

5. Actors of protection

For general guidance on this section, see ‘EUAA, Actors of protection in *Country Guidance: explained*, February 2026’.

COMMON ANALYSIS
Last update: June 2026

The analysis below is based on the following EUAA COI reports and query: COI Update 2026, 1; Country Focus 2026, 1.1., 1.2.1., 1.2.2., 1.2.4., 1.2.5., 1.2.8., 1.3.; Country Focus 2024, 1.1.1., 1.2.1., 1.2.3., 2.6.. Country Guidance should not be referred to as a source of COI.

The Taliban *de facto* government is the sole authority exercising effective control over Afghanistan through an all-male administration composed predominantly of Taliban members. Since their takeover in 2021, the Taliban have maintained territorial control despite facing armed opposition from resistance groups and the ISKP.

The Taliban have used the **former government’s state structures** but abolished some previous ministries, departments and commissions, such as those responsible for parliamentary affairs, elections, and overseeing human rights.

The Taliban have also built-up *de facto* **security institutions**, such as a national army – recruitment to which is said to be on a voluntary basis - the intelligence service GDI, a police force and the MPVP.

The *de facto* administration has been described as moving towards **a theocratic police state**, operating in arbitrary and unpredictable ways through repressive bodies such as the General GDI and the MPVPV, alongside other *de facto* institutions.

The *de facto* authorities have ruled without a constitution since abolishing the one of 2004. **No formal legal framework** has been enacted; instead, the Taliban have asserted that *sharia* provides ‘a comprehensive legal framework’ for governance. The Taliban do not frame their role as protecting individual civil rights, but as ensuring compliance with *sharia.* Few decrees have ostensibly sought to protect personal rights, while the overall human rights situation has further deteriorated. Rule is largely exercised through decrees issued by the Taliban Supreme Leader. On 4 January 2026, the *de facto* government issued a ‘Criminal Procedure Code for Courts’, consisting of 119 articles, several ones of which appear to violate international human rights standards (for more information see 1. Recent developments). The absence of a clear legal framework and uncertainty regarding the status of prior legislation have resulted in legal inconsistency and uncertainty. Following the takeover, former judicial personnel were replaced

with male Taliban judges educated in madrassas. In line with instructions from the Taliban Supreme Leader, judges apply *sharia* and impose *hudud* and *qisas* punishments, including execution, stoning, flogging, and amputation. Judicial discretion is extensive, with limited accountability, resulting in significant variations in verdicts.

Torture and other forms of ill-treatment are reportedly widespread in detention facilities operated by *de facto* authorities, including the GDI and the Ministries of the Interior and Defence.

Vaguely formulated instructions have enabled divergent interpretations by local enforcers. Although enforcement has become more uniform over time, regional variations persist due to local interpretations and contexts. MPVPV enforcers (*muhtasibin*) have frequently been reported to act beyond their advisory mandate, committing abuses including physical violence, arrests, harassment, and intimidation.

Taliban governance has been widely described as non-inclusive and discriminatory. Human rights violations and discriminatory measures have been documented against among others Ethnic and religious minorities, Women and girls, Individuals associated with former security institutions, and human rights activists.

For death penalty or execution see also 4.1. Article 15(a) QR: death penalty or execution; for torture or inhuman or degrading treatment or punishment see also 4.2. Article 15(b) QR: torture or inhuman or degrading treatment or punishment.

The Taliban *de facto* government, which is currently the sole entity exercising effective control over all parts of Afghanistan, does not meet the criteria of an actor of protection under Article 7 QR who is able and willing to provide effective, non-temporary and accessible protection. The lack of due process, the nature of the punishments issued, and the unaccountability of the judiciary would not qualify the justice mechanism operated by the Taliban as a legitimate form of protection. Additionally, in numerous cases, the Taliban represent the main actor of persecution or serious harm and, therefore, they cannot be considered as an actor of protection.

No other actors are currently found to be in control of a significant part of the territory and able to provide protection within the meaning of Article 7 QR.

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