3.11. 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.

Perceived transgression may also refer to persons who are seen as influenced by foreign values due, for example, to their activities, behaviour, appearance and expressed opinions, which may be seen as non-Afghan or non-Muslim. It may also include those who return to Afghanistan after having lived time in Western countries.

Practices perceived as a transgression of these norms depend on several factors, such as local context, actors involved and their interpretation of these norms.

The analysis below is based on the following EUAA COI products: COI Update 2026, 1.; Country Focus 2026, 1.2.2., 1.2.3., 1.2.6., 1.2.7., 1.2.8., 1.4.2., 4.4.7., 4.5., 4.8.3., Annex 3; Country Focus 2024, 1.2.1., 1.2.2., 1.2.3., 1.2.4., 1.2.5., 1.2.6.; Country Guidance should not be referred to as a source of COI.

The Taliban Supreme Leader aims to ‘purify’ Afghan society and to establish a strict Islamic system based on ultra-conservative interpretation of *sharia*. The *de facto* authorities have introduced numerous rules regulating all aspects of daily life, behaviour, and appearance, banning content and activities considered contrary to *sharia* such as poetry addressing relationships between men and women, university curricula including topics like democracy and human rights, gender and women, and media content contradicting Islamic law and religion.

The ‘Morality Law’ represents the most comprehensive framework, enforcing gender segregation, strict dress codes, limits on images of living beings, bans on most music, and obligations related to religious practice including praying.

Tribal customs such as *Pashtunwali* (traditional social, cultural, and quasi-legal code regulating the Pashtun way of life) and longstanding traditions often connected to notions of honour, pride and shame also play an important role in Afghan society. In some more conservative areas, local

customs already align with the restrictions of the ‘Morality Law’, therefore the rules have not significantly changed practices, particularly regarding women’s behaviour. However, there are regional differences in how dress codes and appearance requirements are defined and enforced, as well as in the enforcement of bans on images of living beings and music.

Transgression may also take the form of a person being perceived as ‘infected’ by Western values which may spread within Afghan society. It was reported that those persons, including urban residents, civil society activists, individuals having a Western education or who had adopted a lifestyle deviating from local customs, have been met with suspicion, and targeted by the Taliban.

Afghans who have lived in Europe may also experience social stigma (inter alia connected with the costs of emigration, often funded by the extended family) as well as rumours of being ‘contaminated’ with Western ideas and values, having ‘lost’ one’s culture and done prohibited acts, such as not praying, converting to Christianity, drinking alcohol or engaging with women.

Additionally, in 2026, the *de facto* government issued a ‘Criminal Procedure Code for Courts’. Although there is currently no available information about its implementation, it is reported that the law stipulates that mockery and ridicule of Islamic rulings is punishable with two years’ imprisonment. Dancing and watching dancing are also criminalised. All Muslims are permitted to proceed with punishment of sinners, and the destruction of ‘places or [moral] corruption’ is called for.

See also 3.10. Individuals considered to have committed blasphemy and/or apostasy, 3.12.1. Individuals of Hazara ethnicity and other Shias, 3.13. Women and girls, 3.15. Persons with diverse SOGIESC.

Step 1: Do the reported acts amount to persecution?

Some acts to which individuals perceived to have transgressed religious, moral and/or societal norms could be exposed are of a such severe nature that they would amount to persecution. More specifically, transgression of a moral and/or societal norm may lead to honour-based violence against women, including so-called honour killings, often committed by male relatives fearing social shame or to be punished for ‘immoral’ behaviour of female family members. Women and girls are also murdered, raped, and face domestic violence and girls are forced into marriage. Judicially sanctioned floggings are used as punishment for moral crimes, such as sexual relations between men, other moral crimes related to *zina* including ‘running away from home’ for women and extramarital relations, and reportedly also for theft, drinking alcohol and drug trafficking. Individuals accused of moral crimes are subjected to public punishment. Women have been arrested for not wearing ‘proper *hijab*’ or running a beauty salon and men for shaving or trimming their beards. Other acts include detention and imprisonment of barbers for providing grooming services.

The severity and/or repetitiveness of other acts that individuals perceived to have transgressed religious, moral and/or societal norms could be subjected to and whether they occur as an accumulation of various measures, should also be considered. Enforcement of the sharia by the *de facto* MPVPV is to follow a ‘sliding scale’,

where ‘advise’ should be the first response to a ‘wrongful act’. Only if the act continues, enforcers may resort to more forceful means (e.g. threats, fines and detentions).

Step 2: What is the level of risk of persecution?

A well-founded fear of persecution would in general be substantiated for individuals perceived to have committed *zina* as such offences are considered as moral crimes by the Taliban and are regularly sanctioned by the *de facto* authorities through corporal punishments.

For other individuals perceived to have transgressed religious, 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:

- **Profession (especially artists, barbers, persons working in beauty salons)**: for example, the *de facto* authorities arrested persons who did not comply with the issued instructions for barbers, shutting down beauty salons and detaining women beauticians. The ban of most forms of music has also resulted in arrests of individuals playing or listening to music.
- **Area of origin and conservative environment**: persons violating requirements with regard to clothing and behaviour might be at higher risk in more conservative areas. Moreover, inhabitants in smaller villages or more conservative areas could experience greater control and pressure to attend prayers in contrast to areas with large populations where not everyone attends the mosque and those who omit prayers do not typically face consequences.
- **Visibility of the applicant and the transgression**: for example, men who are shaved, have trimmed their beards or wearing other than the allowed traditional clothing are at higher risk of being targeted by the *de facto* authorities. Individuals returning to Afghanistan from a Western country, may show deviating appearance and behaviours since being used to a different lifestyle or not being aware of conservative Taliban norms may increase the risk to be (perceived) as a transgressor[11].

It has to be noted that an applicant cannot be expected to adapt his or her behaviour, convictions or identity, or to abstain from certain practices, where such behaviour, convictions or practices are inherent to his or her identity, to avoid the risk of persecution in his or her country of origin[12].

In the case of a female applicant under this profile, it is reminded that in light of the current situation, a well-founded fear of persecution would in general be substantiated for Afghan women and girls.

For additional information, see 3.13. Women and girls

Step 3: Is there a ground for persecution?

Where a well-founded fear is substantiated for an individual falling under this profile this is likely to be for reasons of **religion** as such individuals are considered violating Islamic rules according to the Taliban's interpretation of the religion, and/or **political opinion** as not complying with the de facto authorities' restrictions and regulations may be perceived as political dissent.

Persecution of this profile may also be for reasons of **membership of a particular social group**13 due to shared characteristics, such as a common background which cannot be changed (perceived past behaviour) 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) and a distinct identity in the context of Afghanistan, linked to their stigmatisation by the surrounding society.

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  ECtHR, Case of D.M. v SWEDEN, application no. 32694/23, First Section, judgment of 26 March 2026, para 194.

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  Art 10 (3) QR: '*When assessing if an applicant has a well-founded fear of being persecuted, the determining authority cannot reasonably expect that applicant to adapt or change his or her behaviour, convictions or identity, or to abstain from certain practices, where such behaviour, convictions or practices are inherent to his or her identity, to avoid the risk of persecution in his or her country of origin*', Regulation - EU - 2024/1347 - EN - EUR-Lex.

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  Notwithstanding the assessment under 3.13. Women and girls, women, including minors, who *(...) 'genuinely come to identify with the fundamental value of equality between women and men during their stay in a Member State may be regarded as belonging to 'a particular social group''* (see CJEU, K, L v Staatssecretaris van Justitie en Veiligheid, Case C-646/21, Grand Chamber, judgment of 11 June 2024, para. 87 (1)).

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