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## 4.2.4. Corporal punishments

### COMMON ANALYSIS

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Under the *sharia*, corporal punishments are envisaged for different crimes, for example stoning for adultery, public flogging for drinking alcohol and hand amputation for some types of theft [[Anti-government elements](#), 2.5., p. 21; [Criminal law and customary justice](#), 1.6., p. 17; 1.8., p. 21].

Taliban *de facto* courts have handed down corporal punishments in the form of lashings for men, women, and in some cases also for minors. The number of lashings increased since November 2022 when the Taliban supreme leader ordered judges to fully implement *sharia* law. Several sources recorded numerous lashings taking place across Afghanistan, *inter alia*, UNAMA that recorded 63 cases of lashings, encompassing 394 victims, being issued by a *de facto* court in the period 15 August 2021-24 May 2023. Most cases related to *zina*, adultery or running away from home, but lashings were also issued for theft, homosexuality, consuming alcohol, fraud, drug trafficking and against individuals not conforming with issued instruction on social or dress codes. UNAMA continued to record public corporal punishments in the period July-September 2023, and in some cases large groups had been punished in sport stadiums. One source also reported on two stoning sentences being issued, but that remained unimplemented, in Bamyán Province. Also, in 2023 one source reported claims of amputations shared on social media. UNAMA recorded cases where individuals with quasi-judicial roles in the *de facto* administration, alongside members of the Taliban MPVPV and the *de facto* police, conducted lashings, beatings, and torture [[Country Focus 2023](#), 1.2.3., pp. 25-28; 4.4.8., p. 81].

Corporal punishments, such as those described above, would meet the requirements of serious harm under Article 15(b) QD.

Where there is no nexus to a reason for persecution under the refugee definition, and there is a reasonable degree of likelihood for the individual to be subjected to corporal punishment, this risk would qualify under Article 15(b) QD.

[Exclusion](#) considerations may be relevant.



See also [5. Actors of protection](#).

