now no longer necessary.<sup>178</sup>

The Taliban and pro-Taliban media stated that security in Afghanistan improved after the takeover.<sup>179</sup> According to one source, it was important to the Taliban to fight ISKP and NRF and other armed groups, as they wanted to show that it was to 'their achievement' that there was less violence.<sup>180</sup>

Compared to before the takeover, there was less violence throughout the country. Lack of security was more prevalent in certain parts of the east and north. When fighting broke out there, it was often initiated by the Taliban themselves and not by insurgents.<sup>181</sup>

During the reporting period, the security situation was still much better than before the takeover. There was significantly less violence throughout the country and far fewer casualties. However, the number of attacks by ISKP increased.

The overall picture was that the security situation was deteriorating somewhat towards the end of the reporting period (although it was still not nearly as bad as before the takeover).

Since the takeover, it has become even more difficult than before to provide an adequate picture of the security situation in Afghanistan. Public data summaries of violent incidents are based on media reports. These have become less reliable, as the Taliban suppressed efforts to investigate and opposition groups exaggerated their small victories. In areas where the Taliban fought with rebel groups, access for journalists and observers was restricted. Datasets based on open sources therefore did not always provide a complete picture of trends in violence.<sup>182</sup>

Security information was characterised by conflicting narratives. The Taliban often described attacks on the armed opposition as restoring order against criminals and kidnappers. They sometimes prevented journalists from investigating them. This made it difficult to establish the identity and alleged crimes of those targeted. At the same time, armed groups often claimed attacks against the Taliban, sometimes using misleading videos. Occasionally, different groups claimed the same attack.<sup>183</sup>

During the reporting period, the Taliban was engaged in violent conflicts with ISKP and the body of opposition groups that sprung up from the former armed forces of the Afghan Islamic Republic.

<sup>178</sup> Schweizerische Flüchtlingshilfe (SFH), *Afghanistan: Die aktuelle Sicherheitslage*, paragraph 3.1., 2 November 2022; UNAMA Human Rights Service (HRS), *Human Rights in Afghanistan: 15 August 2021 to 15 June 2022*, pp.10-12, July 2022; Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023; BBC News, *Afghanistan: What's changed a year after Taliban return*, 16 August 2023.

<sup>179</sup> BBC Monitoring Afghanistan, *Taliban media claim improving security despite think tank report*, 6 January 2022.  
<sup>180</sup> Confidential source 8 February 2023

<sup>181</sup> ICG, *Afghanistan's Security Challenges under the Taliban*, Report 326, pp.4-7, 12 August 2022.

<sup>182</sup> ICG, *Afghanistan's Security Challenges under the Taliban*, Report 326, pp.4-7, 12 August 2022.

<sup>183</sup> ICG, *Afghanistan's Security Challenges under the Taliban*, Report 326, pp.4-7, 12 August 2022.

### *Armed resistance*

A multitude of political and armed resistance movements have been established since the Taliban took power. According to UNAMA, there are now more than twenty of these. The main armed resistance movements are the National Resistance Front (NRF) and the Afghanistan Freedom Front.

The NRF was mainly located in the province of Panjshir to the north-east of Kabul. The fight between the Taliban and the allied northern resistance groups<sup>184</sup> (the predecessor of the NRF led by Massoud) dated back to the 1990s.<sup>185</sup> None of these movements posed a serious existential threat to the Taliban militarily during the reporting period.<sup>186</sup>

In the spring of 2022, the NRF carried out more attacks than ISKP.<sup>187</sup> The de facto authorities hit back hard in response to the NRF attacks, especially in the province of Panjshir. There were extrajudicial executions of captured fighters, arbitrary arrests and disappearances of persons suspected of being associated with the NRF. Communities were also suppressed and there were information blackouts.<sup>188</sup> In addition, the mobile phone and Internet networks were shut down to prevent communication.<sup>189</sup> Citizens suspected of ties with the NRF were subjected to house searches, arbitrary arrest and detention, extrajudicial killings, beatings and displacement. The overall human rights situation deteriorated. Security officials regularly examined and confiscated citizens' mobile phones. They warned them not to post messages on social media about the situation in Panjshir.<sup>190</sup>

The search for NRF members led to a deterioration in the human rights situation, with the Taliban occupying schools, setting curfews and imposing restrictions on freedom of movement. Out of 129 schools in Panjshir province, 24 have been partially occupied by the de facto authorities since July 2022. As people were not able to move freely whenever they wished, it became difficult for many people to make a living from agriculture or from keeping cattle.<sup>191</sup>

For the NRF's range of action, see 1.2.4.

### *ISKP terrorist attacks*

The ISKP carried out attacks on the Taliban and civilian targets such as Hazaras during the reporting period. The Taliban carried out targeted counter-offensives and conducted house searches for suspected ISKP fighters.

For an overview of these attacks and counter-operations by the Taliban, see 1.1.5.

For the ISKP's range of action, see 1.2.4. *Other violent incidents and counter-operations.*

In many cases it was difficult to determine what perpetrators were responsible for attacks against members of the Taliban, and what their motives were. By some counts, more than half of the attacks against the Taliban could not be attributed. It is likely that many unclaimed attacks were related to personal or local feuds. In some cases, there were ethnic, tribal or family dynamics involved arising from

<sup>184</sup> *Northern Alliance*, a collection of resistance groups, mainly from the north of the country, that fought against the Taliban.

<sup>185</sup> ICG, *Afghanistan's Security Challenges under the Taliban*, Report 326, pp.4-7, 12 August 2022.

<sup>186</sup> ICG, *Afghanistan's Security Challenges under the Taliban*, Report 326, pp.4-7, 12 August 2022.

<sup>187</sup> ICG, *Afghanistan's Security Challenges under the Taliban*, Report 326, pp.4-7, 12 August 2022.

<sup>188</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraphs 74-76, 9 February 2023.

<sup>189</sup> Confidential source 23 June 2023.

<sup>190</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraphs 74-76, 9 February 2023.

<sup>191</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraphs 74-76, 9 February 2023.

political disputes, competition for natural resources or historical feuds and enmities. Some of the attacks were carried out by individuals associated with the Ghani government, but not as part of an organised opposition group. This included revenge killings carried out by families whose relatives had been killed or injured by the Taliban (despite promises of amnesty). Other sources of conflict were property disputes or violence within the Taliban over positions, for example. The deterioration of the economic situation led to an increase in crime.<sup>192</sup>

According to ICG, the number of unclaimed attacks appeared to have declined in the period through to August 2022.<sup>193</sup> In some provinces this seemed to be because the Taliban had consolidated their position of power. In other places, the cause was that non-affiliated armed groups had joined organised resistance groups that widely publicised any attack against the Taliban.<sup>194</sup>

### 1.2.1 *The armed struggle*

#### *General security figures*

##### *Period mid-August 2022 - mid-November 2022*

In the period 17 August 2022 - 13 November 2022, the UN recorded 1,587 security incidents in Afghanistan. This was an increase of 23% compared to the same period the year before, when 1,291 incidents were recorded.

The number of armed clashes increased by 27% from 99 clashes in 2021 to 126 in 2022. The number of air strikes increased from 4 to 5, and explosions from improvised explosive devices (IEDs) increased by 7%, from 74 to 79. The number of recorded assassinations decreased by 53% from 160 to 75. 52% of the recorded incidents took place in the west, south and east, particularly in Kabul, Herat and Kandahar.<sup>195</sup>

According to UNAMA observations, the activities of armed opposition groups intensified in the period 17 August 2022 - 13 November 2022. UNAMA counted 22 armed groups in 11 provinces. The NRF and the National Liberation Front (NLF) claimed attacks in Badakhshan, Baghlan, Kapisa, Nangarhar, Nuristan, Takhar, Panjshir and Parwan provinces. The NRF expanded its operations to the eastern and north-eastern provinces. The main clashes took place in Panjshir.<sup>196</sup> In this area the Taliban launched an offensive in several districts on 9 September 2022 after Mullah Abdul Qayyum Zakir was appointed military commander for Baghlan's Andarab valley and Panjshir in order to restore order.<sup>197</sup>

##### *The period from mid-November 2022 to the end of January 2023*

Between 14 November and 31 January, there was an increase in the total

<sup>192</sup> ICG, *Afghanistan's Security Challenges under the Taliban*, Report 326, pp.4-7, 12 August 2022.

<sup>193</sup> This date is mentioned because it is specified in the report: ICG, *Afghanistan's Security Challenges under the Taliban*, Report 326, pp.4-7, 12 August 2022.

<sup>194</sup> ICG, *Afghanistan's Security Challenges under the Taliban*, Report 326, pp.4-7, 12 August 2022.

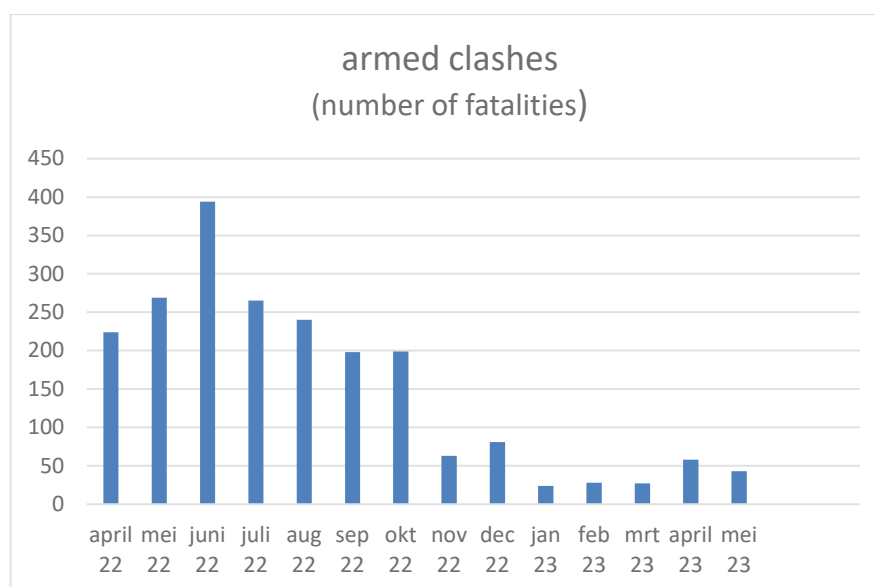
<sup>195</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, paragraph 18, 7 December 2022.

<sup>196</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, paragraph 19, 7 December 2022.

<sup>197</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, paragraph 19, 7 December 2022.

number of conflict-related security incidents and civilian casualties compared to the same period in 2021-2022. The UN recorded 1,201 security-related incidents, 10% more than the 1,088 incidents recorded during the same period in 2021-2022. Available data showed that the number of armed conflicts decreased by 35 percent, from 81 to 52 incidents; there were two air strikes compared to one the year before; improvised explosive device detonations increased by 7%, from 52 to 56; and the number of assassinations fell by 24% from 77 to 58. The economic and humanitarian situation continued to deteriorate, leading to an increase in crime-related security incidents. The western, southern and eastern regions were the scene of 58% of all recorded security incidents, with Helmand, Herat, Kandahar, Kabul and Nangarhar the worst affected.<sup>198</sup>

Armed attacks by the opposition and armed clashes with the Taliban continued to decrease. UNAMA recorded 23 armed groups claiming to be active in Afghanistan. The NRF, the Afghanistan Freedom Front and the Afghanistan Liberation Movement (formerly the Afghanistan Liberation Front) claimed responsibility for attacks in Helmand, Kabul, Kandahar, Kapisa, Nangarhar, Nuristan and Panjshir provinces. De facto security forces conducted operations against NRF fighters, including a military operation in Baghlan province on 25 and 26 December, which resulted in an unconfirmed number of casualties.<sup>199</sup>



SOURCE: ACLED<sup>200</sup>

## 1.2.2 Bomb and other attacks

### General attacks

<sup>198</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/772-S/2023/151*, paragraph 16, 27 February 2023.

<sup>199</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/772-S/2023/151*, paragraph 17, 27 February 2023.

<sup>200</sup> The information from ACLED was used for these graphs. Most of the data collected by ACLED come from public, secondary reporting. Data on victim numbers can be prone to subjectivity and, according to ACLED itself, are the least accurate component of conflict data. The organisation states that it uses the most conservative estimates available. In addition, ACLED only records fatalities. Information about injured people and victims of looting and kidnapping is not included.

Both the de facto Taliban security forces and civilians fell victim to bomb attacks during the reporting period. Attacks on civilians were often committed with improvised explosive devices (IEDs - home-made bombs) and were aimed at specific groups, such as Shiites. For more information, see 1.2.3 on civilian casualties.

In the period 17 August 2022 - 13 November 2022, according to UNAMA, the number of attacks claimed by ISKP decreased compared to the same period the year before. Between 17 August and 13 November 2022, there were thirty attacks in six provinces compared to 121 in fourteen provinces the year before. However, the number of casualties remained significant. ISKP claimed responsibility for various incidents including a suicide bombing on the Russian embassy on 5 September 2022, an explosion in the Sekandar mosque in Kunduz province on 7 October 2022, and several explosions of IEDs. The latter included an attack on a security forces vehicle in Mehterlam in Laghman province on 10 October 2022, injuring 44 civilians. There was also an attack on a bus in the city of Herat, in which ten Taliban security personnel were injured or killed.<sup>201</sup>

Figures on the total number of casualties caused by ISKP were estimates and were often not broken down by attributed perpetrator. UNAMA listed a total of 530 civilian casualties in Afghanistan for the period 17 August - 13 November 2022 (124 killed, 406 injured), mostly due to IEDs and unexploded ordnances. These numbers included not only ISKP attacks, but also unclaimed attacks and deaths from unexploded ordnances.<sup>202</sup>

The Institute for Economics and Peace (IEP) compared figures for deaths caused by ISKP in its Global Terrorism Index 2022 and Global Terrorism Index 2023. It stated that ISKP was responsible for 518 casualties in 2021. In 2022, the group was responsible for 115 incidents and 422 deaths, representing 76 percent of the country's total terrorism-related deaths. ISKP was responsible for the most deadly attacks, killing more than 50 people.<sup>203</sup>

Several attacks against religious targets went unclaimed. This was the case, for example, with a suicide bombing at the Gazargah mosque in Herat city on 2 September 2022. Twenty people were killed, including pro-Taliban cleric Mujib Rahman Ansari, and another 22 were injured. An IED attack in Kabul on 23 September 2022 (in which four civilians were killed and 52 were injured) was also unclaimed, as was a suicide attack on 5 October on the compound mosque of the de facto Ministry of the Interior (nine people killed and thirty injured).<sup>204</sup>

In the period between 14 November 2022 and 31 January 2023, the number of ISKP attacks decreased. There were sixteen attacks during this period compared to 53 during the same period the year before. There were attacks on an imam in Kabul, the Pakistani embassy, a shop owned by a Sikh, and a hotel, in front of the Ministry of Foreign Affairs, and on other targets.<sup>205</sup>

For figures on the number of civilian casualties in bomb attacks, see 1.2.3. below.

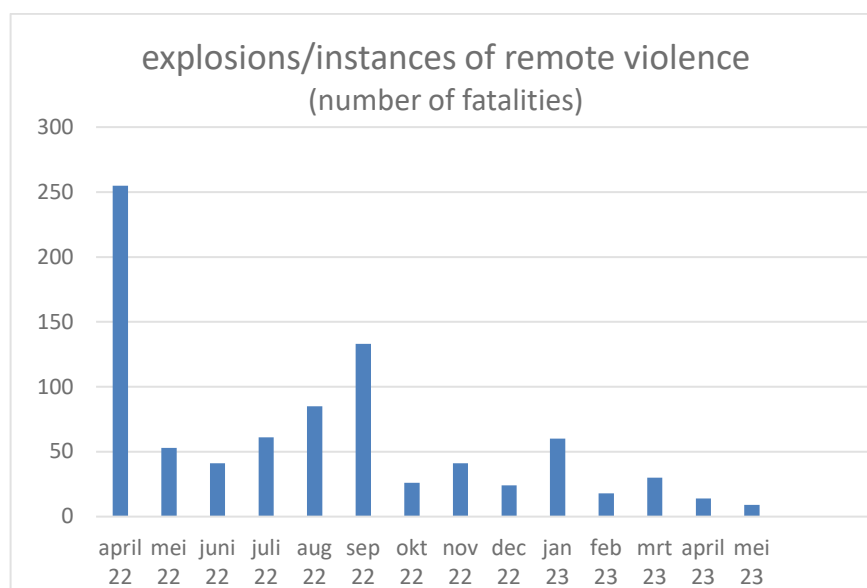
<sup>201</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 20, 7 December 2022.

<sup>202</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 34, 7 December 2022.

<sup>203</sup> Institute for Economics & Peace (IEP), *Global Terrorism Index, Measuring the Impact of Terrorism, Afghanistan*, p.20, March 2022; Institute for Economics & Peace (IEP), *Global Terrorism Index, Measuring the Impact of Terrorism, Afghanistan*, p.21, March 2023.

<sup>204</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 21, 7 December 2022.

<sup>205</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/772-S/2023/151*, paragraph 18, 27 February 2023.



SOURCE: ACLED<sup>206</sup>

### 1.2.3

#### *Civilian casualties*

The Taliban takeover brought to an end the direct armed conflict between the Taliban and the former ANDSF (Afghan National Defense and Security Forces) government forces. This led to an immediate reduction in the number of civilian casualties resulting from violence. The Taliban's offensives had caused many civilian casualties, and military offensives against the Afghan forces were now no longer necessary.<sup>207</sup>

In the subsequent period up to June 2022, according to UNAMA, there were again a large number of civilian casualties as a result of attacks. These were often claimed by ISKP and usually targeted ethnic and religious minorities, such as Hazaras and Sufis. The attacks were carried out on soft targets (i.e. non-military targets) such as mosques, public parks, schools and buses.<sup>208</sup>

Between 15 August 2021 and 15 June 2022, UNAMA documented 2,106 civilian casualties (700 dead, 1406 wounded) in Afghanistan. These were mainly caused by attacks with IEDs that were attributed to ISKP. Unexploded ordnance (UXO) also caused civilian casualties. Of these casualties, 88 were women (37 killed, 51 injured) and 441 were children (159 killed, 282 injured).<sup>209</sup>

Most civilian casualties were caused by IED attacks on soft targets such as mosques, public parks, schools and public transport. Most of the attacks were claimed by or attributed to ISKP. In many cases, the target was an ethnic and/or religious minority, namely Hazaras, Shiite Muslims or Sufi Muslims.<sup>210</sup>

<sup>206</sup> The information from ACLED was used for these graphs. Most of the data collected by ACLED come from public, secondary reporting. Data on victim numbers can be prone to subjectivity and, according to ACLED itself, are the least accurate component of conflict data. The organisation states that it uses the most conservative estimates available. In addition, ACLED only records fatalities. Information about injured people and victims of looting and kidnapping is not included.

<sup>207</sup> Schweizerische Flüchtlingshilfe (SFH), *Afghanistan: Die aktuelle Sicherheitslage*, paragraph 3.1., 2 November 2022; UNAMA Human Rights Service (HRS), *Human Rights in Afghanistan: 15 August 2021 to 15 June 2022*, pp.10-12, July 2022.

<sup>208</sup> Schweizerische Flüchtlingshilfe (SFH), *Afghanistan: Die aktuelle Sicherheitslage*, paragraph 3.1., 2 November 2022; BBC News, *Afghanistan: What's changed a year after Taliban return*, 16 August 2023.

<sup>209</sup> UNAMA Human Rights Service (HRS), *Human Rights in Afghanistan: 15 August 2021 to 15 June 2022*, pp.10-12, July 2022.

<sup>210</sup> UNAMA Human Rights Service (HRS), *Human Rights in Afghanistan: 15 August 2021 to 15 June 2022*, pp.10-12, July 2022.



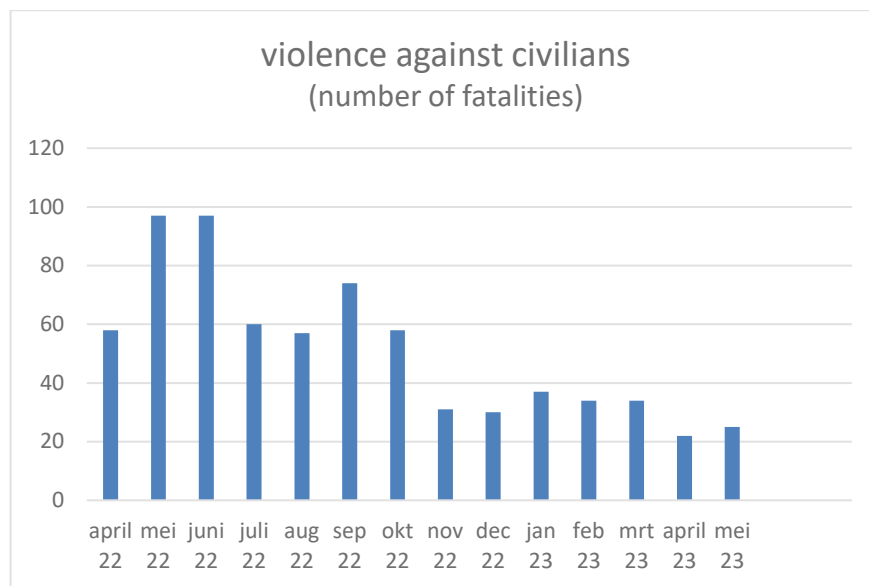
During the same period, eighty people were killed and 183 injured as a result of unexploded ordnance. Most of the victims (71%) were children playing with an unexploded bomb.<sup>211</sup>

In the period 14 September 2022 - 7 December 2022, UNAMA documented 530 civilian casualties (124 killed, 406 injured). The main causes were IEDs and UXO. On 30 September 2022, 54 people were killed and 114 injured in an unclaimed attack on the Kaaj education centre in the Dasht-e-Barchi district of Kabul. The victims were mainly girls and young women from the Hazara community.<sup>212</sup>

In the period 15 November 2022 - 31 January 2023, UNAMA documented 103 civilian casualties (20 killed, 83 injured). The main causes were again IEDs and UXO, and one third of all victims were children. Between 1 October and 31 December, there were 435 explosions in which nearly 200 children were casualties. In ninety percent of cases, the children were mutilated or killed.<sup>213</sup>

*Casualties during house searches*

Civilians were killed or injured during house searches in southern Afghanistan. According to social media reports, in some house searches, people were intimidated, doors kicked in, mattresses slashed open and belongings thrown around.<sup>214</sup> During house search operations on 18 September 2022 in Lashkargah in Helman province, the de facto security forces killed four women and wounded eight civilians. This happened when security forces opened fire on the civilians. In a similar house search incident on 19 September a woman and two men were killed in Kandahar.<sup>215</sup>



<sup>211</sup> UNAMA Human Rights Service (HRS), *Human Rights in Afghanistan: 15 August 2021 to 15 June 2022*, pp.10-12, July 2022.

<sup>212</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/636-S/2022/916 , paragraph 34, 7 December 2022.

<sup>213</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151 ,paragraph 32, 27 February 2023.

<sup>214</sup> Al Jazeera, *Taliban conducting house-to-house sweep across Afghan capital*, 11 February 2022.

<sup>215</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 80, 9 February 2023.

SOURCE: ACLED<sup>216</sup>

#### 1.2.4

##### *Range of action of ISKP, Al Qaeda and NRF*

During the reporting period the de facto authorities maintained control over virtually all of the country's territory, according to UNAMA. However, armed groups carried out attacks. UNAMA expressed concern about the presence of foreign terrorist groups and the risk of arms proliferation.<sup>217</sup> It is unclear why UNAMA uses the word 'virtually'. Other sources speak of complete territorial control by the Taliban.<sup>218</sup> There are apparently small pockets of resistance in and around the Pansjir valley.<sup>219</sup>

##### *Range of action of ISKP*

ISKP mainly operated in small cells in urban areas. In February 2023 the number of fighters was between 2,500 and 3,000 fighters, according to one source. Another source reported a doubling from 3,000 to 6,000 in March 2023. Most fighters were in Kabul and the north-east of the country. ISKP reportedly used a hit-and-run strategy.<sup>220</sup>

ISKP is said to have no territorial control in Afghanistan and the group's operational capability across the country is unclear.<sup>221</sup> It targeted its attacks, among others, on the Taliban, Shia Hazara and Sufi minorities.<sup>222</sup> See also 1.1.5 on ISKP and its relationship with the Taliban and 1.2 on the security situation.

ISKP attacks mainly took place in Nangarhar province - referred to as the historical stronghold of ISKP - and in its capital Jalalabad. ISKP also carried out attacks in Kabul.<sup>223</sup>

In addition, there were attacks in the south and west of the country and the number of attacks in the north increased. According to analysts, this could mean that ISKP is expanding its operational area geographically. The attacks in the north seemed more coordinated than before, which could indicate a growing foothold there.<sup>224</sup> Since the end of 2022, ISKP seems to have focused intensively on international actors, given the attacks on the Russian and Pakistani embassies, on a hotel in Kabul frequented by Chinese visitors and on two occasions on the de facto Ministry of Foreign Affairs.<sup>225</sup>

According to one source, ISKP had spread to almost all 34 provinces by May 2023.<sup>226</sup>

<sup>216</sup> The information from ACLED was used for these graphs. Most of the data collected by ACLED come from public, secondary reporting. Data on victim numbers can be prone to subjectivity and, according to ACLED itself, are the least accurate component of conflict data. The organisation states that it uses the most conservative estimates available. In addition, ACLED only records fatalities. Information about injured people and victims of looting and kidnapping is not included.

<sup>217</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, paragraph 74 p.14, 7 December 2022.

<sup>218</sup> FDD's Long War Journal, *Mapping Taliban Control in Afghanistan*, 21 July 2022; FDD visuals, *Mapping the Fall of Afghanistan*, 29 August 2022; Chatham House, *Afghanistan: One Year of Taliban Rule*, 15 August 2022; Stimson Center, *Afghanistan Under the Taliban: Findings on the Current Situation*, 20 October 2022; Confidential source 23 June 2023.

<sup>219</sup> Confidential source 23 June 2023.

<sup>220</sup> EUAA (European Union Agency for Asylum), *Country Guidance: Afghanistan*, p.55, April 2022.; The Diplomat, *In Afghanistan, Taliban Face a Growing Threat in ISKP*, 21 March 2023; Confidential source 8 February 2023

<sup>221</sup> EUAA (European Union Agency for Asylum), *Country Guidance: Afghanistan*, p.55, April 2022.

<sup>222</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.9, 12 August 2022.

<sup>223</sup> EUAA (European Union Agency for Asylum), *Country Guidance: Afghanistan*, p.55, April 2022.

<sup>224</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.9, 12 August 2022.

<sup>225</sup> Confidential source 13 April 2023; BBC News, *Afghanistan: Deadly suicide bombing outside foreign ministry*, 12 January 2023; CNN, *'No one feels safe': The Taliban promised to provide security to Afghans. New data shows threat from ISIS is growing*, 19 May 2023.

<sup>226</sup> Confidential source 1 May 2023.

*Range of action of al-Qaeda*

Afghanistan is said to still provide a safe haven for al-Qaeda members.<sup>227</sup> This was confirmed by the presence and assassination of al-Qaeda leader Al Zawahiri in Kabul in July 2022. According to a UN report, members of al-Qaeda are mainly located in the south and east of Afghanistan, which is their historical home base. There were rumours of a possible relocation of leaders further west to the provinces of Farah and Herat.<sup>228</sup>

Al-Qaeda has more freedom in Taliban-ruled Afghanistan than before, but is said to confine itself to advising and maintaining close ties with the Taliban.<sup>229</sup> Al-Qaeda allies within the Taliban are part of the de facto government. According to a UN report, al-Qaeda does not want to create international difficulties or embarrass the Taliban.<sup>230</sup>

The ties between the two groups are strong due to ideological similarities, relationships that have arisen through common struggles and family ties resulting from marriages.<sup>231</sup>

Al-Qaeda has no physical control over territory in Afghanistan; it is more focused on an ideological agenda.<sup>232</sup>

See 1.1.6 on the relationship between the Taliban and al-Qaeda.

*Range of action of NRF*

The National Resistance Front (NRF) is the largest of several groups that emerged from the Islamic Republic of Afghanistan period, although capabilities are very limited and pose no existential threat to the Taliban. The NRF fights against the Taliban and is located mainly in the province of Panjshir to the north-east of Kabul.<sup>233</sup>

The group is led by Ahmad Massoud, the son of the well-known mujahideen leader Ahmad Shah Massoud (who was assassinated by al-Qaeda in September 2001). The NRF is mainly active in Panjshir province and surrounding areas in the north, including parts of Baghlan, Parwan and Kapisa provinces. It also has some capacity in Kabul. The group's resistance to the Taliban began immediately after the takeover. For a short time, Panjshir was then the only province not under Taliban control. The Taliban has been in control of the province since then, but there is still

<sup>227</sup> UN Security Council, *Letter dated 11 July 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*, S/2022/547, p.6, 15 July 2022; *Letter dated 13 February 2023 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*, UNSC, paragraph, 1en 2 and 71, 3 February 2023.

<sup>228</sup> UN Security Council, *Letter dated 11 July 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*, S/2022/547, p.16, 15 July 2022.

<sup>229</sup> UN Security Council, *Letter dated 11 July 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*, S/2022/547, p.16, 15 July 2022.

<sup>230</sup> UN Security Council, *Letter dated 11 July 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*, S/2022/547, p.6, 15 July 2022.

<sup>231</sup> RFE/RL, *Al-Qaeda Could Flourish With New Strategy Under Taliban Rule*, 30 September 2021.

<sup>232</sup> *Letter dated 13 February 2023 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*, UNSC, paragraph 2, 13 February 2023.

<sup>233</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.4, 12 August 2022.

strong resistance in more remote areas. NRF fighters reside in secret positions in the mountains.<sup>234</sup>

Since the Taliban took control, the number of attacks by the NRF has been limited, but is growing. In the early summer of 2022, there were twelve or more attacks per week. In Andarab in Baghlan province, NRF fighters have limited capacity to engage in combat with Taliban security forces. When the Taliban send reinforcements, NRF militants usually retreat to the mountains to avoid direct confrontation. NRF activities in Panjshir, Parwan and Kapisa mainly consist of hit-and-run attacks, ambushes, attacks on checkpoints and patrols, and sporadic attacks on Taliban representatives, including with IEDs.<sup>235</sup>

The NRF has been trying to expand its appeal beyond its bastion in Panjshir.

However, it has never seriously put its weight behind this.<sup>236</sup>

On the NRF, see also 1.2 on the security situation.

### 1.2.5 *Security organisations*

This section examines the structure of the security apparatus under the Taliban.

#### *Restructuring of the security apparatus*

During the first months after taking power, the Taliban tried to restructure the security apparatus. This consists of the armed forces, the police and the intelligence service. New structures are currently being set up and the apparatus is being made more professional through measures such as the establishment of official positions, the introduction of uniforms, and the provision of training with completion ceremonies. However, there is still a lot of uncertainty about the command structure and about the staffing and budget of the police, armed forces and secret service. 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.<sup>237</sup>

In early 2022, Taliban leaders announced changes to the number of security personnel and their duties. In February 2022, they reported that 100,000 to 200,000 police officers would be trained. The total security apparatus would consist of 350,000 troops. The recruitment of more than 130,000 military personnel announced by the Ministry of Defence was completed on 9 June 2022. The ministry started military training at the Kabul Joint Training Centre and opened registration for military personnel.<sup>238</sup>

Former security personnel were also recruited into the new forces. These were mainly individuals with technical and administrative skills.<sup>239</sup> It was unclear exactly how many security personnel there were at the time of writing.

In mid-June, the Ministry of the Interior reported that it had trained police officers. The numbers mentioned ranged from 35,000 to 50,000. The ministry denied that female officers had been dismissed and stated that it would hire new female

<sup>234</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.11, 12 August 2022; *The Washington Post*, *Inside the Taliban's secret war in the Panjshir Valley*, 8 June 2022..

<sup>235</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.11, 12 August 2022.

<sup>236</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.27, 12 August 2022.

<sup>237</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.55, March 2022.

<sup>238</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.16, 12 August 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, paragraph 11, p.3, 14 September 2022.

<sup>239</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.24, 12 August 2022.

graduates.<sup>240</sup> According to one source, women have indeed been hired in the new security organisations. They are reportedly used for house searches, security checks and document checks at the airport and at the border.<sup>241</sup>

In August 2022, a news report on the website of Afghanistan's de facto Ministry of Interior reported that 800 members of the special units at the Logar Training Centre had completed their training and were ready for deployment. This is part of a regular training programme for national and provincial special forces troops.<sup>242</sup> The restructuring programme is still in progress and is said to include 'professional, ideological and religious training'.<sup>243</sup>

#### *Security commissions*

In October 2022, several security commissions were set up. The purpose of one of these was to filter out personnel with a criminal background, while another was set up to assess the 'jihadi' and educational background of army personnel. At least 52 people were appointed to management positions, mainly redeployments.<sup>244</sup> According to the ICG, the de facto government has increasingly recruited former security personnel from the Ghani government, mainly individuals with technical and administrative skills. Former security officials are also said to have been appointed to key positions, but not to the highest level.<sup>245</sup> One of the reasons for security personnel to join the ranks of the former adversary is said to be economic necessity.<sup>246</sup> See also 1.2.7 on Taliban recruitment.

#### *Local dynamics*

The Taliban are well aware that local discontent can play into the hands of opposition movements. Previously, their tactics often consisted of exploiting local tensions in order to recruit fighters. The Taliban have repeatedly solved problems by replacing local officials with outsiders who have no interest or role in the local tribal or ethnic dynamics. For example, when ISKP launched an offensive in September 2021, the Taliban replaced the governors of Kunar and Nangarhar with senior officials from other provinces. A similar reassignment took place after violent incidents in the north in May 2022, when the Taliban appointed new security officials in several provinces.<sup>247</sup>

#### *Uniform and salary*

In June 2022, the Taliban began introducing new police uniforms, initially in Kabul and Kandahar. This was to counter persistent criticism that a lack of uniforms and proper training leads to abuse of power and criminal activity by police officers.<sup>248</sup> Most of the security personnel received their salary irregularly. The exceptions were security personnel (mostly technical) taken over from the Ghani government, new

<sup>240</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.16, 12 August 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 11, p.3, 14 September 2022.

<sup>241</sup> Confidential source 21 April 2023.

<sup>242</sup> Ministry of Interior, *The Ministry Of Interior Affairs Of Afghanistan Special Forces*, 30 August 2022, <https://www.moi.gov.af/en/ministry-interior-affairs-afghanistan-special-forces>, accessed 29 December 2022.

<sup>243</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/772-S/2023/151*, paragraph 17, 27 February 2023.

<sup>244</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 14 p.6, 7 December 2022.

<sup>245</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.24, 12 August 2022; EUAA, *Afghanistan – Targeting of Individuals*, p.66, August 2022.

<sup>246</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.65-66, August 2022.

<sup>247</sup> International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.21-22, 12 August 2022.

<sup>248</sup> Voice of America (VOA), *Taliban Introducing New Uniform for Afghan Police*, 8 June 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 11, p.3, 14 September 2022.

recruits on the personnel list and police personnel. These reportedly received their salary regularly.<sup>249</sup>

At the beginning of 2023, the Ministry of Finance stated that the salaries of all civil servants and security personnel would be paid up to December 2022.<sup>250 251</sup>

According to one source, salaries are lower than during the Islamic Republic and are not always paid regularly.<sup>252</sup>

#### 1.2.6 *Military conscription*

There was no evidence that the Taliban had instituted conscription or large-scale forced recruitment. However, there were reports that former ANDSF members were given a 'choice', but were in fact forced to become part of the new army.<sup>253</sup>

Volunteer recruits have been taken on for the newly formed security forces. See 1.2.5.

According to one source, there was no need for conscription or forced recruitment, because there were sufficient voluntary recruits.<sup>254</sup> This is because there were fighters left over from the war who were suitable to join the security forces.<sup>255</sup>

#### 1.2.7 *Forced recruitment by the Taliban*

Traditionally, the Taliban recruited unemployed Pashtun men who were then trained in madrassas. There is reportedly no shortage of volunteers or recruits.<sup>256</sup>

The EUAA wrote in an August 2022 report that it had not found any information about forced recruitment of adults by the Taliban at the time of writing the report. The recruitment that took place for the newly established security structures (as described in 1.2.5) was voluntary according to the Taliban.<sup>257</sup> Several sources said that they had not heard of forced recruitment of adults.<sup>258</sup> However, there were reports of forced assignments for individuals who were already part of the Taliban, such as transfers to areas where fighters did not want to go.<sup>259</sup> There were also former ANDSF members who were in reality forced to become part of the new army. See 1.2.6 on conscription.

Children were at risk of being forcibly recruited by the Taliban. See 1.2.7.1.

According to another EUAA report from April 2022, the Taliban only used forced recruitment in exceptional cases. For example, there were reports of attempts to recruit people with a military background, such as members of the former ANDSF. The Taliban was also said to use forced recruitment in acute emergencies. Pressure and coercion to join the Taliban are not always violent and often come from within the family, clan or religious networks, depending on local circumstances. Disobeying

<sup>249</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 11, p.3, 14 September 2022.

<sup>250</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/772-S/2023/151*, paragraph 8, 27 February 2023.

<sup>251</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 13 p.6, 7 December 2022.

<sup>252</sup> Confidential source 21 April 2023; Confidential source 11 May 2023.

<sup>253</sup> Confidential source 13 April 2023.

<sup>254</sup> Confidential source 23 February 2023; Confidential source 21 April 2023.

<sup>255</sup> Confidential source 13 April 2023.

<sup>256</sup> EUAA (European Union Agency for Asylum), *Country Guidance: Afghanistan*, p.69, April 2022.

<sup>257</sup> EUAA (European Union Agency for Asylum), *Afghanistan – Targeting of Individuals Country of Origin Information Report August 2022*, p.190, April 2022.

<sup>258</sup> Confidential source 23 February 2023; Confidential source 24 February 2023.

<sup>259</sup> Confidential source 21 April 2023.

usually has serious consequences such as threats to the family or physical harm to or the killing of the person who has refused.<sup>260</sup>

The Taliban reportedly did not recruit outside Afghan territory.<sup>261</sup>

#### 1.2.7.1 *Forced recruitment of children*

On 27 March 2022, Taliban leader Hibatullah Akhundzada issued a decree prohibiting the recruitment of children. Children under the age of eighteen were not to be part of the security forces.<sup>262</sup>

Despite this, the Taliban and other armed groups recruited children for combat and support tasks. Some of these children were under the age of twelve. Children were held captive regardless of their age.<sup>263</sup>

According to one source, the age of boys is not determined by their year of birth, but by their beard growth.<sup>264</sup>

The Taliban and ISKP used children in direct hostilities, with IEDs, to carry weapons, and to spy and guard bases.<sup>265</sup> According to the US DOS human rights report, the number of child soldiers recruited by the Taliban increased in 2022.<sup>266</sup>

The Taliban sometimes recruited children through coercion, fraud, indoctrination and false promises. Children had to join in the fighting, including by placing and detonating IEDs and carrying out suicide and other attacks.<sup>267</sup>

The Taliban forcibly recruited children from madrassas in Afghanistan and Pakistan who had undergone military training and religious indoctrination. Sometimes the Taliban gave the families cash payments, clothing or food. They also sometimes offered protection in exchange for sending the child to school. Armed groups mainly targeted children in impoverished and rural areas. Displaced minors were at greater risk of being recruited by armed groups.<sup>268</sup> Boys living in economic hardship saw the armed struggle as a way to a better life.<sup>269</sup>

The Taliban have historically used madrassas to educate children from an early age. They often start by studying religious subjects - taught by Taliban teachers - from the age of six and receive military training from the age of thirteen.<sup>270</sup>

Residential care facilities and other shelter options for victims of forced recruitment have not been operational since the takeover of power by the Taliban. There is no centralised infrastructure or organisation to help children, which puts Afghan children at increased risk of forced recruitment by armed groups and of human trafficking. Due to the restrictive measures on humanitarian aid, NGOs can no longer perform their work properly. Taliban fighters are said to have looted the few remaining shelters and threatened aid workers.<sup>271</sup>

See also the section about *bacha bazi* in 3.1.14 on minors, including unaccompanied minors.

According to the report by the UN Special Rapporteur on the human rights situation in Afghanistan, there were indications of a significant increase in the recruitment

<sup>260</sup> EUAA (European Union Agency for Asylum), *Country Guidance: Afghanistan*, p.69, April 2022.

<sup>261</sup> Confidential source 28 February 2023.

<sup>262</sup> US Department of State, *Country Report on Human Rights 2022 – Afghanistan*, p.3, 13,14, 20 March 2023.

<sup>263</sup> US Department of State (USDOS), *Trafficking in persons report*, p.80, July 2022; US Department of State, *Country Report on Human Rights 2022 – Afghanistan*, p.3, 13,14, 20 March 2023.

<sup>264</sup> Confidential source 13 April 2023.

<sup>265</sup> US Department of State (USDOS), *Trafficking in persons report*, p.80, July 2022

<sup>266</sup> US Department of State, *Country Report on Human Rights 2022 – Afghanistan*, p.3, 13,14, 20 March 2023.

<sup>267</sup> US Department of State (USDOS), *Trafficking in persons report*, p.80, July 2022

<sup>268</sup> US Department of State (USDOS), *Trafficking in persons report*, p.80, July 2022

<sup>269</sup> The Borgen Project, *Child soldiers in Afghanistan*, 26 September, 2022.

<sup>270</sup> The Borgen Project, *Child soldiers in Afghanistan*, 26 September, 2022.

<sup>271</sup> The Borgen Project, *Child soldiers in Afghanistan*, 26 September, 2022; OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraphs 82-83, 9 February 2023.

and use of child soldiers in 2022. The report did not distinguish between the different armed groups.<sup>272</sup>

For forced recruitment of children by ISKP and other armed groups, see 1.2.8.

#### 1.2.7.2 *Forced recruitment of non-Pashtuns*

There is no evidence of forced recruitment of non-Pashtuns. Voluntary recruitment did take place, however, as described in 1.2.5.

##### *Recruitment of non-Pashtuns*

Some non-Pashtun commanders were appointed in the north. These were commanders who had fought alongside the Taliban. There are at least one Hazara and one Tajik commander. See 1.1.3 on the internal organisation of the Taliban.

#### 1.2.8 *Forced recruitment by ISKP and other armed groups*

##### *Forced recruitment of adults by ISKP*

For forced recruitment of adults by ISKP, see 1.1.5.2

##### *Forced recruitment of children by ISKP*

According to *Trafficking in Persons Report* of the US Department of State (USDOS), ISKP and other armed groups forcibly recruited minors for combat and support tasks. The report by the UN Special Rapporteur on the human rights situation in Afghanistan also stated that there were indications of a significant increase in the recruitment and use of child soldiers in 2022. Some of these children were under the age of twelve.<sup>273</sup> The UN Special Rapporteur's report made no distinction between the different armed groups. It is therefore unclear which groups were meant by this and whether/to what extent this concerned ISKP.

For more information, see 1.2.7.1.

##### *Forced recruitment by other armed groups*

During the reporting period, there were reports of forced recruitment by small armed groups, including of children. The method of recruitment and the degree of coercion depended on the commander and the dynamics of the local conflict.<sup>274</sup>

According to the report by the UN Special Rapporteur on the human rights situation in Afghanistan, there are indications that there was a significant increase in the recruitment and use of Afghan child soldiers in 2022.<sup>275</sup> The report did not distinguish between the different armed groups. It is therefore unclear whether and to what extent the different armed groups did this.

#### 1.2.9 *Taliban investigative methods*

In August 2021, the Taliban issued a general amnesty for employees and security personnel of the Ghani government. Despite this, many former employees were

<sup>272</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraphs 82-83, 9 February 2023; US Department of State, *Country Report on Human Rights 2022 – Afghanistan*, p.3, 13,14, 20 March 2023.

<sup>273</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraphs 82-83, 9 February 2023; US Department of State, *Country Report on Human Rights 2022 – Afghanistan*, p.3, 20 March 2023.

<sup>274</sup> EUAA (European Union Agency for Asylum), *Country Guidance: Afghanistan*, p.70, April 2022.

<sup>275</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraphs 82-83, 9 February 2023; US Department of State, *Country Report on Human Rights 2022 – Afghanistan*, p.3, 13,14, 20 March 2023.



persecuted, tortured, killed or underwent enforced disappearance.<sup>276</sup> This took place both in the previous reporting period and in this one.

See 3.1.1.

#### *Methods*

According to HRW, Taliban actors used a variety of methods to track down and persecute, including false promises, intimidation, pressure on family members and more. They retrieved data from databases belonging to the Ghani government and donors or obtained information from informants.<sup>277</sup>

Amnesty International documented the case of a former Afghan National Army (ANA) technician hiding in his sister's home. The Taliban phoned him several times, offered him the chance to work with the Taliban and promised amnesty and safety. When he accepted an invitation to come to the office, he disappeared. His body was found a few days later, riddled with bullets and with signs of torture. The family did not dare to request an investigation for fear of reprisals.<sup>278</sup>

It is unclear to what extent the Taliban used such methods.

#### *Databases*

When the Taliban took power, several donors had to abandon their databases containing data on Afghan citizens. According to Human Rights Watch (HRW), the Taliban now possess sensitive biometric data that could put thousands of Afghans at risk.<sup>279</sup>

Digital payroll and identity systems - which were set up with the support of donors - contain personal and biometric data on Afghan citizens, including their iris scans, fingerprints, images, occupations, home addresses and names of relatives.<sup>280</sup>

An example is the system that the Afghan Ministries of Defence and the Interior used to pay the salaries of the national police and the national army.<sup>281</sup> There is also the digital identity system *e-tazkera*. This system is used to issue electronic identity cards. The ID cards are indispensable for certain administrative actions such as applying for a passport, voting, or for certain jobs. The system contains personal data such as the person's name, father's and grandfather's names, national identity number, physical description, place and date of birth, gender, marital status, ethnicity, first language, religion, tribal links, occupation, level of education and literacy, as well as biometric data such as fingerprints, iris scan and photos.<sup>282</sup>

Foreign governments such as the US and international organisations such as the UN and the World Bank financed or helped build biometric and personal data systems. These data were used for official purposes. In some cases, the systems were built for the Ghani government. In other cases they were set up for foreign governments and military personnel.<sup>283</sup>

HRW says the Taliban could use these systems to track down alleged opponents and individuals who worked for the coalition forces<sup>284</sup>.<sup>285</sup>

<sup>276</sup> Amnesty International, *The Rule of Taliban, A year of violence, Impunity and False Promise*, p.7, 15 August 2022.

<sup>277</sup> Human Rights Watch, *New Evidence that Biometric Data Systems Imperil Afghans*, 30 March 2022.

<sup>278</sup> Amnesty International, *The Rule of Taliban, A year of violence, Impunity and False Promise*, p.27, 15 August 2022

<sup>279</sup> Human Rights Watch, *New Evidence that Biometric Data Systems Imperil Afghans*, 30 March 2022.

<sup>280</sup> Human Rights Watch, *New Evidence that Biometric Data Systems Imperil Afghans*, 30 March 2022; EUAA, *Afghanistan – Targeting of Individuals*, p.64, August 2022.

<sup>281</sup> MIT Technology Review, *This is the real story of the Afghan biometric databases abandoned to the Taliban*, 30 August 2021.

<sup>282</sup> Human Rights Watch, *New Evidence that Biometric Data Systems Imperil Afghans*, 30 March 2022.

<sup>283</sup> Human Rights Watch, *New Evidence that Biometric Data Systems Imperil Afghans*, 30 March 2022.

<sup>284</sup> The group of countries that, under US leadership, provided support to the Afghan government to enable it to control the country and promote security and stability.

<sup>285</sup> Human Rights Watch, *New Evidence that Biometric Data Systems Imperil Afghans*, 30 March 2022; MIT Technology Review, *This is the real story of the Afghan biometric databases abandoned to the Taliban*, 30 August 2021.

### *Country-wide tracking system*

The Taliban traditionally had an efficient intelligence system based on close local contacts. After the takeover of power, they kept these structures. There were still numerous checkpoints and an extensive network of local informants.<sup>286</sup>

According to a confidential source, the informant system, in combination with the databases that have fallen into the hands of the Taliban, are probably helping the Taliban track down people they are looking for. Monitoring of social media and other means of communication could also help the Taliban find and threaten people.<sup>287</sup>

Another source stated that the monitoring of social media mainly led to the detection of people who expressed criticism online under their own name.<sup>288</sup>

According to one source, information monitoring took place on a fairly significant scale. It was directed less at social media than at the government databases, primarily in order to find people with links to the NRF. This apparently happens much less now.<sup>289</sup> According to various sources, the Taliban not only monitored social media networks, but also listened in on telephone conversations. This also happened to people who called their relatives in Afghanistan from abroad.<sup>290</sup> A refugee abroad said that relatives in Afghanistan were not listed as Facebook friends, for fear that they would be found by the Taliban.<sup>291</sup>

## 1.3 **Humanitarian situation**

### 1.3.1 *Humanitarian situation*

#### *Humanitarian situation in general*

Afghanistan is ranked 180th (out of 191) in UNDP's *Human Development Index* (HDI) for 2020/21.<sup>292</sup> A more recent index is not yet available.

According to various international organisations, Afghanistan is the biggest humanitarian crisis of 2023.<sup>293</sup> The economic situation was already poor before the Taliban took power, and has become even more drastic since then. Eighty percent of the government budget came from international donors. This aid was largely discontinued after the takeover of power. Many people have lost their jobs, salaries are no longer paid, food prices have skyrocketed and there is a shortage of cash. The balances in the Afghan central bank have been frozen. According to the UN, around 28.3 million Afghans are expected to need humanitarian aid in 2023 (out of an estimated total population of 38.3 million<sup>294</sup>). This is a record number and is an increase from the 24.4 million who needed aid in 2022 and the 18.4 million in 2021.<sup>295</sup>

<sup>286</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.59, March 2022.

<sup>287</sup> Confidential source 4 March 2023.

<sup>288</sup> Confidential source 19 June 2023.

<sup>289</sup> Confidential source 23 June 2023.

<sup>290</sup> Confidential source 2 March 2023; Confidential source 4 March 2023; Confidential source 4 March 2023.

<sup>291</sup> Confidential source 4 March 2023.

<sup>292</sup> UNDP, *Human Development Report 2020/2021: Uncertain times, unsettled lives, Shaping our future in a transforming world*, 2022.

<sup>293</sup> Unicef, *Appeal Afghanistan 2023, Humanitarian Action in Need (HAC)*, 2022; UN News, *Afghanistan still a grave humanitarian crisis, senior aid official says*, 28 February 2023.

<sup>294</sup> CIA, *The World Factbook – Afghanistan*, 4 January 2023.

<sup>295</sup> Unicef, *Appeal Afghanistan 2023, Humanitarian Action in Need (HAC)*, 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 55, 27 February 2023.

More than 64 percent of Afghans cannot meet their basic food and non-food needs.<sup>296</sup> <sup>297</sup> The per capita income was estimated as of December 2022 to be two thirds of the income in 2020.<sup>298</sup>

According to a population survey conducted by the World Bank (WB) between June and August 2022, living conditions for Afghan families were tough. Widespread shortages continued and food insecurity was high. Rising food prices and the continued effects of the previous year's drought were the main reasons for limited access to food and the unaffordability of food. 65 percent of the respondents expected a deterioration in their economic conditions. The mood regarding the economy was more pessimistic than before.<sup>299</sup> The economic crisis led to an increase in the number of beggars on the streets.<sup>300</sup>

The crisis was so great that in some cases people resorted to emergency measures such as selling their own kidney or those of their children. In other cases, their children were sold into slavery or into forced marriage when they were scarcely ten years old.<sup>301</sup>

#### *Food supply*

According to figures from the *World Food Programme* (WFP), nearly 20 million people in Afghanistan were in acute food insecurity in December 2022. Of these, six million were on the brink of famine. Four million people were acutely malnourished, including 3.2 million children under the age of five. According to WFP forecasts at the end of 2022, 28.3 million people - two thirds of the total Afghan population - would need multi-sector humanitarian assistance in 2023. In 2022, more than 22.6 million Afghans received emergency food and livelihood support.

An October 2022 food security report from WFP found that nine out of ten households were not consuming enough food. On average, ninety percent of household income was spent on food, while fifty percent of households adopted survival strategies to meet their basic food needs. Female-headed households were particularly hard hit. 84 percent of these families were unable to get enough food. Compared to men, women were twice as likely to skip their own meal for the sake of other family members. Household debt increased sixfold compared to 2019. The food crisis was exacerbated in certain regions by a simultaneous earthquake and flooding.<sup>302</sup>

According to UNICEF, severe child malnutrition rates exceed three percent in fifteen of its 34 provinces, with 875,000 children under the age of five receiving life-saving treatment for acute malnutrition.<sup>303</sup> UNICEF warned of a famine unless action was taken in time. 46 percent of households surveyed were affected by the drought, 70 percent reported a lack of water, and 51 percent had no access to improved latrines. Infectious disease outbreaks continued, including an outbreak of diarrhoea that infected more than two million people.<sup>304</sup>

#### *Health care*

<sup>296</sup> Unicef, *Appeal Afghanistan 2023, Humanitarian Action in Need (HAC)*, 2022; World Bank, *Afghanistan Development Update*, p.4, October 2022.

<sup>297</sup> This figure of two-thirds of households represented a slight improvement compared to the previous survey in mid-winter (October-December) 2021, when 69 percent of households were in this situation.

<sup>298</sup> Unicef, *Appeal Afghanistan 2023, Humanitarian Action in Need (HAC)*, 2022.

<sup>299</sup> Worldbank (WB), *World Bank Survey: Living Conditions Remain Dire for the Afghan People*- PRESS RELEASE NO: SAR/2022, 22 November 2022.

<sup>300</sup> Tolo News, *Ministry for Disaster Management: 90% of Citizens Need Help*, 14 December 2022; Tolo News, *Beggars Increase on Streets of Kabul Amid Widespread Poverty*, 9 August 2022.

<sup>301</sup> France 24, *Afghanistan suffering 'one of the world's worst humanitarian crises' under Taliban*, 15 August 2022;

<sup>302</sup> World Food Programme (WFP) Afghanistan, *Situation Report*, 22 December 2022.

<sup>303</sup> Unicef, *Appeal Afghanistan 2023, Humanitarian Action in Need (HAC)*, 2022.

<sup>304</sup> Unicef, *Appeal Afghanistan 2023, Humanitarian Action in Need (HAC)*, 2022.

After the Taliban took power, funding from several development organisations and international financial institutions ceased. As a result, several crucial projects were halted, including in health care. This led to the immediate cessation of certain services, and of the payment of salaries and running costs.<sup>305</sup> According to the ICRC, access to health care is a major concern for communities across Afghanistan. Patients often have to travel for hours for specialist care, sometimes on dangerous roads in areas with numerous landmines and unexploded ordnances.<sup>306</sup>

A doctor in a large maternity hospital in Kabul stated that there was not enough money to purchase necessary medicines or pay salaries, and that some of the doctors had left as a result. Due to the lack of staff, medicines and equipment, not all patients could be treated.<sup>307</sup> The poor food situation and inadequate health care can harm people's health, thereby increasing the need for medical facilities. This creates a vicious circle, according to an expert.<sup>308</sup>

According to UNICEF, 13.3 million people lack access to health care, mainly due to a lack of infrastructure coupled with high costs. Institutions are struggling with a lack of staff, medicines and other resources. The health system is said to be in bad shape.<sup>309</sup>

According to the World Bank study mentioned earlier, medical facilities were generally available. Only eight percent of those surveyed who had needed medical care said they had been unable to get it. Little difference was reported between urban and rural areas.<sup>310</sup>

#### *Water supply*

In 2023, Afghanistan entered its third year of drought, according to the World Food Programme (WFP). Thirty of the country's 34 provinces suffered from extremely low water quality. The number of households that felt the impact of the drought was six times greater in 2022 than in 2020.<sup>311</sup>

A UNICEF report from late 2022 gave the following figures:<sup>312</sup>

- Around eight out of ten Afghans drink unsafe water;
- 93 percent of children in Afghanistan (15.6 million children) live in areas of high or extremely high water vulnerability;
- Nearly 4.2 million people practise open defecation;
- Five out of ten Afghans have no access to basic sanitary facilities;
- Six out of ten Afghans have no access to basic hygiene facilities;
- Around 94 percent of schools lack basic handwashing facilities;
- Around 35 percent of health care facilities lack access to basic drinking water supplies.

#### *Housing of displaced persons<sup>313</sup> and slums*

Slum-like enclaves have sprung up around the major cities in Afghanistan, where vulnerable groups live, including displaced persons and refugees. A total of about 2.5 million people live in slums across the country.

<sup>305</sup> International Committee of the Red Cross (ICRC), *Afghanistan: A health-care system on life support*, 13 August 2022.

<sup>306</sup> International Committee of the Red Cross (ICRC), *Afghanistan: A health-care system on life support*, 13 August 2022.

<sup>307</sup> International Committee of the Red Cross (ICRC), *Afghanistan: A health-care system on life support*, 13 August 2022.

<sup>308</sup> France 24, *Afghanistan suffering 'one of the world's worst humanitarian crises' under Taliban*, 15 August 2022.

<sup>309</sup> Unicef, *Appeal Afghanistan 2023, Humanitarian Action in Need (HAC)*, 2022.

<sup>310</sup> Worldbank (WB), *World Bank Survey: Living Conditions Remain Dire for the Afghan People*- PRESS RELEASE NO: SAR/2022, 22 November 2022.

<sup>311</sup> World Food Programme (WFP) Afghanistan, *Situation Report*, 22 December 2022.

<sup>312</sup> Unicef, *AFGHANISTAN: WASH on the Brink*, eind 2022.

<sup>313</sup> 'Displaced persons' here refers to internally displaced persons, i.e. within Afghanistan.

The de facto authorities wanted to close the informal settlements and put pressure on displaced persons to return to the areas from which they had fled. For example, measures were taken to close eight camps in Badghis province in Western Afghanistan, where some 18,000 people live. Most slums in Kabul were reportedly also closed. According to the Norwegian Refugee Council (NRC), a total of nearly half a million families were at risk of homelessness in June 2022 due to pressure from the authorities on displaced persons to return. Many of the residents said they had nothing to return to in their region of origin. Despite the appalling conditions, they had settled in a new location and found work and schools for their children and access to humanitarian aid.<sup>314</sup> According to the Norwegian Refugee Council, there were 1.3 million displaced persons in Afghanistan in 2023, many of whom lived in these informal settlements.<sup>315</sup> According to UNHCR, there were many more, amounting to about 3.4 million in June 2022: see 4.1.1.

#### *Natural disasters*

During the reporting period, people lost their homes due to natural disasters such as floods and an earthquake in the south-east of the country in June 2022. According to the de facto Ministry for Disaster Management, 1,500 people died in 2022 and 20,000 homes were destroyed in natural disasters.<sup>316</sup> In 2022, UNHCR provided aid to hundreds of thousands of people whose homes were destroyed or damaged by the earthquake or who were unable to heat their homes adequately. The organisation also helped with repairs to emergency shelters and rent support for communities in areas with extreme climate conditions.<sup>317</sup> The extreme cold in winter caused many deaths of both people and animals. In Kabul the temperature fell to minus 21 degrees, and the coldest temperature was measured in the central province of Ghor, at minus 33 degrees.<sup>318</sup>

### 1.3.2

#### *Active international aid and other organisations*

Since the Taliban took power, the humanitarian crisis in Afghanistan has worsened. Western donors limited their aid and international sanctions were imposed on the de facto Taliban government, including asset freezes. The urban economy in particular was hit by capital flight and the disappearance of the service sector which supported the international military presence. Although infrastructure aid, assistance with strengthening the rule of law and broader budget support generally came to an end, humanitarian aid and support for basic needs (education and health care) generally continued. International payments are still experiencing difficulties because commercial banks consider the risks associated with due diligence and anti-terrorist financing too high and the non-recognised status of the de facto authorities hinders cooperation between the Afghan Central Bank and the international network of central banks. The US, the UAE and several European governments have frozen assets belonging to the Afghan Central Bank.<sup>319</sup> However, several international aid organisations have continued their work, using informal Hawala money transfer networks.<sup>320</sup>

<sup>314</sup> Norwegian Refugee Council (NRC), *Afghanistan: Eviction threats put hundreds of thousands of vulnerable families at risk of homelessness*, 30 June 2022.

<sup>315</sup> Norwegian Refugee Council (NRC), *Afghanistan: Eviction threats put hundreds of thousands of vulnerable families at risk of homelessness*, 30 June 2022.

<sup>316</sup> Tolo News, *Ministry for Disaster Management: 90% of Citizens Need Help*, 14 December 2022; Tolo News, *Beggars Increase on Streets of Kabul Amid Widespread Poverty*, 9 August 2022.

<sup>317</sup> UNHCR regional bureau for Asia and Pacific (RBAP), *External update: Afghan situation nr 22*, 4 December 2022.

<sup>318</sup> Al Jazeera, *Afghans braving severe cold face stark choice: Food or warmth*, 17 January 2023;

<sup>319</sup> Radio Free Europe/Radio Liberty (RFE/RL), *'We Don't Have Food To Eat': Afghans Pay The Price As Foreign NGOs Suspend Aid After Taliban Ban*, 7 January 2023.

<sup>320</sup> Confidential source 13 April 2023.

On 24 December 2022, the Taliban announced that Afghan women would no longer be allowed to work for NGOs. The reason was said to be that compliance with certain rules could not always be ensured. This included the wearing of the *hijab* and the separation of men and women at work.<sup>321</sup>

However, it seems more likely that conservatives within the Taliban do not find the relatively large role of women in aid work consistent with their image of gender relations in their vision of an ideal sharia-compliant society. In response to the ban, various, mainly international, aid organisations decided to pause their work. Formal exceptions to the ban for health care and primary education soon followed. At the local level, the authorities also let female employees work on an informal basis in NGO activities here and there, depending on the type of work and contacts between the NGO concerned and the local administrator. Protection activities suffered most from the ban. Most NGOs resumed their activities from February 2023 where women were able to form a meaningful part of aid provision.<sup>322</sup>

At the end of December 2022, the UN conducted a survey of 151 local and international NGOs working in the country. Nearly fifteen percent of them said they could be fully operational without any female staff.<sup>323</sup>

On 4 April 2023, the de facto authority also banned Afghan women from working for the UN.<sup>324</sup> After this, an operational review period took place at the UN agencies until 5 May; during this period, Afghan UN personnel - both men and women - did not work, or only worked from home. Exceptions were made for critical personnel; the interpretation of which personnel fell into this category differed for each UN organisation. Salaries of those who were temporarily unable to work continued to be paid. At the end of the operational review period, the UN decided to remain active in Afghanistan and to drop a uniform UN-wide approach. Instead, the various UN agencies would individually determine their policies.<sup>325</sup>

<sup>321</sup> Also see paragraph 3.1.9 on women.

<sup>322</sup> CNN, *Major foreign aid groups suspend work in Afghanistan after Taliban bars female employees*, 26 December 2022; The Independent, *Taliban ban on women workers hits vital aid for Afghans*, 12 January 2023; AFP, *Afghanistan: les talibans ont "trompé" les ONG, selon un responsable humanitaire*, 10 January 2023; NRC, *Werk niet mee aan Afghaanse genderapartheid*, 17 January 2023.; Confidential source 13 April 2023; Confidential source 2 March 2023.

<sup>323</sup> Radio Free Europe/Radio Liberty (RFE/RL), *'We Don't Have Food To Eat': Afghans Pay The Price As Foreign NGOs Suspend Aid After Taliban Ban*, 7 January 2023; The Independent, *Taliban ban on women workers hits vital aid for Afghans*, 12 January 2023; UN Women, *Snapshot: Impact of the ban on women NGO and INGO workers in Afghanistan*, 31 December 2022.

<sup>324</sup> UN, Press release Secretary-General, *Secretary-General Strongly Condemns Taliban Ban on Afghan Women Working with United Nations*, 5 April 2023; Confidential source 2 March 2023.

<sup>325</sup> Confidential source 11 May 2023.

## 2 Documents

The identity documents in Afghanistan are still the same as under the Ghani government. For the time being, the Taliban also seem to be keeping to the issuing procedures as they existed before. The issuance of passports after the takeover of power was regularly interrupted - sometimes for months - and often required long waiting times and bribes. There were also interruptions in the issuance of electronic identity cards.

### 2.1 Identification obligation and identifying documents

#### 2.1.1 General identification obligation

Under the Ghani government, it was a legal requirement for every Afghan to possess an identity card: 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. Officially an ID card was required, but in practice people in Afghanistan were not always asked to provide identification in daily life. 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*. The *tazkera* was also the most important document that had to be produced when applying for other proofs of identity, such as a passport.<sup>326</sup> There are no indications that the Taliban have changed this. According to information from before the Taliban took over, many Afghan nationals did not have an identity card. Men were more likely to have one than women. City dwellers were more likely to have an ID card than village dwellers. Nomads and displaced persons rarely possessed one. According to information from the November 2022 *Afghanistan Inter-agency Rapid Gender Analysis*, about 28 percent of Afghan women do not have a *tazkera*. Further on in the text it is stated that 22.8 percent of women and 9.9 percent of men have no *tazkera* or civil documentation.<sup>327</sup>

#### 2.1.2 *Tazkera, e-tazkera and passport*

##### 2.1.2.1 *Tazkeras*

###### Tazkeras in general

The Ghani government had begun a process of phasing out paper *tazkeras* and introducing electronic or e-*tazkeras*. However, since the takeover of power, paper *tazkeras* are once again being issued, especially in rural areas. *Tazkeras* used to be valid for life. However, for some time now the *tazkeras* have been valid for ten years.<sup>328</sup>

Under the current de facto authorities as before, the *tazkera* is required in order to access the education system or government services, to buy or own property, to

<sup>326</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.62, March 2022; Confidential source 2 March 2023.

<sup>327</sup> Focus, *Afghanistan, Identitäts- und Zivilstandsdokumente*, p.16, 15 December 2022; Tolo News, Nearly 70% of Farahrud Residents Have No ID Cards: Officials, 21 January 2023; Gender in Humanitarian Action (GIHA) Working Group Afghanistan, *Afghanistan: Inter-agency Rapid Gender Analysis*, November 2022.

<sup>328</sup> Confidential source 13 April 2023; Confidential source 21 April 2023.

apply for permits and to obtain other identity documents, among other things. In some provinces, school attendance up to a certain class is allowed without a tazkera. In larger cities, e-tazkeras the size and shape of a credit card are issued, while paper tazkeras in A4 format are issued in other parts of the country.<sup>329</sup> A source supposed that the application procedures for a tazkera have remained the same since the takeover, but was not sure.<sup>330</sup> According to another source, the procedures for applying for tazkeras and e-tazkeras have not changed under the Taliban. According to this source, the documents that are required have also remained the same, bearing logos of the Islamic Republic. However, the price of tazkeras has increased (in equivalent terms, from around USD 1 to USD 5).<sup>331</sup>

According to one source, it is easy to apply for and obtain a tazkera, but it is not so easy to get it legalised. Tazkeras are said to be susceptible to fraud.<sup>332</sup> According to one source, an ID card is not important at checkpoints. Afghanistan is said to be a 'high context society': officially you need your ID card for everything, but in practice this is not always the case.<sup>333</sup>

### Paper tazkeras

For the following paragraphs, a Swiss report on Afghan documents from 2022 has been used.

#### *Description of the paper tazkera*

A paper tazkera is A4 in size and can be issued in black and white or in colour. The data are filled in by hand.<sup>334</sup>

Paper tazkeras usually do not explicitly state a surname, but give the first names of the father and grandfather. This is because there is no tradition of using surnames in Afghanistan. Only with the introduction of the e-tazkera and machine-readable passports are surnames gradually becoming the norm. On the e-tazkera there is a special box for the surname, which must be filled in. On the paper tazkera this was often left blank. For the e-tazkera, people chose a surname based on, for example, their Pashtun tribe (such as Nurzai) or based on the father's name. For example, if the father's name was Amir, the new surname could be Amiri. According to one source, this system was not introduced all at once, but gradually.<sup>335</sup>

The date of birth is also usually not mentioned. In Afghanistan, a date of birth is not given the same importance as in some Western countries. Instead of a date, the tazkera often contains an estimate of the holder's age at the time of issue. Some authorities have specialists who estimate age if an applicant does not know his or her age. In general, it is considered easy to manipulate the date of birth. For persons with a birth certificate, the exact date of birth is sometimes entered. It can be the case that different dates of birth are entered in different documents belonging to the same person.<sup>336</sup> There are several reasons for differing dates of birth on identity documents. For example, it might happen that the declarant did not

<sup>329</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022; Confidential source February 2020.

<sup>330</sup> Confidential source 20 June 2023.

<sup>331</sup> Confidential source 22 June 2023.

<sup>332</sup> Confidential source 22 February 2022.

<sup>333</sup> Confidential source 2 March 2023.

<sup>334</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022.

<sup>335</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022; Confidential source 19 June 2023; Confidential source 20 June 2023..

<sup>336</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022.



know exactly how old the person for whom he applied for a tazkera was. Something like 'In the year 1976 the person was 14 years old' would then be written down. According to a source, this data may have been used creatively so that a child could go to school earlier, for example. Other reasons are the conversion of the date from the Afghan calendar to the Gregorian, or transliteration from Pashto to English. It was also possible, according to a source, that the date of birth in the tazkera was not looked at when a passport application was made, or that only a year was stated on the tazkera. A date was then chosen that seemed appropriate, such as a day in autumn or 1 January of that year. According to one source, it is common for the date of birth to differ between the paper tazkera and e-tazkera, and it sometimes differs between an e-tazkera and a passport.<sup>337</sup>

The place of birth is often not the actual place of birth, but the place of origin of the father or ancestors.<sup>338</sup>

There is a standardised scheme for translating the tazkera into English that is used by translation agencies in Afghanistan. Since these translations are made for use by foreign authorities, they often contain information about surnames and dates of birth, unlike the original.<sup>339</sup>

The tazkera contains information about the place and date of issue. The officer of the issuing authority signs the document and affixes the stamp of the authority. Tazkeras regularly have other stamps and signatures on them. There seems to be no uniform practice. Paper tazkeras are often incompletely filled in. In addition, they often contain incorrect or outdated information. They have no verifiable security features. The layout can be reproduced using simple means, and the same is true of the stamps. Paper tazkeras are therefore particularly often counterfeited or obtained fraudulently. Due to the lack of security features, it is virtually impossible to check their authenticity.<sup>340</sup> The information on the tazkera may be incorrect because no date of birth or an incorrect one has been entered or no surname has been given, or there may be inconsistencies in transcription. See the section above and the section on e-tazkeras.

#### *Issuance of paper tazkeras in Afghanistan*

A Swiss report shows that the information about the issuing process for tazkeras is not clear. It is likely that the issuing process varied, and continues to vary, according to region and time period. It can also be assumed that irregularities and deviations from the regular issuing process occur without fraud being involved.<sup>341</sup>

A paper tazkera (black and white or coloured) may be applied for at the district or provincial level or at the central registration authority in Kabul. Depending on the level, there are different responsibilities and slightly different procedures. According to one source, tazkeras are mainly applied for in Kabul when access to the home district is not possible due to the security situation.<sup>342</sup>

The National Statistics and Information Authority (NSIA) in Kabul has instructed its field offices in the provinces to use only the coloured templates and to stop using the black and white ones. In practice, however, the black and white templates are still used in some places, mainly in remote rural areas in order to use up older loose

<sup>337</sup> Confidential source 19 June 2023; Confidential source 20 June 2023.

<sup>338</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022.

<sup>339</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022.

<sup>340</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022.

<sup>341</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022.

<sup>342</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022.

forms. The two versions are thus used in parallel. According to one source, this is still happening.<sup>343</sup>

#### *Paper tazkera application procedure*

The following is a description of the issuing process for the paper tazkera before the takeover of power. One source supposes that the application procedures for a tazkera are still the same, but is not sure.<sup>344</sup> According to another source, the procedures for applying for tazkeras and e-tazkeras have not changed under the Taliban. The necessary documents have also remained the same, bearing logos of the Islamic Republic.<sup>345</sup>

The paper tazkera issuing process consisted of the following three steps.

1. Application to the competent authority (registration offices for residents at the district, provincial or national level).

2. Verification of identity through documents and witnesses.

3. Issuing of the tazkera.

Applicants had to appear at the office in person, show passport photographs and complete an application form. Children under the age of seven were exempt from the obligation to be present in person.<sup>346</sup>

To verify their identity, applicants had to provide a birth certificate. If they did not have one, they had to present the tazkera of a male relative. Married women had to present their husband's tazkera.<sup>347</sup>

The applicant's identity had to be confirmed by two witnesses. Sources gave varying information about this, and there was apparently no fixed procedure. The witnesses had to be individuals who were known locally. They could be employees of the authorities or the government, persons with a religious function (for example the village mullah) or representatives of the local community.<sup>348 349</sup> Once or twice, neighbours or other personal acquaintances were also used. It is unclear whether the confirmation by witnesses took place at the time of the personal application or whether the competent authorities contacted them themselves. This probably depended on the individual context and the possibilities for verification and on the administrative level at which the tazkera application was made.<sup>350</sup>

Sometimes the authorities waived the requirement for witnesses if documents were available to confirm the person's identity.<sup>351</sup>

The tazkera was usually issued after a waiting period of 30 minutes to several days.<sup>352</sup>

#### *Issuance abroad*

<sup>343</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022; Confidential source February 2020; Confidential source 19 June 2023.

<sup>344</sup> Confidential source 20 June 2023.

<sup>345</sup> Confidential source 22 June 2023.

<sup>346</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022; Confidential source 24 February 2023.

<sup>347</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022.

<sup>348</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022; Confidential source 24 February 2023.

<sup>349</sup> These are called *malik* in the villages and *wakil-i gozar* in the districts.

<sup>350</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022.

<sup>351</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022.

<sup>352</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022.

Outside Afghanistan, before the takeover of power, paper tazkeras were only issued through Afghan representations in Iran. In other countries, before the takeover of power, it was possible to obtain a paper tazkera issued in Kabul through Afghan representations. The applicants had to submit the documents for this to the diplomatic or consular post. The issuing of the tazkera in Afghanistan was sometimes handled by the diplomatic mission itself, or sometimes applicants had to apply through relatives who were given power of attorney or legal representatives in Afghanistan. It was reported that this often required bribes. There were also reports of Afghan nationals obtaining tazkeras from abroad through contacts in Afghanistan.<sup>353</sup>

Since August 2021 it has no longer been possible to apply for a tazkera at Afghan embassies abroad.<sup>354</sup>

### The e-tazkera

#### *Description of e-tazkera*

An electronic tazkera is a credit card-sized polycarbonate card (86 x 54 mm) with a chip containing biometric data. The card has numerous modern security features. Unlike the paper tazkera, the e-tazkera contains information about the person's surname or nickname (the so-called *takallus*) and an exact date or year of birth. According to one source, there is always a year on a tazkera, but sometimes no specific date. The date is often 1 January.<sup>355</sup> According to another source, there is always a specific date (random or otherwise) on an e-tazkera.<sup>356</sup> The details on the front are written in Dari or Pashto, while the back contains an English translation. Some categories on the front are missing from the translation: the names of the father and grandfather, and the person's ethnicity and religion. The father's and grandfather's names are given inconsistently on the e-tazkeras: sometimes the whole name is given, and sometimes only the first name. There are also inconsistencies in the transcription of all names in Latin script, as applicants can indicate the spelling themselves in their online application.<sup>357</sup>

Due to differences in practice regarding dates of birth, place of birth and surnames, the personal details shown for a person on the e-tazkera may differ from those shown on his or her paper tazkera.<sup>358</sup> Reasons for this include the fact that the paper tazkera sometimes only contains a year of birth and no surname. There may also be inconsistencies in transcription from one alphabet to another and in the conversion from the Afghan to the Gregorian calendar. Also, the applicant and the official may not have been entirely precise.<sup>359</sup> See the section on the paper tazkera on this subject.

<sup>353</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraphs 4.1 and 4.2, 15 December 2022.

<sup>354</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.3, 15 December 2022; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.67-68, March 2022.

<sup>355</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022; Confidential source February 2020; Confidential source 19 June 2023.

<sup>356</sup> Confidential source 20 June 2023.

<sup>357</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022; Confidential source February 2020.

<sup>358</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022.

<sup>359</sup> Confidential source 20 June 2023.

According to one source, the de facto authorities are setting up new centres where people can apply for e-tazkeras. The tazkeras can then, it is said, be used to travel to Pakistan and Iran.<sup>360</sup>

#### *Issuance of e-tazkeras in Afghanistan*

Sources give inconsistent information about the issuing process for e-tazkeras. It is likely that the issuing process varies according to region and time period. It is not clear whether this has changed since the takeover.

All Afghan citizens, regardless of age, gender, ethnicity and place of residence, can apply for a tazkera. Newborns can also get a tazkera. Parents can also apply for their child's tazkera before the child starts school.<sup>361</sup>

Applications may be submitted for an individual or for an entire family. As the administrative burden is greater for individual applications, most Afghans prefer to have the tazkera issued for the whole family. The central element in the application process is the family tree, which must be drawn up for each application - whether for an individual or for a family. Applications from individuals usually require two witnesses (one of whom is a government official) who must also present their tazkeras.<sup>362</sup>

E-tazkeras are mainly issued in the city. It is easier for the population outside the city to apply for a paper tazkera, because it is available in almost all districts.<sup>363</sup>

By July 2021, 5.5 million e-tazkeras had been issued; by November 2022, 8.5 million had been issued.<sup>364</sup>

#### *E-tazkera application procedure*

Before the takeover of power, the procedure for applying for an e-tazkera consisted of three steps. First an online form had to be filled in, then biometric data were taken and after that the e-tazkera could be collected. The application form for the e-tazkera could be downloaded from the NSIA website.<sup>365</sup> According to one source, as is the case for the paper tazkera, the application procedures for e-tazkeras are probably much the same as before the takeover. The documents required are the same, but the bureaucratic procedures may perhaps have been somewhat digitised for the sake of efficiency.<sup>366</sup> Another source supposes that the application procedures are still the same, but is not sure.<sup>367</sup> According to another source, the procedures for applying for tazkeras and e-tazkeras have not changed under the Taliban. The necessary documents have also remained the same, bearing logos of the Islamic Republic.<sup>368</sup>

**1-Application:** The e-tazkera can be applied for in person or online. Online application was mandatory during certain periods. However, after the takeover of power, it was not possible to submit an application online for some time.<sup>369</sup>

<sup>360</sup> Confidential source 24 February 2023.

<sup>361</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022.

<sup>362</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.64-68, March 2022.

<sup>363</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022; Confidential source 2 March 2023.

<sup>364</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022.

<sup>365</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.64-68, March 2022.

<sup>366</sup> Confidential source 19 June 2023.

<sup>367</sup> Confidential source 20 June 2023.

<sup>368</sup> Confidential source 22 June 2023.

<sup>369</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, pp.25+29, 15 December 2022.

**Personal application:** the applicant must complete a form and present it to one of the e-tazkera issuing centres. Again, confirmation of identity by witnesses (government employees or representatives of the local community) is required. Part of the application form is devoted to this. The issuing centre verifies the applicant's identity based on this information.

**Online application:** applicants must submit an online application through the website <https://nid.nsia.gov.af/> with information about themselves, their family, their residential address, their marital status and their educational background. A passport photo and a scan of a paper tazkera or other proof of identity (e.g. birth certificate) must also be uploaded. Those who do not have any such proof of identity must enclose the tazkera of a male relative instead.<sup>370</sup>

2. Collection of of biometric data: after the submission of the online application, the information is checked and the applicant is given an application number. The applicant must then take this to an NSIA office to have his/her data recorded electronically. The NSIA office collects passport photos, ten fingerprints and an iris scan. The applicant must appear in person for the biometric data to be taken. Only children under the age of six are exempt.<sup>371</sup>

3. Issuance: the e-tazkera is issued within two to three weeks. The applicant must collect the card from the NSIA office and acknowledge receipt by signing a form.<sup>372</sup>

#### *Validity*

Until recently, the validity of e-tazkeras for adults was unlimited. Minors had to renew their e-tazkera after their sixth and seventeenth birthdays. This is because it is mandatory from the age of six for the tazkera to have a photo on it. Biometric data must be taken from the age of eighteen.<sup>373</sup>

In April 2023, the Taliban issued a regulation stating that the new e-tazkeras would be valid for ten years from now on. The charges for applying for a passport were also increased. The purpose of this change was to comply with international standards for identity cards. These rules do not allow identity cards to be valid indefinitely.<sup>374</sup>

#### *Interruptions to issuance*

In the months following the takeover of power, it was not possible to apply for e-tazkeras online. The website <https://nid.nsia.gov.af/> was down for a few months. It is now possible to apply for e-tazkeras again in various provinces.<sup>375</sup>

The application process takes longer than before the takeover. There are long waiting times at the application offices in the provincial capitals. In Kabul, there was a two-month waiting time in May 2022. There were repeated interruptions in issuance, with no e-tazkeras being issued for some time.<sup>376</sup>

#### *Issuance abroad*

Before the takeover by the Taliban, the online application for an e-tazkera could be completed anywhere in the world. The same requirements applied as for domestic

<sup>370</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022.

<sup>371</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022.

<sup>372</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022.

<sup>373</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022.

<sup>374</sup> Confidential source 21 April 2023; Confidential source 24 February 2023; Confidential source 24 April 2023.

<sup>375</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.64-68, March 2022; Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022.

<sup>376</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022.

issuance. However, it is not clear which foreign missions were able to collect the biometric data and issue the card.<sup>377</sup>

Since August 2021, it has no longer been possible to apply for an e-tazkera at Afghan embassies abroad. Afghan posts abroad have the technical capabilities to issue approved tazkeras. However, after August 2021 it was no longer possible to submit an application from abroad.<sup>378</sup>

### 2.1.2.2 *Passports*

After taking power, the Taliban did not change the layout of Afghan passports. Passports that are newly issued therefore have the name 'Islamic Republic of Afghanistan' and the flag of the Islamic Republic on them.<sup>379</sup>

#### *Passport description*

The passport booklet has 48 pages. The cover colours are blue-green (regular passport), black (diplomatic passport), dark blue (special passport), or burgundy red (service passport). All information is given in Dari, Pashto and English. A modified layout was implemented in 2018. In contrast to the paper tazkera, since the introduction of the machine-readable version the passport has mentioned a surname and an exact date of birth, although this is sometimes stated as 1 January if the exact date is not known<sup>380</sup>. In addition, the actual place of birth is often entered, rather than the place of origin of the person's ancestors as in the tazkera. For these reasons, machine-readable passports may contain personal information that differs from the same person's paper tazkera. For the last ten years or so, it has no longer been possible for minors to be registered in a parent's passport.<sup>381</sup>

Machine-readable passports have existed since 2011. Handwritten passports were issued until November 2015. These passports have been invalid since 24 November 2017. After the takeover by the Taliban, some Afghan missions abroad (e.g. in India, Poland and Turkey) tried to issue handwritten passports again because they did not have any 'blank copies' of the machine-readable passports. 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.<sup>382</sup> However, in some countries such as Pakistan, extended passports were accepted as travel documents.<sup>383</sup>

In April 2023, the Taliban issued a regulation stating that the new passports would be valid for ten years from now on. The charges for applying for a passport were also increased.<sup>384</sup>

#### *Passport application procedure*

The Taliban have reportedly maintained the application procedures that existed before the takeover.<sup>385</sup> According to these procedures, applicants must apply for the

<sup>377</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.4, 15 December 2022; Confidential source 2 March 2023.

<sup>378</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 4.3, 15 December 2022; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.67-68, March 2022.

<sup>379</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022; Confidential source 22 February 2023; Confidential source 2 March 2023.

<sup>380</sup> Confidential source 13 April 2023.

<sup>381</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022.

<sup>382</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.68-71, March 2022.

<sup>383</sup> Confidential source 13 April 2023.

<sup>384</sup> Confidential source 21 April 2023.

<sup>385</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.68, March 2022.

passport in person.<sup>386</sup> A source supposes that the application procedures are still the same, but is not sure.<sup>387</sup> According to another source, the procedures for applying for passports have not changed under the Taliban. The necessary documents have also remained the same, bearing the logos of the Islamic Republic. However, the price of tazkeras has increased (in equivalent terms, from around USD 1 to USD 5).<sup>388</sup>

Before the Taliban took power, the passport application procedure consisted of the following steps:

1. Verification of identity with a valid tazkera verified by the authorities (NSIA). The applicant must submit this, four passport photos and a completed application form and pay the passport charge at a bank. He or she is given a receipt for this. Applications in Kabul and various provinces were handled by an online application site called *Asan Khedmat* from 2016 onwards. In the other provinces applications were processed through the passport office. If the person does not have a valid tazkera, this must be applied for first.
  2. Collection of biometric data (fingerprints, iris scan, photo) by the passport office after presentation of the receipt. Children under the age of seven are exempt.
  3. Issuance of the passport; the applicant is told where to pick it up.
- All passports issued in Afghanistan are printed in Kabul and then sent to the province in which the application was made.<sup>389</sup>

#### *Issuance in Afghanistan*

Issuance of passports was already suspended before the Taliban took power, due to a pandemic-related lockdown. After 15 August 2021, the passport offices remained closed for some time. However, it was still possible to obtain passports in return for a substantial bribe during this period. The passport office in Kabul reopened on October 2021. By December 2021, passport offices in all provinces of Afghanistan had also reopened. However, for safety and technical reasons, there have been repeated interruptions in Kabul and elsewhere since then, sometimes lasting several weeks.<sup>390</sup>

The demand for passports was clearly greater than the supply. There were long queues in front of the passport offices. In Nangarhar province, for example, this led to a situation where the passport office stopped accepting new applications. The passport office in Kabul said that it could issue 4,000 to 5,000 passports a day. In August 2022, approximately 700,000 people who had applied online were waiting for their passports to be issued. Waiting times of several months occurred.<sup>391</sup>

From 8 October 2022, issuance of passports in Afghanistan was again temporarily suspended.<sup>392</sup> This time, the passport offices remained closed for five months. According to a spokesman, the issuance of passports was stopped due to 'technical

<sup>386</sup> Confidential source February 2020.

<sup>387</sup> Confidential source 20 June 2023.

<sup>388</sup> Confidential source 22 June 2023.

<sup>389</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.68-71, March 2022.

<sup>390</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.63-64, March 2022.

<sup>391</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 13, 7 December 2022.

<sup>392</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022; Tolo News, *Kabul Residents concerned over Pause in Issuance of Passports*, 2 January 2023; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.63-64, March 2022.

problems'. According to sources, however, the reason was that the empty passport booklets had run out and had to be supplied from abroad.<sup>393</sup> The booklets were reportedly produced in Lithuania<sup>394</sup> and payment could not be made.<sup>395</sup> The few booklets that were left were said to have been privately sold for sums of more than a thousand euros. The highest amount a source had heard of was 10,000 dollars. Businessmen, senior Taliban officials, persons with a work visa in the Gulf states and people with health problems were said to have been given priority.<sup>396</sup> Three hundred passport office employees were fired and/or arrested for corruption.<sup>397</sup>

In early March 2023, a spokesman for the de facto authorities announced that the issuing of passports would resume. Applicants could apply online, in order to avoid corruption. The de facto authorities stated that 10,000 passports could be issued per day. Students and people in need of medical care would be given priority.<sup>398</sup> According to a source, in June 2023 there were indications that the situation had improved and that 'ordinary' Afghans were reporting being able to make passport applications.<sup>399</sup>

According to a source, some countries do not recognise passports issued after 15 August 2021. The countries in question are said to be a number of Schengen countries.<sup>400</sup> There is no mention of this on a website with information about access of Afghan citizens to the Schengen area.<sup>401</sup> According to an EU summary document, there is no common policy in this area.<sup>402</sup> This table is regularly updated.

#### *Issuance abroad before the takeover of power*

Before the takeover by the Taliban, Afghan nationals could apply for a passport at any consulate. As with applications in Afghanistan, they were required to provide an NSIA-verified tazkera, passport photographs and an application form, as well as their previous passport and a residence permit from the country of residence. Applicants had to appear in person at the consulate to have their biometric data registered. The consulates forwarded the passport applications to the central passport office in Kabul, which approved or rejected them.<sup>403</sup>

The Ministry of the Interior also had seven issuing centres abroad, including at the consulate-general in Bonn and the embassy in Moscow. These centres dealt with personalisation of the passports. They received applications and biometric data from embassies and consulates that were able to record these data.<sup>404</sup>

The Afghan consulate-general in Bonn was responsible for printing passports that were applied for in Europe and Turkey. All these passports therefore had 'Consulate-General of Afghanistan - Bonn' stated as the place of issuance, even if they were applied for at another consulate.

<sup>393</sup> Confidential source 2 March 2023.

<sup>394</sup> Confidential source p.12, February 2020.

<sup>395</sup> Confidential source 24 February 2023.

<sup>396</sup> Tolo News, *Mujahid: 300 Passport Employees Detained or Fired for Corruption*, 4 February 2023; Confidential source 22 February 2022; Confidential source 24 February 2023; Confidential source 13 April 2023.

<sup>397</sup> Tolo News, *Mujahid: 300 Passport Employees Detained or Fired for Corruption*, 4 February 2023; Confidential source 24 February 2023.

<sup>398</sup> Tolo News, *Passport Distribution Begins in Kabul, Other Provinces*, 2 March 2023.

<sup>399</sup> Confidential source 22 June 2023.

<sup>400</sup> Confidential source 24 February 2023.

<sup>401</sup> <https://www.schengenvisainfo.com/afghanistan/> last accessed on 31 March 2023; [https://home-affairs.ec.europa.eu/travel-documents-issued-third-countries-and-territorial-entities-part-i\\_en](https://home-affairs.ec.europa.eu/travel-documents-issued-third-countries-and-territorial-entities-part-i_en), last accessed on 31 March 2023.

<sup>402</sup> See [https://home-affairs.ec.europa.eu/travel-documents-issued-third-countries-and-territorial-entities-part-i\\_en](https://home-affairs.ec.europa.eu/travel-documents-issued-third-countries-and-territorial-entities-part-i_en)

<sup>403</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.68-71, March 2022; Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022.

<sup>404</sup> Confidential source February 2020.



If the application was made in Germany, the consulate-general sent the completed passport directly to the applicant. Applications in Switzerland were sent via the consulate in Geneva.<sup>405</sup>

The requirements for submitting documents for a passport application differed from consulate to consulate.<sup>406</sup>

#### *Issuance abroad after the takeover of power*

Since the takeover of power, the Afghan embassies have stopped issuing passports. In any case, they have no blank booklets. The Afghan consulates in Turkey and Poland have reportedly made unsuccessful attempts to have new passport booklets printed.<sup>407</sup> An additional factor could be that most missions abroad do not recognise the Taliban as the legitimate rulers of Afghanistan. They therefore do not have any formal relationship with the de facto authorities, which could be necessary for the issuance of documents.<sup>408</sup>

A Taliban Foreign Ministry representative stated in January 2022 that the de facto government of Afghanistan does not recognise passport renewals unless this is coordinated with the authorities in Kabul.<sup>409</sup>

#### *Passport renewals*

Since the takeover, some consulates and embassies have been pasting vignettes into existing passports to extend their validity for up to five years. This also happens with expired machine-readable passports, but usually not with handwritten passports. There are several versions of such vignettes in circulation. On 10 January 2022, the consulate-general in Bonn therefore informed the other Afghan consulates in Europe that it had developed machine-readable vignettes with verifiable security features. The Afghan embassy in Delhi also started extending passports by means of stickers.<sup>410</sup> A problem arises when there are no empty pages left in the booklet where the sticker can be placed.<sup>411</sup> The extension period differed from embassy to embassy.

The website of the Afghan embassy in The Hague states that passports cannot be issued at the moment, but that they can be extended for a maximum of five years.<sup>412</sup>

It is unclear what the validity of these extensions is. According to a source, it was never the intention that the passports would be extended. The design and number of pages are not compatible with an extension either. When the validity date expires, a new passport must be applied for.<sup>413</sup>

### 2.1.3 *Biometric data*

<sup>405</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022; Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.68-71, March 2022.

<sup>406</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022.

<sup>407</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022.

<sup>408</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022.

<sup>409</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022.

<sup>410</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 3, 15 December 2022; Pajhwok, *Afghan embassy in Delhi to resume passport renewal*, 29 May 2023.

<sup>411</sup> Confidential source 2 March 2023; Confidential source 24 February 2023.

<sup>412</sup> Ambassade van Afghanistan in Nederland, <https://www.afghanistanembassy.nl/consular-affairs/passport/>, last accessed on 25 March 2023.

<sup>413</sup> Confidential source 21 April 2023.

### *Tazkeras*

The National Statistics and Information Authority (NSIA) stores the details of all issued e-tazkeras in a digital database, which is kept separate from that of the paper tazkeras.<sup>414</sup> The file for the paper tazkeras is also said to have been largely digitised.<sup>415</sup>

The NSIA is an independent agency under the Ministry of Interior, with headquarters in Kabul and branch offices at provincial and district levels.<sup>416</sup>

According to a source, the biometric data recorded at embassies before the Taliban takeover were sent to the Ministry of the Interior. The Ministry of the Interior then forwarded the data to the NSIA. According to this source, in addition to the NSIA, the Ministry of the Interior, the GDI (General Directorate of Intelligence) and the police also have access to the biometric data.<sup>417</sup>

### *Passports*

Since the introduction of machine-readable passports, there have been two related digital databases: one of issued passports and one containing registered biometric data. The passport offices in all provinces are said to have access to these databases.<sup>418</sup>

Details of passports issued at posts abroad were recorded in a separate register by the Ministry of Foreign Affairs. However, the biometric data recorded by posts abroad were entered into the corresponding database of the Ministry of the Interior.<sup>419</sup> According to one source, the database of passports issued in Afghanistan falls under the responsibility of the Ministry of the Interior. However, all the databases are said to be connected to each other, forming a large overarching database.<sup>420</sup>

The centralised biometric server is owned by the Ministry of the Interior. Before the takeover of power, only the Central Passport Department in Kabul had access to the biometric database. The overarching passport database owned by the Ministry of the Interior was fully accessible to just seven police officers at the Central Passport Department and to all 28 border posts in Afghanistan. The database included blacklists containing the names of people who were wanted by Interpol, for example. The border posts were able to detect matches, which were then dealt with by the designated police officers in Kabul. In the database, data could be retrieved for each passport by means of searches by name, fingerprint, passport number or other criteria.<sup>421</sup> It is not clear how this system has functioned since the takeover of power. According to one source, the blacklists now include names of internationally wanted persons as well as those wanted by the Taliban.<sup>422</sup>

The passport authorities of the Ghani government wanted to link the biometric passport data to those of the e-tazkeras. This would make the underlying data identical and consistent (which was not previously the case).<sup>423</sup> It is unlikely that this happened.

### *Other databases*

<sup>414</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 2, 15 December 2022.

<sup>415</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.62-63, March 2022; Confidential source February 2020.

<sup>416</sup> Confidential source February 2020.

<sup>417</sup> Confidential source 2 March 2023.

<sup>418</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 2, 15 December 2022.

<sup>419</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 2, 15 December 2022.

<sup>420</sup> Confidential source 19 July, 2023.

<sup>421</sup> Confidential source February 2020.

<sup>422</sup> Confidential source 19 July, 2023.

<sup>423</sup> Confidential source February 2020.

In addition to the above biometric data, the Ghani government also collected other identity data, such as those of the former army, the ANDSF. The Afghan government did not have a central database in which all identity data collected by different authorities were stored. The NSIA database was separate from 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.<sup>424</sup> See also the information about databases in 1.2.9.

#### 2.1.4 *Civil documents*

##### Birth certificates

There are two types of birth certificates: The small *Kart-i Tawalod* without a passport photo and the larger birth registration card with a passport photo, for which different layouts exist. The *Kart-i Tawalod* is used for the registration of newborns, while the birth registration card is used retroactively for persons born before the start of birth registration in 2014.

Before the Taliban took power, about 60 percent of all births were officially registered in the cities, and 30 percent of births in rural areas. A large proportion of the population therefore does not have a birth certificate.<sup>425</sup>

The procedure for issuing birth certificates is said to be the same as before.<sup>426</sup>

##### 2.1.4.1 *Kart-i Tawalod*

###### *Issuance in Afghanistan*

Parents must present their *tazkera* to the staff of the hospital where their child was born in order to get a *Kart-i Tawalod* issued. It is common practice for the hospital issuing the certificate to leave the space containing the child's name blank, as names are often not given until several days after birth in Afghanistan. Another option is for the hospital to keep the certificate until the family decides on the name. Sometimes families do not come back to complete the issuance process.<sup>427</sup>

According to one source, provincial registration offices can issue birth certificates to children up to the age of six.<sup>428</sup> The same system of witnesses that is used for a *tazkera* application can also be used for a birth certificate. A village elder can then declare that a child has been born in the family in question.<sup>429</sup>

###### *Issuance abroad*

The *Kart-i Tawalod* is only issued in Afghanistan. Afghan missions abroad can register births abroad (see 5.1.2.).

##### 2.1.4.2 *Birth registration card*

###### *Issuance in Afghanistan*

<sup>424</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.62-63, March 2022.

<sup>425</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 5, 15 December 2022.

<sup>426</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 5, 15 December 2022; Confidential source 2 March 2023.

<sup>427</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 5, 15 December 2022.

<sup>428</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 5, 15 December 2022.

<sup>429</sup> Confidential source 24 February 2023.

Applicants must complete an application form and present it together with a witness at the office of the registration authorities. If a Kart-i Tawalod or other identity document is available, it must be presented for registration. The office staff enter the applicant's data in the digital register and issue the deed. According to one source, a senior government official must approve the application and have the data confirmed by witnesses (e.g. community representatives, local authorities, guardian).<sup>430</sup>

The authorities announced that a new layout will be used, in which the text will not only be in Dari as before, but also in Pashto and, in some places, in English.<sup>431</sup>

#### *Issuance abroad*

Afghan nationals residing abroad can have births registered at the relevant mission abroad. As confirmation of registration, they sometimes receive a confirmation letter, but do not receive a birth certificate as issued in Afghanistan. Prior to the Taliban takeover, Afghan nationals residing abroad required a power of attorney from the relevant mission abroad to obtain civil registry documents in Afghanistan through family members or lawyers. This is no longer possible. Afghans abroad were unable to obtain documents through contacts in Afghanistan during the reporting period.<sup>432</sup>

#### Marriage certificates

There are different forms of marriage certificate in Afghanistan. A distinction must be made between the following types:

- *Nikah Khat*: Booklet with a green or white cover. This is issued shortly after the marriage by courts in Afghanistan and by some foreign missions.
- *Wasiqa Khat*: One-page document with a blue border. Issued by courts in Afghanistan when the marriage is registered some time after the ceremony.
- *Nikahnameh*: Marriage contracts issued as part of the religious ceremony. These are not official documents.<sup>433</sup>

Although registration of marriage is mandatory, few couples in Afghanistan possess an official marriage certificate.<sup>434</sup>

The Afghan authorities do not generally ask for marriage certificates and do not necessarily consider unregistered marriages invalid. Since weddings in Afghanistan are big events with numerous guests, it is always known in the area who is married. Residents of Afghanistan often only apply for marriage certificates if they need to present them to foreign authorities.<sup>435</sup>

The procedures for applying for marriage certificates have remained the same, according to a source.<sup>436</sup>

#### Death certificates

According to a source, death certificates can be applied for from local authorities with a declaration from a hospital or morgue. Local government representatives may

<sup>430</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 5, 15 December 2022.

<sup>431</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 5, 15 December 2022.

<sup>432</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 5, 15 December 2022.

<sup>433</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 5, 15 December 2022.

<sup>434</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 5, 15 December 2022.

<sup>435</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 5, 15 December 2022.

<sup>436</sup> Confidential source 2 March 2023.

come to verify the death. During the Islamic Republic it was not customary to request such certificates, but now it is said to be more common.<sup>437</sup>

### 2.1.5 Document fraud

#### *Fraud and forgeries*

Documents colloquially referred to as 'forgeries' can be divided into the following categories:

- A- Actual (complete) forgeries or imitations made by counterfeiters using materials different from the original.
- B - Documents that have not been forged, but that have been obtained unlawfully or fraudulently from the authorities officially responsible for them. This involves corruption and nepotism. Since these documents use the correct materials, they do not differ from the original and are therefore hardly distinguishable from lawfully obtained documents.

Both kinds occur in Afghanistan.<sup>438</sup>

#### A-Actual (complete) forgeries

Actual forgeries of all Afghan identity papers and civil registry documents by criminals are common. This is made possible because the security features on many documents cannot really be verified.<sup>439</sup>

Paper tazkeras are especially at risk of being forged. They are often forged for use within Afghanistan. There are many forged tazkeras in circulation in Pakistan. In the case of the black and white paper tazkeras, neither the layout nor the printing technique are standardised. The stamps that are used are not verifiable due to the large number of competent authorities. The documents are therefore easy to forge.<sup>440</sup> According to a source, it is customary for people to copy a tazkera themselves and have it laminated. This costs no more than 10 to 20 dollars. This enables them to leave the original safely at home and use the home-made copy out and about. It is also possible to apply for a new tazkera if someone says that the original has been lost.<sup>441</sup>

#### B-Non-forged documents that are obtained illegally

The obtaining of fraudulent documents in Afghanistan is facilitated by the fact that corruption and nepotism (the favouring of relatives/acquaintances) are widespread.<sup>442</sup> Corruption is common among the authorities that issue identity and civil status documents. Afghanistan has for many years been one of the lowest-ranking places in the world in Transparency International's corruption index. In 2022, it was ranked 150th out of 180 countries that were assessed; this was an improvement on 2021, when it was ranked 174th.<sup>443</sup>

The personal registers are fragmentary and not inter-connected. There are no uniform procedures and formal rules. In addition, many employees working for the competent authorities are insufficiently trained in using the registers and issuing documents. For these reasons, it is often not possible for the authorities to verify

<sup>437</sup> Confidential source 21 April 2023.

<sup>438</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 7, 15 December 2022; Confidential source February 2020.

<sup>439</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 7, 15 December 2022.

<sup>440</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 7, 15 December 2022; Confidential source 22 February 2022.

<sup>441</sup> Confidential source 24 February 2023.

<sup>442</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p. 71, March 2022.

<sup>443</sup> Transparency International, <https://www.transparency.org/en/countries/afghanistan>, last accessed on 25 March 2023.

the information provided reliably. Also, depending on the document, there are different ways to enter the date of birth, place of birth and surname. This is why it sometimes happens that the personal data of the same person are entered differently in different documents.<sup>444</sup>

Concerning the obtaining of documents through corruption and nepotism, there are different gradations and forms, with fluid transitions and overlaps between them:

- Documents for which the authorities demand a bribe: Afghan authorities regularly ask for a bribe for documents that can actually be obtained by normal means through regular channels. For example, it is commonly claimed that very long waiting times can only be avoided by paying. Large bribes were demanded for the issuance of passports shortly before the Taliban's takeover and in the weeks that followed. Bribes were also often requested in connection with applications in Afghanistan for tazkeras for persons residing abroad.<sup>445</sup>
- Documents that are easier to obtain with a bribe (i.e. without going through the necessary procedures): many documents are expensive and time-consuming to obtain due to the requirement for personal presence at government departments. Applicants therefore sometimes use a bribe to 'facilitate' the obtaining of a document to which they are actually entitled. This often happens when Afghan nationals residing abroad need documents that are only accessible in Afghanistan itself.<sup>446</sup>
- Issued documents whose content has been tampered with. It is possible for applicants to include incorrect information in documents such as name or age by means of both false statements and the payment of bribes. The documents submitted for the issuance of a document may also themselves have been forged. In the run-up to the elections before the takeover of power, there were cases of several tazkeras with different information being issued to the same individual in order that they could obtain multiple voter cards.<sup>447</sup>

#### *Biometric data and digitisation*

The machine-readable passport and e-tazkera are considered somewhat more reliable than other documents. Issuance of the machine-readable passport and the e-tazkera requires the electronic capture of biometric data. Moreover, unlike the other documents, they are not filled in by hand.

These documents have a uniform layout with various security features. Although the passport and the e-tazkera are less vulnerable to fraud, the content can still be manipulated. In certain cases they are also issued to persons who are not entitled to them.<sup>448</sup>

The introduction of birth registration, the digitisation of civil records and the archiving of biometric data also improved the reliability of personal data, at least before the takeover by the Taliban.

Nevertheless, most of the documents issued are ultimately based on information that the Afghan authorities cannot reliably verify.<sup>449</sup>

<sup>444</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 7, 15 December 2022; Confidential source February 2020.

<sup>445</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 7, 15 December 2022.

<sup>446</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 7, 15 December 2022.

<sup>447</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 7, 15 December 2022; Confidential source February 2020.

<sup>448</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 7, 15 December 2022.

<sup>449</sup> Schweizerische Eidgenossenschaft, Staatssekretariat für Migration (SEM), *Focus Afghanistan - Identitäts- und Zivilstandsdokumente*, paragraph 7, 15 December 2022.

According to a source, there are also passports that have been obtained legally, but that have not been registered and that give rise to problems at the border.<sup>450</sup>

*Document fraud for asylum applications*

According to one source, every possible kind of Afghan document can be forged. This also happens outside the borders of Afghanistan. According to one source, Islamabad has seen an increase in the number of forged Afghan passports. There was also so much demand for Pakistani visas that the prices rose to thousands of US dollars.<sup>451</sup>

<sup>450</sup> Confidential source 20 June 2023.

<sup>451</sup> Confidential source 22 February 2023.

## 3 Human rights

This chapter deals with the position of specific groups in Afghanistan, including ethnic and religious minorities, but also women. It also examines subjects such as freedom of expression and the legal system.

During the reporting period, many civil rights became increasingly curtailed and human rights were frequently violated. Women were increasingly excluded from society, journalists were threatened and forced to stop their work, and the judiciary developed into an unclear intermediate form.

### 3.1 Position of specific groups

#### *Risk assessment of different groups*

After taking power, the Taliban tried to gain control of as many aspects of the country as possible. They sought to suppress various groups that they see as a threat to their position of power. They issued regulations that increasingly suppressed civil rights. Government agencies such as the GDI security service and the Ministry for the Propagation of Virtue and the Prevention of Vice (MPVPV) monitored compliance with these rules. Violations of the rules were dealt with harshly. People were threatened, beaten, harassed, tortured, kidnapped and sometimes killed. At the same time, the Taliban abolished the existing legal system and placed sharia above all other legislation. Many judges and prosecutors were replaced by mullahs. The result is a hybrid system in which nobody knows which legal system and which rules apply. This leads to a lack of legal certainty.

A non-exhaustive overview is given below of groups that the Taliban see as a threat to their position and that are therefore at risk of being oppressed and persecuted by the Taliban.

For all the groups below, the risks that people run are individual and can vary. The Taliban are not a homogeneous group, and local Taliban follow their own rules. It is unclear to what extent the Taliban leaders in Kabul are able to and do control their fighters and commanders in enforcing the amnesty, the rules and respect for human rights. The risk that people face is a combination of their own profile, local conditions and their past interactions with others. The settling of personal scores and tribal and ethnic dynamics can sometimes come into play. According to sources, Taliban members have their own personal list of people on whom they want to take revenge. Furthermore, association with a foreign power can be used as an excuse or reason to settle a personal score. Arbitrary behaviour and personal revenge are common occurrences.<sup>452</sup>

According to one source, for all at-risk groups it is the case that when one family member is targeted by the Taliban, the whole family is at risk. The Taliban put pressure on their target by threatening the family.<sup>453</sup>

*UNHCR's position with regard to refugees and asylum seekers from Afghanistan* UNHCR's latest official position on refugees and asylum seekers from Afghanistan dates from February 2023.

It emphasises, among other things, that civilians in Afghanistan continue to be seriously affected by the country's security, human rights and humanitarian crises.

<sup>452</sup> Confidential source 22 February 2023; Confidential source 2 March 2023; Confidential source 24 February 2023.

<sup>453</sup> Confidential source 2 March 2023.



The Taliban's de facto authorities are said to have committed serious human rights violations, including extrajudicial killings, arbitrary arrest and detention, torture and other forms of ill-treatment. In addition, the de facto authorities have restricted Afghans' right to freedom of expression and assembly, in violation of Afghanistan's obligations under international human rights law.

Afghanistan faces major economic challenges and a serious humanitarian crisis. The UNHCR continues to call on all countries to allow civilians fleeing Afghanistan access to their territory, to guarantee the right to asylum and to enforce the principle of non-refoulement at all times.

The unprecedented humanitarian crisis in Afghanistan should not be allowed to overshadow the widespread human rights violations in the country. In addition to the situation of women and girls, there are people with other profiles who have a greater need for protection as refugees than before the events of 15 August 2021:

- Afghans with ties to the former government or to the international community in Afghanistan, including former embassy staff and employees of international organisations;
- former members of the Afghan national security forces and Afghans associated with the former international forces in Afghanistan;
- journalists and other media professionals;
- human rights defenders and activists, and the lawyers who assist them;
- members of religious minorities and members of ethnic minorities, including Hazaras;
- Afghans with diverse sexual orientations, gender identities and/or gender expression.

The UNHCR notes that family members and others closely associated with those at risk of persecution are often at risk themselves.

As the situation in Afghanistan is volatile and may remain uncertain for some time to come, coupled with a large-scale humanitarian emergency in the country, UNHCR continues to call on States to suspend the forcible return of nationals and former habitual residents of Afghanistan, including those who have had their asylum claims rejected.

See UNHCR's *Guidance note on the international protection need of people fleeing Afghanistan – Update I* for the full text.<sup>454</sup>

### 3.1.1 *Persons who worked for the former government*

This section considers the position of persons who worked for the former government. A distinction is made between the following groups:

- General position of persons who worked for the former government (both officials and security forces personnel)
- Position of former officials and security forces personnel now working for the Taliban (3.1.1.)

It is not known exactly how many people worked for the former Afghan government. According to SIGAR (US Special Inspector General for Afghanistan Reconstruction), the ANDSF had 300,699 personnel (182,071 military personnel and 118,628 police officers) on 29 April 2021. Experts stated that the actual number of armed forces personnel was probably significantly lower.<sup>455</sup> According to the Taliban, there were a total of 455,000 officials just before the change of power.<sup>456</sup>

<sup>454</sup> UNHCR, GUIDANCE NOTE ON THE INTERNATIONAL PROTECTION NEEDS OF PEOPLE FLEEING AFGHANISTAN – UPDATE I, February 2023.

<sup>455</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.25-26, March 2022.

<sup>456</sup> Foreign Policy, 'I Wanted to Stay for My People', 9 February 2023.

### General: position of persons who worked for the former government

In August 2021, the Taliban issued a general amnesty for employees and security personnel of the Ghani government. This amnesty was repeatedly violated.<sup>457</sup> Retaliatory actions did not take place on the same scale as under the Taliban regime in 2001.<sup>458</sup> Nevertheless, it has been reported that Taliban actors actively sought out employees of the former government.<sup>459</sup> Former employees were intimidated, persecuted, detained, tortured or killed, or were subjected to enforced disappearance or reprisals.<sup>460</sup> The persecution of former employees of the Ghani government continued during the reporting period, according to the UN Special Rapporteur.<sup>461</sup> According to one source, former employees could never be sure that they would not fall victim to Taliban action at some point, and hence could never feel safe.<sup>462</sup>

Between 15 August 2021 and 15 June 2022, UNAMA recorded 160 extrajudicial executions (including ten women), 178 arbitrary arrests and detentions, 23 incommunicado detentions, and 56 cases of torture and ill-treatment of former ANDSF personnel and former officials. According to UNAMA, these actions were carried out by the local de facto authorities and took place in almost all parts of Afghanistan.<sup>463</sup>

For a more detailed overview of violence against former ANDSF personnel and former officials during the reporting period, see the overview at the end of this section.

The UN Special Rapporteur on the human rights situation in Afghanistan, in his February 2023 report, expressed deep concern at the continued targeted killings and revenge killings of members of the former ANDSF. There have also been reports of the killing of ten or more prosecutors who worked for the former government. The rapporteur said that the killings fuelled tension and animosity in local communities and could hamper future reconciliation efforts.<sup>464</sup>

For the position of former judges and prosecutors, see 3.3.1.

### *Amnesty letter*

The Taliban asked members of the former armed forces and officials to register in order to obtain a so-called 'amnesty letter'. This letter would guarantee their safety. Those who did so were questioned about their ties with government or provincial military forces. They had to hand in their weapons. Many people were afraid that if they gave their details in order to obtain such a letter, they would be persecuted. The information they provided was also used to track down other people. Others were unaware that the letter existed and were 'punished' for not requesting it. The

<sup>457</sup> Confidential source 21 April 2023.

<sup>458</sup> Danish Immigration Service, Ministry of Immigration and Integration, Afghanistan: Taliban's impact on the population, p. 14.

<sup>459</sup> Office Français de Protection des Réfugiés et Apatrides (OFPRA), Division de l'information, de la documentation et des recherches (DIDR), *Afghanistan : La situation des anciens agents civils de la République islamique d'Afghanistan*, 18 January 2022.

<sup>460</sup> Amnesty International, *The Rule of Taliban, A year of violence, Impunity and False Promise*, p.7, 15 August 2022; Office Français de Protection des Réfugiés et Apatrides (OFPRA), Division de l'information, de la documentation et des recherches (DIDR), *Afghanistan : La situation des anciens agents civils de la République islamique d'Afghanistan*, 18 January 2022; Amnesty International, *The Rule of Taliban, A Year of Violence, Impunity and False Promises*, 15 August 2022; EUAA, *Afghanistan – Targeting of Individuals*, p.56, August 2022.

<sup>461</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 79, 9 February 2023.

<sup>462</sup> Confidential source 13 April 2023.

<sup>463</sup> UNAMA, *Human Rights in Afghanistan, 15 August 2021–15 June 2022*, July 2022, pp. 13-14.

<sup>464</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 79, 9 February 2023.

application procedures were unclear and there were no specific application centres.<sup>465</sup>

#### *Database and tracing*

After their victory, the Taliban gained access to numerous databases from the government under the Islamic Republic: see also 1.2.9. It was therefore easy for them to use personnel and other files from the former government to track down, arrest or execute people. Thanks to their extensive local networks, it was even easy for the Taliban to track down former officials in small villages. A number of these were subsequently interrogated, while others became victims of enforced disappearance or were executed.<sup>466</sup>

According to a source, the Taliban actively used biometric data to track down former ANDSF members. Tweets circulated in which the Taliban boasted about how they had located and punished former ANDSF members despite their having completely changed their appearance. 'Before' and 'after' photos were shown in the Tweets. The source said that persons from the former intelligence service were most at risk.<sup>467</sup> According to a source, lists of ANDSF members to be tracked down still exist. These are apparently created for each province and are also kept at the airport. According to a source, people from the ANDSF, including the former security service, were targeted.<sup>468</sup> The bodies of those who had been murdered were sometimes left openly on the street after their execution.<sup>469</sup>

#### *Extent of persecution*

During the reporting period, the extent, frequency and severity of persecution varied in different provinces and according to local dynamics. The methods used in Kabul could differ from those used in other areas. The extent of the Taliban administration's control over its fighters in maintaining the amnesty was not clear. The leaders in Kabul had difficulty controlling the local commanders. In addition, it was reported that certain incidents sometimes stemmed more from the settlement of old scores or personal feuds (out of sight of the leadership) than from a systematic policy. Ethnic or tribal dynamics or personal feuds and rivalries could also play a role. Some tribal and other groups aligned themselves either with the Taliban or with the Ghani government. Sometimes there were alliances with opposing factions within a single tribe or family.<sup>470</sup>

The Taliban reportedly focused their persecution more on security forces personnel (low-ranking, middle-ranking and senior) than on civilian employees. However, the Taliban apparently had a narrower definition of 'civil' than in humanitarian law. For example, they regarded ministers, senior officials and persons who held non-combat positions in the army as non-civilians.<sup>471</sup> According to experts, the treatment (and possible persecution) of the former officials depended on the position they had held.

<sup>465</sup> Office Français de Protection des Réfugiés et Apatrides (OFPRA), Division de l'information, de la documentation et des recherches (DIDR), *Afghanistan : La situation des anciens agents civils de la République islamique d'Afghanistan*, 18 January 2022; EUAA, *Afghanistan – Targeting of Individuals*, p.63-64, August 2022.

<sup>466</sup> Office Français de Protection des Réfugiés et Apatrides (OFPRA), Division de l'information, de la documentation et des recherches (DIDR), *Afghanistan : La situation des anciens agents civils de la République islamique d'Afghanistan*, 18 January 2022.

<sup>467</sup> Confidential source 2 March 2023.

<sup>468</sup> Confidential source 4 March 2023.

<sup>469</sup> Confidential source 2 March 2023.

<sup>470</sup> Office Français de Protection des Réfugiés et Apatrides (OFPRA), Division de l'information, de la documentation et des recherches (DIDR), *Afghanistan : La situation des anciens agents civils de la République islamique d'Afghanistan*, 18 January 2022 ; International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.23, 12 August 2022; EUAA, *Afghanistan – Targeting of Individuals*, p.59, August 2022; Confidential source 24 February 2023.

<sup>471</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.61,62 pp.79-80, August 2022; Confidential source 13 April 2023.

Workers in health care and education were reportedly less targeted. However, this did not mean that persons working in the 'less dangerous' sectors were not at any risk of persecution. There was a high degree of arbitrariness, and in any case individual actions and the settlement of old scores or personal feuds sometimes occurred.<sup>472</sup> According to a confidential source, there was great uncertainty and insecurity. Violent incidents took place in a legal vacuum without legal protection. Each individual situation was different.<sup>473</sup>

According to a source, the further away an area is from Kabul, the more uncertain the situation is. Many former members of the security forces were detained and interrogated in areas such as Nangarhar and Panjshir, where the armed opposition was strongest.<sup>474</sup> According to sources, the risk that an individual faces depends mainly on the local Taliban actors. If they want revenge, for whatever reason, he or she is not safe. There is a great deal of arbitrariness when it comes to reprisals against individuals.<sup>475</sup>

#### Overview of violence against security forces personnel and officials of the former government

In 2022, the Taliban engaged in arbitrary detention, beatings and summary executions of former security officers and suspected enemies, including security personnel from the Ghani government. The Taliban carried out revenge killings and enforced disappearances of former officials and security personnel.<sup>476</sup> A report by the EUAA describes several individual cases in which members of the former Afghanistan National Army (ANA), Afghan National Police (ANP), Afghan Local Police (ALP), Afghanistan National Civil Order Police (ANCOP), National Directorate of Security (NDS)<sup>477</sup> and of the police were arrested, killed or forcibly disappeared. In addition, former military personnel (some of them high-ranking) in provinces such as Herat, Farah and Zabul were forced from their homes because they were said to be 'government property'. Taliban fighters then went to live in these houses. In Uruzgan province, homes of former military personnel were converted into military bases, checkpoints or homes for Taliban members.<sup>478</sup>

#### *UNAMA summary of violence against former government employees*

A summary is given below of the violence against former officials and security forces personnel recorded by UNAMA in various quarterly reports. UNAMA (United Nations Assistance Mission in Afghanistan) still has a representation in Kabul and a presence on the ground.

UNAMA documented credible allegations of extrajudicial killings, torture, ill-treatment and human rights violations against members of the former ANDSF during the period 15 June - 14 September 2022. Among this group and individuals accused

<sup>472</sup> Office Français de Protection des Réfugiés et Apatrides (OFPRA), Division de l'information, de la documentation et des recherches (DIDR), *Afghanistan : La situation des anciens agents civils de la République islamique d'Afghanistan*, 18 January 2022; Confidential source 21 April 2023.

<sup>473</sup> Confidential source 24 February 2023.

<sup>474</sup> Office Français de Protection des Réfugiés et Apatrides (OFPRA), Division de l'information, de la documentation et des recherches (DIDR), *Afghanistan : La situation des anciens agents civils de la République islamique d'Afghanistan*, 18 January 2022 ; International Crisis Group (ICG), *Afghanistan's Security Challenges under the Taliban*, Asia Report Nr 326, p.23, 12 August 2022; EUAA, *Afghanistan – Targeting of Individuals*, p.59, August 2022; Confidential source 24 February 2023.

<sup>475</sup> Confidential source 2 March 2023; Confidential source 22 February 2023.

<sup>476</sup> Amnesty International, *The Rule of Taliban, A Year of Violence, Impunity and False Promises*, 15 August 2022; EUAA, *Afghanistan – Targeting of Individuals*, p.67-72, August 2022.

<sup>477</sup> NDS was het inlichtingenbureau van de voormalige Afgaanse regering.

<sup>478</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.67-72, August 2022.

of involvement with armed groups that have been fighting the Taliban since taking power (including NRF and ISKP), UNAMA documented at least 46 extrajudicial killings, at least 15 cases of torture and ill-treatment, and at least 73 arbitrary arrests and detentions of individuals who fell into these categories.<sup>479</sup> The two categories (former ANDSF personnel and members of armed groups fighting against the Taliban) were not distinguished in the UNAMA report. It is therefore unclear how many victims there were in the two categories.

During the period 14 September 2022 - 7 December 2022, UNAMA reported at least seven extrajudicial killings, at least five cases of torture, and at least 29 cases of arbitrary arrests and detentions by the Taliban of former government officials and members of the ANDSF.<sup>480</sup>

During the period 15 November 2022 - 31 January 2023, UNAMA observed at least nine extrajudicial killings, at least seventeen arbitrary arrests, and at least nine cases of ill-treatment and torture against officials of the Ghani government or ANDSF.<sup>481</sup>

According to UNAMA, there was an increase in amnesty violations in January 2023. Former ANDSF personnel were murdered and beaten. In some provinces, the Taliban are said to be drawing up lists of former ANDSF personnel.<sup>482</sup> There have been instances of members of the former security forces being persecuted and killed even beyond the borders of Afghanistan. For example, on 11 October 2022, a former police commander was killed in Quetta, Pakistan.<sup>483</sup>

#### *UNAMA summary of violence against former government employees*

A summary is given below of the violence against former officials and security forces personnel recorded by UNAMA in various quarterly reports.

	<b>Extrajudicial executions</b>	<b>Torture and ill-treatment</b>	<b>Arbitrary arrest and detention</b>
<b>14 September – 7 December 2022</b>	7	5	29
<b>15 November 22 – 31 January 2023</b>	9	9	17

#### *Prosecution*

No information has been found about the prosecution of individuals on the grounds of their position in the Ghani government. Officially, an amnesty was declared. It can therefore be assumed that former security forces members and officials are persecuted 'under the radar' and not through criminal prosecution proceedings.

This persecution takes place under the same conditions as for other groups.

<sup>479</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 28, p.7, 14 September 2022.

<sup>480</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 35, p.7, 7 December 2022.

<sup>481</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/772-S/2023/151*, paragraph 34, 27 February 2023.

<sup>482</sup> Confidential source 23 January 2023.

<sup>483</sup> Dawn, 'Anti-Afghan Taliban' police officer shot dead in Quetta, 11 October 2022; RFE/RL, 'Afghanistan Is Hell': Supporters Of Late Afghan General Claim Taliban Killings, Persecution, 2 November 2022.

The Taliban have changed the legal system and introduced sharia law.<sup>484</sup> One of the duties of the MPVPV is to monitor the implementation of sharia. The judicial system in the country is in a hybrid phase and the legislation is often unclear. For this reason, leaders sometimes make conflicting statements. There is no clear picture of the legislation in the country. An Afghan journalist said with reference to this: 'There are countless "red lines", but no one knows exactly when they have been crossed.'<sup>485</sup> For information on the legal system, see 3.3.1.

#### *Relatives of former officials and security personnel*

Many former officials and security force personnel said that their relatives had suffered threats, intimidation and physical violence.

Several organisations confirmed this and found that relatives of former security force personnel and government employees had been subjected to interrogations, beatings, violence and even executions.<sup>486</sup> Other sources also stated that threats to family members were used as a means of putting pressure on those who were persecuted by the Taliban. As a result, the family members themselves were also at risk.<sup>487</sup>

According to a report by the Danish Immigration Service, there was no clear picture about the extent to which relatives of former security personnel were also targeted. According to a source in the report, family members who had worked for the Ghani government, international companies, foreign forces, embassies or NGOs were not generally a target for persecution. Rather, this had to do with the person's own activities or job or whether there had been a previous dispute with someone from the Taliban.<sup>488</sup>

### *3.1.1.1 Former officials who now work for the Taliban*

#### *Officials*

Several government officials who were working in Kabul before the Islamic Republic returned to their old positions after the takeover of power. Lower-ranking officials at local authorities also returned to their offices. The Taliban reportedly issued the amnesty in order to get the administration up and running again. Officials were asked to apply for the same 'amnesty letter' as security personnel: see 3.1.1. According to HRW, some senior officials were detained and beaten for failing to do so.<sup>489</sup> This section examines the position of this specific group of Islamic Republic officials.

After the takeover, officials were hesitant to return to their old jobs because it was unclear what action the Taliban would take. There were cases of Taliban members targeting Republic officials and numerous reports of human rights violations against this group.<sup>490</sup>

<sup>484</sup> Before, sharia was also a source of applicable law in Afghanistan, however.

<sup>485</sup> Office Français de Protection des Réfugiés et Apatrides (OFPRA), Division de l'information, de la documentation et des recherches (DIDR), *Afghanistan : La situation des anciens agents civils de la République islamique d'Afghanistan*, 18 January 2022.

<sup>486</sup> Danish Immigration Service, Ministry of Immigration and Integration, *Afghanistan: Taliban's impact on the population*, p.21, June 2022.

<sup>487</sup> Confidential source 2 March 2023; Confidential source 4 March 2023; Confidential source 4 March 2023; Confidential source 26 February 2023.

<sup>488</sup> Danish Immigration Service, Ministry of Immigration and Integration, *Afghanistan: Taliban's impact on the population*, p.21, June 2022.

<sup>489</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.78-87, August 2022.

<sup>490</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.78-80, August 2022; Danish Immigration Service, Ministry of Immigration and Integration, *Afghanistan: Taliban's impact on the population*, p.17, June 2022; Amnesty International, *The Rule of Taliban, A year of violence, Impunity and False Promise*, p.7, 15 August 2022; Office Français de Protection des Réfugiés et Apatrides (OFPRA), Division de l'information, de la documentation et des

Relatives of former officials also feared persecution.<sup>491</sup> See 3.1.1 on family members of former government officials and security personnel.

According to various reports, about eighty percent of Islamic Republic officials returned to work, this time for the Taliban, immediately after the takeover of power. However, members of the Taliban occupied the top positions. In particular, employees in technical ministries and low-level positions were allowed to stay. In some cases, senior officials went back to their old positions. Sometimes this was temporary, as with the deputy minister of finance. In several cases, salaries – of both old and new employees – were not paid for months.<sup>492</sup> After this interval they were paid again, but were lower than during the Islamic Republic.<sup>493</sup>

In the current set-up, old and new employees work side by side. However, the Taliban are replacing more and more old employees with their own people. They are also training their own people. Some of the old officials live in fear every day. However, they have no choice but to continue working, as they have no prospect of another job.<sup>494</sup> It is not clear how many Islamic Republic officials were left in the ministries at the end of the reporting period.

At the beginning of 2022, the de facto Ministry of Finance stated that the salaries arrears of all civil servants and security personnel would be paid up to December 2022.<sup>495</sup>

### Women

The Taliban banned women from working in the public sector, with a few exceptions such as the de facto Ministries of Education and Health, the police, the prisons and Kabul airport, where they reportedly perform security and passport checks on female travellers.<sup>496</sup> However, the Taliban's statements in this regard stand in stark contrast to other observations. Only a handful of women are said to be working at the ministries mentioned above and the airport. They are reportedly slowly being replaced by men or only receiving part of their salary. Some women were appointed to symbolic positions, such as a director of a hospital. Other women were allowed to continue working in the maternity ward, because there were too many women dying in childbirth. Female guards are also said to still be working in the prisons. Other former employees regularly changed addresses to escape the Taliban.<sup>497</sup> The Taliban are also said to ask imams to report women who work for foreign NGOs or who try to flee the country.<sup>498</sup>

With the payment of the arrears in officials' salaries up to December 2022, money was reportedly also transferred to the female officials who were not allowed to or unable to come to work.<sup>499</sup>

See also 3.1.9 on women.

recherches (DIDR), *Afghanistan : La situation des anciens agents civils de la République islamique d'Afghanistan*, 18 January 2022; Amnesty International, *The Rule of Taliban, A Year of Violence, Impunity and False Promises*, 15 August 2022; HRW, "No Forgiveness for People Like You", *Executions and Enforced Disappearances in Afghanistan under the Taliban*, November 2021.

<sup>491</sup> EUAA, *Country Guidance: Afghanistan*, pp.16-17, January 2023.

<sup>492</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.78-80, August 2022.

<sup>493</sup> Confidential source 21 April 2023.

<sup>494</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.78-80, August 2022; Confidential source 24 February 2023.

<sup>495</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 8, 27 February 2023; Confidential source 21 April 2023.

<sup>496</sup> Danish Immigration Service, Ministry of Immigration and Integration, *Afghanistan: Taliban's impact on the population*, p.17, June 2022.

<sup>497</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.80-81 and paragraph 5.2.2, August 2022; Confidential source 22 February 2023.

<sup>498</sup> HRW, *Afghanistan: Taliban Deprive Women of Livelihoods, Identity*, 18 January 2022.

<sup>499</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 8, 27 February 2023; Confidential source 21 April 2023

### *Security forces personnel*

Some members of the former security forces have been integrated into the new security structures. However, they are said to be few in number and only from the lower ranks and technical positions. Women have reportedly been dismissed, except those working in detention centres or carrying out physical security checks and house searches. Many former security force personnel were scared to join the new army for fear of reprisals. Many of them left the country or went into hiding.<sup>500</sup> Others were more or less forced to stay. They were given a 'choice', but it was not a voluntary choice.<sup>501</sup>

See also 1.2.5. on the restructuring of the armed forces and 1.2.7 on forced recruitment by the Taliban.

### *Former officials and security forces personnel and the ISKP and other armed groups*

No information has been found on the position of former officials and security forces personnel in relation to ISKP and other armed groups.

#### 3.1.1.2 *Languages of Taliban government bodies*

Dari and Pashto are the two official languages of Afghanistan. The number of speakers<sup>502</sup> of the different languages in the country is as follows: Afghan Persian or Dari (also used as a lingua franca) 77%, Pashto 48%, Uzbek 11%, English 6%, Turkmen 3%, Urdu 3%, Pashayi 1%, Nuristani 1%, Arabic 1%, Balochi 1%, other. Many people speak several other languages in addition to their mother tongue.<sup>503 504</sup> The Taliban are predominantly Pashtun and have historically tried to promote their own language. It is sometimes claimed that the Taliban's insistence on Pashto is a kind of revenge for the traditional dominance of the mostly better-educated Dari speakers in the north over the often less-educated Pashto speakers in the south.<sup>505</sup> Lawyers have reported that since taking power, the Taliban has used only Pashto for government communications instead of the more usual Dari. The Taliban changed government road signs and logos to Pashto. The logos of the Ministries of Defence and Industry and Trade are an example of this. Official communications from the central bank also reportedly only take place in Pashto.<sup>506</sup> In addition, the word for university, which in Dari is *Daneshgah*, is said to have been replaced on several academic buildings by *Pohantun*, the Pashto equivalent. This happened, among other places, at the university in Balkh. The name sign of a regional hospital in the province of Herat, written in Persian, was also replaced by one in Pashto and English. The sign at the entrance to the Supreme Court in Kabul is now in Pashto and English.<sup>507</sup> According to an Iranian website, all administrative and legal correspondence must now be in Pashto and several professors at Balkh University have been fired for speaking Dari. The website describes Dari as the academic and social language of Afghanistan, but states that the Taliban are making Pashto more prominent.<sup>508</sup>

<sup>500</sup> EUSA, *Afghanistan – Security Situation*, paragraph 2.1.2, August 2022.

<sup>501</sup> EUSA, *Afghanistan – Security Situation*, paragraph 2.1.2, August 2022; Confidential source 13 April 2023.

<sup>502</sup> Note that the figures are for people who speak the language, not native speakers.

<sup>503</sup> This is why the percentages exceed one hundred percent in total.

<sup>504</sup> CIA, *The World Factbook – Afghanistan*, 4 January 2023.

<sup>505</sup> RFE/RL, *Afghanistan: Taliban Forced Rift Between Country's Two Main Languages*, 25 January 2002.

<sup>506</sup> Jurist, Legal News & Commentary – Reporting the rule of law in a crisis, *Afghanistan dispatches: 'The Taliban are using only Pashtu language in their official communications'*, 18 October 2021.

<sup>507</sup> ANI, *Taliban abolishes Persian language from Supreme Court bill*, 23 April 2023; Hast e Subh Daily, *Taliban's Discriminations Against Persian Words and Expressions*, 23 September 2022.

<sup>508</sup> AmordadNews, *The Taliban conflicts with the Persian language*, 16 August 2022.



The Taliban's social media usually uses both languages, but Pashto more often than Dari.<sup>509</sup>

### 3.1.2 *Human rights activists*

There is no freedom for human rights activists in Afghanistan and the threat level to them is high. Many have therefore fled Afghanistan. Some of those who have remained have been victims of human rights abuses such as killings, enforced disappearances, incommunicado detention, assaults, harassment, beatings, threats (including death threats) and arrests by the Taliban.<sup>510</sup> Various sources stated that activists' family members were also threatened and were at risk of persecution.<sup>511</sup>

According to one source, human rights and women's rights activists were most at risk of persecution by the Taliban, compared to other groups. The de facto authorities were trying to gain control over the activists because they saw them as a threat to their position of power.<sup>512</sup> Another source stated that human rights activists and people who run secret schools are also at great risk.<sup>513</sup>

#### *Shrinking civic space*

In early 2023, the UN Special Rapporteur on the human rights situation in Afghanistan expressed serious concern about the 'rapidly shrinking social space', with human rights defenders, civil-society organisations and journalists all facing tremendous pressure. A human rights activist described the current situation as follows: 'we can no longer breathe, if you speak about civic space, rights and responsibilities, you risk your life'.<sup>514</sup>

The de facto authorities increasingly restricted and controlled civil-society activities. Human rights defenders were subjected to intimidation, including telephone calls, home visits, physical and verbal attacks and arbitrary arrests. This created a climate of fear and a sense of despair. Some human rights defenders regularly changed locations after being threatened by the Taliban. The authorities had raided several civil-society organisations. They demanded the names and contact details of employees and associated persons, sometimes including family members. The Taliban made increasing use of bureaucratic mechanisms to control civil-society organisations. The rapporteur described their requests as incoherent, inconsistent and difficult to interpret. For example, disclosure obligations posed a major obstacle for organisations which were required to re-register with the de facto Ministry of Economy.<sup>515</sup>

#### *Hostility towards human rights defenders within society*

According to a Freedom House report, hostility towards human rights defenders has become normalised within Afghan society. The reasons for this reportedly lie in a combination of factors. With the takeover of power by the Taliban, ethnocentrism or

<sup>509</sup> Confidential source 13 April 2023.

<sup>510</sup> Danish Immigration Service, Ministry of Immigration and Integration, *Afghanistan: Taliban's impact on the population*, p.21, June 2022; Human Rights Council (HRC), Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, A/HRC/51/6, paragraphs 35 and 85, 9 September 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/340-S/2022/692*, paragraph 33, 14 September 2022; Amnesty International, *The Rule of Taliban, A Year of Violence, Impunity and False Promises*, 15 August 2022.

<sup>511</sup> Confidential source 4 March 2023; Confidential source 4 March 2023; Confidential source 2 March 2023.

<sup>512</sup> Confidential source 24 February 2023.

<sup>513</sup> Confidential source 2 March 2023.

<sup>514</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 64-65, 9 February 2023.

<sup>515</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 64-65, 9 February 2023.

Pashtunisation has increased. People are said to be discriminated against on the basis of their religion, ethnicity, gender and age. In addition, religious radicalism and conservatism have increased. As a result, activists were subjected to treatment ranging from social exclusion to criminal punishment.<sup>516</sup>

Human rights activists also felt threatened within society and compelled to remain under the radar. Conservative narratives linked human rights defenders to high treason, disloyalty, immorality, blasphemy and apostasy. There are cases in which 'ordinary' Afghan citizens have collaborated with Taliban actors. This was sometimes done voluntarily, sometimes out of necessity (e.g. as a strategy to avoid reprisals, or for protection). Community members, friends, relatives and colleagues monitored activists, provided information about human rights activists, or sabotaged their safety.<sup>517</sup>

There were also reports of ISKP attacks on human rights activists.<sup>518</sup>

#### *UNAMA figures*

UNAMA documented twelve cases of arbitrary detention and three threats against human rights defenders between 23 May 2022 and mid-September 2022.<sup>519</sup> In the period between 23 August 2022 and mid-December 2022, it documented seven cases of arbitrary detention and six cases of ill-treatment and threats against human rights defenders and other civil-society representatives.<sup>520</sup> It is likely that there are more cases.

In January 2023, UNAMA reported that human rights activists and media continued to be targeted by the Taliban. For example, a professor who had torn up his diploma on TV after the ban on academic education for women was announced was arrested. UNAMA documented 28 cases of arbitrary arrest and detention of civil-society members and human rights defenders between 7 December 2022 and 27 February 2023.<sup>521</sup>

#### *AIHRC and other human rights mechanisms*

On 17 May 2022, the de facto authorities announced the abolition of the Afghanistan Independent Human Rights Commission. On 26 May, the Commission issued a press release calling the abolition illegal and stating that it would continue its work. The Commission issued statements from exile. The abolition deprives victims of human rights violations and ill-treatment of any recourse. There are no other credible and independent local mechanisms that can monitor and document abuses and bring them to the attention of the de facto authorities.<sup>522</sup> According to the Special Rapporteur, there was no evidence that the Taliban investigated incidents against human rights defenders or took action against the perpetrators.<sup>523</sup> Other human rights organisations were also shut down, such as the Joint Commission for Human Rights Defenders' Protection, the Anti-Torture Commission and the Access to Information Commission. Most civil-society organisations focusing

<sup>516</sup> Freedom House, *A needs assessment of Afghan human rights defenders 2022-2023*, p.17, 19 January 2023.

<sup>517</sup> Freedom House, *A needs assessment of Afghan human rights defenders 2022-2023*, p.17, 19 January 2023.

<sup>518</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.168, August 2022.

<sup>519</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/340-S/2022/692*, paragraph 33, 14 September 2022.

<sup>520</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, paragraph 37, 7 December 2022.

<sup>521</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/772-S/2023/151*, paragraph 38, 27 February 2023.

<sup>522</sup> Human Rights Council (HRC), *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, A/HRC/51/6*, paragraph 86, 9 September 2022.

<sup>523</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.168, August 2022.

on human rights were banned by the Taliban. Some now operate undercover or from abroad. Many of them limited their field of activity and changed to distributing humanitarian aid in order to be able to remain active.<sup>524</sup>

#### *Female human rights activists*

Female human rights defenders were particularly at risk of being harassed. They experienced constant pressure from the Taliban, an increasingly unsafe working environment, restrictions on movement and additional costs associated with the mahram requirement. Reprisal attacks were also carried out against female human rights defenders.<sup>525</sup>

A Freedom House survey of human rights activists found that women faced specific additional problems. In addition to the general risks of persecution, they risked being charged with prostitution or immorality, punishable by whipping or stoning. Even a photo taken next to a foreign man could lead to an accusation of prostitution. Female activists also faced sexually charged accusations, harassment and defamation.<sup>526</sup>

Bodies that could protect female activists were closed. The Ministry of Women's Affairs, gender directorates at ministerial level, and women's protection departments within ministries were abolished. Legislation including the Elimination of Violence against Women Law, Access to Information Law, Law on Non-Governmental Organisations and Media Law were suspended, though not officially repealed.<sup>527</sup>

#### *Outside Afghanistan*

Various sources stated that human rights activists were also tracked down and threatened abroad (including in Pakistan, Iran and Turkey). The Taliban monitored social media and phone calls. One activist was called by an unknown person who told her to 'shut up' or her family in Afghanistan would be in trouble. She also received threatening messages on WhatsApp and Facebook. After this, she made sure that her parents' address did not become known to the Taliban (they kept moving to a new hiding place). In addition, she remained silent on certain topics when using the telephone and other means of communication. Other activists did this too. They referred to the Taliban by other names. They also never said where they were and they turned off location tracking on their telephones.<sup>528</sup>

The Taliban told the parents of a human rights activist: 'Your daughter is not a true Muslim. If you want to be safe, you must cut ties with your daughter.' The activist was personally threatened by a Taliban member who was in the same country. The Taliban also went to public places, such as restaurants, to threaten people.<sup>529</sup> It is not clear on what scale these threats occurred.

#### *General observations*

Most human rights activists in Afghanistan are involved in investigating human rights violations by the Taliban and other organisations. The general observations about the position of journalists therefore also apply to activists. For extensive information, see 3.2.1.

#### *Human rights activists and ISKP and other armed groups*

<sup>524</sup> Freedom House, *A needs assessment of Afghan human rights defenders 2022-2023*, p.14, 19 January 2023.

<sup>525</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 64-65, 9 February 2023; HRW, *Afghanistan: Women Protesters Detail Taliban Abuse*, 20 October 2022.

<sup>526</sup> Freedom House, *A needs assessment of Afghan human rights defenders 2022-2023*, p.17, 19 January 2023.

<sup>527</sup> Freedom House, *A needs assessment of Afghan human rights defenders 2022-2023*, p.14, 19 January 2023.

<sup>528</sup> Confidential source 4 March 2023; Confidential source 2 March 2023; Confidential source 4 March 2023; Confidential source 4 March 2023.

<sup>529</sup> Confidential source 2 March 2023; Confidential source 4 March 2023; Confidential source 4 March 2023.

Human rights activists were not only at risk from the Taliban. According to a report by the EUAA, attacks against human rights defenders by ISKP were also reported.<sup>530</sup> However, this is difficult to verify.

### 3.1.3 *Journalists who report on 'problematic' subjects*

#### *Guidelines and rules*

The media's freedom of movement and freedom of expression were drastically curtailed. Journalists were threatened, arrested and attacked. Many media outlets had to close and many journalists were forced to stop working. This was especially the case for journalists reporting on subjects deemed sensitive by the Taliban. On this subject see also 3.2.1 on freedom of expression.

According to the Taliban, private media were allowed to continue their work provided they 'respect Islamic values and do not work against national values or unity'. They drew up guidelines and rules for this purpose, including on topics seen as contrary to Islam and also on 'insulting national personalities'. The media had to prepare their news reports in coordination with the Taliban's media office.<sup>531</sup> The Taliban introduced more and more new rules during the reporting period. An example of this was the Ministry of Information and Culture regulation of 19 May 2022 stating that female television presenters had to cover their faces when participating in a broadcast. On 21 July 2022, Emir Akhundzada issued a ban on 'false accusations' against the de facto authorities.<sup>532</sup> The intelligence service GDI had previously called on the media to 'abstain from publishing fake news and unfounded rumours'.

The Media Law of 2015 remained in force: see the previous country of origin report. The Taliban reportedly set up a Media Violations Commission to oversee the media's respect for 'national interests, Islamic values and national unity'. This was to prevent 'misunderstandings'.<sup>533</sup> On 23 August 2022, the Commission was re-established by the Ministry of Information and Culture. While the commission's reactivation was a positive development, its neutrality was questioned, according to UNAMA, as its members were officials of the de facto authorities.<sup>534</sup> In addition, there were no female members.<sup>535</sup>

Many of the guidelines were vague and difficult to follow in practice. The restrictions were said to be enforced in different ways across the country, especially at the provincial level.<sup>536</sup> Instructions came from various sections of the de facto authorities, such as the Ministry of Culture and Information, the GDI, the MPVPV (Ministry for the Propagation of Virtue and the Prevention of Vice) and the Taliban's Government Media and Information Centre (GMIC). This led to confusion among journalists.<sup>537</sup>

<sup>530</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.168, August 2022.

<sup>531</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022.

<sup>532</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/340-S/2022/692*, paragraphs 33-34, 14 September 2022.

<sup>533</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022.

<sup>534</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, paragraphs 37-39, 7 December 2022.

<sup>535</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, A/HRC/52/84*, OHCHR, paragraph 69, 9 February 2023.

<sup>536</sup> Danish Immigration Service, *Ministry of Immigration and Integration, Afghanistan: Taliban's impact on the population*, pp.19-20, June 2022.

<sup>537</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022; Reporters Sans Frontières (RSF), *Afghanistan*, <https://rsf.org/en/country/afghanistan>

Journalists had to adhere to constantly changing and arbitrarily interpreted rules and decrees. If they failed to do so, they could become victims of arbitrary detention and ill-treatment.<sup>538</sup> Media workers faced physical attacks, threats, intimidation, harassment and targeted killing. Media employees were also phoned or summoned for questioning by the police or the intelligence service, which could turn violent.<sup>539</sup> According to observers, the MPVPV and the GDI were the main instruments of repression used to enforce the rules.<sup>540</sup>

In June 2022, the Herat Journalists Association and the provincial branch of the Taliban Ministry of Culture and Information established a committee to prevent 'unwanted arrests of journalists and media workers'. The committee's three main goals were to regulate the broadcasting of audio and video media, to support and advocate for media rights, and to investigate violations committed by the media.<sup>541</sup> It is unclear how the work of this organisation is going.

#### *'Forbidden' topics*

Journalists were not free to decide for themselves which subjects to report on. The Taliban imposed restrictions. Some topics were dangerous to report on. According to Reporters Without Borders (RSF), themes related to religion, the status of women and to human rights were off limits. According to another source, there were three topics on which the Taliban would not tolerate public coverage, as it might show them in a bad light: ISKP, resistance to the Taliban, and opiate production. Another named anti-Taliban protests and arbitrary detention as the taboo topics.<sup>542</sup> Another source mentioned women's protests, human rights activists, resistance and ISKP. Journalists who do report on these topics run the risk of being arrested or intimidated.<sup>543</sup>

#### *Abroad*

According to sources, there were also journalists and activists abroad who were persecuted and threatened by the Taliban. One source stated that journalists in exile were unable to practise their profession because relatives in Afghanistan were threatened when they did.<sup>544</sup> The Taliban reportedly have teams monitoring everything from phone calls to social media. For example, they are said to have created fake accounts and tried to befriend people on Facebook. Family members sometimes had problems when someone had posted unwelcome content on social media. The Taliban might threaten to harm or even kill family members.<sup>545</sup>

#### *Relatives of journalists*

Cases were reported of the Taliban pressuring journalists by making threats to family members.<sup>546</sup> For this, see the section entitled *Abroad* above

#### *Journalists and ISKP and other armed groups*

<sup>538</sup> Human Rights Council (HRC), *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General*, A/HRC/51/6, paragraph 78, 9 September 2022.

<sup>539</sup> Human Rights Council (HRC), *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General*, A/HRC/51/6, paragraph 78, 9 September 2022; Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023; Reporters Sans Frontières (RSF), *Afghanistan*, <https://rsf.org/en/country/afghanistan>

<sup>540</sup> Brookings, *Afghanistan in 2023: Taliban internal power struggles and militancy*, 23 February 2023.

<sup>541</sup> EUAA, *Afghanistan - Targeting of Individuals*, pp.157-159, August 2022.

<sup>542</sup> EUAA, *Afghanistan - Targeting of Individuals*, pp.157-159, August 2022.

<sup>543</sup> EUAA, *Afghanistan - Targeting of Individuals*, pp.157-159, August 2022; Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023.

<sup>544</sup> Confidential source 26 February 2023.

<sup>545</sup> Confidential source 26 February 2023; Confidential source 2 March 2023; Confidential source 4 March 2023.

<sup>546</sup> CPJ, *Taliban members beat, threaten, Afghan journalist Saboor Raufi*, 18 August 2022.

Little information has been found on the position of journalists in relation to ISKP and other armed groups.

On 11 March 2023, an attack was carried out on a ceremony to honour journalists in Mazar-i-Sharif. Two journalists were killed and fifteen were injured. The attack was claimed by IS.<sup>547</sup>

For more information on press freedom, see 3.2.1.

### 3.1.4 *Individuals who worked with or are associated with Western powers*

#### *Categories*

The sections below discuss in more detail the position of individuals who are associated with/worked for Western forces that were previously in Afghanistan or foreign/Western governments in general or with foreign/Western organisations/companies/persons who were previously or are still in Afghanistan.

#### 3.1.4.1 *Individuals who worked with Western troops*

Individuals who had worked with or were associated with Western troops were subjected to reprisals during the reporting period. Many of these individuals went into hiding or left the country.

There is no clear picture of the extent of the risk. According to one source, many people were able to return to their daily lives. At the same time, this source states that a person who is known to have worked with foreign forces is more likely to be harassed or ill-treated than others. Often, the greatest fear these individuals have is that someone will 'snitch' on them or make up a story about them because of some disagreement for an unrelated reason.<sup>548</sup>

The extent to which an individual was the target of reprisals and persecution depended on various factors. According to one source, individuals who had worked for US forces were more vulnerable than those who had worked for the forces of other powers.<sup>549</sup> It was also said to make a difference whether this power had been actively engaged in armed conflict with the Taliban. It also mattered to what extent those immediately around the person and the Taliban were aware of the former position of the person concerned. Villagers in places where foreign troops were said to have behaved 'badly' towards the local community were said to be more likely to share information with the Taliban. The Taliban were generally well integrated into the local communities and therefore had a good knowledge of who had worked for foreign forces.<sup>550</sup>

Individual circumstances such as a person's previous job, employer, family background, or a personal or tribal vendetta, were another factor in possible persecution. Members of families already in trouble with the Taliban were more vulnerable. No clear information was available as to whether it made a difference whether the person was higher or lower-ranking. Some sources said high-ranking people were at greater risk, while others said that everyone was at risk. People in rural areas were reportedly less at risk, but this could be related to their rank: former high-ranking military personnel were more likely to live in urban areas.<sup>551</sup>

<sup>547</sup> RSF, *Mazar-i-Sharif bombing – "biggest attack" on Afghan journalists in months*, 14 March 2023.

<sup>548</sup> Confidential source 29 June 2023.

<sup>549</sup> Danish Immigration Service, *Ministry of Immigration and Integration, Afghanistan: Taliban's impact on the population*, pp.14-15, June 2022.

<sup>550</sup> Danish Immigration Service, *Ministry of Immigration and Integration, Afghanistan: Taliban's impact on the population*, p. 18, June 2022.

<sup>551</sup> Danish Immigration Service, *Ministry of Immigration and Integration, Afghanistan: Taliban's impact on the population*, p. 18, June 2022.

In an Association of Wartime Allies<sup>552</sup> survey of Afghan interpreters and other former US employees, half of the respondents stated that the Taliban had questioned and/or detained them at some point. Almost all of them were afraid to leave their homes (97%), and many had forgone medical treatment because they did not dare go outside (86%).<sup>553</sup> A large proportion had gone into hiding or left the country.<sup>554</sup>

- 3.1.4.2** *Individuals who worked with international/western NGOs and UN organisations*  
After the takeover of power, the Taliban stated that people who had worked for embassies, international organisations and NGOs would not be persecuted. According to a source of the Danish Immigration Service, if such a person was harassed or ill-treated, this often had more to do with their personal or family background than their employer. However, Afghans who worked for NGOs or international organisations were reportedly often treated badly at checkpoints because of their alleged connection to foreign powers. Another source stated that former employees of international NGOs were not targeted as such. Yet another source stated that there were examples of NGO employees who had been attacked while distributing relief supplies. The Taliban are often part of the local communities and therefore know who has ties to NGOs. There are reports that during house searches, NGO workers were dealt with harshly by the Taliban. The degree of harshness usually depended on the Taliban commander in charge.<sup>555</sup> One source cited an example of a woman who worked for an NGO and had to flee the country. The Taliban told her: 'Your income is in dollars, so we will persecute you.' During house searches, she hid her English keyboard and work documents. She deleted photos, literature and music from her mobile phone.<sup>556</sup>
- 3.1.4.3** *Individuals who worked for Western governments including as security guards, court workers, cooks and drivers*  
Many people who worked at foreign embassies have left the country. As also described in the previous country of origin report, the extent to which those who have stayed are at risk of falling victim to violence at the hands of the Taliban or other actors is unclear. The Taliban have stated that people who worked for embassies will not be prosecuted. At the same time, it cannot be ruled out that the Taliban know who had jobs as gardeners or handymen at the embassies. This is because the Taliban usually have a good network within local communities, especially in rural areas. No concrete information was found regarding the safety of former embassy guards. Some of them continued to hold this position after the Taliban's takeover of power, without incident as far as is known.<sup>557</sup>
- 3.1.4.4** *Fixers who worked for Western journalists*  
Fixers who worked for Western journalists generally also worked as local journalists themselves. This put them in twofold danger: first because they worked for a Western journalist and second because they were journalists themselves. Conditions for local journalists were poor: they were threatened, intimidated, beaten and

<sup>552</sup> This is an American NGO that works to help Afghans to obtain a Special Immigrant Visa (SIV).

<sup>553</sup> Association of Wartime Allies (AWA), *The Left Behind Afghans - Focus on Women*, p.2, 1 June 2022.

<sup>554</sup> TRT World, YouTube, *One year under Taliban: Forgotten interpreters in hiding*, 31 August 2022.

<sup>555</sup> Danish Immigration Service, *Ministry of Immigration and Integration, Afghanistan: Taliban's impact on the population*, pp. 18-19, June 2022.

<sup>556</sup> Confidential source 26 February 2023.

<sup>557</sup> Confidential source 29 June 2023.

sometimes imprisoned. For a detailed description of conditions for journalists, see 3.2.1.

The Taliban were hostile to independent journalists (which was often the case with fixers). They called independent Afghan journalists 'hired mouthpieces' for the Ghani government and for the US. A senior Taliban official wrote: 'A hired journalist is more dangerous than a hundred *Arbaki* (local police/paramilitary). I doubt the faith of those who restrain from killing journalists. Kill the rented journalists. Control the media.'<sup>558</sup>

Among the journalists beaten and detained by the Taliban were many fixers and translators who worked with foreign journalists and news sources. According to an Al Jazeera report, foreign journalists were treated very differently from local ones. A Canadian journalist wrote on Twitter that there were double standards. He himself was treated with courtesy by the Taliban and security measures were taken for him.<sup>559</sup> At the same time local journalists were being ill-treated and threatened.

#### 3.1.4.5 *Individuals who behave or dress in a 'Western' manner*

In Afghanistan it is generally customary to wear traditional clothing. Only a few people wear Western clothes. According to a source, it is possible to wear a suit and tie to the office. Not having a beard is reportedly a bigger problem. In government institutions, almost everyone wears traditional clothing, in some cases with a turban. More Western clothing is only said to be seen at the Ministry of Foreign Affairs. A Taliban member aiming for a high position should avoid wearing a suit, according to a source. On the street in the villages, intolerance with regard to clothing is said to be greater. More important than clothing, however, is a person's behaviour and adaptation to socio-cultural norms.<sup>560</sup> Those who were seen as 'Westernised' might be threatened by the Taliban, relatives or neighbours.<sup>561</sup> See also 3.1.9.11 on 'Westernised' girls and women and 5.1.7.1.4 on returning after a shorter or longer period of residence in a Western country.

#### 3.1.5 *Ethnic groups and 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 (or Pathans), Tajiks, Hazaras, Uzbeks, Turkmens, Balochs, Pashayis, Nuristanis, Aimaqs, Arabs, Kyrgyz, Qizilbash, Gujars and Brahuis). The Pashtuns are the largest ethnic group. Estimates of the percentage of Pashtuns in the total population range from 32 to 42%. They are followed by the Tajiks (27%), the Uzbeks (9%), the Hazaras (7%), the Turkmens (3%), the Aimaqs and the other groups. These figures are estimates.<sup>562</sup>

There are many more minorities in Afghanistan. In Afghanistan, political loyalty has traditionally been closely tied to ethnicity and religion, and parties to conflict in the past have used ethnicity to reinforce their power and achieve military goals. At the national level – as under previous governments – the Pashtuns, as the largest ethnic

<sup>558</sup> Al Jazeera Media Institute, *Al Jazeera Media Review- Kill the rented journalists' - the reality of life for local journalists and fixers left behind in Afghanistan*, 1 April 2022.

<sup>559</sup> Al Jazeera Media Institute, *Al Jazeera Media Review- Kill the rented journalists' - the reality of life for local journalists and fixers left behind in Afghanistan*, 1 April 2022; @mattaikins, 9 September 2021, <https://twitter.com/mattaikins/status/1435951875216461828>

<sup>560</sup> Confidential source 24 February 2023.

<sup>561</sup> EUAA, *Country Guidance: Afghanistan*, p. 78, January 2023.

<sup>562</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, March 2022, pp.94-95; World Directory of Minorities and Indigenous Peoples, *Afghanistan*, <https://minorityrights.org/country/afghanistan/>, last accessed on 21 March 2023.



group, have the greatest political and economic power. Over the past twenty years, all Afghan presidents have been Pashtun. The roots of the Taliban also lie within this population group.<sup>563</sup>

The Afghan president and the Ghani government in Kabul had in practice little influence in the regions, where powerful individuals from the dominant local ethnic group often held sway. 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 contracts to people from the same ethnic background. This was common among almost all ethnic groups and occurred at all levels. Individuals from a minority group in a given area were therefore at risk of disadvantage and discrimination. This also applied to Pashtuns in areas where they were the minority.<sup>564</sup>

Ethnicity was not always the cause of individual discrimination, which could also have an economic or other cause. Because ethnic and religious identities often overlap, it was 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.<sup>565</sup> This also applies to the Pashtuns and therefore to the Taliban. Historically, Hazaras have suffered the most from disadvantage and discrimination (for more details, see 3.1.6.2.).

#### *Dominance of Pashtuns and 'Pashtunisation'*

The Taliban are a movement composed mainly of Pashtuns, and this is reflected in its leadership and the de facto government. At the local level, administrative positions also seem to have been shared out among Taliban supporters from local ethnic groups.<sup>566</sup> For more details on the composition of the interim government under the Taliban regime, see 1.1.2.

Going a step further, some analysts and members of minority groups believe that the Taliban are engaged in a process of 'Pashtunisation.' Higher positions at the national level are said to be difficult for non-Pashtuns to access, let alone positions with a decision-making role.<sup>567</sup>

### 3.1.5.1 *Main ethnic groups*

#### *Tajiks*

The Tajiks are the second largest group after the Pashtuns, constituting about 27% of the Afghan population. They made up a large part of the Afghan elite. Because they are often richer and better educated than other groups, they usually had political influence in Afghanistan. Ahmad Massoud is a Tajik and an important political and military figure who held a senior position in the Ghani government.<sup>568</sup> Massoud is the leader of the NRF and his fighters in Panjshir held out for the longest against the Taliban. After the takeover of power, Massoud left, and according to rumours he is hiding in neighbouring Tajikistan.

<sup>563</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.94-95, March 2022.

<sup>564</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.94-95, March 2022.

<sup>565</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.94-95, March 2022.

<sup>566</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.94-95, March 2022.

<sup>567</sup> Brookings, *Afghanistan in 2023: Taliban internal power struggles and militancy*, 23 February 2023.

<sup>568</sup> World Directory of Minorities and Indigenous Peoples, *Afghanistan – Tajiks*, Afghanistan, <https://minorityrights.org/minorities/tajiks/>, last accessed on 21 March 2023.

Ethnic Tajiks live mainly in the north, north-east and west of Afghanistan and have close ties with the Tajiks in the neighbouring country.<sup>569</sup>

#### *Uzbeks*

Uzbeks make up about 9% of the Afghan population. There are anecdotal examples of problems experienced by Uzbeks based on their ethnicity.<sup>570</sup> On 19 December 2022, residents of Sar-e Pol province held a demonstration against their forced eviction and the seizure of land in eight villages by the Taliban. The residents, who are mostly Uzbeks and Tajiks, were reportedly threatened with violence if they did not follow orders to leave.<sup>571</sup> There were also some incidents of discrimination against Uzbeks before the reporting period.<sup>572</sup> Uzbeks are not represented at the national level, but there are said to be Uzbek governors.<sup>573</sup>

#### *Turkmens*

About 3% of the Afghan population is Turkmen. There is anecdotal evidence that Turkmens experience problems based on their ethnicity. There were also some instances of discrimination against Turkmens before the reporting period.<sup>574</sup>

#### *Hazaras*

See 3.1.6.2.

### 3.1.6 *Shiites and Hazaras*

#### 3.1.6.1 *Shiites*

According to estimates, 10 to 15 percent of Afghanistan's population are Shiites, i.e. between 3.6 and 5.4 million people. Muslims constitute between 99 and 100 percent of the population.<sup>575</sup>

The majority of Afghan Shiites, about 90 percent, are ethnic Hazaras. Not all Hazaras are Shiites, and there are also Shiites among other ethnic groups, such as the Qizilbash. There are also Shiites among the predominantly Sunni Tajiks, such as the Imami Tajiks in Western Afghanistan and the Badakshan Tajiks. There is a Shiite clan within the Pashtun, the Turi. Sayeds/Sadat are found among both Shiites and Sunnis, as well as among all ethnic groups, including the Shiite Hazaras.<sup>576</sup> This means that there are between 360,000 and 540,000 Shiites in Afghanistan who are not Hazaras.

Most Shiites live in Central Afghanistan, the traditional regions 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. In relative terms, the city of Herat has the highest proportion of Shiites outside Central Afghanistan. A large part of the population of Kabul is also said to be Shiite. The Dasht-e-Barchi neighbourhood in Western Kabul is regarded as a Hazara or Shiite

<sup>569</sup> World Directory of Minorities and Indigenous Peoples, *Afghanistan – Tajiks*, Afghanistan, <https://minorityrights.org/minorities/tajiks/>, last accessed on 21 March 2023.

<sup>570</sup> Confidential source 23 April 2023.

<sup>571</sup> OHCHR, Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 48 and 49, 9 February 2023.

<sup>572</sup> RFE/RL, *Taliban Accused Of Forcibly Evicting Ethnic Uzbeks, Turkmen In Northern Afghanistan*, 9 December 2021; WSJ, *Afghanistan's Taliban Battle Rebellion by Ethnic Minority Fighters*, 14 January 2022.

<sup>573</sup> Confidential source 21 April 2023.

<sup>574</sup> RFE/RL, *Taliban Accused Of Forcibly Evicting Ethnic Uzbeks, Turkmen In Northern Afghanistan*, 9 December 2021.

<sup>575</sup> CIA, *The World Factbook – Afghanistan*, 4 January 2023, last accessed on 7 February 2023, <https://www.cia.gov/the-world-factbook/countries/afghanistan/#people-and-society>

<sup>576</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, March 2022; Naval Postgraduate School, *Programme for Culture and Conflict Studies, Ethnic Identity and Genealogies*, accessed on 20 June 2023.

district. The city of Mazar-i-Sharif in Balkh province is also home to a relatively large number of Hazaras and other Shiites. In addition, smaller numbers of Hazaras live in other Afghan cities and provinces such as Farah, Logar and Kandahar.<sup>577</sup>

#### *ISKP attacks*

The extremist group ISKP considers Shiite Muslims to be apostates, making them a legitimate target to kill.<sup>578</sup> Reports of attacks on Shiite targets do not usually specify whether the victims were Hazaras or Shiites or from other ethnic backgrounds. Before the reporting period (but after the takeover of power), attacks on Shiites in areas not dominated by Hazaras were reported.<sup>579</sup> During the reporting period, UN reports mostly did not specify which ethnic group the victims belonged to, apart from the Hazaras. However, concern was expressed about 'Hazaras and other Shiite Muslims'. For example, the UN Special Rapporteur on the human rights situation in Afghanistan expressed deep concern about the continuing threats and attacks, both physical and verbal, against religious minorities, including the Hazara Shiites and other Shiite Muslims, and Sikh and Sufi groups. From 30 August 2021 to 30 September 2022, 22 recorded attacks against civilians left at least 334 dead and 631 injured. Of these, sixteen attacks, including three against educational facilities, specifically targeted the Hazara population. Both the Hazaras and other Shiite minorities suffer from a negative image in society and are targeted by extremist groups.<sup>580</sup> The security situation of the two groups may therefore be similar.<sup>581</sup> For an overview of the attacks that took place during the reporting period, see 1.1.5.

Because the majority of the Afghan Shiites are Hazaras, it is difficult to distinguish whether discrimination and violence against Shiites are motivated by religious or ethnic motives, or a combination of the two.

#### *Ashura 8 August 2022*

Ashura is a traditional Shia holiday that fell on 8 August in 2022.<sup>582</sup> The Hazaras and other Shiite minorities were singled out in the description of Ashura in 2022 in the USDOS report on religious freedom. During this celebration, ISKP attacked 'multiple locations in Hazara and other Shia majority areas of Kabul'. The report states that the Taliban officially cancelled the Ashura holiday as a public holiday and that tea stalls were vandalised.<sup>583</sup> However, the EUAA states in a report that the Taliban allowed Shiites to perform their religious ceremonies, such as the annual Ashura celebration.<sup>584</sup>

#### *Taliban protection*

According to the EUAA, the Taliban promised to protect the Hazara community and Taliban members guarded Shiite mosques.<sup>585</sup>

In practice, this protection is not always provided. The situation was similar to that of Hazaras. See the description in 3.1.6.2.

<sup>577</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.102, March 2022.

<sup>578</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.144 August 2022.

<sup>579</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.143 August 2022.

<sup>580</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 36, 9 February 2023.

<sup>581</sup> Confidential source 4 March 2023.

<sup>582</sup> During Ashura, Husayn ibn Ali, grandson of the Prophet Mohammed and the third Shia Imam, is commemorated. Believers commemorate his life and some practise self-flagellation. Whenever possible, a traditional Ashura procession is held. During this procession, believers dressed in black walk through the streets, beating their chests. Ashura is held on the tenth day of Muharram, the first month of the Muslim calendar.

<sup>583</sup> USDOS, *2022 Report on International Religious Freedom: Afghanistan*, Section IV, May 2023.

<sup>584</sup> EUAA, *Country Guidance: Afghanistan*, par. 3.14.2, January 2023.

<sup>585</sup> EUAA, *Country Guidance: Afghanistan*, par. 3.14.2, January 2023.

### 3.1.6.2 Hazaras

#### *Discrimination and violence against the Hazaras*

The Hazaras are the population group in Afghanistan that has traditionally suffered the most from discrimination, prejudice, racism and communal violence, according to various sources.<sup>586</sup> This ill-will is based on ethnicity and/or religion.<sup>587</sup> The Hazaras are an easy target to identify because they are recognisable by their Central Asian appearance.

The historically strong anti-Hazara sentiment has remained present since the seizure of power by the Taliban. According to a source, the Taliban's attitude could perpetuate and legitimise these long-standing anti-Hazara sentiments.<sup>588</sup>

According to a source, ISKP targets the Hazaras for religious reasons (because they are Shiites), and they are viewed negatively by the Taliban for both religious and ethnic/tribal reasons.<sup>589</sup> Because religious and ethnic identities are often closely linked, it is difficult to categorise incidents as based solely on religious identity, according to USDOS.<sup>590</sup>

According to USDOS, societal discrimination against Hazaras includes extortion through illegal taxation, forced labour, physical abuse and detention.<sup>591</sup> USDOS also mentions that reports had been received from the Hazara community of discrimination in connection with admission to universities or employment in the public sector.<sup>592</sup>

In everyday life, according to a source, Hazaras are often impacted even harder in comparable conflicts. Someone who is both a former ANDSF soldier and a Hazara faces a double risk.<sup>593</sup>

#### *ISKP attacks on Hazaras*

During the reporting period, ISKP carried out attacks in which Hazaras were targeted in public places. The report of the UN Special Rapporteur on the human rights situation in Afghanistan states that 16 of the 22 attacks against civilians involved attacks on Hazaras. This was in the period between 30 August 2021 and 30 September 2022. Three attacks were on educational institutions.<sup>594</sup>

ISKP claimed responsibility for several bombings and armed attacks against Hazaras in 2022 in which at least 700 people were killed or injured. On 19 April 2022, ISKP claimed a secondary school suicide bombing in Dasht-e-Barchi which injured or killed twenty students, teachers and staff.<sup>595</sup>

ISKP also claimed responsibility for an attack two days later on the Shiite Seh Dokan mosque, located in a predominantly Hazara district in Mazar-i-Sharif. Thirty-one

<sup>586</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 33, 9 February 2023.

<sup>587</sup> Confidential source 28 September 2022.

<sup>588</sup> Confidential source 28 September 2022.

<sup>589</sup> Confidential source 4 March 2023.

<sup>590</sup> USDOS, *2022 Report on International Religious Freedom: Afghanistan*, p.2 May 2023.

<sup>591</sup> USDOS, *Country Report on Human Rights 2022 – Afghanistan*, Section VI, 20 March 2023.

<sup>592</sup> USDOS, *2022 Report on International Religious Freedom: Afghanistan*, May 2023.

<sup>593</sup> Confidential source 28 September 2022.

<sup>594</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 36, 9 February 2023.

<sup>595</sup> Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023.

people were killed and 87 were injured. On 27 April unidentified gunmen killed five Hazaras on their way to the Dare-Suf coal mine in Samangan.<sup>596</sup>

An attack on the Kaaj educational centre in the Dasht-e-Barchi district of Kabul on 30 September 2022 killed 54 people and injured 114. Most of the victims were young women and girls between the ages of 14 and 22 who were studying for their university entrance exam.<sup>597</sup>

There was much criticism of the time it took for the emergency services to arrive to help the victims. Journalists were said to be prevented from reporting on the attack. The rapporteur received reports that the Taliban expelled thirty Hazara women from Kabul University. They were part of a group of sixty Hazara women who intended to stage a protest about the attack.<sup>598</sup>

Responsibility for the attack has still not been claimed. However, the Taliban reported on 22 October 2022 that they had identified and executed six perpetrators. These were all said to be ISKP fighters who were responsible for the attack on the Kaaj centre and other terrorist attacks.<sup>599</sup>

#### *Protection by the Taliban*

The Taliban publicly stated that they want to protect the Hazaras and create a safe environment for them. It is strongly in the Taliban's interests to do this, as they wish to convey the message to the outside world that they have brought peace and stability to Afghanistan.

Village elders, representatives and civil-society activists from the Hazaras sought Taliban protection on several occasions, including asking for protection for educational centres. The authorities did not respond helpfully. Under the Ghani government, educational centres were issued with gun permits so that they could protect themselves. The Taliban have since seized these weapons without providing any other form of security or protection, although they are said to be working on anti-terrorism measures against ISKP.<sup>600</sup> According to sources, the Taliban are not doing much to protect the Hazaras.<sup>601</sup> According to HRW, the Taliban are failing to provide security to population groups which are at risk. They also provide insufficient medical and other assistance to victims and their families. This exacerbates the harm caused by the attacks, according to HRW.<sup>602</sup>

One source suggested that the Taliban sometimes shifts the blame for attacks on the Hazaras onto ISKP.<sup>603</sup> It is not possible to verify this.

#### *Political representation*

Under the Islamic Republic, some Hazaras held high positions in the military or in politics. Since the seizure of power by the Taliban, the Hazaras have had little political representation. There are no Hazara ministers, although there are reportedly a few deputy ministers, some governors (one in Bamyan) and a police chief.<sup>604</sup> These individuals were usually employed by the Taliban as a reward for

<sup>596</sup> Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023.

<sup>597</sup> OHCHR, Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 36, 9 February 2023.

<sup>598</sup> OHCHR, Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 37, 9 February 2023.

<sup>599</sup> OHCHR, Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 38, 9 February 2023.

<sup>600</sup> OHCHR, Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 39, 9 February 2023.

<sup>601</sup> Confidential source 28 February 2023.

<sup>602</sup> Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023.

<sup>603</sup> Confidential source 28 September 2022; Confidential source 4 March 2023.

<sup>604</sup> Confidential source 26 February 2023.

merit in combat.<sup>605</sup> Other non-Pashtun ethnic groups have also had little political representation since the takeover of power.

#### *Situation of Hazaras compared to before the takeover*

According to UNAMA, there were numerous attacks, including suicide bombings and the use of improvised explosive devices against civilians, targeting Shiite Muslims and in particular ethnic Hazaras. This was consistent with the observed trend in recent years. UNAMA also reported a resurgence of such attacks against the Hazara community, for which ISIS-K usually claimed responsibility.<sup>606</sup>

According to one source, the situation of the Hazaras is clearly worse than before the takeover. They are still discriminated against in society, they were the target of a greater number of attacks than before and they cannot count on effective protection from the government.<sup>607</sup>

According to another source, since the takeover of power, there have been more ISKP attacks against the Hazaras. This was partly because Shiites and Hazaras are a principal target. It was also said to be partly with the aim of thwarting the Taliban, who have publicly stated that they will protect the Hazaras. The Taliban are said to have promised 'protection' not out of compassion, but for the sake of their image.<sup>608</sup>

#### *Evictions of Hazaras and other minority groups.*

There were reports of security forces associated with the Taliban evicting Hazaras and other groups from their homes and farms. They were often given only a few days to leave and had no opportunity to protest formally. On 19 December 2022, residents of Sar-e Pol province held a demonstration against their forced eviction and the seizure of land in eight villages by the Taliban. The residents, who are mostly Uzbeks and Tajiks, were reportedly threatened with violence if they did not follow orders to leave.<sup>609</sup>

The Taliban stated in October 2022 that their Supreme Leader had issued a decree to prevent land grabbing. A commission and a special court were reportedly set up to implement the decree.<sup>610</sup>

Rivalry over land and homes is a historical reality in certain parts of Afghanistan, with conflicts between ethnic groups and tribes often playing a role.

### 3.1.7 *Non-practising Muslims*

In the Islamic Emirate there were tight social controls over the practice of religion. The police and the MPVPV checked whether people prayed. For example, during prayer times they checked on the street and in shops whether people were praying. People who did not pray were intimidated. People also checked up on each other with regard to attending prayers. Non-practising Muslims often chose to pretend to practise their faith. They did this to prevent problems.<sup>611</sup>

<sup>605</sup> Confidential source 28 September 2022.

<sup>606</sup> USDOS, *2022 Report on International Religious Freedom: Afghanistan*, May 2021.

<sup>607</sup> Confidential source 4 March 2023.

<sup>608</sup> Confidential source 22 February 2023.

<sup>609</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 48 and 49, 9 February 2023.

<sup>610</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 48 and 49, 9 February 2023.

<sup>611</sup> Confidential source 22 February 2022.

### 3.1.8 *Non-Muslims*

Within the Islamic Emirate there was no understanding or tolerance on the part of the de facto government for non-adherence to the Islamic faith. The Taliban see people who have left Islam as apostates. Apostasy is a capital offence.<sup>612</sup> According to one source, people who are atheists will therefore not openly admit it. Even in Afghan diaspora circles they are careful about this.<sup>613</sup> According to one source, people were often stricter towards other Muslims than towards Christians, for example. They were more concerned with checking who were 'bad Muslims' than with non-Muslims.<sup>614</sup>

### 3.1.9 *Women*

Since the takeover of power by the Taliban, there has been an increasing curtailment of the rights of women and girls. The succession of regulations introduced by the Taliban with a constant stream of new prohibitions formed a downward spiral of restrictions. The rules made it virtually impossible for Afghan women to participate in Afghan society any longer. Examples include the bans on studying at university and working for NGOs and the obligation to have a mahram for longer journeys. The UN Special Rapporteur on the human rights situation in Afghanistan and other UN experts stated that the measures could amount to gender-based persecution, which is a crime against humanity.<sup>615</sup> On 19 June 2023, the UN Special Rapporteur on the human rights situation in Afghanistan and the UN Working Group against Discrimination against Women and Girls called the situation of girls and women in Afghanistan 'gender apartheid' in a joint report.

#### 3.1.9.1 *Measures and regulations*

Women's rights were curtailed by means of regulations, each of which restricted or abolished another right. Below is a non-exhaustive overview of the measures setting the most drastic restrictions for women since the takeover of power. The various subjects of the measures are discussed in more detail in the following sections. For more details about the measures taken from the seizure of power up to March 2022, see the country of origin report on Afghanistan of March 2022.

<b>Date</b>	<b>Measure</b>
12 September 2021	Ban on secondary education for girls
17 September 2021	Replacement of the Ministry of Women's Affairs by the MPVPV (Ministry for the Propagation of Virtue and the Prevention of Vice)
22 November 2021	Ban on women appearing in television series
26 December 2021	Ban on women travelling further than 72 km without a mahram
29 December 2021	Order to cover or remove the heads of female mannequins
26 February 2022	Order to universities to establish separate classrooms for men and women
2 March 2022	Ban on women from going to a clinic without a mahram
13 March 2022	Order to separate men and women in offices

<sup>612</sup> HRW, *Testimony to the US Commission on International Religious Freedom*, 24 August 2022.

<sup>613</sup> Confidential source 22 February 2023.

<sup>614</sup> Confidential source 22 February 2023.

<sup>615</sup> OHCHR, *Afghanistan: Latest Taliban treatment of women and girls may be crime against humanity, say UN experts*, 25 November 2022; OHCHR, *Taliban edicts suffocating women and girls in Afghanistan: UN experts*, 19 June 2023.

24 March 2022	Announcement that schools for girls from grade 7 will remain closed
27 March 2022	Ban on women travelling by air (domestic or international flights) without a mahram
5 May 2022	Ban on the issuing of driving licences to women
7 May 2022	Ban on women travelling alone on public transport
7 May 2022	Order for women to cover their faces in public
19 May 2022	Order for female television presenters to cover their faces
10 August 2022	Dismissal of female flight attendants
14 November 2022	Hudud and qisas punishments for crimes such as robbery, kidnapping and sedition
20 December 2022	Ban on women going to university
22 December 2022	Ban on girls from grade 6 going to private schools
24 December 2022	Ban on female staff working for NGOs and INGOs
27 December 2022	Ban on women-run bakeries in Kabul
4 April 2023	Ban on women working for the UN <sup>616</sup>

<sup>617</sup>

### 3.1.9.2

#### *Dress code*

On 7 May 2022, the Taliban ordered women to cover their faces in public. Coloured clothing was banned. The dress code is strictly enforced. Personnel of the de facto MPVPV are said even to inspect women's clothing under their burqas. If women do not follow the rules, they may be beaten, otherwise ill-treated, or arrested. Also, family members such as the woman's mahram or other relatives may be punished for the woman's behaviour. They, too, can be arrested and convicted.<sup>618</sup>

Women who work for the government and do not follow the dress code are dismissed.<sup>619</sup> Women appearing on television must also cover their faces.<sup>620</sup>

According to one source, face coverings are not formally required, but head coverings are.<sup>621</sup> Many women choose to cover their face as well; this can be done by means of a burqa or niqab, by draping a shawl or hijab in a certain way or in many cases also with COVID face masks. After the Taliban's decree, more women – in different places – wore a shawl or hijab in this way. In conservative rural areas, women were already covering their faces when they were out on the streets before the takeover of power. The choice of head and face covering strongly depends on the region: under the Islamic Republic in Helmand, for example, burqas were mainly worn. The possibility therefore cannot be ruled out that interpretations of head coverings by local Taliban go further in some places than elsewhere.<sup>622</sup>

<sup>616</sup> UN, Press release Secretary-General, *Secretary-General Strongly Condemns Taliban Ban on Afghan Women Working with United Nations*, 5 April 2023; OHCHR, *Afghanistan: Taliban must stop targeting Afghan women*, 6 April 2023.

<sup>617</sup> United States Institute of Peace (USIP), *The Taliban Continue to Tighten Their Grip on Afghan Women and Girls*, 8 December 2022, <https://www.usip.org/publications/2022/12/taliban-continue-tighten-their-grip-afghan-women-and-girls>

<sup>618</sup> CNN, *Taliban decree orders women in Afghanistan to cover their faces*, 7 May 2022; OHCHR, *Situation of human rights in Afghanistan, Report of the Special Rapporteur on the situation of human rights in Afghanistan*, A/HRC/51/6, paragraphs 20 and 24, 9 September 2022; Confidential source 24 February 2023.

<sup>619</sup> CNN, *Taliban decree orders women in Afghanistan to cover their faces*, 7 May 2022.

<sup>620</sup> Washington Post, *Taliban morality police tighten their grip on Afghan women*, 26 May 2022.

<sup>621</sup> Confidential source 22 June 2023.

<sup>622</sup> Confidential source 19 June 2023; Confidential source 22 June 2023.



The dress code is generally complied with closely. People are afraid of getting into trouble and therefore follow the rules very strictly. They often follow the rules more strictly than required, as a precaution.

The obligation for men to wear a beard is also usually complied with. A foreign man who regularly visits Afghanistan says that he grows his beard as a precaution before each visit, to prevent problems at checkpoints.<sup>623</sup>

Mannequins in shop windows or shops must also have a head covering. At first it looked as if the mannequins would have to have their heads removed, but eventually covering their heads was also accepted as a solution. As a result, mannequins wear stylish robes, but have their heads covered with draped cloths, aluminium foil or a plastic bag.<sup>624</sup> Images of women on the street, such as on surviving billboards, have been removed or have had their eyes scratched out and been made unrecognisable.<sup>625</sup>

### 3.1.9.3 *Freedom of movement outside the home*

Women's freedom of movement gradually became more and more restricted. From November 2022, women were no longer allowed to go to parks, gyms and public bath houses.<sup>626</sup> In December 2021, the Taliban banned women from going on longer journeys alone. For a journey longer than 72 km, the woman has to be accompanied by a mahram, but in many places the mahram rule is applied from the front door. A mahram is a male family member over the age of fifteen. Women are also not allowed to sit in the car without a headscarf.<sup>627</sup> No distinction is made in this rule between women who were never married, married women and widows. The rule makes it difficult for women to travel to school or work, as they are constantly harassed by Taliban who enforce the rules more strictly than they are set out.<sup>628</sup> A son can be a mahram to his mother from about fifteen years of age. In principle, a nephew from the age of fifteen can do the same. However, it is never certain whether this will be accepted: it is applied in an arbitrary manner. For this reason people err on the side of caution and apply the rules more strictly than they have to.<sup>629</sup>

The requirement that women may only go out on the street with a mahram is a serious obstacle for women. Women who work for international organisations can sometimes be picked up and brought home from work by car.<sup>630</sup>

Officially, Afghan women are no longer allowed to work for international organisations and NGOs, but the Taliban makes exceptions for certain sectors: in the police, education, health care and nutrition clinics women are often allowed to work. At the local level, the Taliban sometimes allow women to work in sectors that fall outside the exemptions. This differs according to region, district, sector and depends on the connections of the implementing organisations. It also means that the permission is fragile: if a local leader is replaced, the policy may change too. Often it

<sup>623</sup> Confidential source 25 February 2023.

<sup>624</sup> Telegraaf, *Zélf's paspoppen blijken niet zedig*, 17 January 2023.

<sup>625</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 41, 27 February 2023.

<sup>626</sup> ICG, *Taliban Restrictions on Women's Rights Deepen Afghanistan's Crisis*, Report 329, Sectie B, 23 February 2023.

<sup>627</sup> CNN, *Taliban decree orders women in Afghanistan to cover their faces*, 7 May 2022.

<sup>628</sup> Amnesty International, *Afghanistan: Death in slow motion: Women and girls under Taliban rule*, p.34, 27 July 2022.

<sup>629</sup> Confidential source 24 February 2023.

<sup>630</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 19, 9 February 2023; Confidential source 2 March 2023.

is easier for women to work in the field than in offices. The organisations involved also try to have women work from home, although this is not always possible.<sup>631</sup>

The rules are enforced by Taliban fighters or MPVPV representatives (see 3.1.9.4).<sup>632</sup> Some of the inspectors interpret the rules even more strictly than they were intended. They also stop women on short journeys, for example on their way to work. Sometimes the Taliban use indirect tactics, such as threatening drivers who transport women travelling alone.<sup>633</sup> At other times they punish women without a mahram with beatings.<sup>634</sup> Due to the tight restrictions and unpredictable interpretation of rules by the authorities, women also stay at home as a precaution and from fear of being stopped, even if they urgently need to go to hospital, for example.<sup>635</sup>

#### 3.1.9.4 *Ministry for the Propagation of Virtue and the Prevention of Vice*

In September 2021, the Ministry for Women's Affairs was replaced by the Ministry for the Propagation of Virtue and the Prevention of Vice (MPVPV). The ministry's job is to enforce the strict rules derived from the Taliban's very strict interpretation of sharia. Inspectors in a special uniform patrol the streets to enforce the rules. They ensure that the Islamic rules of life are observed according to the interpretation of the Taliban, for example that women follow the dress and mahram regulations and that men go to pray. They checked bus drivers to make sure they did not let women on board who were not properly dressed, asked shopkeepers if they had performed prayers at the set times and were said to ensure that no bribes were requested and that no corruption took place. They also checked the separation of men and women in public life on the street.<sup>636</sup> They asked people questions such as 'What are the core elements of Islam?' or points about sharia. If people did not give the correct answer, they were taken to the police station.<sup>637</sup> The inspectors spoke to barbers who shaved men's beards and sent people to the mosque. They also enforced a ban on music. They raided wedding venues during weddings and arrested grooms for playing music quietly or reciting poems with musical accompaniment. Showing images of people or animals is banned because it is deemed 'un-Islamic'.<sup>638</sup> Valentine's Day is also said to have been abolished.<sup>639</sup>

Not only agents of the MPVPV, but also individual Taliban fighters were guilty of violence when they believed that people were not following the rules.<sup>640</sup>

In the period 15 November 2022 - 31 January 2023, UNAMA reported 63 human rights violations by the MPVPV against persons alleged to have violated moral or religious laws. These included women who had gone to the market without a mahram, who were not following the dress code or who were protesting publicly. They were ill-treated (usually beaten) or illegally detained.<sup>641</sup>

According to a source, the representatives of the MPVPV have considerable freedom in the performance of their duties. They walk around and talk to people. It is unclear

<sup>631</sup> Confidential source 19 June 2023; Confidential source 22 June 2023.

<sup>632</sup> Confidential source 24 February 2023.

<sup>633</sup> Guardian, 'I daren't go far': Taliban rules trap Afghan women with no male guardian, 15 August 2022.

<sup>634</sup> Confidential source 24 February 2023.

<sup>635</sup> Guardian, 'I daren't go far': Taliban rules trap Afghan women with no male guardian, 15 August 2022.

<sup>636</sup> Washington Post, Taliban morality police tighten their grip on Afghan women, 26 May 2022.

<sup>637</sup> Confidential source March 2023.

<sup>638</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 41, 27 February 2023.

<sup>639</sup> Confidential source 22 February 2022.

<sup>640</sup> Confidential source 24 February 2023.

<sup>641</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 37, 27 February 2023.

how senior they are or what their vision and tasks are.<sup>642</sup> They can also be violent. According to observers, the MPVP and the General Directorate of Intelligence (GDI) have become the main instruments of repression.<sup>643</sup>

#### 3.1.9.5 *Exit permits*

It is not clear whether a woman needs an exit permit to leave the country or whether she can travel alone. There are conflicting reports about this. In November 2022, women who had a study scholarship abroad were said to have been prevented from leaving the country because they were not accompanied by a man.<sup>644</sup>

According to another source, women travelling alone who had Afghan nationality were stopped. Women who also had another nationality were allowed through, however.<sup>645</sup>

#### 3.1.9.6 *Women's organisations*

Since the takeover of power by the Taliban, there has been little or no space for women's organisations. The largest women's organisation Women for Afghan Women (WAW) closed. Many female activists feared reprisals by the Taliban and went into hiding.<sup>646</sup>

#### 3.1.9.7 *The possibility of working*

Women's opportunities for working are becoming increasingly limited. In the administration, there are only a few women left in positions that cannot be filled by men, such as security personnel for women at the airport, and the police.<sup>647</sup> Women also still work in health care and education.<sup>648</sup> They work in the maternity wards of hospitals.<sup>649</sup> Women in certain provinces are said only to be allowed to work as teachers or nurses. However, many of them do not receive a salary, because health care and education were previously paid for by international donors whose funding has now partially stopped. The dress code and segregation of men and women also apply in these professions.<sup>650</sup> The Taliban allow training for female doctors and nurses. Medical training is allowed, provided the women have already completed secondary school. There are known examples of midwifery training courses continuing to be run. Given the very differing local contexts and interpretations of local rulers, the possibility cannot be ruled out that it is made difficult for women to attend medical training or that they are even excluded from it.<sup>651</sup>

#### *The judiciary*

All women in the judiciary have been fired or are no longer able to work because their licences are no longer valid. Moreover, they fear for their lives. Female Afghan judges, lawyers and prosecutors went into hiding. They lost their jobs and their salaries. Because the Taliban released all prisoners when they seized

<sup>642</sup> Confidential source 22 February 2023.

<sup>643</sup> Brookings, *Afghanistan in 2023: Taliban internal power struggles and militancy*, 23 February 2023.

<sup>644</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 18, 9 February 2023.

<sup>645</sup> Confidential source 24 February 2023.

<sup>646</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.1117-118, March 2022.

<sup>647</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.78-80, August 2022.

<sup>648</sup> Forbes, *Without Women, Afghanistan Has No Future*, 25 December 2023; MSF, *Female Afghan healthcare workers hold fears for future following NGO ban*, 19 January 2023; Confidential source 23 February 2023.

<sup>649</sup> EUAA, *Afghanistan – Targeting of Individuals*, paragraph 5.2.2, August 2022.

<sup>650</sup> HRW, *Afghanistan: Taliban Deprive Women of Livelihoods, Identity*, 18 January 2022.

<sup>651</sup> The Washington Post, *The Taliban wants to segregate women. So it's training female doctors.*, 5 November 2022; Confidential source 22 June 2023.

power, they are threatened by the men they helped to imprison and who have now been released.<sup>652</sup>

#### *NGOs and the UN*

On 24 December 2022, women were banned from working for NGOs, including international and domestic NGOs. This greatly complicates the work of NGOs, because they need women in order to reach women who require help. NGOs with a female director were already experiencing difficulties. The only way for these NGOs to continue operating is to appoint a male director.<sup>653</sup>

On 4 April 2023, the Taliban banned women from working for the UN in Afghanistan.<sup>654</sup> See 1.3.2 on aid organisations for more details.

#### *Entrepreneurs/private sector/own business*

According to one source, women are still allowed to work in the private sector and for the de facto government, but the question is how long this will last. Sector by sector, more prohibitions on women working were introduced.<sup>655</sup> On 27 December 2022, a ban on women-run bakeries was introduced in Kabul.<sup>656</sup>

Discriminatory and freedom-restricting rules, such as the obligation to have a mahram, are the biggest obstacles. Women must also adhere to the dress code and men and women must work separately. Some women have found innovative ways to maintain their businesses, for example through online shops.<sup>657</sup>

The International Labour Organization (ILO) estimated that 25 percent of women's jobs had disappeared since the Taliban took power. They noted that many women had set up their own businesses, which prevented female employment rates from falling further.<sup>658</sup>

The possibilities for women to work in a limited number of professions often depend on the extent and manner of enforcement by local Taliban rulers. Many interpret the rules very strictly, others sometimes turn a blind eye. The home situation also plays a role: in conservative families women are not encouraged to work outside the home. It is therefore not possible to give a general picture of the situation in the country.

#### **3.1.9.8** *Politics*

Since the takeover of power by the Taliban, women have been virtually banned from holding public office or other leadership positions.<sup>659</sup> In early 2022, a few women were appointed to 'symbolic positions'. These included Dr Malalai Faizi as director of Malalai Maternity Hospital in Kabul and Nisa Mobarez as female representative in Badakhshan.<sup>660</sup>

<sup>652</sup> NOS, *Vrouwelijke Afghaanse rechters, advocaten en aanklagers vrezen voor hun leven*, 5 November 2022.

<sup>653</sup> Confidential source 13 March 2023.

<sup>654</sup> AUN, Press release Secretary-General, *Secretary-General Strongly Condemns Taliban Ban on Afghan Women Working with United Nations*, 5 April 2023; UN Press, *Afghanistan: Taliban must stop targeting Afghan women*, OHCHR, 6 April 2023.

<sup>655</sup> Confidential source 23 February 2023.

<sup>656</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 19, 9 February 2023.

<sup>657</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 19, 9 February 2023.

<sup>658</sup> Dawn, *Afghan women turn to business after Taliban ban*, 18 March 2023.

<sup>659</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 19, 9 February 2023; EUAA, *Afghanistan – Targeting of Individuals*, paragraph 5.2.2, August 2022; Confidential source 24 February 2023.

<sup>660</sup> EUAA, *Afghanistan – Targeting of Individuals*, paragraph 5.2.2, August 2022.

### 3.1.9.9 *Education*

In March 2022, the Taliban announced that secondary schools for girls would remain closed until rules and uniforms conformed to Islamic principles. In September 2022, girls' secondary schools were closed in 24 of 34 provinces, leaving 850,000 girls unable to attend school.<sup>661</sup> In Afghanistan, primary education runs up to the sixth grade at the age of twelve or thirteen.<sup>662</sup>

On 20 December 2022, the Minister for Higher Education issued an order to private and public universities. From the next day, women and girls were no longer allowed to enter the universities. Armed Taliban fighters stood at the university gates to stop them. Male and female students protested in several cities, but were dispersed with water cannons. They were also beaten and arrested.<sup>663</sup>

As reasons for the closure, the minister gave the following reasons, all of which related to causing 'immorality and impropriety': the presence of female students in student hostels, travelling from the province without a mahram, failure to wear the hijab, and mixed classes. The Taliban said that the closure was temporary. Before then, women had already been forbidden to study law, commerce, agriculture, engineering, veterinary science and journalism. Logistical obstacles were cited, rather than ideological ones.<sup>664</sup>

### 3.1.9.10 *Legal capacity*

Under the Ghani government, women (unmarried women, married women and widows) had legal capacity from the age of eighteen under Article 39 of the Civil Code.<sup>665</sup> For example, according to one source, they could buy a house or a piece of land. However, they could not perform some actions independently, such as opening a bank account for a child. This could not be done without the husband.<sup>666</sup>

In practice, women often waived certain rights – such as property rights – under pressure from conservative social norms. In general, even before the Taliban took power, especially in rural areas, women had little opportunity to make their own decisions about matters such as running the household, health care, work and the future of their children/daughters.<sup>667</sup>

It is unclear whether women now have legal capacity.<sup>668</sup> No new laws have been issued on this subject and it is unclear under what legal framework this matter now falls.<sup>669</sup>

### 3.1.9.11 *Westernised Afghan women and girls*

According to one source, in general, women and girls who return after a stay in a Western country are likely to be seen as 'Westernised'. Reportedly, they can find themselves in trouble. Being 'Westernised' is often associated with a certain way of dressing. In practice, there is no freedom of choice regarding dress in Afghanistan.

<sup>661</sup> OHCHR, *Situation of human rights in Afghanistan, Report of the Special Rapporteur on the situation of human rights in Afghanistan*, A/HRC/51/6, paragraph 26, 9 September 2022.

<sup>662</sup> NUFFIC, *Primary and secondary education in Afghanistan*, <https://www.nuffic.nl/en/education-systems/afghanistan/primary-and-secondary-education#:~:text=In%20Afghanistan%2C%20primary%20education%20is,Content%3A%20primary%20education>. Accessed 1 April 2023.

<sup>663</sup> ICG, *Taliban Restrictions on Women's Rights Deepen Afghanistan's Crisis*, Report 329, Section C, 23 February 2023.

<sup>664</sup> ICG, *Taliban Restrictions on Women's Rights Deepen Afghanistan's Crisis*, Report 329, paragraphs 16-17, 23 February 2023.

<sup>665</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.123, March 2022.

<sup>666</sup> Confidential source 24 February 2023.

<sup>667</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.123, March 2022.

<sup>668</sup> Confidential source 24 February 2023.

<sup>669</sup> Confidential source 13 March 2023.

In addition to control by the Taliban, there is social pressure to adapt to the prevailing dress code and customs.<sup>670</sup> According to another source, in practice people often adapted to the prevailing customs after returning. They did so out of respect and because it made social interaction and life easier.<sup>671</sup>

According to one source, having a tattoo is considered un-Islamic. Individuals with a tattoo were not allowed to participate in religious ceremonies and could not be buried as a Muslim. The only exception is a tattooed dot that Pashtun women sometimes have on their foreheads.<sup>672</sup>

According to a source, in practice people with a tattoo often make sure that it is not visible when they are in Afghanistan in order to avoid problems.<sup>673</sup>

According to a source, young women – whether ‘Westernised’ or not – can enter Afghanistan without a mahram, but cannot leave.<sup>674</sup>

No further specific information was found on the treatment of Westernised women and girls during the reporting period.

See also 3.1.4.5. on people who behave in a ‘Western’ way and 5.1.3. on returning from a Western country.

#### 3.1.9.12 *‘Moral’ crimes*

Corporal punishment was used in Afghanistan, but according to the emir, it was not carried out widely enough. In November 2022, the Taliban leader therefore announced nationwide corporal punishment according to the Taliban’s own interpretation of sharia. That meant the introduction of qisas and hudud and hence public punishment of ‘criminals’ through whipping, public executions and other forms of corporal punishment.<sup>675</sup> Immediately after the announcement, more public punishments of women were carried out. These included punishments for moral crimes, such as *zina*, sex outside marriage. For an overview of these punishments, see 3.3.5 on corporal punishment.

It is difficult to find figures for punishments for moral crimes. These data are not made public by the police or other government agencies.<sup>676</sup>

#### 3.1.9.13 *Evasion and reporting of violence, including sexual violence*

The UN Special Rapporteur on the human rights situation in Afghanistan noted an increase in sexual and gender-based violence against women. Perpetrators are not punished and there is minimal support for the victims. Human rights activists who protest peacefully against the increasing restrictions on women and girls are at high risk. It is increasingly common for them to be beaten and arrested. The intention is clearly not only to punish them for protesting, but also to deter others from demonstrating.<sup>677</sup>

<sup>670</sup> Confidential source 24 February 2023.

<sup>671</sup> Confidential source 22 February 2023.

<sup>672</sup> Confidential source 24 February 2023; Confidential source 22 February 2023.

<sup>673</sup> Confidential source 22 February 2023.

<sup>674</sup> Confidential source 19 June 2023.

<sup>675</sup> ICG, *Taliban Restrictions on Women’s Rights Deepen Afghanistan’s Crisis*, Report 329, Sectie B, 23 February 2023.

<sup>676</sup> Confidential source 24 February 2023.

<sup>677</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 21, 9 February 2023.

Cases have been reported of young women found dead with traces of sexual assault. In one case (and perhaps several), a rape victim committed suicide because of the stigma attached to women who have been raped.<sup>678</sup>

Between the Taliban coming to power and February 2023, 280 cases of unnatural deaths of women and girls were reported in the media. At least 75 of these were deliberate killings, and 130 were related to conflict or suicide attacks. More than 20 cases involved domestic violence. Not all cases of unnatural deaths were reported, so it is likely that the number of killings of women and children is higher.<sup>679</sup>

#### *Liability to punishment and reporting*

Although various forms of violence against women were criminalised before the takeover of power, the perpetrators were usually not prosecuted even then. Sexual violence was liable to punishment under the Penal Code. 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. Despite this, few female victims of domestic or non-domestic violence reported it.<sup>680</sup>

The de facto authorities can use informal justice – such as the involvement of village elders – or can combine this with formal mechanisms to deal with gender-based violence. These mechanisms are not equally available across the country. Moreover, there is no longer any access to female lawyers, as they are no longer allowed to perform their work. In practice, this means that women do not have the option of engaging a lawyer.<sup>681</sup>

As a result, women are much more reluctant to report violence than before or will not do so at all, especially where sexual violence is involved.<sup>682</sup>

#### *Zina*

Victims of rape run the risk of themselves being prosecuted for ‘fornication’ when they report rape. As stated earlier, *zina* (sex outside marriage) is regarded as a moral crime in Afghanistan.<sup>683</sup> It can result in severe corporal punishment. This deters many female rape victims from seeking help from the authorities.<sup>684</sup> Social and religious norms also play a role.

#### *Domestic violence*

Violence against women often takes place within the home or within the family. It is seen as a ‘family matter’. There are no institutional possibilities for doing anything about such violence. Patriarchal norms, corruption and family or tribal pressure around this issue persist.<sup>685</sup> An attempt will often be made to resolve the problem through traditional mediation.<sup>686</sup>

<sup>678</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 22, 9 February 2023.

<sup>679</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 23, 9 February 2023.

<sup>680</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.131-132, March 2022.

<sup>681</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 43, 27 February 2023.

<sup>682</sup> Confidential source 24 February 2023.

<sup>683</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.131-132, March 2022.

<sup>684</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.131-132, March 2022.

<sup>685</sup> US Department of State (USDOS), *Country Report on Human Rights 2022 – Afghanistan*, p.29, 20 March 2023.

<sup>686</sup> Confidential source 21 April 2023.

According to one source, a woman faced with domestic violence has two choices: live with it or commit suicide.<sup>687</sup>

#### 3.1.9.14 *Protection*

There are virtually no other possibilities for women to obtain protection against sexual and other violence. Going to live with relatives in another part of the country is not an option. The only family members who can 'take back' a woman into their home in Afghanistan are the parents if the husband dies.<sup>688</sup>

#### 3.1.9.15 *Shelter options*

Previously, shelters existed for women who were victims of violence. For women who wanted to flee, it was not always easy to seek support at a shelter. There was a stigma attached to these centres, which were seen as 'brothels' and were said to 'have a negative impact on family life'. NGOs often ran these centres, for which they needed permission from the Ministry of Women's Affairs. This ministry has since been abolished by the Taliban.<sup>689</sup>

After the takeover of power, the Taliban closed many shelters for women. Other shelters decided to close themselves for fear of the Taliban, who intimidated them. They sometimes brought female victims back to their families. Both the women who ran these shelters and the women who stayed at them usually decided to go into hiding for fear of reprisals by the perpetrators of domestic or other forms of violence against women.<sup>690</sup>

#### 3.1.10 *Blood feuds and honour killings*

As stated in the previous country of origin report, honour killings are deeply rooted in Afghan traditional patriarchal tribal culture, and violence against women is widespread. This is especially true in the tribal areas near the border with Pakistan, where mainly Pashtuns live. 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, and as a valid reason for punishing these women with the aim of protecting the family's moral integrity. 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.<sup>691</sup>

The honour of the family can be 'saved' by an honour killing, usually committed by a man against a woman. Before the takeover of power, honour was a mitigating factor in murder cases for a long time. According to estimates, only one third of honour killings led to a prosecution and even fewer suspected perpetrators were arrested.<sup>692</sup>

<sup>687</sup> Confidential source 13 March 2023.

<sup>688</sup> Confidential source 4 March 2023.

<sup>689</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.133-135, March 2022.

<sup>690</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.133-135, March 2022; US Department of State (USDOS), *Country Report on Human Rights 2022 – Afghanistan*, p.29-30, 20 March 2023.

<sup>691</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.136, March 2022.

<sup>692</sup> EUAA, *Afghanistan – Targeting of Individuals*, paragraph 5.1.7, August 2022.



No figures have been found on the numbers of honour killings in Afghanistan. Afghanistan's Independent Human Rights Commission (AIHRC), which used to monitor this, has been shut down by the Taliban.<sup>693</sup>

A EUAA report listed some honour-related incidents during the reporting period:

- Eight women were reportedly gang-raped by Taliban fighters. Some of them were later killed by their families 'for the sake of honour'.
- According to an Afghan media outlet, a man shot a family and his own daughter because the daughter had tried to run away with the family's son.<sup>694</sup>

According to sources, old blood feud cases are now being brought up. Cases that were dealt with during the period of the Islamic Republic are being reconsidered under the current law (including sharia).<sup>695</sup>

### 3.1.11 *LGBTI*

There is no reason to assume that social attitudes towards LGBTI individuals had changed significantly from the period covered by the previous country of origin report. Since the Taliban took power, the social climate in cities, which had previously become somewhat more tolerant, has grown more restrictive again. In his report of 9 February 2023, the UN Special Rapporteur on the human rights situation in Afghanistan, Richard Bennett, expressed serious concerns about violence and discrimination towards LGBTI people in Afghanistan. He continued to receive messages from LGBTI Afghans who reported living in a climate of fear.<sup>696</sup>

#### *Criminalisation of homosexual acts*

In Afghanistan, sexual acts between two people of the same sex had already been criminalised under the Afghan Penal Code before the Taliban took power. Subsequently, the de facto authorities confirmed the criminalisation of same-sex sexual relations, which are considered to be contrary to sharia.<sup>697</sup> The committing of homosexual acts is said to be punishable by lashes.<sup>698</sup> There is no information available to suggest that the de facto authorities sentenced homosexuals to the death penalty.

Since the takeover of power by the Taliban, the previous judicial system has been largely abandoned and it is unclear what laws, procedures and legal process apply.<sup>699</sup> The 2004 constitution remains suspended and on 10 January 2023, Taliban leader Hibatullah Akhundzada declared that all rules and regulations of the former Islamic Republic had been abolished because they ran counter to sharia. A 2022 Taliban Ministry of PVPV manual stated that same-sex sexual relations were prohibited and that allegations of homosexual behaviour should be referred to representatives of the ministry at the district level for adjudication and punishment.<sup>700</sup> After a spokesman for the Taliban announced in November 2022 that *hudud* (corporal punishment) and *qisas* (retribution) would be applicable (if the

<sup>693</sup> VOA, *Rights Groups Decry Taliban Shattering of Human Rights Commission*, 21 May 2022.

<sup>694</sup> EUAA, *Afghanistan – Targeting of Individuals*, paragraph 5.1.7, August 2022.

<sup>695</sup> Confidential source 22 February 2023; Confidential source 24 February 2023.

<sup>696</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraph 88, 9 February 2023.

<sup>697</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraph 96, 9 February 2023.

<sup>698</sup> See: Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp. 145-146, March 2022; Confidential source 24 February 2023.

<sup>699</sup> OHCHR, *Report of the UN Special Rapporteur on the situation of human rights in Afghanistan*, paragraph 76, 9 September 2022.

<sup>700</sup> OHCHR, *Situation of human rights in Afghanistan, Report of the Special Rapporteur on the situation of human rights in Afghanistan*, A/HRC/51/6, 9 September 2022.

conditions of sharia were met), UNAMA observed a significant increase in the use of corporal punishment. In at least 28 cases, corporal punishment was administered to a total of at least 222 men and 42 women for offences such as zina, theft, homosexuality, alcohol consumption, fraud and drug smuggling. The punishment consisted in all cases of lashes.<sup>701</sup>

A representative of Rainbow Railroad, a Canadian NGO that advocates for LGBTI rights and works to help endangered Afghan LGBTI people to safety in other countries, indicated during a webinar in February 2023 that they had received 1,700 requests for help from Afghan LGBTI people. Four of them received a form of arrest warrant from the de facto Taliban authorities. Rainbow Railroad supported 300 Afghan LGBTI applications for resettlement in Canada. Arrest warrants were reported in more than a dozen cases. It was often difficult to identify exactly which element of the de facto Taliban authorities was involved.<sup>702</sup>

According to one source, there were a number of cases of homosexual acts being punished as criminal offences. Those concerned were arrested and given lashes. However, the death penalty is also said to be possible. The Taliban is said to monitor social media to look for potential opponents and individuals who are not following sharia.<sup>703</sup>

According to a source, it is unlikely that LGBTI people are punished more severely than others for the same offences. The punishments for homosexual acts are already so severe that no further punishment is 'needed'.<sup>704</sup>

### *Gay men*

The idea that an individual may have a particular orientation or that a community could exist around a common orientation or gender identity is not recognised in Afghan society. For the vast majority of men who perform sexual acts with people of the same sex, this is therefore reportedly not seen as part of their identity.<sup>705</sup>

Openly identifying as gay and putting into practice the desire to share your life with a person of the same sex is not acceptable. This goes against traditional gender norms, societal codes and tribal and other codes of honour. If an individual's homosexual orientation becomes known, he or she runs the risk of becoming a victim of exclusion, discrimination and violence.<sup>706</sup>

Sexual relations between men exist and are said to be 'tolerated' to a certain extent in practice.<sup>707</sup>

### *Lesbians*

There are no indications that the attitude towards lesbian women - on the part of society and the Taliban - has changed since the previous country of origin report. Women who have sexual contacts outside marriage run the risk of being punished for moral crimes or becoming victims of honour killings. Outright International, an

<sup>701</sup> *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General to the UNSC, par. 36, 27 February 2023.

<sup>702</sup> Webinar of Outright Action International 16 February 2023 at presentation 'A mountain on my shoulder' [https://www.youtube.com/watch?v=NhTs\\_Sp9n64](https://www.youtube.com/watch?v=NhTs_Sp9n64)

<sup>703</sup> Confidential source 24 February 2023.

<sup>704</sup> Confidential source 24 February 2023.

<sup>705</sup> See: Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.143-144, March 2022.

<sup>706</sup> See: Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.143-144, March 2022.

<sup>707</sup> The best-known expression of the social acceptance of sexual relations between men in Afghanistan is the practice whereby powerful, older men (bacha baz) have sexual relations with boys (bacha). Although this is a form of child abuse, the practice has only been criminalised in recent years, and perpetrators are still prosecuted quite rarely. Apart from bacha bazi, however, the existence of sexual relations between two consenting men is also an 'open secret' according to sources. Daily Beast, *What It's Like Growing Up Gay in Afghanistan*, 13 April 2017.

international NGO that campaigns for LGBTI rights and the resettlement of threatened Afghan LGBTI people, states that – partly due to their limited freedom of movement – less information is available about violence by the de facto authorities against lesbian women. In general, they seem to be primarily at risk of pressure, discrimination and violence within their own families.<sup>708</sup> The fear of family violence in the event of a lesbian orientation was also confirmed in earlier media articles.<sup>709</sup>

### *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.<sup>710</sup>

### *Transgender people*

Before the Taliban took power, a community of transgender women and men existed in cities such as Kabul and Mazar-i-Sharif. They reportedly often lived together there in groups outside the control of their families. Many of these individuals were said to work as sex workers or dancers and dress as women. These individuals suffered from severe forms of discrimination and sometimes lethal violence.<sup>711</sup> Recent reports from foreign NGOs advocating for LGBTI rights outline a number of cases of transgender men who have been victims of discrimination and violence from society and Taliban representatives.<sup>712</sup>

Outright International states that there is less information available about violence by the de facto authorities against transgender men. In general, they seem to be primarily at risk of pressure, discrimination and violence within their own families.<sup>713</sup>

### *Violence against LGBTI people*

One of the risks that LGBTI people face is 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. 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. Perpetrators of violence against homosexual men reportedly enjoy complete impunity.<sup>714</sup> In October 2022, reports appeared in the media about a 22-year-old homosexual, Hamed Sabouri, who had been apprehended at a Taliban checkpoint. His body was found on the street three days later showing signs of torture and execution.<sup>715</sup>

Since the Taliban takeover, a number of reports have been published by foreign NGOs that focus on advocacy for LGBTI people. They reported on Afghan LGBTI victims of various forms of discrimination and violence, either at the hands of their own families and social circles, or at the hands of persons seen as representatives of

<sup>708</sup> <https://www.washingtonblade.com/2023/02/20/taliban-persecution-against-lgbtq-afghans-heightens/>

<sup>709</sup> See: Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.144, March 2022.

<sup>710</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.145, March 2022.

<sup>711</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.145, March 2022; OHCHR, Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 88, 9 February 2023.

<sup>712</sup> Outright International, *A mountain on my shoulder*, 14 February 2023; *Human Rights Watch/Outright International*, "Even If You Go to the Skies, We'll Find You": LGBT People in Afghanistan after the Taliban Take Over, 26 January 2022.

<sup>713</sup> <https://www.washingtonblade.com/2023/02/20/taliban-persecution-against-lgbtq-afghans-heightens/>

<sup>714</sup> See: Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, March 2022

<sup>715</sup> The Guardian, *Gay Afghan student 'murdered by Taliban' as anti-LGBTQ+ violence rises | LGBTQ+ rights | 18 October 2022.*

the Taliban.<sup>716</sup> In the case of the latter group, their exact status was generally not clear (police, army, local representatives, armed groups affiliated with the Taliban).<sup>717</sup> These NGOs, some of which also help Afghan LGBTI people flee the country, received reports from Afghan LGBTI people about threats, house searches, physical and sexual violence, detentions and imprisonment, among other things. Rainbow Railroad stated that when reporting on disappearances of Afghan LGBTI people, it was often difficult to determine whether people had been disappeared by the Taliban or had themselves chosen to go into hiding and cut off contacts.<sup>718</sup>

After the Taliban took power, many LGBTI people in Afghanistan felt compelled to go into hiding, or to change their clothing and behaviour.<sup>719</sup> According to one source, most LGBTI people's strategy for avoiding problems is simply to not come out about their sexuality. This is said to be the strategy adopted by the majority, with only a few coming out publicly or working for LGBTI rights.<sup>720</sup>

#### *Interest groups*

There are no known organisations in Afghanistan championing the interests of LGBTI people. According to a source, such organisations are prohibited.<sup>721</sup> However, there are a number of international NGOs that are committed to the rights of LGBTI people. After the takeover of power, they issued reports on the situation of Afghan LGBTI people, based largely on reports from these people. After the takeover of power, the international NGO Afghan LGBT was founded, which works for Afghan LGBTI people, especially refugees.<sup>722</sup>

#### *3.1.12 Military service evaders*

There is no formal military service in Afghanistan, so there are no evaders. See 1.2.6.

#### *3.1.13 Deserters*

There is no information available about deserters. Desertion seemed incompatible with the Taliban's set-up and organisation. According to a source, you are a Talib for life and cannot renounce this. You can, however, ask for a transfer to another part of the country or to different kinds of work.<sup>723</sup> If a fighter wanted to leave before the seizure of power, this was not seen as 'desertion' in the Western sense of the word. Most fighters fought for ideological reasons or out of loyalty to a particular commander. This source had not heard of punishment if someone wanted to leave. In addition, the Taliban traditionally had more fighters than they needed in their ranks.<sup>724</sup> Another source states that fighting for the Taliban was a form of jihad.

<sup>716</sup> Human Rights Watch/Outright Action International, "Even If You Go to the Skies, We'll Find You": LGBT People in Afghanistan After the Taliban Takeover, 26 January 2022; ILGA World/Outright Action International, 'Report on Peace, Security, sexual orientation and gender identity in Afghanistan, Submission to the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, 30 March 2022'; Rainbow Railroad, 'no safe way out', December 2022; Outright Action International, 'A mountain on my shoulders', 14 February 2023. NGOs like Rainbow Railroad and Outright Action International are also making efforts to resettle Afghan LGBTI people in need in safe countries.

<sup>717</sup> Outright Action International, report 'A mountain on my shoulders', blz.5, 3e Alinea, 14 February 2023.

<sup>718</sup> Rainbow Railroad, 'no safe way out', December 2022, page 16.

<sup>719</sup> See: Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.148, March 2022.

<sup>720</sup> Confidential source 22 February 2023.

<sup>721</sup> Confidential source 24 February 2023.

<sup>722</sup> <https://afghanlgbt.com/en/info/about/>

<sup>723</sup> Confidential source 22 April 2023.

<sup>724</sup> Confidential source 24 February 2023.

During the reporting period, people could transfer to government jobs or choose to become farmers again. This apparently did not cause them any problems.<sup>725</sup>

It was another matter if Taliban fighters defected to ISKP or NRF.<sup>726</sup> This has serious consequences and can lead to arrest or execution, according to a source.<sup>727</sup> See also 1.2.8 on forced recruitment by ISKP.

### 3.1.14 *Minors (including unaccompanied minors)*

#### *Age of majority and legal capacity*

Under the Afghan law of the Islamic Republic, children reach the age of majority at eighteen. However, it is often difficult to determine the age of Afghan children because many children's births are not registered.<sup>728</sup>

From the age of eighteen, Afghans have legal capacity on the basis of Article 39 of the Civil Code of the Islamic Republic. After the seizure of power, the Taliban did not issue any declarations or decrees regarding the legal capacity of women or of people generally.<sup>729</sup> It is therefore unclear under which legal framework legal capacity now falls and what the rules are.<sup>730</sup>

#### *Compulsory education*

Under the Ghani government, education was compulsory for children between the ages of six and fifteen.<sup>731</sup> The current situation is unclear. Since the Taliban have imposed a ban on secondary and higher education for girls and women (see 3.1.9.1), any compulsory education for girls would only apply to primary school.<sup>732</sup> Primary schools in Afghanistan are for pupils aged six to twelve years.<sup>733</sup> According to one source, regular schooling is no longer compulsory at all, but children are required to attend instruction in the Koran.<sup>734</sup> It is unknown whether this also applies to girls.

It is unclear whether formal compulsory education for boys still exists.

In addition to lack of clarity regarding compulsory education, there were other factors that had a negative impact on boys' school attendance. These included the humanitarian crisis and the lack of male teachers in Kabul, since boys are not allowed to have lessons from female teachers.<sup>735</sup>

#### *Travel and identity documents*

Minors may not apply for an identity or travel document themselves: this must be done by the father or another male family member.<sup>736</sup>

The age limit for independently applying for a tazkera and/or passport is eighteen. If a minor needs a tazkera and/or passport, their father or guardian must accompany them during the application. In some cases, the documents of an adult brother are

<sup>725</sup> Confidential source 24 February 2023.

<sup>726</sup> Confidential source 22 February 2023; Confidential source 24 February 2023.

<sup>727</sup> Confidential source 22 April 2023.

<sup>728</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.140 March 2022.

<sup>729</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.123-124, March 2022; Confidential source 13 March 2023.

<sup>730</sup> Confidential source 24 February 2023; Confidential source 13 March 2023.

<sup>731</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.113, March 2022.

<sup>732</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.113, March 2022.

<sup>733</sup> NUFFIC, *Primary and secondary education in Afghanistan*, <https://www.nuffic.nl/en/education-systems/afghanistan/primary-and-secondary-education#:~:text=In%20Afghanistan%2C%20primary%20education%20is,Content%3A%20primary%20education>. Accessed 1 April 2023.

<sup>734</sup> Confidential source 23 February 2023.

<sup>735</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.116, March 2022.

<sup>736</sup> Confidential source 24 February 2023.

also accepted. If none of these are alive or present, the mother – with a mahram – may accompany the minor.<sup>737</sup>

#### *Leaving the country*

In principle, unaccompanied minors may not leave the country without permission. Under the Ghani government, children under the age of fourteen needed a letter from their father or parents to cross the border alone.<sup>738</sup>

It is unclear what the situation at the borders is now. According to a source, Taliban border guards assess each case individually and decisions are arbitrary.<sup>739</sup>

In practice, minor children or women travelling alone sometimes join up with a family when they cross the border. According to a source, the documents for the entire family are not always requested.<sup>740</sup>

#### *Street children*

Even before the takeover by the Taliban, there were large numbers of street children, especially in the large cities of Afghanistan. The majority of the street children in Kabul worked on the street, but had parents or relatives at whose home they slept. They had to work, as otherwise their families could not make ends meet. For example, these children cleaned shoes, sold food or objects, or begged to make ends meet. Some were orphans or had no relatives to care for them. Children who moved from rural areas to the city to work and displaced children 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.<sup>741</sup>

#### *Guardianship and foster care*

Following decades of conflict and poverty, there are millions of orphans and vulnerable minors in Afghanistan. Most orphans in Afghanistan are taken care of by relatives, in accordance with the socio-cultural principle that Muslims are obliged to care for vulnerable children.<sup>742</sup> However, because there are so many orphans and vulnerable children as a result of the protracted conflict, there are also children who are not looked after.<sup>743</sup> According to a source, the socio-cultural norms for looking after children are more important than any legal rules. Often the extended family decides what happens to a child. In some villages, it is the village elders who decide what happens to a lone child.<sup>744</sup>

There is no regulated system for caring for orphans. In general, there is less interest in taking in a girl than a boy. Orphaned girls are also more at risk since they are not accompanied and protected by a male relative. Both boys and girls are at risk of exploitation, including sexual exploitation, when they are taken in by an extended family. Girls may be married off at a young age in exchange for money. Boys may be forced to work and to hand over their salary.<sup>745</sup>

#### *Care homes*

Before the takeover of power, there were homes for minors under the responsibility of the state. Not only orphans, but also children who had been given up due to

<sup>737</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.70-71 March 2022.

<sup>738</sup> Confidential source 24 February 2023.

<sup>739</sup> Confidential source 13 March 2023.

<sup>740</sup> Confidential source 13 March 2023.

<sup>741</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.140-141 March 2022.

<sup>742</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, pp.140 March 2022.

<sup>743</sup> Confidential source 13 March 2023.

<sup>744</sup> Confidential source 23 February 2023.

<sup>745</sup> Confidential source 24 February 2023; Confidential source 13 March 2023.

financial hardship were looked after there.<sup>746</sup> According to sources, most of these homes were closed after the takeover and only a few are still operational.<sup>747</sup> To open an orphanage, you must enter into an agreement with the government. In the past, there was a committee that was responsible for supervising orphanages. This has now been abolished. In practice, therefore, there is no control over the homes.<sup>748</sup>

Girls and boys are looked after separately in these homes. It is unclear what the age limit is, but in practice children stay until they are about eleven or twelve years old. Above that age, centres are less inclined to take in children. Conditions in orphanages were substandard and poor under the Ghani government<sup>749</sup>, and one source stated that this is unlikely to have improved under the Taliban regime.<sup>750</sup> It is not known whether there are enough places.

It is not known whether there are government institutions responsible for the reception of unaccompanied minors or the reception of returnees. However, it is unlikely.<sup>751</sup>

#### *NGOs working with minors (including unaccompanied minors)*

After the decree of December 2022 banning women from working for NGOs, many international NGOs were forced to suspend their activities. There are still NGOs and UN institutions that deal with minors. These include UNHCR, UNICEF, Save the Children, IRC and CARE.<sup>752</sup>

#### *Bacha bazi*

*Bacha bazi* (literally: playing with boys) is a form of child abuse in which men in high positions or warlords sexually abuse boys and force them to dance in girls' clothes. The practice continued under the previous administration<sup>753</sup> and was a criminal offence under the penal code. However, the children were not seen as victims.<sup>754</sup> *Bacha bazi* was still practised during this reporting period.<sup>755</sup>

The UN Special Rapporteur on the human rights situation in Afghanistan expressed concern about incidents of rape and other forms of sexual violence (including *bacha bazi*), which may not be reported due to stigmatisation within communities, shame and the high turnover of female humanitarian and support workers.<sup>756</sup> According to the USDOS human rights report for 2022, the number of *bacha bazi* incidents increased in 2022.<sup>757</sup>

## 3.2 Compliance and violations

<sup>746</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.140 March 2022.

<sup>747</sup> Confidential source 23 February 2023; Confidential source 24 February 2023.

<sup>748</sup> Confidential source 24 February 2023; Confidential source 13 March 2023; Confidential source 23 February 2023.

<sup>749</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.140, March 2022.

<sup>750</sup> Confidential source 24 February 2023; Confidential source 13 March 2023.

<sup>751</sup> Confidential source 13 April 2023.

<sup>752</sup> The Borgen Project, *NGOS RESUME PROGRAMS IN AFGHANISTAN*, 6 February 2023; Confidential source 13 March 2023.

<sup>753</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p.142, March 2022.

<sup>754</sup> Confidential source 24 February 2023.

<sup>755</sup> Confidential source 23 February 2023.

<sup>756</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 85, 9 February 2023.

<sup>757</sup> US Department of State, *Country Report on Human Rights 2022 – Afghanistan*, p.3, 13,14, 20 March 2023.

### 3.2.1 *Freedom of expression*

This section discusses freedom of expression. The information is divided into the following categories:

- Human rights activists
- Political opponents
- Journalists and media/press freedom
- Internet
- Demonstrations

#### 3.2.1.1 *Freedom of expression of human rights activists*

Fear of persecution and fears for the safety of family members has forced many human rights activists to keep a low profile, stop their activities or leave the country. Some have continued their activities from another country.<sup>758</sup> Many have remained under the radar and practised self-censorship.

For more information about the persecution they have experienced, see 3.1.2.

According to a Freedom House study, based on a survey of human rights activists, nearly all of those surveyed said they were afraid of being imprisoned, attacked, tortured or killed. Even beyond the borders of Afghanistan, many had curtailed their work and were practising self-censorship for fear of repercussions on relatives still in the country. Their human rights work had caused them to become targets of the Taliban, which meant they could easily be accused of other things unrelated to their work, such as apostasy, blasphemy or collaborating with the enemy. Their human rights work and association with Western organisations had now become something that put them at risk. The Taliban and other extremist organisations called human rights activists 'barking dogs of the US and the West', and some openly called for them to be punished with violence.<sup>759</sup>

Women's rights activists were particularly at risk. See 3.1.2.

Ninety percent of the human rights activists in the Freedom House survey said they had experienced multiple risks and threats. The human rights defenders faced various kinds of risks. For example, 46.8 percent had experienced intimidation and harassment. 24.1 percent had received threats to their life and physical safety and 16.4 percent had experienced arbitrary arrest and torture. Mention was also made – to a lesser extent – of defamation, house searches, violence against relatives, physical and psychological harm, kidnapping and imprisonment.<sup>760</sup>

#### 3.2.1.2 *Freedom of expression of political opponents*

According to the United Institute for Peace (USIP), the Taliban vigorously suppressed freedom of speech and organised political activity. This was not done through overwhelming brute force but through carefully managed selective arrests, detentions, violence and coercion. Activists and intellectuals who demonstrated on the streets or made critical comments in the media were detained by the Taliban's

<sup>758</sup> Danish Immigration Service, Ministry of Immigration and Integration, *Afghanistan: Taliban's impact on the population*, p.21, June 2022; Human Rights Council (HRC), Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, A/HRC/51/6, paragraphs 35 and 85, 9 September 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/340-S/2022/692*, paragraph 85, 14 September 2022.

<sup>759</sup> Freedom House, *A needs assessment of Afghan human rights defenders 2022-2023*, p.17, 19 January 2023.

<sup>760</sup> Freedom House, *A needs assessment of Afghan human rights defenders 2022-2023*, pp.7, 16-17, 19 January 2023.



security forces. Sometimes this lasted for days, sometimes for months, and sometimes there was no official notice of their detention. Most were released, but abuses of this kind led to self-censorship among media workers, academics, intellectuals and activists.<sup>761</sup>

The same restrictions and risks applied to political opponents as to other activists such as human rights activists. See also 3.2.1.1. The freedom of expression of political opponents is closely linked to the freedom of assembly and association. All these freedoms are curtailed in present-day Afghanistan. See also 3.2.1.3.

### 3.2.1.3 *Freedom of expression of journalists/freedom of the press*

#### *Media in general*

Since the takeover of power, the number of journalists in Afghanistan has decreased dramatically. According to the UN Special Rapporteur on the human rights situation in Afghanistan, about 40% of media workers stopped working and 60% of journalists lost their jobs between the takeover and early 2023. Eighty percent of women lost their jobs at radio stations and many radio and television channels were closed.<sup>762</sup>

The Taliban made it difficult for journalists to work by imposing increasingly restrictive measures and tighter controls. Journalists suffered from constant pressure from the authorities and poor access to information. This led to self-censorship.<sup>763</sup> Many journalists left the country, fled or went into hiding. In addition, a large proportion of foreign financing stopped. Journalists' salaries went down and many media organisations closed.<sup>764</sup> There are varying estimates of the number of media outlets that closed down. According to one source, it was 507 as of June 2022, while another put it at 287 as of May 2022.<sup>765</sup> Estimates of the number of journalists who lost their jobs range from 2,375 (February 2022) to 6,000 (May 2022).<sup>766</sup>

Journalists and media workers outside the largest urban areas – and women in particular – have been especially hard hit. Local media are no longer active in at least four provinces. In fifteen provinces, between forty and eighty percent of media outlets have closed.<sup>767</sup>

According to a journalist from Helmand, one consequence of intimidation, threats and reluctance to provide information is that only ten percent of incidents are reported in the media.<sup>768</sup>

<sup>761</sup> United States Institute for Peace (USIP), *One Year Later: Taliban Reprise Repressive Rule, but Struggle to Build a State*, 17 August 2022.

<sup>762</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 68-73, 9 February 2023.

<sup>763</sup> Human Rights Council (HRC), *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General*, A/HRC/51/6, paragraph 80, 9 September 2022.

<sup>764</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022; Human Rights Council (HRC), *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General*, A/HRC/51/6, paragraph 80, 9 September 2022; Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023; Reporters Sans Frontières (RSF), *Afghanistan*, <https://rsf.org/en/country/afghanistan>

<sup>765</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022.

<sup>766</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022.

<sup>767</sup> Human Rights Council (HRC), *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General*, A/HRC/51/6, paragraph 80, 9 September 2022.

<sup>768</sup> HRW, *Afghanistan: Taliban Threatening Provincial Media - Journalists Detained, Beaten; Media Outlets Closed*, 7 March 2022.

Television channels of the BBC, Deutsche Welle, Radio Azadi and Voice of America were banned for allegedly violating national press laws. In October 2022, two Afghan news sites, *Hasht-e-Subh* and *Zawia News*, were suspended by the authorities.<sup>769</sup>

#### *Media in general - Intimidation and threats*

The authorities issued several decrees and regulations restricting press freedom and the role of women in the media. These included the '11 journalism rules' which prohibit, among other things, criticising the de facto government without proof and spreading fake news and rumours. The media were also advised to avoid interviews with individuals who were critical of the de facto authorities.<sup>770</sup>

Changing and arbitrarily interpreted rules and decrees were used as a basis to detain and ill-treat journalists.<sup>771</sup> Media personnel faced surveillance, physical assaults, threats, intimidation, harassment, violence, arrest and detention, and targeted killings. Media employees were also phoned or summoned for questioning by the police or the intelligence service. These interrogations were sometimes violent and could last from a few hours to several months.<sup>772</sup> GDI employees visited the homes and offices of media workers and sent messages threatening that they would have their licences revoked and be arrested if they criticised the Taliban in their broadcasts or articles.<sup>773</sup>

For more information, see 3.1.3. on journalists who report on sensitive topics.

#### *Censorship and self-censorship*

The Taliban required journalists to share their articles and broadcasts before publication. The Taliban repeatedly told media organisations what to publish and warned them not to break the rules and not to report on violence by Taliban members.<sup>774</sup> Journalists were beaten and threatened when they tried to cover topics 'that cast Taliban officials in bad light'.<sup>775</sup>

The Taliban's intelligence service is said to systematically censor the media through the use of force, threats and psychological pressure. This pre-publication censorship is said to be increasingly institutionalised and also to lead to self-censorship. The MPVPV is said to be the main Taliban body that deals with the media, rather than the Ministry of Information and Culture. Intelligence officials apparently also enter the newsroom to check up on and threaten journalists who do not comply with the rules.<sup>776</sup>

<sup>769</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 68-73, 9 February 2023.

<sup>770</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 68-73, 9 February 2023.

<sup>771</sup> Human Rights Council (HRC), *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General*, A/HRC/51/6, paragraph 78, 9 September 2022.

<sup>772</sup> Human Rights Council (HRC), *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General*, A/HRC/51/6, paragraph 78, 9 September 2022; Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023; Reporters Sans Frontières (RSF), *Afghanistan*, <https://rsf.org/en/country/afghanistan>; OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 68-73, 9 February 2023.

<sup>773</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 68-73, 9 February 2023.

<sup>774</sup> EUAA, *Afghanistan - Targeting of Individuals*, pp.157-159, August 2022; OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 68-73, 9 February 2023.

<sup>775</sup> EUAA, *Afghanistan - Targeting of Individuals*, pp.157-159, August 2022; Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023.

<sup>776</sup> EUAA, *Afghanistan - Targeting of Individuals*, pp.157-159, August 2022.

Journalists (particularly in the provinces) said that they felt compelled to practise self-censorship after threats, detentions and beatings of media personnel.<sup>777</sup> Media outlets adjusted their coverage by publishing less content that might potentially be provocative. Content praising the Taliban increased.<sup>778</sup> Journalists also stated that they worked under aliases and other names.<sup>779</sup>

#### *Figures from UNAMA and the Human Rights Council (HRC)*

UNAMA reported 23 cases of ill-treatment or threats against journalists or media workers by the de facto authorities in the period between 23 May and 23 August 2022. There were several reports of arrests and detention of journalists.<sup>780</sup> UNAMA observed seven cases of arbitrary arrest and four cases of ill-treatment and threats against journalists during the period 23 August - 7 December 2022.<sup>781</sup> In the period 15 November - 31 December, UNAMA reported ten cases of arbitrary arrest and detention of journalists and media workers and two cases of ill-treatment and threats.<sup>782</sup>

According to the UN Special Rapporteur on the human rights situation in Afghanistan, there were 245 media freedom violations in the period from August 2021 to early 2023, including 130 detentions involving physical violence, ill-treatment and torture.<sup>783</sup>

The Human Rights Council (HRC) stated that between the takeover of power in August 2021 and September 2022, six journalists were killed, four injured and more than a hundred arbitrarily detained.<sup>784</sup>

In the Press Freedom Index of Reporters Without Borders (RSF), Afghanistan is ranked 156<sup>th</sup> (out of 180).<sup>785</sup>

#### *Female journalists*

The impact on female journalists was even greater than on their male colleagues.<sup>786</sup> The Taliban set unclear rules for women and increasingly restricted their work. Sometimes women were refused entrance to press conferences on the basis of their gender. It also became more difficult for them to travel longer distances because they were constantly being stopped and asked where their mahram was. Some Taliban officials refused to be interviewed by women. Since May 2022, female presenters have had to cover their faces when on television.<sup>787</sup>

<sup>777</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022; Human Rights Watch (HRW), *World Report 2023, Afghanistan – Events of 2022*, January 2023.

<sup>778</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022.

<sup>779</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 68-73, 9 February 2023.

<sup>780</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/340-S/2022/692*, paragraphs 33-34, 14 September 2022.

<sup>781</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, paragraphs 37-39, 7 December 2022.

<sup>782</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/772-S/2023/151*, paragraph 38, 27 February 2023.

<sup>783</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 68-73, 9 February 2023.

<sup>784</sup> Human Rights Council (HRC), *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, A/HRC/51/6*, paragraph 78, 9 September 2022.

<sup>785</sup> Reporters Sans Frontières (RSF), *Afghanistan*, <https://rsf.org/en/country/afghanistan>

<sup>786</sup> Human Rights Council (HRC), *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, A/HRC/51/6*, paragraph 79, 9 September 2022.

<sup>787</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022.

In a March 2022 survey, 87 percent of Afghan female journalists said they had experienced gender discrimination under the Taliban. 97 percent of these said they had been insulted and threatened, both physically and in writing. During the reporting period this continued.<sup>788</sup>

Looking at journalists as a group, it was mainly female journalists who lost their jobs. Figures on this vary. According to statistics from Afghan journalists' organisations, only 24.6 percent of female journalists were still working in February 2022.<sup>789</sup> According to RSF, four out of five (84 percent) have lost their jobs since the arrival of the Taliban. For men, the figure is 52 percent.<sup>790</sup>

A study by UN Women found that media organisations chose to hire male journalists instead of female journalists for fear of repercussions if they did not follow the – often unclear – rules.<sup>791</sup>

The independent Tolo News went against the tide and tried to hire women when there was a vacancy.<sup>792</sup> However, on 15 October 2022, Tolo News director Khpolwak Sapai stated on Twitter that he could no longer work in Afghanistan because he had been detained and threatened several times. He left the country for this reason.<sup>793</sup>

Women working as journalists in the provinces faced even more barriers than women in Kabul.<sup>794</sup> In the provinces of Ghor, Kapisa, Kandhar and Zabul, there were no remaining female journalists working. In Nangarhar and Herat provinces, women were no longer allowed to enter newsrooms. Their voices could no longer be heard on audio media. In Balkh, women were no longer allowed to participate in seminars organised by journalists.<sup>795</sup>

#### 3.2.1.4 *Internet and social media*

According to the Taliban, a quarter of the Afghan population access the Internet from their mobile phones. This represents around 9.5 million people.<sup>796</sup>

In the summer of 2022, the de facto authorities announced that they would transition to 4G and that more remote parts of the country would also be connected. Up to then, most Internet users only had access to 2G in Kabul. The Internet is unstable and expensive, and Internet speeds are said to depend on the location.<sup>797</sup>

#### *Social media*

Before taking power, the Taliban used social media primarily to broadcast anti-US propaganda. Now they use it to issue orders and decrees and publish press releases. For example, the Taliban spokesman used Twitter to inform his 660,000 followers that from now on women had to cover themselves completely.<sup>798</sup>

The Taliban seem to use shutting down the Internet as a weapon against opponents and as a method for dealing with any major threat. When they took Kabul, they

<sup>788</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022.

<sup>789</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022.

<sup>790</sup> Reporters Sans Frontières (RSF), *Afghanistan*, <https://rsf.org/en/country/afghanistan>

<sup>791</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, paragraphs 37-39, 7 December 2022.

<sup>792</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022.

<sup>793</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, paragraphs 37-39, 7 December 2022.

<sup>794</sup> HRW, *Afghanistan: Taliban Threatening Provincial Media - Journalists Detained, Beaten; Media Outlets Closed*, 7 March 2022.

<sup>795</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.157-159, August 2022.

<sup>796</sup> Bloomberg, *Taliban Continues Censorship, Web Blocks As It Promises 4G*, 31 August 2022.

<sup>797</sup> Bloomberg, *Taliban Continues Censorship, Web Blocks As It Promises 4G*, 31 August 2022; Pajhwok, *Kabul residents complain about patchy, expensive internet*, 11 September 2022.

<sup>798</sup> Bloomberg, *Taliban Continues Censorship, Web Blocks As It Promises 4G*, 31 August 2022.

blocked Internet access in Kabul to prevent demonstrations from being organised. In the north-east of the country, they shut down the Internet so that the opposition could not carry out online recruitment.<sup>799</sup>

Human rights and other activists say that the Internet has been deliberately shut down and websites blocked to suppress protests and restrict media coverage of human rights violations in areas such as Balkhab district (Sar-e Pol province), Andarab district (Baghlan province) and Panjshir province.

The Taliban themselves said that they had blocked 23 million 'immoral' websites that were allegedly spreading 'un-Islamic content'.<sup>800</sup>

People were said to be more cautious than ever when posting online. Users deleted anti-Taliban messages and used aliases. Even when searching on Google, people were said to be afraid of monitoring and of the Taliban looking at their browser history. Some people used VPNs. Phones belonging to activists, journalists and human rights defenders were regularly checked by the Taliban. There is said to be a direct link between digital security and physical safety.<sup>801</sup>

Afghans' social media use is also checked while they are abroad. Refugees in several places stated that they were careful about what they said on the phone when talking to relatives.<sup>802</sup>

A human rights activist was advised to stop posting on social media. Linked to this was the threat that the Taliban knew where her parents lived.<sup>803</sup>

### 3.2.1.5 *Demonstrating*

For more about the possibilities for demonstrating, see 3.2.2. below on the right of association and assembly.

### 3.2.2 *Freedom of association and assembly*

#### *General*

Individual rights and freedoms such as assembly and expression of opinions are unprotected under de facto Taliban rule.<sup>804</sup> Citizens were not able to freely exercise their rights to assemble, to access information and to access the press.<sup>805</sup> The Taliban continue to limit these rights.<sup>806</sup>

#### *Demonstrations*

Demonstrations were often violently broken up, and demonstrators were arrested and detained. Demonstrators were threatened, intimidated and ill-treated in detention.<sup>807</sup> More than half of twenty peaceful protests in Kabul and other cities – mainly organised by women – were dispersed with unnecessary or disproportionate force by the de facto authorities.<sup>808</sup>

<sup>799</sup> Bloomberg, *Taliban Continues Censorship, Web Blocks As It Promises 4G*, 31 August 2022.

<sup>800</sup> Bloomberg, *Taliban Continues Censorship, Web Blocks As It Promises 4G*, 31 August 2022.

<sup>801</sup> Bloomberg, *Taliban Continues Censorship, Web Blocks As It Promises 4G*, 31 August 2022.

<sup>802</sup> Confidential source 4 March 2023; Confidential source 4 March; Confidential source 26 February 2023.

<sup>803</sup> Confidential source 4 March 2023.

<sup>804</sup> Freedom House, *A needs assessment of Afghan human rights defenders 2022-2023*, p.14, 19 January 2023,

<sup>805</sup> Freedom House, *A needs assessment of Afghan human rights defenders 2022-2023*, p.7, 19 January 2023,

<sup>806</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, paragraph 37, 7 December 2022.

<sup>807</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraph 76, 9 February 2023; Al Jazeera, *Taliban disperses Afghan women's march for 'work and freedom'*, 13 August 2022.

<sup>808</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, paragraph 37, 7 December 2022; OHCHR,

In mid-August 2022, around forty women marched on the Ministry of Education in Kabul, chanting 'Bread, work and freedom!'. They demanded the right to work and participate in politics. Members of the security service are said to have fired into the air. They dispersed the women, tore up their banners and confiscated their mobile phones. Some protesters who fled into nearby shops are said to have been chased by Taliban fighters and beaten with rifle butts.<sup>809</sup> The Taliban fighters are not allowed to touch women, so they used means of repression that do not require physical contact.<sup>810</sup>

After the closure of universities to women on 20 December 2022, women took to the streets in Kabul to protest. A large number of security personnel guarded the university. Women were beaten with sticks or arrested by female Taliban police officers. Five women and three journalists were reportedly arrested. Some are said to have been released soon afterwards, while others were not.<sup>811</sup> Male and female students also protested in other cities. They were dispersed with warning shots and water cannon, threatened, beaten, arrested and held incommunicado. This happened not only to the protesters, but also to the journalists who covered the protests. Security personnel increased security to prevent further protests, including additional checkpoints, and issued warnings to universities.<sup>812</sup> Other demonstrations were also quickly suppressed by the Taliban.<sup>813</sup>

Some protests were allowed, however. UNAMA documented 27 instances of public protests from 15 November 2022 to 31 December 2023, most of which took place peacefully. These demonstrations dealt with issues that the de facto authorities did not consider sensitive, such as the payment of benefits or commercial issues.<sup>814</sup>

One demonstration that was also allowed was a protest in the eastern city of Khost against the burning of a Koran by a far-right politician in Sweden. 'Death to the Swedish government, death to such politicians', protesters are said to have chanted in the city's central square.<sup>815</sup> The protest was one of 58 peaceful protests alleged to have actually been organised by the de facto authorities. The aim was to condemn the tearing up and burning of the Koran in the Netherlands and Sweden.<sup>816</sup>

#### *Detention after demonstrations*

On 12 December, activist Zarifa Yaqubi was released after forty days in detention. She was arrested together with four colleagues during a press conference on 3 November. She and her colleagues were held without communication with their families or a lawyer.<sup>817</sup> According to the UN Special Rapporteur on the human rights situation in Afghanistan, interrogations were often accompanied by beatings, denial of access to lawyers, denial of due process and coerced confessions.<sup>818</sup>

*Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraph 76, 9 February 2023.

<sup>809</sup> Al Jazeera, *Taliban disperses Afghan women's march for 'work and freedom'*, 13 August 2022.

<sup>810</sup> Confidential source 4 February 2023.

<sup>811</sup> BBC News, *Afghanistan: Taliban arrest women protesting against university ban*, 22 December 2022.

<sup>812</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 40, 27 February 2023; ICG, *Taliban Restrictions on Women's Rights Deepen Afghanistan's Crisis*, Report 329, Sectie C, 23 February 2023.

<sup>813</sup> BBC News, *Afghanistan: Tears and protests as Taliban shut universities to women*, 21 December 2022.

<sup>814</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 40, 27 February 2023.

<sup>815</sup> RFE/RL, *Hundreds Protest In Afghan City Against Koran Burning In Sweden*, 24 February 2023.

<sup>816</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 40, 27 February 2023.

<sup>817</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraph 76, 9 February 2023.

<sup>818</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraph 76, 9 February 2023.

*Female human rights activists in demonstrations*

Women in demonstrations were often treated harshly. In several protests led by women, the demonstrators were arrested during or after the demonstration. This was presumably to send a clear signal that such protests would not be tolerated. Little is known about what happened while these protesters were in detention. Women did not always speak openly about their time in detention for fear that people would speculate that they had been raped, which can be perceived as shameful in Afghanistan.<sup>819</sup> Women were also sometimes pressured not to disclose anything about their detention.<sup>820</sup> Some were forced to make video confessions or to declare that they would no longer engage in activities that were harmful to the de facto authorities. Sometimes their identity documents were taken away.<sup>821</sup>

## 3.2.3

*Freedom of religion or belief and religious minorities*

In Afghanistan, about ten to fifteen percent of the population is Shiite. There are a significant number of Sufis, a small group of Ahmadis, and a few Hindus and Sikhs in urban areas.<sup>822</sup>

According to Human Rights Watch, religious freedom does not exist in Afghanistan, as the Taliban authorities have stated that only sharia applies in the country. The Taliban are failing to protect Afghanistan's religious minorities from violence and are subjecting some groups to persecution, states HRW.<sup>823</sup>

According to HRW, most of Afghanistan's very small group of non-Muslims live under the threat of persecution, in particular Bahai, Buddhists, Zoroastrians and Christians, most of whom practise their faith in secret or are in hiding.<sup>824</sup> According to the UN Special Rapporteur on the human rights situation in Afghanistan, the situation of religious minorities is alarming. Sikhs, Hindus, Christians, Ahmadis and Ismailis have raised the alarm about their safety. Some Christians and Ahmadis have reported threats and imprisonment by the Taliban.<sup>825</sup> This also applied to Sikhs.<sup>826</sup> Members of the Sikh and other religious minority communities have fled because they were threatened and harassed.<sup>827</sup> See also below.

The Taliban promised to protect Hindus and Sikhs. However, members of these communities are still leaving Afghanistan.<sup>828</sup> On 25 September 2022, a group of 55 Hindus and Sikhs reportedly left Afghanistan for India.<sup>829</sup> By August 2022, no more than about a hundred people from each community remained.<sup>830</sup> Some Sikhs were

<sup>819</sup> Danish Immigration Service, Ministry of Immigration and Integration, *Afghanistan: Taliban's impact on the population*, p.21, June 2022.

<sup>820</sup> EUSA, *Afghanistan – Targeting of Individuals*, p.170, August 2022.

<sup>821</sup> Human Rights Council (HRC), *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General*, A/HRC/51/6, paragraph 35, 9 September 2022.

<sup>822</sup> HRW, *Testimony to the US Commission on International Religious Freedom*, 24 August 2022.

<sup>823</sup> HRW, *Testimony to the US Commission on International Religious Freedom*, 24 August 2022.

<sup>824</sup> HRW, *Testimony to the US Commission on International Religious Freedom*, 24 August 2022.

<sup>825</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 41, 9 February 2023.

<sup>826</sup> Confidential source 11 May 2023.

<sup>827</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 41, 9 February 2023.

<sup>828</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 41, 9 February 2023.

<sup>829</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 41, 9 February 2023.

<sup>830</sup> HRW, *Testimony to the US Commission on International Religious Freedom*, 24 August 2022.

harassed at their place of assembly, their *gurdwara*, in Kabul.<sup>831</sup> In an attack on a Sikh temple in June 2022, two Sikhs were killed and several were injured.<sup>832</sup>

According to the Christian advocacy organisation Open Doors, there are several thousand Christians in Afghanistan. Even before the Taliban seized power, being a Christian in Afghanistan was a huge risk. After that it became even more dangerous, and Christians were forced to flee or go into even deeper hiding. The rigid rules of the Islamic Emirate leave no room for 'going astray.' This means that Christians, almost all of whom have converted from Islam, must keep their faith secret, as apostasy is punishable by death.<sup>833</sup>

According to international sources, Christians lived in constant fear of exposure and were hesitant about revealing their religious identity publicly. Christian groups reported that public opinion, including on social media, remained hostile to converts and Christian conversion. They reported that individuals converting to or studying Christianity received threats, including death threats, from relatives.<sup>834</sup> Afghanistan is ranked ninth on the Open Doors list of countries where Christians are persecuted.<sup>835</sup>

The Taliban have not banned Shia or Sufi practices.<sup>836</sup> Attacks by ISKP on adherents of these faiths occurred during the reporting period. On 26 May 2022, the UN Special Rapporteur on the human rights situation in Afghanistan called for an investigation into the attacks on Hazaras and on Shia and Sufi communities. He stated that the attacks had become increasingly systematic in nature and had the characteristics of organised policy. This meant, he said, that the attacks bore the hallmarks of crimes against humanity.<sup>837</sup>

In April 2022, ISKP carried out two deadly attacks on a Sufi mosque and monastery. 50 and 33 people respectively were killed, and thousands injured.<sup>838</sup>

For more information about the situation of Shiites and Hazaras, see 3.1.6.

Salafists were the victims of extrajudicial killings. The fact that they were Salafists meant that they were suspected by the Taliban of supporting ISKP. Some are said to have disappeared and then been found beheaded.<sup>839</sup> According to one source, Salafists are one of the groups most at risk of being persecuted by the Taliban.<sup>840</sup>

The Ministry of Education is said to have declared Ismailis apostates. This is a capital offence.<sup>841</sup>

The Taliban do not view Ahmadis as Muslims and have prosecuted some of their leaders for apostasy.<sup>842</sup>

<sup>831</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 41, 9 February 2023.

<sup>832</sup> Reuters, *Islamic State claims attack on Sikh temple in Kabul that killed two*, 20 June 2022.

<sup>833</sup> Open Doors, *Afghanistan*, last accessed on 15 March 2023

<sup>834</sup> USDOS, *2022 Report on International Religious Freedom: Afghanistan*, May 2021.

<sup>835</sup> Open Doors, *Afghanistan*, last accessed on 15 March 2023

<sup>836</sup> HRW, *Testimony to the US Commission on International Religious Freedom*, 24 August 2022.

<sup>837</sup> HRW, *Afghanistan: ISIS Group Targets Religious Minorities*, 6 September 2022.

<sup>838</sup> RFE/RL, *Fear Grips Afghanistan's Sufi Community Following Deadly Attacks*, 16 May 2022.

<sup>839</sup> HRW, *Afghanistan: Taliban Execute, 'Disappear' Alleged Militants*, 7 July 2022; EUAA, *Country Guidance: Afghanistan*, p.61, January 2023.

<sup>840</sup> Confidential source 24 February 2023.

<sup>841</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 41, 9 February 2023.

<sup>842</sup> HRW, *Testimony to the US Commission on International Religious Freedom*, 24 August 2022.



### 3.2.4 *Freedom of movement*

#### *Checkpoints*

After the takeover of power, some of the roads became safer and more passable as fighting between the Taliban and allied forces ceased. However, there were many checkpoints on the roads, both in the city and in rural areas. Taliban fighters mainly checked whether the applicable dress code and other rules (whether women were accompanied by a mahram) were being observed. Sometimes they checked the content of mobile phones.<sup>843</sup> They also asked people to give them things, such as fruit or sunglasses.<sup>844</sup> Individual Taliban fighters who stopped people did not necessarily follow the rules set at the national level. Particularly in remote areas, the local Taliban could decide for themselves which rules they would check people were following. People did not know what to expect at a checkpoint.<sup>845</sup> There was a high risk of trouble or intimidation at these checkpoints. This could even lead to physical violence. People therefore sometimes preferred not to take any risks and opted to stay at home.

For women, the obstacles were even greater. In Kabul, women who went to the market without a mahram could never be sure of not being stopped by the Taliban. Outside the city, the rules were applied even more strictly. In Kandahar, women who arrived at the hospital without a mahram in an emergency would be refused entry. As a result, their freedom of movement was limited.<sup>846</sup>

It was reportedly even more difficult for minorities such as Hazaras to go to the market than for other Afghans.<sup>847</sup>

#### *Borders*

At most borders, checks were made for papers, a valid passport and visa. Immediately after taking power, the Taliban imposed few restrictions on leaving. However, there was some arbitrariness, with individual Taliban fighters forbidding people to leave.<sup>848</sup> According to one source, a deliberate choice was made not to totally seal off the borders, so that opponents of the Taliban would leave of their own accord.<sup>849</sup>

In addition to the existing official border posts, it was possible to cross the border illegally in some places. This differed depending from one border to another. There were also opportunities to buy forged travel documents. See 2.1.5.

Below is an overview of some of the borders with countries adjacent to Afghanistan and the possibilities for crossing these borders.

#### *Pakistan*

The main border crossing points between Pakistan and Afghanistan are Torkham and Chaman. Ghulam Khan is a third official border crossing. As well as these, there are around twenty smaller crossing points manned by police and customs officials and around a hundred unguarded crossings via footpaths. People can cross the border illegally here. Despite the barbed wire fence that runs along 90 percent of the nearly 2,700-kilometre Afghanistan-Pakistan border, the border is porous. Pashtun tribes

<sup>843</sup> Confidential source 24 February 2023.

<sup>844</sup> Confidential source 24 February 2023.

<sup>845</sup> Confidential source 22 February 2023.

<sup>846</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 18,20 and 65, 9 February 2023.

<sup>847</sup> Confidential source 2 March 2023.

<sup>848</sup> Confidential source 22 February 2023.

<sup>849</sup> Confidential source 22 February 2023.

living in this area have traditionally been able to move freely on both sides of the border.<sup>850</sup>

### *Iran*

The border between Iran and Afghanistan has three official border posts: Dogharoun/Islam Qala in the north, Abu Nasr-e-Farahi in the centre and Zaranj/Milak, also called the 'Silk Bridge' or Abresham, in the south. There are various unofficial border crossing points, which are constantly changing. Along the border are active smuggling routes, all of which are said to be used by smuggling networks. The routes pass through mountains and inhospitable terrain, making it difficult for the Iranian and Afghan authorities to monitor them.<sup>851</sup> This is a matter of great concern to Iran, which views migration as a security issue and fears cross-border terrorism. An attack on a mosque in Shiraz was claimed by IS in the autumn of 2022; some of those arrested were of Afghan nationality.<sup>852</sup>

### *Tajikistan*

There are several border crossings between Afghanistan and Tajikistan, all of which are on the Panj River, which separates the two countries. The border is officially closed to individual travellers, but is said to be open to trade. The border is also porous, and there are reports of smuggling.<sup>853</sup> The Afghans residing in Tajikistan entered the country with valid visas and by plane.<sup>854</sup>

### *Uzbekistan*

The border crossing between Afghanistan and Uzbekistan is in the city of Termez and consists of a river over which a single bridge, the Friendship Bridge, passes. The crossing is closed to Afghans who want to travel to Uzbekistan and is guarded with heavy military artillery.<sup>855</sup> A Taliban consulate is located in Termez.<sup>856</sup>

## 3.3 Oversight and legal protection

### 3.3.1 *Afghan legislation/Afghan law*

#### 3.3.1.1 *Sources of law and applicable law according to the Taliban*

All sources of law and applicable law under the de facto government are unclear and lacking in transparency. An overview is given below of the various sources of law and developments relating to them:

- Formal legislation
- Islamic law
- Traditional justice

<sup>850</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Pakistan*, pp. 111-112, September 2022.

<sup>851</sup> EUAA, *Iran -Situation of Afghan Refugees*, p.57, December 2022.

<sup>852</sup> RFE/RL, *Iran Arrests 26 Foreigners It Says Were Behind Shiraz Mosque Attack*, 7 November 2022.

<sup>853</sup> Confidential source 26 February 2023; Confidential source 28 February 2023; Confidential source 27 February 2023.

<sup>854</sup> Confidential source 28 February 2023.

<sup>855</sup> Caravanistan, *Afghanistan border crossings*, <https://caravanistan.com/border-crossings/afghanistan/#afghanistan-uzbekistan-border-crossings>, last accessed on 16 March 2023; Confidential source 28 February 2023.

<sup>856</sup> Confidential source 28 February 2023; Confidential source 2 March 2023.

### 3.3.1.2 *Formal legislation and the transition to sharia*

After taking power, the Taliban proclaimed the Islamic Emirate of Afghanistan and suspended the 2004 Afghan constitution. Laws and rules on legal procedure, judicial appointments and procedures for fair trials were also suspended.<sup>857</sup> In Afghanistan there are currently no standardised procedures or substantive statutes in criminal or civil cases for police, judges or lawyers to follow.<sup>858</sup>

In November 2022, the Supreme Leader ordered full implementation of the Taliban version of sharia.<sup>859</sup> On 10 January 2023, he decided that rules and laws made during the Islamic Republic were automatically invalid because they were contrary to sharia.<sup>860</sup> It is difficult to assess which formal or informal legal procedures are still followed and which are not. Implementation may also differ according to the province and district, depending on the opinion and policy of the local Taliban leadership.<sup>861</sup>

According to UN experts<sup>862</sup>, the 'collapse of the rule of law and judicial independence in Afghanistan is a human rights catastrophe'.<sup>863</sup>

#### *Bar association and new licences*

In November 2021, the Taliban incorporated the Afghanistan Independent Bar Association (AIBA) into the de facto Ministry of Justice. They stripped the Office of the Attorney General and the AIBA of their key roles. They issued a decree requiring lawyers to renew their licences. This process was only open to men. As a result, female lawyers – previously a quarter of the total – could no longer practise their profession.<sup>864</sup> More than 250 female judges and hundreds of female lawyers and prosecutors were removed in this way.<sup>865</sup> The de facto Ministry of Justice reported that as of 10 November 2022, 1,275 of the 1,332 assessed lawyers had met the conditions. 947 of these had received renewed licences. Prior to August 2021, there were 6,000 practising lawyers, including 1,500 women. According to the de facto legal authorities, 97,700 civil cases had been filed nationwide, of which 13,000 had been heard in the courts and only 2,339 had been processed since the takeover of power.<sup>866</sup>

#### *Judges: replacement and investigative duties*

Judges have generally been replaced by religious scholars. Key positions have been filled by Taliban members with basic religious training and without legal expertise. Judges are advised by muftis appointed by the chief justice. The muftis express their views on the interpretation of sharia. Judicial independence has thus been abolished.<sup>867</sup>

<sup>857</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraph 51-52, 9 February 2023.

<sup>858</sup> OHCHR Special Procedures – Media Statement, *UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support*, 20 January 2023.

<sup>859</sup> CNN, *Taliban to impose their interpretation of Sharia law in Afghanistan*, 15 November 2022.

<sup>860</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/772-S/2023/151*, paragraph 13, 27 February 2023.

<sup>861</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraph 89, 9 February 2023.

<sup>862</sup> These are the UN Special Rapporteur on the situation of human rights in Afghanistan, the UN Special Rapporteur on the independence of judges and lawyers and other independent experts in a media statement: OHCHR Special Procedures – Media Statement, *UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support*, 20 January 2023.

<sup>863</sup> UN News, *Afghanistan: Collapse of legal system is 'human rights catastrophe'*, 20 January 2023.

<sup>864</sup> OHCHR Special Procedures – Media Statement, *UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support*, 20 January 2023.

<sup>865</sup> UN News, *Afghanistan: Collapse of legal system is 'human rights catastrophe'*, 20 January 2023.

<sup>866</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, paragraph 12, 7 December 2022.

<sup>867</sup> OHCHR Special Procedures – Media Statement, *UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support*, 20 January 2023; Confidential source 22 February 2023.

On 21 August 2022, the de facto Supreme Court informed UNAMA that under sharia law, judges should also perform investigative duties. This measure increased the work of the courts and delayed proceedings. The number of prisoners increased and panels of judges were appointed for each province. The detention periods also grew longer, because investigations are carried out while people are in detention.<sup>868 869</sup> The muftis went beyond their advisory role and became involved in pre-trial work, including investigation and advice on sentencing. Judges usually followed their advice. Court personnel often performed investigative and adjudication duties. Alleged perpetrators were often imprisoned, convicted and punished by the police and security services on the same day.<sup>870</sup>

#### *New 'Grand Directorate of Monitoring and Follow-up of Decrees and Orders'*

On 20 March 2023, the Taliban leader issued a decree renaming the mandate of the former de facto Office of the Attorney General. The new Grand Directorate of Monitoring and Follow-up of Decrees and Orders has oversight over all institutions, including detention centres. The change effectively confirmed that prosecutors are no longer part of the criminal investigative process, as first announced in August 2022.<sup>871</sup>

#### *Women*

Women are largely excluded from the judicial system and are only allowed to appear when they are parties to a dispute. The system that remains is no longer independent, is male-only and implements the Taliban version of sharia.<sup>872</sup> Judges belonging to religious minorities, in particular Shiites, have also been dismissed.<sup>873</sup> Several specialised courts were dissolved, including those devoted to handling sexual and gender-based violence.<sup>874</sup>

#### *Prosecutors in hiding*

Some former prosecutors – especially those who investigated and prosecuted members of the Taliban – are at great risk and have gone into hiding. In addition, criminals – who were released by the Taliban – are said to be out for revenge against their prosecutors and judges. More than a dozen prosecutors are said to have been killed by unknown individuals in Kabul and other provinces. Some prosecutors were found during the house searches that took place after the takeover of power.<sup>875</sup>

#### *Criminal law and civil law*

The constitution has been suspended and criminal and civil law have also been suspended and subordinated to sharia. According to a source, there is a mix of the two, and it is unclear which laws apply. Nothing has been put down on paper. There

<sup>868</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, paragraph 11, 7 December 2022.

<sup>869</sup> Confidential source 22 February 2023.

<sup>870</sup> OHCHR Special Procedures – Media Statement, *UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support*, 20 January 2023; OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 50-53, 9 February 2023.

<sup>871</sup> UNAMA HR, *Human rights situation in Afghanistan*, Update feb – April 2023.

<sup>872</sup> OHCHR Special Procedures – Media Statement, *UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support*, 20 January 2023.

<sup>873</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraph 52, 9 February 2023.

<sup>874</sup> OHCHR Special Procedures – Media Statement, *UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support*, 20 January 2023.

<sup>875</sup> OHCHR Special Procedures – Media Statement, *UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support*, 20 January 2023.

are only decrees on some areas of legislation. These decrees are partly issued in writing and partly orally.<sup>876</sup>

This mix is further combined with informal justice, making it unclear which laws are used.<sup>877</sup>

There is great uncertainty. According to one source, judges use the Koran to administer justice. They are said to decide on a case-by-case basis whether to use a legal code or the Koran.<sup>878</sup>

#### *Nationality legislation*

According to one source, the nationality law has been suspended.<sup>879</sup> No further information has been found about nationality legislation.

### 3.3.1.3

#### *Islamic law*

The Taliban are working for complete implementation of their own strict interpretation of sharia (the Islamic legal system). The existing legal system has been largely dismantled. This has led to uncertainty about the validity of laws. In November 2022, Taliban leader Hibatullah Akhundzada ordered full implementation of the Taliban version of sharia. Judges were ordered to hand out sharia punishments throughout the country. Criminal offences such as theft, kidnapping and sedition were to be punished according to the Taliban's interpretation of sharia. Hudud and qisas were imposed throughout Afghanistan. This also meant corporal punishment such as stoning, amputation, flogging and public executions.<sup>880</sup> There are severe penalties for drinking alcohol and extra-marital affairs, and homosexuality and sodomy can be punished with the death penalty.<sup>881</sup> Corporal punishment was already taking place before the Taliban leader issued his order.<sup>882</sup>

The number of corporal punishments increased shortly after the order was issued. In the Logar region, twelve people, including three women, received between 21 and 39 lashes at a football stadium. The audience consisted of thousands of people. According to the Taliban, those who were flogged were guilty of 'moral crimes' such as adultery, theft and homosexuality. The women were said to have been released after the flogging, but some of the men were imprisoned. A public flogging had already taken place in Takhar province earlier in the month.<sup>883</sup>

On 7 December, the first public execution in accordance with qisas took place in Farah province. In front of hundreds of spectators and more than a dozen Taliban officers, an alleged murderer was shot dead with a rifle. The trigger was pulled by the father of the person he allegedly murdered.<sup>884</sup> See also 3.3.5 on corporal punishment.

Corporal punishment is considered to be torture under international law. Afghanistan has ratified the Convention against Torture. However, the Taliban regard criticism of their sentences as an insult to Islam.<sup>885</sup> See the section on treaties below.

<sup>876</sup> Confidential source 22 February 2023.

<sup>877</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 43, 27 February 2023.

<sup>878</sup> Confidential source 22 February 2023.

<sup>879</sup> Confidential source 22 February 2023.

<sup>880</sup> BBC News, *Afghanistan: Taliban leader orders Sharia law punishments*, 14 November 2022; CNN, *Taliban to impose their interpretation of Sharia law in Afghanistan*, 15 November 2022; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/636-S/2022/916, paragraph 11, 7 December 2022.

<sup>881</sup> VOA News, *Taliban Refill Afghan Jails*, 26 January 2023.

<sup>882</sup> Guardian, *Afghan supreme leader orders full implementation of sharia law*, 14 November 2022.

<sup>883</sup> BBC News, *Three women among dozen publicly flogged in Afghanistan - Taliban official*, 23 November 2022.

<sup>884</sup> Al Jazeera, *Taliban carries out first public execution since Afghan takeover*, 7 December 2022.

<sup>885</sup> Zeit Online, *"Damals wie heute setzen wir die Scharia um"*, 4 February 2023.

#### 3.3.1.4

##### *Traditional justice*

Traditional justice and mediation mechanisms have been used in Afghanistan over the years. During the Islamic Republic, dispute resolution occupied an important place. With the lack of clarity about the legal system and the role of the different bodies, people are now falling back even more on this form of conflict resolution. The mechanisms, such as *jirgas*, councils of elders or village elders and religious leaders, have no legal guarantees and often fail to respect the rights of women, children and minorities.<sup>886</sup> The Taliban, too, often prefer traditional reconciliation mechanisms to the formal legal system. The different systems are now much more of a mix than they used to be, according to a source.<sup>887</sup> For more information about *jirgas* and *shuras*, see 3.3.3.1

#### 3.3.1.5

##### *Treaties*

Afghanistan has a binding legal obligation to guarantee fundamental human rights and freedoms under international law and the treaties that it has signed. However, several treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, are not respected. Under international law, a party to a treaty may not invoke local legislation, including when it is based on religious doctrine, as a justification for failing to fulfil its obligations.<sup>888</sup>

In meetings with the UN Special Rapporteur on the human rights situation in Afghanistan, the de facto authorities stated that in their view most international human rights standards are compatible with their understanding of sharia. They said that they intend to respect the country's international obligations.<sup>889</sup>

#### 3.3.1.6

##### *Shia Personal Status Law of 2009*

The 2004 constitution was the first Afghan constitution to assign a limited role to Shiite jurisprudence – Jafari jurisprudence. Most of Afghanistan follows Hanafi jurisprudence. After seizing power, the Taliban elevated Hanafi jurisprudence to the status of state law. The de facto authorities are also said to have removed Jafari jurisprudence from the curriculum of the universities in Bamyan (a province with a Shiite majority).<sup>890</sup>

The 2009 Shia Personal Status Law regulates marriage, divorce and inheritance for Afghanistan's Shiite population. The law contains provisions requiring a woman to ask for permission to leave the house unless the matter is urgent, to 'make herself up' for her husband when he asks her, and not to refuse sex when her husband wants it.<sup>891</sup>

According to one source, the law has been suspended by the de facto authorities as they have suspended all laws. All criminal and civil matters, according to the source, must now be adjudicated according to Hanafi jurisprudence, whereas this law is based on Jafari jurisprudence.<sup>892</sup>

<sup>886</sup> OHRC Special Procedures – Media Statement, *UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support*, 20 January 2023; OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraph 55, 9 February 2023.

<sup>887</sup> Confidential source 24 February 2023.

<sup>888</sup> OHCHR, *Afghanistan: UN experts condemn Taliban decision to deny girls secondary education*, 24 March 2022.

<sup>889</sup> OHCHR, *Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General*, A/HRC/51/6, paragraph 20, 9 September 2022.

<sup>890</sup> ISAS Working Papers, *Remaking of Afghanistan: How the Taliban are Changing Afghanistan's Laws and Legal Institutions*, 26 July 2022.

<sup>891</sup> HRW, *Afghanistan: New Law Threatens Women's Freedom*, 14 April 2009.

<sup>892</sup> Confidential source 2 March 2023.

### 3.3.2

#### *Reporting a crime*

A crime can be reported orally or in writing. If the person cannot write, others are allowed to help.<sup>893</sup>

According to one source, a crime can be reported in either Dari or Pashto.<sup>894</sup>

When reporting a crime, people must give their telephone number and receive a registration number. This allows them to follow their case and allows the Court to contact them when necessary.<sup>895</sup>

The Taliban are primarily interested in the bigger picture in terms of security and stability in the country. They are said to follow up on reports of theft, but are unwilling to investigate gender-related violence. Moral crimes are also said to be dealt with quickly.<sup>896</sup> In some cases people were arrested simply because someone had complained about them.<sup>897</sup>

If the police fail to take action, protection can be sought from a prominent person with social status. People can then seek informal justice from village elders, religious leaders or a jirga. People often go directly to these informal legal systems and do not contact the police at all. The informal system is more accessible than the formal one.<sup>898</sup>

### 3.3.3

#### *Judicial process*

The Taliban have not continued the judicial process as used under the former administration. The judges have mostly been replaced by persons with religious rather than legal training. The future of the prosecutors is still unclear. The Taliban has placed investigative authority with judges rather than with prosecutors (see 3.3.1.2).

Under the formal criminal justice system, the Taliban has dealt with only a small number of cases. Punishment of those accused of crimes was in many cases left to Taliban fighters and local commanders. These have often chosen to punish those accused of a crime immediately, following a brief deliberation on the spot. Punishments have ranged from public shaming to corporal punishment and, in some cases, death.<sup>899</sup> The time spent by judges on cases varied greatly, according to one source. Sometimes eight sessions were held, while at other times the judge would reach a verdict after just one day.<sup>900</sup>

The importance of traditional consultative bodies such as shuras and jirgas increased. See 3.3.3.1.

#### 3.3.3.1

##### *Shuras and jirgas*

*Shuras* and *jirgas* are bodies and mechanisms for consultation among leaders, often tribal village elders. They mediate in conflicts and can also administer justice. Over the years they have been widely used in Afghanistan. However, these traditional mediation and justice mechanisms lack legal guarantees and often do not safeguard the rights of women, children and minorities.<sup>901</sup> Those living in rural areas made more use of such mechanisms than city dwellers. The principles on which this customary law is based differed in different communities and ethnic groups. As well

<sup>893</sup> Confidential source 22 February 2023.

<sup>894</sup> Confidential source 2 March 2023.

<sup>895</sup> Confidential source 2 March 2023.

<sup>896</sup> Confidential source 22 February 2023.

<sup>897</sup> Confidential source 22 February 2023.

<sup>898</sup> Confidential source 22 February 2023.

<sup>899</sup> ISAS Working Papers, *Remaking of Afghanistan: How the Taliban are Changing Afghanistan's Laws and Legal Institutions*, 26 July 2022.

<sup>900</sup> Confidential source 22 February 2023.

<sup>901</sup> OHRC Special Procedures – Media Statement, *UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support*, 20 January 2023.

as the jirgas and shuras – which play a prominent role – other persons and bodies were also involved in conflict mediation and the administration of justice. These included religious leaders, lawyers, community members, NGOs and national institutions. Confidence in the informal justice system is said to be high in many cases and areas.<sup>902</sup>

Although traditional dispute resolution mechanisms have always been used, increasing reliance is being placed on them. This is of great concern to the UN rapporteur because of deep-rooted patriarchal traditions that reinforce power imbalances and inequality.<sup>903</sup> See 3.3.1.2.

### 3.3.4 *Arrests, custody and detentions*

#### *Prisons*

According to UNAMA, the de facto prison authorities did not meet the minimum standards for treatment of prisoners. This was partly due to a lack of financial resources, including the partial stoppage of donor funding.<sup>904</sup> The Office of Prison Administration was said to have tried to reduce the number of prisoners, but failed to meet international standards, such as regular provision of adequate food and personal care items, vocational training and health needs. Children were imprisoned alongside adults. They often lived in separate wings. In some locations, girls were held together with adult women. Two separate youth facilities were opened in Paktia and Baghlan provinces, bringing the total number to four.<sup>905</sup> The cold during the harsh Afghan winters also posed a challenge.<sup>906</sup> It was reported that there was not enough food, or even no food at all, in the prisons under the Ministry of the Interior. In the GDI detention centres the situation is said to be even worse.<sup>907</sup> According to one source, conditions temporarily improved when international delegations visited.<sup>908</sup>

When the Taliban came to power, they released around 15,000 prisoners. From that point up to January 2023, they filled the prisons again with some 14,000 prisoners. In the same period, more than 29,000 people were reportedly arrested for various offences such as theft, kidnapping, murder and 'moral crimes'. There are said to be 1,100 female prisoners. The Taliban claim that they have no political prisoners, which is not borne out by independent organisations. According to organisations such as HRW, the Taliban have chosen to kill alleged criminals who belong to armed groups rather than detain them.<sup>909</sup> According to one source, 13,800 people are now in prison. This does not include those held by GDI or in other Taliban detention centres. These centres do not fall under the Ministry of the Interior. Conditions there are said to be very different, and data about these detention centres are not shared.<sup>910</sup>

#### *Treatment and ill-treatment of prisoners*

<sup>902</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*, p. 158, March 2022.

<sup>903</sup> OHRC Special Procedures – Media Statement, *UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support*, 20 January 2023; OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraph 55, 9 February 2023.

<sup>904</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, paragraph 80, 7 December 2022; VOA News, *Taliban Refill Afghan Jails*, 26 January 2023.

<sup>905</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/636-S/2022/916*, paragraph 46, 7 December 2022.

<sup>906</sup> VOA News, *Taliban Refill Afghan Jails*, 26 January 2023.

<sup>907</sup> VOA News, *Taliban Refill Afghan Jails*, 26 January 2023; Confidential source 2 March 2023.

<sup>908</sup> Confidential source 4 March 2023.

<sup>909</sup> VOA News, *Taliban Refill Afghan Jails*, 26 January 2023.

<sup>910</sup> Confidential source 22 February 2023.



According to one source, ill-treatment of prisoners usually did not take place in prison, but during the preliminary investigation by GDI or the police.<sup>911</sup> People could be arrested and detained on various charges. They could be detained simply because someone had made an accusation, no matter on what grounds. They could also be detained following a traffic accident. The easiest way to get someone arrested – especially a woman – is to accuse them of adultery.<sup>912</sup> According to a source, the Taliban had drawn up a manual in order to improve treatment in prisons. However, this was said only to be on paper, and was not yet being put into practice. GDI and the police also did not participate in these guidelines. Detainees were not informed of their rights, had no access to a lawyer and their families were not informed of their whereabouts or situation.<sup>913</sup>

#### *Illegal custody and detention/arrests*

According to an investigation by the NGO Rawadari, the Taliban illegally and arbitrarily arrested and detained at least 1,976<sup>914</sup> individuals in 29 provinces between 15 August 2021 and 15 November 2022: 1,836 men, 136 women and 4 children. Those detained were mostly officials of the Ghani government, female demonstrators, human rights activists, civil-society activists, journalists, clerics, Salafists, village elders and civilians accused of links to the NRF. The vast majority of arrests were made by the GDI. However, other departments and individuals such as local governments, the morality police and district governors also played a role in arresting people. The arrests took place in a legal vacuum in which it was unclear which laws from the Islamic Republic still applied and which had been abolished. Judges and lawyers had also been dismissed on a large scale and replaced by members of the Taliban. This led to a sense of lawlessness.<sup>915</sup> Detention periods are said to have lengthened since judges have been given investigative duties. The investigation is now conducted while people are in detention. This is a cause for concern because of the poor treatment in detention.<sup>916</sup> Access to lawyers is also a major challenge in prisons, according to one source.<sup>917</sup>

#### 3.3.5 *Corporal punishment*

In November 2022, Taliban leader Hibatullah Akhundzada ordered judges to implement the Taliban version of sharia in full. Criminal offences such as theft, kidnapping and breaches of public order were to be punished according to the Taliban's interpretation of sharia. This also means corporal punishment such as stoning, amputation, flogging and public executions.<sup>918</sup> After a spokesman for the Taliban announced in November 2022 that *hudud* (corporal punishment) and *qisas* (retribution) would be applicable (if the conditions of sharia were met), UNAMA observed a significant increase in the use of corporal punishment. Up to 31 January 2023, there were at least 28 cases of corporal punishment being administered to a total of at least 222 men and 42 women in different provinces. They received between 20 and 100 lashes for alleged offences and crimes such as theft, illegal relationships such as zina, homosexual acts, alcohol consumption, fraud and drug

<sup>911</sup> Confidential source 22 February 2023.

<sup>912</sup> Confidential source 22 February 2023.

<sup>913</sup> Confidential source 22 February 2023.

<sup>914</sup> In view of the lack of access to information, the real number may be higher.

<sup>915</sup> Rawadari, *Arbitrary and Illegal Detentions in Taliban-Ruled Afghanistan, 15 August 2021 – 15 November 2022*, 23 January 2023.

<sup>916</sup> Confidential source 22 February 2023.

<sup>917</sup> Confidential source 22 February 2023.

<sup>918</sup> BBC News, *Afghanistan: Taliban leader orders Sharia law punishments*, 14 November 2022; CNN, *Taliban to impose their interpretation of Sharia law in Afghanistan*, 15 November 2022.

smuggling. The punishment consisted in all cases of lashes.<sup>919</sup> These were sometimes administered to several people at the same time.

On 7 December 2022, the first public execution was carried out in the city of Farah. Senior representatives of the Taliban regime were present in the audience, including the deputy prime minister and the chief justice. The authorities stated that *qisas* and *hudud* punishments are part of sharia and are effective in deterring crime.<sup>920</sup> According to one source, many people collapsed during corporal punishment and died.<sup>921</sup>

Corporal punishment has been around for a long time.<sup>922</sup> According to one source, lashes were already frequently administered before the emir's announcement, even by the police. After the announcement, however, corporal punishment is said to have become much more common.<sup>923</sup> Amputations of body parts such as hands and ears have also occurred before.<sup>924</sup>

There are no reliable data on the punishment of *zina*. It is difficult to find figures for the number of times corporal punishment has been administered for *zina*. The police do not release these figures.<sup>925</sup>

On 4 May 2023, the Taliban released figures on the number of corporal punishments. The de facto deputy Taliban chief justice announced that courts across the country had sentenced 175 people to *qisas* and 37 to stoning. Other convictions included knocking down walls on four people and condemning 103 people to *hudud* punishments such as lashing and amputation. The de facto deputy chief justice gave no timetable for the execution of these sentences.<sup>926</sup>

A UNAMA report on capital punishment and corporal punishment documented at least 43 cases of corporal punishment between 13 November 2022 and 30 April 2023. In those 43 cases, 58 women, 274 men and two male children were flogged for various offences including *zina*, 'running away from home', theft, homosexuality, alcohol consumption, fraud and drug trafficking.<sup>927</sup>

In general, sentences consisted of 30-39 lashes per person, but as many as 100 lashes were reportedly administered in some cases.<sup>928</sup>

In a number of incidents recorded during the period, the sentences were publicly announced by the de facto authorities via social media (namely the Twitter accounts of the de facto Supreme Court, the spokesman of the de facto authorities Zabihullah Mujahid and the spokesman for the de facto provincial governor of Kandahar).<sup>929</sup>

See also the information on Islamic law in 3.3.1.3.

<sup>919</sup> OHCHR, Situation of human rights in Afghanistan, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, A/HRC/51/6, 9 September 2022; *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General to the UNSC, 27 February 2023.

<sup>920</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 54, 9 February 2023; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 36, 27 February 2023.

<sup>921</sup> Confidential source 2 March 2023.

<sup>922</sup> UNAMA Human Rights, *Corporal Punishment and the Death Penalty in Afghanistan*, May 2023.

<sup>923</sup> Confidential source 22 February 2023.

<sup>924</sup> Confidential source 26 February 2023.

<sup>925</sup> Confidential source 24 February 2023.

<sup>926</sup> OHCHR, *Afghanistan: UN experts appalled by Taliban announcement on capital punishment*, 11 May 2023.

<sup>927</sup> UNAMA Human Rights, *Corporal Punishment and the Death Penalty in Afghanistan*, May 2023.

<sup>928</sup> UNAMA Human Rights, *Corporal Punishment and the Death Penalty in Afghanistan*, May 2023.

<sup>929</sup> UNAMA Human Rights, *Corporal Punishment and the Death Penalty in Afghanistan*, May 2023.

### 3.3.6 *The death penalty*

After the Taliban ordered punishments in line with their interpretation of sharia in November 2022, the first public execution under sharia was carried out on 7 December. In Farah province, an alleged murderer was killed in front of hundreds of spectators and more than a dozen Taliban officers. The man was shot dead with a rifle by the father of his alleged victim.<sup>930</sup>

According to media reports, in at least one case, a Taliban commander in the north of the country ordered two people to be stoned. Those concerned had allegedly committed adultery and the commander supervised the carrying out of the punishment.<sup>931</sup>

It is unclear how many public executions have taken place since then. According to various sources, it was more than one or two.<sup>932</sup> At the end of January 2023, in addition to public whippings, at least two men are said to have been executed, according to VOA.<sup>933</sup> A UNAMA report on corporal punishment and capital punishment under the Taliban mentions instances of public executions and public displays of executed bodies. The report does not make any statements about numbers.<sup>934</sup>

See also 3.3.5. on corporal punishment and the information on Islamic law in 3.3.1.

### 3.3.7 *Ill-treatment and torture*

Various forms of torture were widely used in official and unofficial detention centres and prisons across Afghanistan, according to UNAMA and various human rights groups. Torture was used against alleged opponents of the Taliban, including members of the former armed forces, or individuals suspected of supporting the NRF. On occasion it was used to obtain confessions and sometimes continued until the person collapsed and afterwards died.<sup>935</sup>

In January 2022, the Emir issued a decree that was intended to prevent ill-treatment. However, this was disregarded. There were cases where people were held in detention and tortured for months without due process or access to justice.<sup>936</sup> According to one source, there were 'human rights units' within the GDI, police and MPVPV to monitor ill-treatment. However, they reportedly did not know exactly what their role was and were ineffective.<sup>937</sup> It is also unclear whether perpetrators of ill-treatment are ever punished.

#### *Former armed forces personnel*

UNAMA observed a 'clear pattern' of targeting of former ANDSF fighters. Between 15 August 2021 and 15 June 2022, UNAMA recorded 160 extrajudicial executions (including ten women), 178 arbitrary arrests and detentions, 23 incommunicado detentions, and 56 cases of torture and ill-treatment. The perpetrators were the de facto authorities, and the ill-treatment took place throughout Afghanistan.<sup>938</sup>

<sup>930</sup> Al Jazeera, *Taliban carries out first public execution since Afghan takeover*, 7 December 2022.

<sup>931</sup> ISAS Working Papers, *Remaking of Afghanistan: How the Taliban are Changing Afghanistan's Laws and Legal Institutions*, 26 July 2022.

<sup>932</sup> Confidential source 24 February 2023; Confidential source 24 February 2023.

<sup>933</sup> VOA News, *Taliban Refill Afghan Jails*, 26 January 2023.

<sup>934</sup> UNAMA Human Rights, *Corporal Punishment and the Death Penalty in Afghanistan*, May 2023.

<sup>935</sup> VOA News, *Taliban Refill Afghan Jails*, 26 January 2023; Independent, *Inside the Taliban slaughterhouses where Western 'collaborators' are tortured to death*, 17 February 2023.

<sup>936</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 60, 9 February 2023.

<sup>937</sup> Confidential source 22 February 2023.

<sup>938</sup> EUAA, *Afghanistan – Targeting of Individuals*, p.57, August 2022.

In the period 14 September 2022 - 7 December 2022, UNAMA received reports of at least five cases of torture of former government officials and members of the ANDSF by the Taliban.<sup>939</sup>

#### *NRF*

After fighting flared up in Panjshir province in mid-May 2022, the Taliban carried out house searches during which they used violence against civilians. Persons suspected of having links to or aiding the NRF were illegally detained and tortured. The Taliban also carried out summary executions and enforced disappearances of captured fighters and other prisoners.<sup>940</sup> According to HRW, 'the longstanding failure to punish those responsible for serious abuses puts more civilians at risk'.<sup>941</sup> According to HRW reports, the Taliban captured around eighty civilians in the Khenj district of Panjshir in late May/early June 2022. They are said to have beaten these people in order to force them to provide information about the NRF. After a few days most of the prisoners were released. In addition, almost a hundred other persons are said to have been detained for alleged ties to the NRF. They were said to be allowed no contact with their families or with a lawyer. Still others are said to have been held in informal detention facilities.<sup>942</sup>

According to one source, the Taliban is targeting a large part of the population in Panjshir because they are searching for people who support the NRF.<sup>943</sup>

#### *ISKP*

In the period 15 August 2021 - 15 June 2022, UNAMA reported 59 extrajudicial killings, 22 cases of arbitrary arrest and detention, and 7 cases of torture and ill-treatment of alleged ISKP members. The Taliban were responsible for the incidents, which mainly took place in Chaparhar district and the city of Jalalabad in Nangarhar province. Extrajudicial killings are often preceded by torture.<sup>944</sup>

According to HRW, in the provinces of Kunar and Nangarhar entire communities were victims of night-time raids. Men and sometimes boys were detained even if they had nothing to do with ISKP. No precise figures are available, but it is known that several people were the victims of summary executions or enforced disappearances.<sup>945</sup>

### 3.3.8

#### *Disappearances and kidnappings*

There are no reliable figures available on the number of enforced disappearances. The term is used for people held against their will and without any legal basis in official detention centres or other places. People were taken in for questioning or detention, after which they were never heard from again. In some cases they became victims of enforced disappearance overnight. Inquiries to the Taliban from family members about their whereabouts usually did not produce any information. Sometimes corpses were found later – with or without signs of torture.<sup>946</sup> The figures were then included under summary or extrajudicial executions. It is not clear whether the perpetrators of enforced disappearances were punished or not.<sup>947</sup>

<sup>939</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General*, paragraph 35, 7 December 2022.

<sup>940</sup> HRW, *Afghanistan: Taliban Torture Civilians in Panjshir*, 10 June 2022; OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 74, 9 February 2023.

<sup>941</sup> HRW, *Afghanistan: Taliban Torture Civilians in Panjshir*, 10 June 2022.

<sup>942</sup> HRW, *Afghanistan: Taliban Torture Civilians in Panjshir*, 10 June 2022.

<sup>943</sup> Confidential source 24 February 2023.

<sup>944</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.49-50, August 2022.

<sup>945</sup> EUAA, *Afghanistan – Targeting of Individuals*, pp.49-50, August 2022.

<sup>946</sup> Grid, *What it means to 'be disappeared' in the Taliban's Afghanistan*, 7 June 2022.

<sup>947</sup> Confidential source 24 February 2023.

In 2022, according to UNAMA, the Taliban carried out enforced disappearances and revenge killings against Ghani government officials and security forces personnel. It is not always possible to know whether the persons killed were former government employees or alleged ISKP fighters.<sup>948</sup>

#### *ISKP*

At various points during 2022, the Taliban conducted military operations and night-time attacks against civilians whom they accused of providing shelter or other support to members of ISKP. During many operations, Taliban fighters harassed civilians and detained people without due process. Those who were rounded up were forcibly disappeared or killed, in some cases by being beheaded. In some provinces, the Taliban dumped corpses in public places or hung them up on the street or at crossroads as a warning.<sup>949</sup>

Salafists were the victims of disappearances and kidnappings because of alleged support for ISKP.<sup>950</sup>

#### *NRF*

In Panjshir province, the Taliban conducted searches among communities they believed supported the NRF. While doing so, they arrested and tortured local citizens. The Taliban imposed collective punishments and disregarded the protection to which detainees were entitled.<sup>951</sup> There were no specific figures on disappearances and kidnappings.

### 3.3.9

#### *Extrajudicial executions and killings*

In addition to public executions (see 3.3.6.), the de facto Taliban authorities carried out extrajudicial executions of alleged opponents.

#### *Former armed forces personnel*

In the period 14 September 2022 - 7 December 2022, UNAMA reported at least seven extrajudicial executions of former government officials and members of the ANDSF by the Taliban.<sup>952</sup>

#### *ISKP*

An HRW report stated that the remains of more than a hundred alleged ISKP fighters had been found in the eastern provinces of Nangarhar and Kunar. The Taliban had conducted house searches for ISKP fighters. They had beaten residents and captured people whom they suspected of being ISKP members. An unknown number of these people were summarily executed, shot, hanged, beheaded or forcibly disappeared. The remains of the fighters were found in a canal and at other locations in the province. The bodies bore marks of torture and violent executions. Some were missing limbs, had ropes around their necks, were decapitated or had had their throats slashed. The bodies were said to have been dumped between the takeover and April 2022.<sup>953</sup>

#### *NRF*

<sup>948</sup> Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023.

<sup>949</sup> Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023.

<sup>950</sup> HRW, *Afghanistan: Taliban Execute, 'Disappear' Alleged Militants*, 7 July 2022.

<sup>951</sup> Human Rights Watch (HRW), *World Report 2023, Afghanistan - Events of 2022*, January 2023.

<sup>952</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, paragraph 35, 7 December 2022.

<sup>953</sup> HRW, *Afghanistan: Taliban Execute, 'Disappear' Alleged Militants*, 7 July 2022.

According to the UN Special Rapporteur on the human rights situation in Afghanistan, there were frequent reports of extrajudicial killings of NRF fighters. A video released in September 2022 showed Taliban members executing NRF members who were blindfolded and had their hands tied behind their backs. The de facto Ministry of Defence subsequently announced that it would launch an investigation into this and take action.<sup>954</sup>

There were also reports that a commission would be set up to investigate the cases of the individuals arrested during the military operations in Panjshir. The commission would consist of six people and be headed by former Kabul governor Mawlawi Neda Mohammad Nadeem (now the de facto Minister of Higher Education).<sup>955</sup>

The de facto Prime Minister informed the UN Special Rapporteur on the human rights situation in Afghanistan that more than forty members of the NRF (including four commanders) had been killed and more than a hundred arrested during operations in the last months of 2022.<sup>956</sup>

#### *Other individuals and groups*

In his report dated 9 February 2023, the UN Special Rapporteur on the human rights situation in Afghanistan said that he had received reports of continued killings by the Taliban of individuals affiliated with the Achakzai tribe in southern Afghanistan. He noted that under the Islamic Republic of Afghanistan there was also evidence of serious abuses connected with government officials in the Kandahar area. This had not been accounted for, further underlining the need for justice rather than perpetuation of the violence.<sup>957</sup>

#### *Miscellaneous*

According to HRW, Salafists were the victims of extrajudicial killings.<sup>958</sup> No numbers are known.

#### *Figures*

In the period 14 September 2022 - 7 December 2022, UNAMA documented 69 extrajudicial killings, 14 arbitrary arrests and detentions, and 6 cases of torture and ill-treatment of individuals accused of having links to the NRF. This was particularly the case in Panjshir, where at least 48 extrajudicial killings were recorded in Dara and Khenj districts between 12 and 14 September 2022.<sup>959</sup>

On 18 October the British NGO Afghan Witness published a report documenting the deaths of 27 men captured by the Taliban in Panjshir province in September 2022. The findings are consistent with evidence and documents from other sources and confirm a pattern of extrajudicial killings of individuals associated with the NRF.<sup>960</sup>

#### *Panjshir, Kandahar, Nangarhar and Sar-e Pol*

<sup>954</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraphs 77 and 78, 9 February 2023; General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, paragraph 36, 7 December 2022.

<sup>955</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, paragraph 36, 7 December 2022.

<sup>956</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraphs 77 and 78, 9 February 2023.

<sup>957</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 80, 9 February 2023.

<sup>958</sup> HRW, *Afghanistan: Taliban Execute, 'Disappear' Alleged Militants*, 7 July 2022.

<sup>959</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, paragraph 36, 7 December 2022.

<sup>960</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, paragraphs 77 and 78, 9 February 2023.

According to findings by the NGO Rawadari, between 15 August 2021 and November 2022 a total of 634 civilians were extrajudicially killed by the Taliban and unknown persons in Kandahar, Panjshir, Nangarhar and Sar-e Pol provinces. The victims included members of the former armed forces, Salafists, members of the NRF and other groups. Most of the killings in Panjshir and Sare-pol are believed to have been carried out by Taliban forces.<sup>961</sup>

<sup>961</sup> Rawadari, *Unlawful & Targeted Killings in Afghanistan: Kandahar, Nangarhar, Panjshir and Sar-e Pol*, August 2021-November 2022, 4 January 2023.

## 4 Refugees and displaced persons

### 4.1 **Flows of displaced persons and refugees**

During the reporting period, Afghans left the areas where they lived for various reasons. These included the effects of armed conflict, the poor security situation, human rights violations, rules governing education and work that placed ever further restrictions on women and the adverse economic situation. People were also forced to leave by climate conditions. An example was the earthquake on 22 June 2022 in parts of south-eastern Afghanistan, including Paktika and Khost provinces. There was also flooding due to heavy rainfall in August 2022 in the central, western, south-eastern, southern and eastern regions of Afghanistan, as well as the central highlands.<sup>962</sup> In addition, aid organisations reported a humanitarian crisis caused by persistent drought, reduced purchasing power, electricity shortages during an exceptionally cold winter and famine. 28 million Afghans needed help. See 1.3 on the humanitarian situation.

#### 4.1.1 *Displaced persons*

The figures given by different national and international aid organisations for the number of displaced persons vary. All agree that the number is in the millions.

According to UNHCR figures, there were about 3.4 million displaced persons in Afghanistan on 30 June 2022. Between 10 April and 13 September 2022, 32,4242 newly displaced persons left their homes due to conflict.<sup>963</sup> According to IOM, the number of displaced persons in Afghanistan in December 2022 was 6,558,855.<sup>964</sup> According to the UN Special Rapporteur on the human rights situation in Afghanistan, the country had some 5.9 million internally displaced persons around November 2022. Of these, 4,027,303 (68 percent) had been displaced by conflict and violence and 1,866,847 (32 percent) by natural disasters.<sup>965</sup>

The differences between the figures given by different organisations can be explained by the fact that they relate to different periods; in addition, the UNHCR figures probably only relate to conflict-related displaced persons.

According to one source, some 236,000 displaced persons had returned home by 2022. From June 2021 up to the time of writing, the number was said to be 1.3 million.<sup>966</sup> According to UNAMA, in 2022 there were at least 394,576 newly displaced persons due to conflict and natural disasters.<sup>967</sup>

In recent years, settlements/slums of displaced persons have sprung up in cities such as Kabul, Helmand and Herat. Immediately after the Taliban took power, the number of conflict-related displaced persons fell. The IOM estimates that approximately 800,000 displaced persons returned home to Kunduz, Nangarhar and

<sup>962</sup> IOM Afghanistan, *Flash Flood Situation Report, #2 - 26 August 2022*.

<sup>963</sup> UNHCR, UNHCR Regional Bureau for Asia and Pacific (RBAP), Key Displacement Figures, External Updat: Afghanistan situation #23, 1 February 2023; Confidential source 6 April 2023.

<sup>964</sup> IOM, *Displacement Tracking Matrix Afghanistan*, <https://dtm.iom.int/afghanistan>, accessed 23 June 2023.

<sup>965</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 87, 9 February 2023.

<sup>966</sup> Confidential source 6 April 2023.

<sup>967</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 60, 27 February 2023.



Baghlan provinces between August 2021 and April 2022. Local conflicts in Panjshir and Baghlan provinces and elsewhere forced families to leave their homes in the final months of 2022. Between January and June 2022, natural disasters were the main cause of the displacement of 124,000 people. Poverty and lack of employment opportunities also contributed to internal displacement. Millions of people still live in informal settlements and are at risk of eviction by the de facto authorities. On 15 December 2022, the Norwegian Refugee Council reported that 20,000 people had been evicted from their makeshift homes in Badghis province in the middle of winter.<sup>968</sup> A source reported that people in Kabul and Herat were also in danger of being evicted from their homes.<sup>969</sup>

According to UNHCR, there were 59,787 asylum seekers and refugees from other countries in Afghanistan as of 30 June 2022.<sup>970</sup> At the end of 2022, according to one source, there were 52,160, mostly from Pakistan.<sup>971</sup>

#### 4.1.2 Refugees

##### *Definition of the term 'refugee'*

There are various definitions of the term 'refugee'. According to the 1951 Convention relating to the Status of Refugees, a refugee is someone who has fled his or her country of origin owing to well-founded fear of being persecuted. Reasons for persecution may include race or nationality, religion, political opinion or membership of a particular social group. A refugee is unable to receive protection from the government in his or her own country against this persecution, and in some countries the government is the party that is responsible for the persecution.<sup>972</sup>

This definition is different from the description used by other organisations and used in everyday language. The most common definition in everyday language is someone who has fled their country.

The generally used definition is employed in this country of origin information report, except where figures from UNHCR are concerned or explicit reference is made to 'registered refugees'.

##### *Refugee flow from Afghanistan*

After the takeover of power by the Taliban, the already considerable refugee flow to neighbouring countries became even greater. As of 30 June 2022, there were 2.1 million refugees from Afghanistan in neighbouring countries. 1.3 million of these were new arrivals since August 2021.<sup>973</sup> These figures concern persons registered as refugees in accordance with UNHCR's mandate. In addition to these people, there are also large numbers of Afghans who had entered a neighbouring country legally or illegally, with or without valid documents.

According to figures from the de facto authorities, one million refugees had left for Iran and 600,000 for Pakistan after August 2021.<sup>974</sup>

<sup>968</sup> OHCHR, *Report of the Special Rapporteur on the situation of human rights in Afghanistan*, Richard Bennett, A/HRC/52/84, OHCHR, paragraph 87, 9 February 2023.

<sup>969</sup> Confidential source 13 April 2023.

<sup>970</sup> UNHCR Regional Bureau for Asia and Pacific (RBAP), *External update: Afghanistan situation #23*, 1 February 2023.

<sup>971</sup> Confidential source 6 April 2023.

<sup>972</sup> UNHCR begrippenlijst, <https://www.unhcr.org/nl/media/begrippenlijst/vluchtelingen/>, last accessed on 19 March 2023.

<sup>973</sup> UNHCR Regional Bureau for Asia and Pacific (RBAP), *External update: Afghanistan situation #23*, 1 February 2023.

<sup>974</sup> Confidential source 6 April 2023.

#### *Returns to Afghanistan in general*

Between 1 January and 31 December 2022, 6,424 refugees voluntarily returned to Afghanistan with the help of UNHCR. 94% came from Pakistan, and the rest from Iran, Tajikistan, Azerbaijan and Russia. The most frequently cited reasons for returning were high costs and lack of job opportunities in the host country. The desire to see family again and the supposedly improved security situation in Afghanistan were also cited as motives.<sup>975</sup>

#### 4.1.2.1 *Afghan refugees in Iran and Pakistan*

##### Pakistan

For a description of the border crossings between Afghanistan and Pakistan, see 3.2.4 on freedom of movement.

##### *Pakistan – numbers*

Since the Soviet invasion of Afghanistan in 1979, there have been several migratory movements from Afghanistan to Pakistan. The current Afghan population of 3.7 million in Pakistan can be broken down as follows (UNHCR figures from April 2023):<sup>976</sup>

1. Proof of Registration (PoR) Cardholders: 1.32 million
2. Afghan Citizenship (ACC) Cardholders: 840,000
3. Undocumented: 775,000
4. New arrivals: 600,000

On 31 December 2022 there were 1.35 million persons of concern in Pakistan.<sup>977</sup>

##### *PoR card*

A PoR card is an identity document for Afghan refugees in Pakistan that entitles the holder to legal residence in Pakistan. PoR cardholders have been in Pakistan the longest and are the only ones who are actually recognised as refugees. The card is valid throughout Pakistan (until June 2023), grants access to certain public resources (such as health care and education) and protects holders against deportation (unless they are involved in illegal activities). However, the card is not a valid travel document and cannot be used to cross the border.<sup>978</sup>

For more information about the PoR card, see the general country of origin report on Pakistan of September 2022.<sup>979</sup>

##### *ACC card*

ACC cardholders are Afghans who have lived in Pakistan for a long time (sometimes for generations) and who have not been registered as refugees by UNHCR. Registration of ACC cardholders was carried out in 2017 in collaboration with UNHCR, IOM and the Afghan authorities to make it possible for holders to return to Afghanistan once the cards expired. The ACCs have since expired and a solution has still not been found. More than 800,000 ACC cardholders remain in Pakistan and in the face of the deteriorating humanitarian situation in Afghanistan, a political solution for this group has not yet been found.<sup>980</sup>

<sup>975</sup> UNHCR, UNHCR AFGHANISTAN - VOLUNTARY REPATRIATION UPDATE JANUARY – DECEMBER 2022.

<sup>976</sup> <https://data.unhcr.org/en/situations/afghanistan>, last accessed on 22 April 2023.

<sup>977</sup> UNHCR, *Pakistan - Overview of Refugee and Asylum-Seekers Population*, 31 December 2022.

<sup>978</sup> UNHCR, *Proof of Registration Card (PoR)*, accessed 7 March 2023.

<sup>979</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Pakistan*, pp.105-106, September 2022.

<sup>980</sup> IDA19 MID-TERM REFUGEE POLICY REVIEW, pp.168-178, 23 September 2021.

ACC cardholders were able to temporarily live legally in Pakistan. The ACC proof of identity ensured cardholders access to health care and education and protected them against arrest and deportation. ACC cardholders were also protected against deportation if they came into contact with the authorities. However, the Pakistani economy and system were so weakened and overstretched that access to services was already limited in practice even for Pakistanis.<sup>981</sup>

Among the Afghan population, POR cardholders had the best opportunities. The most vulnerable Afghans in Pakistan were undocumented migrants and new arrivals. They were at risk of being deported as soon as they came into contact with the authorities and had little access to basic services. This group was therefore the most inclined to travel on to Europe or the Gulf States.<sup>982</sup>

Between the takeover of power and January 2023, about 250,000 new Afghans arrived in Pakistan. The others were already in Pakistan and had arrived earlier. In the summer of 2022, the Pakistani authorities began deporting Afghans who had entered the territory illegally.<sup>983</sup>

See 5.1.5. on deportations from Pakistan.

#### *Situation of Afghan refugees in Pakistan*

In addition to the official border crossings, the border between Afghanistan and Pakistan is porous. There are numerous smuggling routes and the Pashtun tribes living in the border area have traditionally been able to move freely across the border.<sup>984</sup> See also 3.2.4 on freedom of movement.

In the past, the presence of so many Afghans sometimes provoked annoyance and suspicion on the part of the local population and the Pakistani authorities. This has become worse since the Taliban took power. Afghan refugees filled jobs in the local markets. They were sometimes portrayed in the Pakistani media as criminals and drug dealers. People were also afraid that sleeper cells of extremist organisations would be reactivated or that terrorists would enter the country disguised as refugees. In addition, several members of the terrorist group TTP were in hiding in Afghanistan, just across the border. This led to even more suspicion.<sup>985</sup>

Undocumented Afghans were rounded up in Pakistan and sent back. Sometimes they were detained. See 5.1.5 on the return of Afghans to Pakistan.

#### Iran

For information about border crossings with Iran, see 3.2.4 on freedom of movement.

#### *Iran – numbers*

The current Afghan population of 4.5 million in Iran can be broken down as follows (UNHCR figures from April 2023):<sup>986</sup>

1. *Amayesh* cardholders: 750,000
2. Afghans with a residence permit: 360,000
3. Afghans counted in the headcount: 2.6 million

<sup>981</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Pakistan*, pp.105-106, September 2022.

<sup>982</sup> Confidential source 22 April 2023.

<sup>983</sup> The Guardian, *Pakistan sends back hundreds of Afghan refugees to face Taliban repression*, 10 January 2023.

<sup>984</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Pakistan*, Chapter 4, September 2022.

<sup>985</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Pakistan*, Chapter 4, September 2022.

<sup>986</sup> <https://data.unhcr.org/en/situations/afghanistan>, last accessed on 22 April 2023.

#### 4. Undocumented: 500,000

Most of the registered refugees in Iran were Afghan. Only a small number came from countries other than Afghanistan.<sup>987</sup> This makes Iran the country hosting the second-largest number of Afghan refugees anywhere in the world, after Turkey.

##### *Amayesh card*

Registered Afghan refugees received a refugee identity card called an *Amayesh* card. This gave them the right to freedom of movement, access to basic facilities and the possibility of participating in the labour market in specific occupational groups. The *Amayesh* card has to be renewed every year. The Iranian authorities held a renewal round that lasted four months and started on 11 July 2022. Renewal of the card is important because in Iran – in addition to access to primary rights and facilities – the opportunities and rights of a refugee are very much determined by their documentation status. Undocumented Afghans are at greater risk of arrest, detention and deportation.<sup>988</sup>

##### *Headcount*

In April 2022, the Iranian authorities conducted a headcount of the country's undocumented and newly arrived Afghans. On 30 June, it was announced that some 2.2 million Afghan citizens had been registered in the count. Those who took part in the headcount received a document guaranteeing temporary protection until 20 January 2023. According to UNHCR, not all undocumented and newly arrived Afghans took part in the headcount. This means that there were more than 2.2 million Afghans in the country at the time.<sup>989</sup>

##### *Undocumented*

According to a report by the EUAA, there were between 2.1 and 2.6 million undocumented Afghans in the country between 2020 and the second half of 2022. This included people whose *Amayesh* card had expired.<sup>990</sup> This number is higher than UNHCR's later figures.

According to the EUAA, the Iranian authorities registered about one million newly arrived Afghans up to 1 September 2022; 65 percent were deported back to Afghanistan, and a smaller number returned voluntarily.<sup>991</sup> Smaller groups of people continued on to Turkey and the EU from Iran or came to Iran for family reasons.<sup>992</sup> In the period from the seizure of power to October 2022, some 52,344 new arrivals approached the UNHCR for assistance.<sup>993</sup>

According to UNHCR estimates, about 2,000 Afghans left for Iran every day. A large proportion of them were sent back by the de facto government.<sup>994</sup> According to a source, this number has now grown to 4,000.<sup>995</sup>

##### *Situation of Afghan refugees in Iran*

During the reporting period, Afghan migrants in Iran increasingly faced discrimination and negative attitudes from Iranian society. The Iranian population

<sup>987</sup> UNHCR, *Factsheet Iran August-October 2022*.

<sup>988</sup> UNHCR, *Factsheet Iran August-October 2022*.

<sup>989</sup> UNHCR, *Factsheet Iran August-October 2022*.

<sup>990</sup> EUAA, *EUAA report on the situation of Afghan refugees in Iran*, 11 January 2023.

<sup>991</sup> EUAA, *EUAA report on the situation of Afghan refugees in Iran*, 11 January 2023.

<sup>992</sup> UNHCR, *Factsheet Iran August-October 2022*; EUAA, *EUAA report on the situation of Afghan refugees in Iran*, 11 January 2023.

<sup>993</sup> UNHCR, *Factsheet Iran August-October 2022*.

<sup>994</sup> UNHCR, *Factsheet Iran August-October 2022*.

<sup>995</sup> Confidential source 24 May 2023.

initially felt a high degree of solidarity with the Afghan community, which has been part of Iranian society for decades. However, the current pressure that the large Afghan refugee population is placing on the Iranian system is leading to less tolerant attitudes. Due to limited and regulated access to the labour market, but often also due to their lower level of education, Afghan migrants often work in lower-paid sectors, such as construction, waste collection and agriculture. Children also perform paid work, for example as porters. Afghan workers are reportedly paid less than Iranian ones.<sup>996</sup>

Nevertheless, with the recent headcount, people without documents (including new arrivals) were temporarily provided with a certificate that protected them against deportation. Iran offered more permanent future prospects than Pakistan in terms of education, health care and employment. For example, unlike Pakistan, Iran also had a legal framework for asylum seekers, refugees and undocumented migrants.<sup>997</sup>

#### 4.1.2.2 *Afghan refugees in Tajikistan, Uzbekistan and Turkey*

##### *Situation of Afghan refugees in Tajikistan*

According to UNHCR, there were about 8,500 Afghan refugees and asylum seekers in Tajikistan in the summer of 2022. These were often Afghans from the Tajik minority in Afghanistan.<sup>998</sup>

The border between Afghanistan and Tajikistan is officially closed, but in reality it is porous. Trade also takes place across it.<sup>999</sup> The Tajik authorities feared that there would be terrorists among the Afghan refugees, so they did not allow Afghans in, at least not over the country's land borders.<sup>1000</sup>

The Afghan refugees in Tajikistan mostly lived in Wahdad, a suburb of Dushanbe. Another place where they lived was Rudaki. Many had come by plane with a valid visa. Most visas have now expired. The Afghans usually lived in poor conditions, with many having to survive on money sent by relatives abroad. NGOs provided food and cash/income support. Many refugees were waiting to be admitted to Canada or the US, but until then had nowhere else to go.<sup>1001</sup>

Officially, Afghan refugees were allowed to work, but in reality the Tajik authorities advised employers against employing Afghans. Workers are also said to have been dragged down from scaffolding by the Tajik police. Jobs were scarce in Tajikistan, including for Tajiks. In addition, the Afghans were under a curfew. They had to be back in their homes by 8 p.m. If they were found on the street after that time, they were stopped by the police and could find themselves in trouble. There were only four places in the country where they were allowed to live, and the curfew was to prevent them from going anywhere else.<sup>1002</sup>

In a round-up that, according to the authorities, was intended to identify terrorists and drug criminals, a hundred or so Afghans were picked up at random in the autumn of 2022 and deported across the border. After this 'raid', people did not dare to go out on the street for weeks for fear of being arrested and sent away.<sup>1003</sup>

Refugees were afraid to talk openly on the phone, as the Taliban listened in and made threats against relatives who were still in Afghanistan. They were also afraid

<sup>996</sup> EUAA, Iran – *Situation of Afghan refugees*, paragraph 1.4.1, December 2022,.

<sup>997</sup> Confidential source 22 April 2023.

<sup>998</sup> Confidential source 28 February 2023.

<sup>999</sup> Confidential source 26 February, 2023.

<sup>1000</sup> Confidential source 28 February 2023.

<sup>1001</sup> Confidential source 26 February 2023.

<sup>1002</sup> Eurasianet, *In Tajikistan, Afghan refugees fear they're trapped in a dead end*, 19 August 2022; Confidential source 26 February 2023.

<sup>1003</sup> Confidential source 26 February 2023; Confidential source 26 February 2023.

of the Tajik authorities. They did not dare to use the word Taliban for fear of being mistaken for Taliban supporters.<sup>1004</sup>

NRF leader Massoud is rumoured to be in Tajikistan. He is said to be in a secret hideout. The Tajik authorities traditionally have good relations with the ethnic Tajiks in Afghanistan and with Massoud.<sup>1005</sup>

#### *Situation of Afghan refugees in Uzbekistan*

There are about 13,000 Afghans in Uzbekistan. Uzbekistan is not a party to the Refugee Convention, which means that refugees cannot receive assistance from UNHCR.<sup>1006</sup> The border between Afghanistan and Uzbekistan is hermetically sealed. Many Afghans have come on valid visas, which have now expired. People could no longer extend these visas, and could not cross the border to other countries either.<sup>1007</sup>

#### *Situation of Afghan refugees in Turkey*

The situation of Afghan refugees in Turkey was – as in other places – difficult. Many lived in poverty and had no health insurance. They depended on donations from family or friends abroad.<sup>1008</sup> Refugees with temporary residence permits lived in constant uncertainty about whether their permits would be renewed. This residence permit did not allow them to travel abroad. Before 2022, the document was valid for two years, but this has now been reduced to one year. The application and renewal procedure was very stressful, and failure to renew meant being present illegally.<sup>1009</sup> Refugees feared that the Turkish authorities would pass on their data to the Taliban. With the arrival of a Taliban representative as Afghan consul-general in Istanbul, these fears were heightened. The consulate run by the Taliban will soon be the location where these residence permits have to be renewed.<sup>1010</sup>

It is not clear how many Afghans were in Turkey during the reporting period. According to HRW, in November 2022, there were some 320,000 people – most of them Afghan – in need of international protection. These were either asylum seekers or persons falling under a unique Turkish status of 'conditional refugee'.<sup>1011</sup> According to one source, fifty percent of the Afghan refugees in Turkey did not have any documents. Many were former ANDSF fighters who had fled the Taliban. Individuals without documentation were vulnerable to exploitation by smugglers or others. They worked illegally in factories, because the police did not carry out checks there. Travelling by bus or going to a shopping centre was out of the question, as the Turkish police checked IDs in these places. These undocumented individuals had arrived with human traffickers and lived in very expensive slum dwellings, arranged through the smugglers' network. Minors were also brought across the border by the smugglers.<sup>1012</sup>

If undocumented individuals were checked by the police, they risked being taken to a detention centre and subsequently deported. The Turkish authorities transported

<sup>1004</sup> Confidential source 26 February 2023.

<sup>1005</sup> Confidential source 28 February 2023.

<sup>1006</sup> Confidential source 28 February 2023.

<sup>1007</sup> Confidential source 1 March 2023; Confidential source 2 March 2023.

<sup>1008</sup> Confidential source 4 March 2023.

<sup>1009</sup> Confidential source 4 March 2023.

<sup>1010</sup> Confidential source 4 March 2023.

<sup>1011</sup> Human Rights Watch, "No One Asked Me Why I Left Afghanistan" - Pushbacks and Deportations of Afghans from Turkey, 18 November 2022.

<sup>1012</sup> Confidential source 4 March 2023.

people back to Kabul on charter flights.<sup>1013</sup> According to HRW, some 44,768 Afghans were deported to Afghanistan in the first eight months of 2022.<sup>1014</sup> According to confidential sources, human rights activists and journalists in Turkey had sometimes been threatened by the Taliban. They were told to stop posting criticism of the Taliban on social media; if they did not stop, their families would be hurt. The threats were made in phone calls and WhatsApp and Facebook messages and by Taliban representatives who were physically present in Turkey.<sup>1015</sup> Since the earthquake in southern Turkey on 6 February 2023, and with elections in sight, the Turkish population is said to have become increasingly hostile to refugees, including Afghan refugees.<sup>1016</sup>

<sup>1013</sup> Amnesty International, *Afghanistan: "They don't treat us like humans": Unlawful returns of Afghans from Turkey and Iran*, 31 August 2022; Confidential source 3 March 2023.

<sup>1014</sup> Human Rights Watch, *"No One Asked Me Why I Left Afghanistan" - Pushbacks and Deportations of Afghans from Turkey*, 18 November 2022.

<sup>1015</sup> Confidential source 4 March 2023; Confidential source 4 March 2023.

<sup>1016</sup> Confidential source 3 March 2023; Confidential source 4 March 2023.

## 5 Returns

### 5.1 Returns to Afghanistan

#### *Returns of prominent persons*

See 1.1.4 on the return of prominent persons.

#### 5.1.1 *Netherlands-Afghanistan MoU*

Cooperation between the Netherlands and Afghanistan in connection with returns is based on a memorandum of understanding (MoU) from 2003. This trilateral memorandum was signed by the Netherlands, the Afghan government at the time and UNHCR. It made forced returns possible, provided that relevant humanitarian considerations had been taken into account. Agreements were also made at EU level with former Afghan governments on cooperation in the area of migration and return.<sup>1017</sup>

The status of these agreements since the Taliban took power is unclear.

According to one source, the Taliban do not recognise any agreements signed by the Ghani government or previous governments.<sup>1018</sup>

#### 5.1.2 *The Netherlands*

On 11 August 2021, the Dutch government decided to suspend deportations for at least six months, as did a number of other European countries. This decision formally entered into force on 26 August 2021. It was extended on 23 February 2022 for half a year until 25 August 2022.<sup>1019</sup>

The Repatriation and Departure Service (DT&V) of the Ministry of Justice and Security stated that between April 2022 and March 2023 nobody was forced to return from the Netherlands to Afghanistan by the DT&V. The voluntary return of ten people was arranged by the DT&V.<sup>1020</sup>

#### 5.1.3 *Returns from other European/Western countries to Afghanistan*

According to one source, no forced returns from Europe or the US took place during the reporting period. It is not known how many people returned voluntarily from these countries.<sup>1021</sup> Another source stated that it was not aware of any voluntary or forced returns from Europe since August 2021.<sup>1022</sup>

#### 5.1.4 *Afghan MoUs with Pakistan and Iran*

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

<sup>1017</sup> For more information, see: Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan March 2022*, p.180.

<sup>1018</sup> Confidential source 24 February 2023.

<sup>1019</sup> For more information, see: Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan March 2022*, p.180.

<sup>1020</sup> Confidential source 11 April 2023.

<sup>1021</sup> Confidential source 15 March 2023; Confidential source 15 March 2023.

<sup>1022</sup> Confidential source April 2023.



to Afghanistan. The same kind of MoU existed between Afghanistan, Pakistan and UNHCR.<sup>1023</sup>

According to one source, the Taliban do not recognise any agreements signed by the Ghani government or previous governments.<sup>1024</sup>

According to another source, the MoUs are still the most important documents on the basis of which long-term solutions for Afghan refugees can be found. On 21 December 2022, the eighth meeting of the Quadripartite Steering Committee was held in Tehran, attended by Iran, Pakistan, Afghanistan and UNHCR.<sup>1025</sup> This is part of the Solutions Strategy for Afghan Refugees (SSAR) platform, which acts as the main forum on long-term solutions for Afghan refugees, with UNHCR as its secretariat.<sup>1026</sup> The Netherlands was invited to become a member of the SSAR platform in 2022 and joined in February 2023.<sup>1027</sup>

#### 5.1.5 *Returns of Afghans from Pakistan and Iran*

According to UNAMA, 924,000 undocumented migrants returned to Afghanistan in 2022. This figure related exclusively to undocumented Afghan migrants who returned via four border crossings in Herat, Nimroz, Nangarhar and Kandahar provinces.<sup>1028</sup>

#### Pakistan

##### *Returns from Pakistan*

According to UNHCR, between January and December 2022, 6,039 Afghan refugees (1,443 families) returned voluntarily from Pakistan to Afghanistan. They returned mainly to Saripul, Kabul, Jawzjan, Kunduz and Kandahar. Their reasons for leaving Pakistan (push factors) were mainly the strict rules on entry to the country, loss of sources of income, and socio-economic challenges. Most of these Afghan refugees were staying in the provinces of Balochistan and Khyber Pakhtunkhwa in Pakistan. Reasons for returning to Afghanistan (pull factors) were reunification with family members, opportunities to work, a perceived improved security situation and a desire to rebuild a life at home.<sup>1029</sup>

According to IOM data, 74,132 undocumented refugees returned to Afghanistan from Pakistan in 2022. Of these, 75 percent had no documents at all and 25 percent had some documentation, such as an Afghan tazkera or an expired PoR card. The main reason for leaving Pakistan, the push factor, was often that they could no longer pay the rent. Often there was also no money to purchase household items. Reasons for returning to Afghanistan (pull factors) were the availability of aid and reunification with family. Only a small number mentioned the improvement of the security situation in Afghanistan as a reason for returning.<sup>1030</sup>

According to one source, thousands of Afghan refugees were returning every day. The Taliban reported on Twitter that they were supporting these people with emergency aid for food and clothing and cash for transport back to their homes.<sup>1031</sup> It is unclear whether this actually happened.

<sup>1023</sup> Dutch Ministry of Foreign Affairs, *General country of origin information report Afghanistan*. p.183, March 2023.

<sup>1024</sup> Confidential source 24 February 2023.

<sup>1025</sup> Confidential source 6 April 2023.

<sup>1026</sup> Confidential source 22 April 2023.

<sup>1027</sup> Confidential source 24 May.

<sup>1028</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security, Report of the Secretary-General, A/77/772-S/2023/151*, paragraph 60, 27 February 2023.

<sup>1029</sup> UNHCR, *Pakistan - Voluntary repatriation of Afghan refugees*, 31 December 2022; Confidential source 13 April 2023.

<sup>1030</sup> IOM, *Pakistan - Flow monitoring of undocumented Afghan migrants - Summary report 2022*, 7 March 2023.

<sup>1031</sup> Confidential source 22 February 2022.

In 2022, 6,029 Afghan refugees returned to Afghanistan from Pakistan under the United Nations voluntary repatriation programme.<sup>1032</sup> Between 1 January 2023 and 22 March 2023, 1,094 Afghans returned voluntarily under this programme.<sup>1033</sup>

#### *Deportations from Pakistan*

Between the takeover of power and January 2023, about 250,000 Afghans went to Pakistan. In the summer of 2022, the Pakistani authorities began deporting Afghans who had entered the territory illegally.<sup>1034</sup> From October 2022, arrests and detentions increased. According to human rights lawyers, about 1,400 Afghans, including 129 women and 178 children, were detained in Karachi and Hyderabad alone. In early 2023, hundreds of Afghans were deported. They were detained or had to pay fines. The amnesty that had been declared for fleeing Afghans with a visa expired in December 2022. From then on, anyone with an expired visa had to return to Afghanistan to renew their visa.<sup>1035</sup>

According to a Taliban statement, 700 to 800 detainees were released by the Pakistani authorities.<sup>1036</sup>

According to one source, the penalty for an expired visa was a fine and two months in prison. People are said to have died in prison while serving this sentence. The attitude of the Pakistani authorities was probably so implacable because they wanted to show that they were taking a hard line against illegal migrants from Afghanistan.<sup>1037</sup>

According to one source, some 4,050 Afghans were deported from Pakistan in 2022. In the period January-February 2023, 852 people are said to have been deported.<sup>1038</sup>

#### *International law*

Pakistan is not a signatory to the 1951 UN Refugee Convention.<sup>1039</sup> It also has no national asylum law or specific administrative instrument that gives individuals access to international protection. Despite this, the support and protection that Pakistan provides is generally in line with international standards and Pakistani human rights obligations.<sup>1040</sup>

## Iran

#### *Returns from Iran*

Iranian authorities stated that one million new Afghans had arrived up to 1 September 2022. An estimated 65% of these were deported back to Afghanistan, with this percentage decreasing over the year. A smaller number are said to have returned voluntarily or continued on to Turkey and/or the EU.<sup>1041</sup> According to

<sup>1032</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 60, 27 February 2023.

<sup>1033</sup> Confidential source 6 April 2023.

<sup>1034</sup> The Guardian, *Pakistan sends back hundreds of Afghan refugees to face Taliban repression*, 10 January 2023.

<sup>1035</sup> The Guardian, *Pakistan sends back hundreds of Afghan refugees to face Taliban repression*, 10 January 2023; Confidential source 13 April 2023; Confidential source 22 February 2022.

<sup>1036</sup> Confidential source 22 February 2022.

<sup>1037</sup> Confidential source 22 February 2022.

<sup>1038</sup> Confidential source 6 April 2023.

<sup>1039</sup> The Guardian, *Pakistan sends back hundreds of Afghan refugees to face Taliban repression*, 10 January 2023; IPS, *Afghan Refugees Fear Return as Pakistan Cracks Down on Migrants*, 1 February 2023.

<sup>1040</sup> Confidential source 22 April 2023.

<sup>1041</sup> EUAA, *EUAA reports on the situation of Afghan refugees in Iran*, 11 January 2023.

UNHCR estimates, 2,000 Afghans left for Iran every day. A large proportion of them were sent back.<sup>1042</sup>

#### *Voluntary returns from Iran*

Figures on voluntary returns from Iran vary. According to Taliban figures, 1,325 persons voluntarily returned to Afghanistan on 25 August 2022 and 381 on 23 August 2022.<sup>1043</sup> In 2022, 372 Afghan refugees returned to Afghanistan under the United Nations voluntary repatriation programme.<sup>1044</sup> Between 1 January 2023 and 22 March 2023, 82 Afghans returned voluntarily from Iran under this programme.<sup>1045</sup>

#### *Forced returns from Iran*

According to UNHCR, undocumented Afghans are at risk of being deported. Between January and June 2022, Iranian police checks took place, during which Afghans illegally staying in Iran were arrested. They were not always deported: initially they were merely checked and sometimes were allowed to stay. An increase in the number of deportations seems to have been linked to the perceived negative impact of the refugees on the economy and the job market. In March 2022, UNHCR reported that more than 2,200 Afghans were being deported every day.<sup>1046</sup> In 2022, about 480,000 Afghans are said to have been deported from Iran. In January and February 2023 the figure was 78,000.<sup>1047</sup> Many of those who were deported subsequently reappeared in Iran, according to UNHCR figures.<sup>1048</sup>

According to IOM, slightly less than half of the border crossings between mid-July and the end of August 2022 were deportations. In the second half of July, for example, there were 13,622.<sup>1049</sup>

According to an Amnesty International report, Iranian security forces personnel bussed Afghan deportees from Iran and Turkey to official and unofficial border posts. At the unofficial posts the Afghans had to climb over fences or crawl under them. They were held in detention centres prior to deportation.<sup>1050</sup> Sometimes the buses drove on into Afghanistan and dropped off the deportees there. Sometimes people were handcuffed or blindfolded. Children were among the deportees. Sometimes people had to pay a fine for the period that they had stayed illegally in Iran.<sup>1051</sup> According to the report, shots were also sometimes fired as a pushback method.<sup>1052</sup>

### 5.1.6 *Organisations providing support to returnees*

IOM provided assistance to voluntary and forced returnees. The organisation has reception and transit centres at four border crossings (two with Pakistan and two with Iran). There, the returnees were given a screening, a vulnerability assessment, a hot meal, access to health care and support with returning to the place where they

<sup>1042</sup> UNHCR, *Factsheet Iran August-October 2022*.

<sup>1043</sup> EUAA, *Iran -Situation of Afghan Refugees*, p.55, December 2022.

<sup>1044</sup> General Assembly Security Council, *The situation in Afghanistan and its implications for international peace and security*, Report of the Secretary-General, A/77/772-S/2023/151, paragraph 60, 27 February 2023.

<sup>1045</sup> Confidential source 6 April 2023.

<sup>1046</sup> EUAA, *Iran -Situation of Afghan Refugees*, p.53-54, December 2022.

<sup>1047</sup> Confidential source 6 April 2023.

<sup>1048</sup> Confidential source 24 May 2023.

<sup>1049</sup> EUAA, *Iran -Situation of Afghan Refugees*, p.53-54, December 2022.

<sup>1050</sup> Amnesty International, *'They don't treat us like humans', unlawful returns of Afghans from Turkey and Iran*, 31 August 2022; EUAA, *Iran -Situation of Afghan Refugees*, p.54, December 2022.

<sup>1051</sup> EUAA, *Iran -Situation of Afghan Refugees*, p.54, December 2022.

<sup>1052</sup> Amnesty International, *'They don't treat us like humans', unlawful returns of Afghans from Turkey and Iran*, 31 August 2022; EUAA, *Iran -Situation of Afghan Refugees*, p.54, December 2022.

wanted to go. These centres were located near the border at Spin-Boldak, Torkham and Islam Qala, among other places. When the returnees travelled on from the centres, they were able to receive help from community organisations or local NGOs. These were able to help with food aid, health care and *WASH* (water, sanitation and hygiene).<sup>1053</sup>

The aid work of some local NGOs was restricted from December 2022 due to the ban on women working for these organisations.<sup>1054</sup>

UNHCR provided assistance to registered Afghan refugees returning to Afghanistan under UNHCR voluntary repatriation. UNHCR also provided various forms of support at four Encashment Centres (ECs). Returning refugees received a cash payment of 375 dollars per person on arrival. This allowance was intended to cover risks associated with returning to Afghanistan, as well as transportation costs to their home region. Returning refugees also received basic health care, accommodation options, mine risk education, school enrolment information, drug education and malnutrition screening.

Interviews/consultations were conducted to ensure that the decision to return was properly considered and taken in safety and dignity.<sup>1055</sup>

#### 5.1.7 *Problems with the Taliban on return*

No reliable information is available on the Taliban's treatment of voluntary returnees.<sup>1056</sup> The available information is anecdotal and limited.

One source stated that it was not aware of problems with the return of undocumented refugees from neighbouring countries.<sup>1057</sup>

Another source stated that it was not aware of difficulties with the de facto authorities during the return process for registered refugees returning from Pakistan with the help of UNHCR. The authorities were said to issue documentation when requested.<sup>1058</sup>

People return voluntarily – sometimes for short periods – to look after their homes and business interests and to see relatives again.<sup>1059</sup> A source stated that it is possible that people who want to return ask for guarantees in advance.<sup>1060</sup>

According to one source, not every individual who left as an economic refugee experienced problems on returning. However, the danger of this always existed. Prominent people or people who had a problem before departure were at risk of experiencing serious trouble on their return. For example, if they had worked for the former government, there was a risk of people wanting to take revenge on them. This revenge might come, for example, from individuals who had been imprisoned by the Ghani government. Problems were not consistently experienced, but could never be ruled out.<sup>1061</sup>

According to a source, lists of names of former ANDSF personnel who are wanted are kept at the airport and in the provinces. Persons from the former security

<sup>1053</sup> Confidential source 15 March 2023.

<sup>1054</sup> Confidential source April 2023.

<sup>1055</sup> Confidential source 6 April 2023.

<sup>1056</sup> Confidential source 15 March 2023.

<sup>1057</sup> Confidential source 6 April 2023.

<sup>1058</sup> Confidential source 6 April 2023.

<sup>1059</sup> Confidential source 22 February 2022.

<sup>1060</sup> Confidential source 22 February 2023.

<sup>1061</sup> Confidential source 22 February 2022.

service in particular are said to be in great danger. The Taliban made active use of biometric data to identify and track these people.<sup>1062</sup> See 1.2.9 on this subject.

There is no information on the Taliban's treatment of persons forced to return from a European or Western country, as nobody has been forced to return from these countries yet.<sup>1063</sup>

#### 5.1.7.1 *Problems and treatment on return*

It is unclear whether people can encounter problems on their return, what kind of problems if so, and how they are treated. The information on this subject is sparse and anecdotal.

##### 5.1.7.1.1 *Type of document*

According to one source, during the evacuation, the Afghan authorities issued a so-called Gate Pass to people who wanted to cross the border into Pakistan without documents. This was a temporary measure. Gate Passes are no longer issued. Pakistan requires an exit permit, which you can only obtain with a valid visa. This means that Gate Pass holders end up in a vicious circle.<sup>1064</sup>

##### 5.1.7.1.2 *Whether or not the person left illegally*

It is not clear whether the fact of a person having left illegally rather than legally leads to problems on return.

According to one source, so far there are no reports of individuals experiencing problems due to the fact that they left illegally. The problems they experience are for other reasons.<sup>1065</sup>

One source stated that it was unaware of undocumented refugees getting into difficulties with the de facto authorities on entering Afghanistan from neighbouring countries. This applied both to those who returned voluntarily and those who had been deported.<sup>1066</sup> However, this does not mean that such difficulties do not occur, especially given the lack of information.

##### 5.1.7.1.3 *Ethnicity*

It is not clear whether ethnicity plays a role in whether or not people experience problems on their return. No factual information has been found about this.

According to one source, there are no signs so far that particular ethnic groups experience special problems.<sup>1067</sup> In general, the Hazaras are often discriminated against and dealt with more harshly than other population groups. See 3.1.6 on this subject.

##### 5.1.7.1.4 *Shorter or longer period spent in a Western country*

It is not clear whether a stay in a Western country is a factor in whether or not people encounter problems on returning. Not many people have returned from Europe or a Western country. Where this has been the case, they have usually come

<sup>1062</sup> Confidential source 2 March 2023.

<sup>1063</sup> Confidential source 22 February 2022.

<sup>1064</sup> Confidential source 22 February 2022; Confidential source 6 April 2023.

<sup>1065</sup> Confidential source 22 February 2022.

<sup>1066</sup> Confidential source 6 April 2023.

<sup>1067</sup> Confidential source 22 February 2022.

via a third country. According to one source, people coming from a Western country may have to answer more questions on entering Afghanistan. This is especially true if they are wearing Western clothing.<sup>1068</sup>

According to Freedom House, with regard to human rights defenders the Taliban consider factors such as a Western education, having worked for a Western organisation, dressing in Western style, and speaking English as indicators of ties with the 'enemy'.<sup>1069</sup>

See also 3.1.9.11 on 'Westernised' girls and women and 3.1.4.5 on people who behave or dress in a 'Western' fashion.

#### 5.1.7.1.5 *Shorter or longer time in Pakistan, Iran or Tajikistan*

It is not clear whether a stay in Pakistan or Iran was a factor in whether or not people encountered problems on returning.

According to one source, it is not clear whether it made a difference whether people had stayed in Iran or Pakistan for a longer or shorter time. However, they could get into trouble for other reasons. For example, Hazaras coming from Iran could experience problems based on their religion and language. The source did not have any further concrete information about this.<sup>1070</sup> According to a source, it is dangerous to return from Tajikistan to Afghanistan. People are said to be beaten by the Taliban and interrogated about what they had done in the country.<sup>1071</sup>

#### 5.1.7.2 *Difference in treatment on returning from Europe compared to returning from neighbouring countries*

It is not clear whether returning from Europe or from neighbouring countries results in a difference in treatment on return.

#### 5.1.8 *Socio-economic conditions of returning Afghans*

The socio-economic conditions of Afghans who returned were usually worse than before they left. According to one source, many had sold all their possessions to pay for their flight (and in some cases to pay people smugglers). The current humanitarian emergency is said to have exacerbated the situation.<sup>1072</sup> According to another source, many Afghans had left because they had nothing left and saw no means of making a living. They therefore returned to nothing.<sup>1073</sup>

Another source stated that those who returned faced the same problems as those who had stayed behind. The challenges included food insecurity, lack of employment and livelihoods, lack of long-term sustainable shelter, and lack of services including health care and education. Opportunities to make a living became increasingly scarce. The series of bans on women also had negative consequences for returned refugees. Some individuals who had been away for extended periods did not receive the community support they had expected. As a result, returnees often faced more socio-economic problems than the local communities.<sup>1074</sup>

#### 5.1.9 *Turkey-Taliban MoU*

It is unclear whether a return agreement exists between Turkey and the de facto authorities.

<sup>1068</sup> Confidential source 22 February 2022.

<sup>1069</sup> Freedom House, *A needs assessment of Afghan human rights defenders 2022-2023*, p.17, 19 January 2023.

<sup>1070</sup> Confidential source 22 February 2022.

<sup>1071</sup> Confidential source 26 February 2023.

<sup>1072</sup> Confidential source 15 March 2023.

<sup>1073</sup> Confidential source 22 February 2022.

<sup>1074</sup> Confidential source 6 April 2023.

According to a source, the two parties have signed a return agreement. In the first two months of 2023, at least 5,000 people are said to have returned on charter flights. The returns were said to be voluntary, but according to rumours the people concerned looked neglected, as if they had been in detention.<sup>1075</sup> One source states that, according to media reports in 2023, some 3,000 Afghans were deported between January and April.<sup>1076</sup>

Afghans are reportedly being brought back to Afghanistan by the thousands on charter flights. If undocumented Afghans are stopped by the Turkish police, they are at risk of immediate deportation. In 2022, 70,000 of 116,000 people are said to have been deported. According to one source, the population's hostility towards Afghans increased after the earthquakes in Turkey.<sup>1077</sup>

According to another source, there is no tripartite agreement between Turkey, UNHCR and the de facto Afghan authorities. However, Turkey and the Taliban have reportedly expressed the wish to conclude an agreement on returns.<sup>1078</sup>

<sup>1075</sup> Confidential source 22 February 2022.

<sup>1076</sup> Confidential source 17 April 2023; Tolo News, *Over 3,000 Afghan Migrants Deported: Turkish Govt*, 14 April 2023.

<sup>1077</sup> Confidential source 3 March 2023.

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## 6.2 Map of Afghanistan



Source: ICG<sup>1079</sup>

<sup>1079</sup> ICG, *Taliban Restrictions on Women's Rights Deepen Afghanistan's Crisis*, Report 329, 23 February 2023.

## 6.3 Other appendices

### 6.3.1 *Abbreviations used and foreign names/terms*

#### **Abbreviations and foreign terms**

AAN - Afghanistan Analysts Network

ACC – Afghan Citizenship Card, refugee identity card for Afghan refugees in Pakistan

AFJC - Afghanistan Journalist Centre

AIHRC - Afghanistan's Independent Human Rights Commission

ALP - Afghan Local Police

Amayesh – Refugee identity card for Afghan refugees in Iran

ANA – Afghan National Army

ANCOP - Afghanistan National Civil Order Police

ANP - Afghan National Police

ANDSF - Afghan National Defense and Security Forces

EUAA - European Union Agency for Asylum

GDI - General Directorate for Intelligence or Istikhbarat, the Taliban's intelligence service

GMIC - Government Media and Information Centre (of the Taliban)

Hijab – Headscarf that often covers the hair, neck and shoulders

Hudud - Islamic laws that indicate the limits decreed by Allah and the punishments for serious crimes

ICG - International Crisis Group

ICRC – International Committee of the Red Cross

IED - Improvised explosive device

ILO – International Labour Organisation

IOM - International Organisation for Migration

ISKP - Islamic State Khorasan Province (also known as ISIL-K and by other names)

Istikhbarat - The Taliban's intelligence service: see GDI

HRC – Human Rights Council

HRW - Human Rights Watch

Madrasa – Koranic school

MoU - Memorandum of understanding

NLF - National Liberation Front

MPVPV - Ministry for the Propagation of Virtue and the Prevention of Vice

NDS - National Directorate of Security

NRC – Norwegian Refugee Council

NRF - National Resistance Front

NSIA - National Statistics and Information Authority

ACC – Proof of Registration card, refugee identity card for Afghan refugees in Pakistan

Qisas – Literally 'an eye for an eye, a tooth for a tooth': Islamic laws stating that retaliation for a crime must be proportionate to the crime

UNAMA – UN Assistance Mission in Afghanistan

SIGAR - Special Inspector General for Afghanistan Reconstruction

Sufi – Follower of Sufism, a branch of Islam based on the principle that divine love and knowledge can be acquired through a direct personal covenant with God

USDOS - US Department of State

USIP - United States Institute for Peace

UXO – Unexploded ordnance

Tazkera – Afghan identity card

UAE - United Arab Emirates

WASH - Water, sanitation and hygiene

WB – World Bank  
WFP – World Food Programme  
WSJ - Wall Street Journal