

3.13. Women and girls

COMMON ANALYSIS
Last update: June 2026

The analysis below is based on the following EUAA COI products: COI Update 2026, 1., 2.; Country Focus 2026, 1.1.1., 1.2.5., 1.2.6., 1.2.7., 4.4.1., 4.4.2., 4.4.3., 4.4.4., 4.4.5., 4.4.6., 4.4.7. , 4.4.8.; Country Guidance should not be referred to as a source of COI.

The necessity of gender segregation is a central idea within the Taliban movement, which inspires the decisions of the *de facto* government, resulting in a wide range of human rights violations committed against women and girls, and leads to a situation that some described as 'gender apartheid'. In July 2025, the ICC (International Criminal Court) issued arrest warrants for the Taliban Supreme Leader and the *de facto* Chief Justice on charges of crime against humanity of persecution on gender grounds against Afghan women and girls.

During the initial phase after the Taliban takeover, the enforcement of directives and restrictions on women and girls was not consistent; however, a more complex and systematic enforcement model has reportedly taken hold, limiting the variances that existed across the country. Several regulations have been issued restricting women's and girls' rights since the Taliban takeover including the 'Morality law' of July 2024.

Gender-based violence taking place inside and outside of women's homes, in both the public and private sphere, perpetrated by both family members and the authorities, is also a persistent problem in the Afghan society. Even before the takeover there was a high prevalence of incidents, but the issue is reportedly on the rise.

The Taliban frequently assert that the de facto authorities are protecting women's rights and have issued several decrees on outlawing traditional harmful practices and on prosecuting perpetrators of unlawful acts against women, such as shooting, forcibly marrying, or violating a woman's rights (to inheritance, dowry, independence). However, despite those decrees, cases of gender-based violence have reportedly been treated inconsistently by the *de facto* authorities, with many cases being resolved through informal means such as mediation. Additionally, in 2026, the *de facto* government issued a 'Criminal Procedure Code for Courts' that reinforces husbands' authority and control over their wives through provisions that, inter alia, allow them to carry out discretionary punishments, and indirectly legitimise different forms of domestic violence.

Step 1: Do the reported acts amount to persecution?

The accumulation of the discriminatory measures introduced by the Taliban, which restrict the rights and freedoms of women and girls in Afghanistan, amounts to persecution15. Such measures affect their freedom of movement, freedom of expression, access to healthcare, work, education and justice, among others.

The requirement of a *mahram* (male relative) for daily life situations including **travelling** and using public transport has prevented women's and girl's access to public services, work, and humanitarian assistance and has also created barriers to conduct other activities outside their homes. Women without a *mahram* are denied access to *de facto* government premises, courts, health clinics, shops, markets, as well as taxis, while access is denied for all women and girls to public bathhouses, gyms and parks. Although the implementation of the *mahram* requirement has differed across the country, travelling without a *mahram* may result in arrests, sometimes with rigorous inspections, harassment and beatings, including being stopped, interrogated, and harassed at checkpoints.

The Taliban have also established strict rules related to the **behaviour and appearance** of women and girls, including the *hijab* requirement (as one of the most policed aspects in 2025), prohibition for unrelated women and men to look at each other, and restrictions on women's voices. Non-compliance with those rules has reportedly led to verbal intimidation, arrests, harassment and physical violence, in particular by *de facto* MPVPV enforcers.

Regulations have also significantly restricted **access to education and employment** for women and girls, starting with secondary education in 2022, followed by university education later that year, and, most recently, from attending medical education in December 2024. MPVPV inspectors have been monitoring girls' education bans, compliance with the *hijab* requirement and gender segregation between male and female teachers. Women are only permitted peripheral functions within the *de facto* administration, for example at airports, in detention facilities, in public services, at checkpoints, and in the banking sector. Women have been banned from working in international and national NGOs, for the UN and foreign embassies. Women in other professions have also been impacted, including former women security personnel and women lawyers and judges who lost their jobs or have been barred from practicing. Others, such as female journalists and teachers have been facing severe restrictions, and female beauticians have been prohibited to work. All those restrictions leave the private sector being one of the few areas for women to work in, however the Taliban have restricted some activities in the private sector by closing women-run shops, markets or cafés and by their general restrictions imposed on women.

Women's access to **healthcare** has been reduced by 'significant barriers', including restrictions on their movement, gender segregation, poverty, the financial cost of treatment, and a lack of female healthcare professionals. The situation has reportedly worsened under the 'Morality law', with inspectors regularly visiting facilities to enforce compliance, for example regarding *hijab*, segregation and *mahram* rules. The requirement for women to be accompanied by a mahram when travelling has impacted both women seeking and those providing care. The general restrictions for women's access to education and the ban for pursuing medical education are likely to exacerbate the existing shortage in women medical staff. This has an adverse impact on the health outcome for women, given that cultural norms limit the treatment of women by

male doctors and that these norms restrict health-care providers in seeing patients of the opposite sex. Despite the announcement of the Minister of Communications that male doctors are to be considered a mahram when treating female patients, women and girls still need a *mahram* in many provinces to be able to be seen by a male doctor. The bans on women from working for NGOs and the UN, the restrictions on female aid workers and on women in general, have moreover negatively impacted the effective delivery of humanitarian assistance to women.

Women and girls in Afghanistan may also face other forms of gender-based violence amounting to persecution. Corporal punishments imposed by *de facto* courts have increased under the Taliban rule, particularly in cases involving *zina* where women and girls are disproportionately affected, as they are more likely to be accused of adultery, often on the basis of little or no evidence. The fear of social shame to be punished for 'immoral' behaviour of female family members, along with the fear of being held accountable and face reprisals for such behaviours led men towards repression including through 'honour' killings and domestic violence. Cases of child marriage, forced marriage, rape, domestic violence are also reported. Those forms of violence in some instances also induced women and girls to commit suicide. Perpetrators of gender-based violence also include unidentified people and *de facto* MPVPV enforcers in the streets, workplace, and other public places. Reportedly, several women who were detained have also been subjected to sexual violence by the *de facto* authorities.

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

For **women and girls** in Afghanistan, **well-founded fear of persecution would in general be substantiated** as the Taliban's restrictions of women's and girl's basic rights applies to all female members of the Afghan society16.

Step 3: Is there a ground for persecution?

Persecution of women and girls is highly likely to be for reasons of **membership of a particular social group** as women and girls in Afghanistan are considered forming a particular social group defined by the innate characteristic of being a female and perceived as being different by the Afghan society in general because of the social, moral and legal norms in the country17. Other grounds, such as **religion** and/or **political opinion** may also be substantiated as the restrictions imposed on women and girls derive from a strict interpretation of *sharia* and contravening them may also be perceived as opposition to the Taliban rule.

- 15

  CJEU, AH and FN v Bundesamt für Fremdenwesen und Asyl, Joined Cases C-608/22 and C-609/22, Third Chamber, judgment of 4 October 2024, para 46 *"Article 9(1)(b) of Directive 2011/95 must be interpreted as meaning that an accumulation of discriminatory measures in respect of women – consisting, inter alia, in depriving them of any legal protection against gender-based and domestic violence and forced marriage, requiring them to cover their entire body and face, restricting their access to healthcare and freedom of*

movement, prohibiting them from engaging in gainful employment or limiting the extent to which they can do so, prohibiting their access to education, prohibiting them from taking part in sports and excluding them from political life – adopted or tolerated by an 'actor of persecution' within the meaning of Article 6 of that directive comes within the concept of 'act of persecution', since those measures, by their cumulative effect, undermine human dignity as guaranteed by Article 1 of the Charter." .

- 16

  CJEU, AH and FN v Bundesamt für Fremdenwesen und Asyl, Joined Cases C-608/22 and C-609/22, Third Chamber, judgment of 4 October 2024, para. 58 '*Having regard to the foregoing considerations, the answer to the second question is that Article 4(3) of Directive 2011/95 must be interpreted as not requiring the competent national authority – in order to determine whether, having regard to the conditions in a woman's country of origin at the time of the assessment of her application for international protection, the discriminatory measures to which she has been or could be exposed to in that country amount to acts of persecution within the meaning of Article 9(1) of that directive – to take into consideration, in the individual assessment of her application for the purposes of Article 2(h) of that directive, factors particular to her personal circumstances other than those relating to her gender or nationality*'.

- 17

  CJEU, WS v Intervyuirasht organ na Darzhavna agentsia za bezhantsite pri Ministerskia savet, C-621/21, Grand Chamber, judgment of 16 January 2024, para. 62: "*Article 10(1)(d) of Directive 2011/95 must be interpreted as meaning that, depending on the circumstances in the country of origin, women in that country, as a whole, and more restricted groups of women who share an additional common characteristic may be regarded as belonging to 'a particular social group', as a 'reason for persecution' capable of leading to the recognition of refugee status"*.

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