

# 3.17. Persons living with mental health issues

COMMON ANALYSIS
Last update: June 2026

The analysis below is based on the following EUAA COI products: COI Update 2026, 1.; Country Focus 2026, 3.5., 4.4.6., Country Focus 2024, 1.2.4. e., 3.5., 4.4.6.; Country Guidance should not be referred to as a source of COI.

Mental health needs have increased in Afghanistan in recent years. Barriers for seeking help include the absence of local mental health services, the lack of specialised professionals as well as the stigma surrounding mental health issues.

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 for *hudud* and blood money crimes the mental state, capacity and intent of the perpetrator are not to be taken into account.

**Step 1: Do the reported acts amount to persecution?**

The lack of personnel and adequate infrastructure to appropriately address the needs of individuals with (severe) mental health issues fails to meet the requirement of Article 6 QR regarding the existence of an actor that inflicts persecution or serious harm and therefore cannot be qualified as an act amounting to persecution, unless the individual is intentionally deprived of healthcare.

The actor requirement may be satisfied in specific cases of denial of healthcare22.

**The severity and/or repetitiveness of other acts that persons living with mental disabilities could be subjected to and whether they occur as an accumulation of various measures, should be also considered**. More specifically, the 'Morality law' specifically mentions the *de facto* MPVPV's responsibilities in relation to 'mentally handicapped' persons and children committing 'wrongful acts', establishing that 'If a child or a mentally handicapped person commits a wrongful act, then the enforcer is duty-bound to put an end to that wrongful act.'

Additionally, in some communities, individuals with mental health issues may be ridiculed, humiliated and ostracised.

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

The individual assessment of whether there is a reasonable degree of likelihood for individuals with mental health issues to face persecution should take into account **risk-impacting circumstances**, such as:

- **Negative perception by the society**: stigma surrounding mental health issues might be an obstacle for seeking help. Possible reactions of communities may force individuals with mental health issues trying to conceal their issues.
- **Nature and visibility of the mental health issue**: in light of the high prevalence of mental health issues among the Afghan population, its seriousness, visibility, and likelihood of leading to behaviours deviating from social and religious norms should be taken in due consideration.

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?**

With regard to persons living with noticeable mental health issues, where well-founded fear of persecution is substantiated it is highly likely to be for reasons of **membership of a particular social group**, defined by an innate characteristic or a common background and distinct identity linked to their stigmatisation by the surrounding society. Depending on the circumstances, disability could be a characteristic for the purpose of defining a particular social group[23],

- [22]

  CJEU, Mohamed M'Bodj v. État belge, C-542/13, Grand Chamber, judgment of 18 December 2014, paras. 35-36. See also CJEU, MP v Secretary of State for the Home Department, C-353/16, Grand Chamber, judgment of 24 April 2018 (MP), paras. 57, 59.

- [23]

  See Recital 40 QR '*It is equally necessary to introduce a common concept of the persecution ground 'membership of a particular social group'. For the purpose of defining a particular social group, issues arising from an applicant's sexual orientation or gender, including gender identity and gender expression, which could be related to certain legal traditions and customs, resulting in, for example, genital mutilation, forced sterilisation or forced abortion, should be given due consideration in so far as they are related to the applicant's well-founded fear of being persecuted. Depending on the circumstances, disability could be a characteristic for the purpose of defining a particular social group*'.

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