

## 3.12. Individuals perceived to have transgressed religious, moral and/or societal norms

### COMMON ANALYSIS

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This profile refers to individuals whose actions, behaviours, or practices are seen as transgressing religious, moral and/or societal norms, irrespective of whether the perceived transgression of norms occurred in Afghanistan or abroad. Practices perceived as a transgression of these norms depend on several factors, such as local context, actors involved and their interpretation of these norms.

See also [3.11. Individuals considered to have committed blasphemy and/or apostasy](#), [3.13. Individuals \(perceived as\) influenced by foreign values \(also commonly referred to as 'Westernised'\)](#), [3.14.2. Individuals of Hazara ethnicity and other Shias](#), [3.15. Women and girls](#), [3.17. LGBTIQ persons](#).

### COI summary

Afghanistan's highly diverse society includes urban, rural, and tribal segments, each having norms and mechanisms to settle disputes. Islamic values, concepts, and practices influence many social and behavioural norms throughout society. Customs and customary law also continue to play an important role in Afghan society. It is a widely held perception among Afghans that customary laws are in line with the *sharia*. Transgression of a moral and/or societal norm may lead to honour-based violence, especially but not exclusively against women, which is a common occurrence in Afghanistan [[Country Focus 2023](#), 4.4.7., p.79-80; [State Structure](#), 3.3.1., p. 44; [Society-based targeting](#), 1.1., pp. 16-17; 1.5, pp. 21-22; 3.7., pp. 51-53; 7.2., pp. 84-85].

The Taliban's view of *sharia* is based on the Sunni Hanafi school of jurisprudence, but it is also influenced by local traditions and tribal codes. It is reported that various interpretations of *sharia* laws exist, and due to a lack of formal legal framework, there is uncertainty among the population of which laws apply. After the takeover, the Taliban announced that they intended to act on the basis of their principles, religion and culture, and emphasised the importance of Islam and that 'nothing should be against Islamic values'. Reportedly, initially after the takeover, there was a tendency among Taliban judges not to issue 'too harsh' punishments. However, on 14 November 2022 the Taliban supreme leader ordered all judges to fully implement the *sharia*, including *hudud* and *qisas* punishments that comprise execution, stoning, flogging and amputation. After that date there have been two cases of public executions being enforced, and verdicts that include floggings have seen an increase as well [[Country Focus 2023](#), 1.2.1., p. 21; 1.2.3., pp. 25-26; 4.1.6., p. 63; [Country Focus 2022](#), 1.1.3., p. 17].

The Taliban also re-established the MPVPV which has increased the enforcement of a wide range of directives related to extramarital relationships, dress code, attendance at prayers, and music. According to UNAMA, the mandate of the Taliban MPVPV is being interpreted with great variation, and in some provinces its local departments have issued and implemented their own instructions. [[Country Focus 2023](#); 1.2.2., pp. 24-25; [Targeting 2022](#), 1.3., pp. 41-43; [Country Focus 2022](#), 1.4., p. 25]

The Taliban have been reported to threaten individuals to adhere to the expected religious practices. For example, as of January 2022, the Taliban have reportedly announced a requirement for all men to attend congregational prayers at mosques in parts of Kabul and Takhar provinces. In Herat City, the *de facto* security forces were reported to actively patrol the streets in some areas, looking for people not attending prayers during Ramadan and ‘assaulting bystanders, shopkeepers, medicine vendors’ [[Country Focus 2023](#), 4.5.2., p. 84-85; [Targeting 2022](#), 1.3.3., p. 45, 47-48; 6.3., pp. 128-130]. Moreover, it was reported that in some parts of the country, including in Balkh and Daykundi provinces, the Taliban forced Shia Hazara communities to perform Eid prayers one day earlier than their religious practice foresaw, and beat those who refused. Shia Muslims were allowed to perform their religious ceremonies, such as annual celebrations of the Ashura; however, in 2023, it was announced that, for security reasons, large gatherings would not be allowed during the celebration of Ashura [[Country Focus 2023](#), 4.5.2., p. 84].

The text below provides a non-exhaustive list of actions, behaviours, or practices which can be perceived as potential transgression of religious, moral and/or societal norms by different actors in Afghanistan. Incidents mentioned below are illustrative examples and are not exhaustive.

### **a) Zina**

*Zina* concerns illicit sexual relations, adultery, pre-marital sex. *Zina* can also be imputed to a woman in case of rape or sexual assault.

Cases of *zina*, or perceived *zina*, may cause reactions from both the Taliban and the general public. In the period 15 August 2021 – 24 May 2023, UNAMA documented 394 cases of lashings, most of which related to *zina*, including adultery or ‘running away from home’. In general, 30 – 39 lashings were issued, but some punishments entailed up to 100 lashes. Earlier reports from 2021-2022 also referred to *de facto* officials committing extrajudicial killings of individuals perceived as having committed *zina*, as well as societal targeting. One case included a group of women who were killed by their families after being raped while in custody. Women who have been detained may moreover face a ‘life-long stigma’ as the community tends to assume that all detained women are subjected to sexual violence. In another case, a boy and a girl were shot by a relative for having had sexual intercourse outside of marriage [[Country Focus 2023](#), 1.2.3., pp. 25-28; 4.4.2., pp. 73-74; 4.4.8., p. 81; [Targeting 2022](#), 1.1.4.(g), p. 35; 5.1.2., pp. 87-88; 5.1.6, p. 95; 5.1.7., p. 96]

### **b) Dress code**

The Taliban took restrictive measures regarding the dress code of Afghan men and women. In May 2022, the Taliban issued a decree obliging Afghan women to be fully covered from head to toe (including their faces) when appearing in public. The decree stipulated a list of punishments for violations, including warnings and summons to a government office of a male head of the household and, in the case of repeated offences, short-term imprisonment and eventually a court case with further punishments for the male guardian. The compliance with the decree differed across the country, and some women who were not covering their faces could be seen in some urban areas. Sources reported *ad hoc* beatings and lashings carried out by, among others, members of the Taliban MPVPV and the *de facto* police against persons not conforming with issued instruction on social and dress codes [[Country Focus 2023](#), 1.2.3., pp. 27-28; [Targeting 2022](#), 5.2.5., pp. 119-124].

In January 2024 a series of arrests of women for not adhering to strict dress codes started in Kabul and expanded to some other provinces. Most arrests in Kabul reportedly took place in the Hazara dominated area of Dasht-e Barchi and in Khair Kahana area, which is mainly populated by Tajiks and communities from Panjshir. Reportedly, the release process required a *mahram* to sign a letter guaranteeing future compliance or else face punishments [[COI Update 2024](#), 2., p. 2]. It is also reported that female patients without a *hijab* were to be denied healthcare, while vehicle drivers were instructed not to pick up female passengers without a *hijab* covering their hair. Moreover, shopkeepers in Mazar-e Sharif were ordered not to sell to women

without *hijab*. Cases of women being harassed or beaten up at checkpoints for not wearing *hijab* have reportedly occurred frequently [[Country Focus 2023](#), 1.2.1., p. 23; 4.4.1., p. 73]. Other decrees have also been issued by the Taliban regarding the way women have to dress and have to appear in public. Failure to comply with such rules may result in the woman's father or closest male relative facing reprimands, imprisonment or being fired from his employment [[Country Focus 2023](#), Annex 3, p. 160]

Although no general dress code for men has been issued, cases were reported in which men were stopped and harassed by Taliban fighters for wearing Western style clothes or shaving beards. Some sources indicated that Taliban have ordered government employees to grow beards and wear traditional clothing [[Country Focus 2023](#), 1.2.2., p. 25; 4.12.1., p. 101; [Targeting 2022](#), 1.3.2., pp. 43-44; 1.3.3., pp. 47-48].

### **c) Alcohol and drugs**

The Taliban have taken certain measures against alcohol and drug users.

Notably, on 3 April 2022, the *de facto* government issued a decree banning poppy cultivation, a plant which is, *inter alia*, used to produce opium. The decree, that reads that crops should be burned, and farmers punished under sharia, has been enforced and led to clashes with the local population in some areas of Badakhshan and Nangarhar [[Country Focus 2023](#), 2.2.4., p. 35]. It further banned the production, use or transportation of other illicit drugs, including alcoholic beverages, heroin, 'Tablet K', and hashish. Since the takeover, Taliban fighters have rounded up drug addicts across Afghanistan and brought them to clinics or prisons to receive treatment. They used force, sometimes with whips and gun barrels, and the ensuing treatment lacked methadone and oftentimes counselling. In Kabul, the Taliban were also reported to sometimes inflict physical punishments on smokers, based on the group's general disapproval of smoking [[Security 2022](#), 1.2.3., p. 31; [Targeting 2022](#), 1.1.4.(g), p. 36; 1.3.4.(f), p. 34; 1.3.2., p. 44].

One source reported that, in February 2023, the Taliban announced that they had conducted a mass burial of over 100 corpses of deceased 'drug addicts'. However, this announcement has voiced concerns that the bodies in fact were the result of extra-judicial killings as no further details were provided about the identity nor the reason why they were in Taliban custody or the cause of death [[Country Focus 2023](#), 4.1.3., p. 60].

Moreover, in April 2022, seven men were flogged and sentenced to imprisonment by the Taliban Supreme Court, *inter alia* for drinking alcohol. Cases of lashing for consuming alcohol and for drug trafficking were also reported [[Country Focus 2023](#), 1.2.3., p. 27; 4.1.3., p. 60; [Security 2022](#), 1.2.3., p. 31; [Targeting 2022](#), 1.1.4.(f), p. 34; 1.1.4.(g), p. 36; 1.3.2., p. 44].

### **d) Music**

Even if the Taliban have not officially banned music after the takeover, sources have described music as banned in practice. Furthermore, formal restrictions from the *de facto* authorities have concerned certain areas, such as parts of Kabul and Kandahar, and also certain situations such as not playing music in cars, at weddings, and at other public events. It was also reported that the MPVPV had disallowed poetry with a musical rhythm, and in a video a member of the *de facto* authorities explained that music is forbidden as it 'destroys the roots of Islam'.

Music schools have closed, and several incidents targeting artists have been recorded, including arrests, physical aggression, public shaming, destruction and burning of music instruments, and house searches. Afghan media also reported on cases where the Taliban had detained, beaten, and killed individuals for playing music. Many musicians have left Afghanistan or stopped performing [[Country Focus 2023](#), 1.2.1., p. 23; 4.12.2., pp. 101-102; [Targeting 2022](#), 1.3.3.(a), pp. 48-49].

### **e) Other activities considered immoral**

Gender segregation between men and women was imposed in Taliban government ministry offices, education and health facilities, and recreational areas [[Country Focus 2023](#), 1.2.1., pp. 71-72; 4.4.5., pp. 77-78; [Targeting 2022](#), 1.3.2., pp. 43-45; 5.2.1., p. 99; 5.2.2., pp. 105-107; 5.2.3., pp. 111-115].

In November 2021, the Taliban issued media restrictions, which barred women from appearing in television dramas, soap operas and entertainment shows. Subsequently, in March 2022, foreign drama series were prohibited [[Targeting 2022](#), 1.3.2., pp. 43-44].

On 21 April 2022, the *de facto* government instructed the Taliban Ministry of Communications and Information Technology to restrict access to the social media platform TikTok and an online battle royale game, and to close channels with ‘immoral programs’ [[Targeting 2022](#), 1.3.2., p. 44].

Since August 2023, sorcery is prohibited [[Country Focus 2023](#), 1.2.1., p. 23]. Arrests of hundreds of individuals accused of sorcery were reported, mainly in Kabul [[COI Update 2024](#), 2., p. 3]

In June 2023, beauty salons were ordered to close within one month. Demonstrations in Kabul against the closure of beauty salons were responded with water cannons and beatings; some protesters said stun guns were also used against them and others said their phones had been confiscated. Four female protestors were arrested and released later the same day. Salons that have continued to operate beyond the deadline, have faced ‘harsh responses’ by the Taliban officials, for example in one case the owner was fined, her brother was arrested and physically assaulted, and the clients were forced to wash off their makeup [[Country Focus 2023](#), 4.4.1., p. 72; 4.4.2., p. 74; 4.4.5., p. 79].

A decision reportedly issued by the *de facto* government in December 2021 called on the Kabul municipality to remove all photos of women from signboards in shops and business centres in the capital. In the same month, shop owners were ordered to remove the heads of *mannequins* in Herat City, as they were considered ‘idols’ and thus ‘un-Islamic’. Some shopkeepers complied with the orders and sawed off the heads of their *mannequins* [[Targeting 2022](#), 1.3.3., p. 47].

In February 2022 and 2023 citizens were called on to avoid celebrating Valentine’s Day. It was also reported that the Taliban detained young men selling heart-shaped flowers [[Country Focus 2023](#), 1.2.1., p. 23; [Targeting 2022](#), 1.3.3., p. 47].

## Conclusions and guidance

### Do the acts qualify as persecution under Article 9 QD?

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. imprisonment, corporal punishment, honour-based violence and killing). When the acts in question are restrictions on the exercise of certain rights of less severe nature or (solely) discriminatory measures, the individual assessment of whether they could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.



### What is the level of risk of persecution (well-founded fear)?

For individuals perceived to have committed *zina* well-founded fear of persecution would in general be substantiated.

For other individuals perceived to have transgressed moral and/or societal norms in Afghanistan or abroad, the individual assessment of whether there is a reasonable degree of likelihood to face persecution should take into account risk-impacting circumstances, such as: gender (the risk is higher for women), profession (especially artists, barbers, persons working in beauty salons), area of origin and conservative environment, visibility of the applicant and the transgression (also when the transgression took place abroad), etc.



#### **Are the reasons for persecution falling within Article 10 QD (nexus)?**

Available information indicates that persecution of this profile may be for reasons of religion and/or (imputed) political opinion and/or membership of a particular social group. The latter could be based on shared characteristics, such as a common background which cannot be changed (perceived past behaviour) and a distinct identity in the context of Afghanistan, linked to their stigmatisation by the surrounding society, or a belief that is so fundamental to identity or conscience that they should not be forced to renounce it (opposition to cultural, social or religious norms and the unwillingness to comply with them).