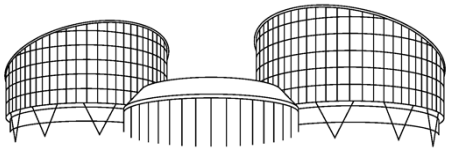

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF D.M. v. SWEDEN

(Application no. 32694/23)

JUDGMENT

Art 3 (substantive) • Expulsion • Deportation of Afghan national of Hazara ethnicity to Afghanistan would entail violation of Art 3 • Serious general security and human rights situation in Afghanistan following the Taliban takeover in 2021 not sufficient to conclude that any removal thereto would necessarily breach Art 3 • Situation of Hazaras, albeit dire, not such as to consider them a group systematically exposed to ill-treatment attaining the level of Art 3 • Existence of individual risk-enhancing factors including applicant's ethnicity, area of origin to which he would be returned, long stay in Sweden, "westernisation", and behaviour perceived as transgressing religious and moral norms in Afghanistan • Lack of a cumulative risk assessment in the relevant domestic decisions • Real risk of ill-treatment based on the cumulative effect of the applicant's personal circumstances in the light of the general human rights situation and that of Hazaras in Afghanistan

Prepared by the Registry. Does not bind the Court.

STRASBOURG

26 March 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of D.M. v. Sweden,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Ivana Jelić*, President*,
Erik Wennerström,
Raffaele Sabato,
Davor Derenčinović,
Alain Chablais,
Artūrs Kučs,
Anna Adamska-Gallant*, judges*,
and Ilse Freiwirth, *Section Registrar,*

Having regard to:

the application (no. 32694/23) against the Kingdom of Sweden lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by an Afghan national, Mr D.M. ("the applicant"), on 16 August 2023;

the decision to give notice to the Swedish Government ("the Government") of the application;

the decision not to have the applicant's name disclosed;

the decision to give priority to the application (Rule 41 of the Rules of Court);

the decision to indicate an interim measure to the respondent Government under Rule 39 of the Rules of Court and the fact that this interim measure has been complied with;

the parties' observations;

Having deliberated in private on 3 March 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns the applicant's removal order from Sweden to Afghanistan following his unsuccessful applications for asylum. He complained that his removal would be in breach of Articles 2 and 3 of the Convention and that the domestic proceedings had not complied with the standards required under those Articles, taken alone or in conjunction with Article 13 of the Convention.

THE FACTS

2. The applicant was represented by Mr D. Öberg Loveday, a lawyer practising in Berlin, Germany.

3. The Government were represented by their Agents, Mr V. Hagstedt and Ms L. Helgeby, both of the Ministry for Foreign Affairs.

4. The facts of the case may be summarised as follows.

I. ASYLUM APPLICATION AND INITIAL PROCEEDINGS

5. On 16 October 2015 the applicant applied for asylum in Sweden. Two days later the Migration Agency (*Migrationsverket*) held an introductory interview with him in the presence of an interpreter. The applicant stated, *inter alia*, that he was from Mazar-e Sharif in Afghanistan, where he had lived with his older sister, that his parents were dead, and that he was 16 and a half years old. His date of birth was registered as 16 April 1999 – he was thus treated as an unaccompanied minor and appointed a legal guardian (*god man för ensamkommande barn*) and a legal representative (*offentligt biträde*).

6. Since the applicant had previously been registered as an asylum seeker in Germany, proceedings were initiated regarding a possible transfer in accordance with the provisions in the Dublin Regulation (Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), OJ 2013, L 180, p. 31). It followed from information provided by the German authorities that in Germany the applicant had been registered under a different name than the one he had given in Sweden and with a different date of birth, namely 1 January 1993.

7. On 26 April 2016, following an age assessment interview with the applicant and receipt of written submissions from the applicant's legal representative, the Migration Agency decided to reject the applicant's asylum application and transfer him to Germany in accordance with the Dublin Regulation. It considered that he had failed to provide an acceptable explanation as to why he had been registered as an adult and under a different name by the German authorities and that his statement during the age assessment interview had also been lacking in other aspects. Moreover, he had declined to undergo a medical age assessment and had no identity documents. In an overall assessment the Migration Agency considered that there were no reasons to question the date of birth which had been registered in Germany and that the applicant had not established as probable (*gjort sannolikt*) that he was a minor. His date of birth was therefore re-registered as 1 January 1993, meaning that he was considered an adult in Sweden. Consequently, and in view of the other circumstances of the case, the Migration Agency found no reasons not to apply the Dublin Regulation.

8. The applicant appealed against that decision. While his appeal was pending the time-limit for the transfer to Germany expired. The Migration Court quashed the Migration Agency's decision on that ground and returned the applicant's asylum application to the Migration Agency for further processing, without adjudicating the dispute about the applicant's age.

II. FIRST SET OF ASYLUM PROCEEDINGS

A. The Migration Agency

9. On 31 January 2017 the Migration Agency held an asylum interview with the applicant. Two supplementary interviews were held on 8 June 2017 and 13 September 2017. The applicant's State appointed legal representative and interpreters were present during all three interviews. The minutes from the interviews were sent to the applicant's legal representative for review and the legal representative subsequently made written submissions.

10. In support of his asylum application the applicant essentially submitted that he would be at risk of being killed in Afghanistan owing to a land dispute and his participation in a demonstration, and that he would be at risk of persecution there because of his conversion to Christianity.

11. On 26 October 2017 the Migration Agency dismissed the applicant's request for asylum and ordered his deportation to Afghanistan.

12. It found, at the outset, that he had not established as probable his identity, including the age he claimed to be. The Migration Agency, among other things, remarked that he had provided the German authorities with a different name and date of birth than the ones he had provided in Sweden and considered that he had not given an acceptable explanation for that. Moreover, he had not been able to provide sufficient information during his age assessment interview and he had declined to undergo a medical age assessment. The Migration Agency considered that he had deliberately tried to mislead the Swedish authorities concerning his identity, which also affected his general credibility.

13. Nevertheless, it found that he had established as probable that he was an Afghan national, though he had not established any place of residence as probable. The Agency therefore assessed his case in relation to all of Afghanistan.

14. As to the applicant's conversion to Christianity, the Migration Agency noted that he had submitted a certificate showing that he had been baptised on 10 August 2016 and thus did not question that he had been baptised or that he attended church. However, it held that the submitted documents did not show that he had converted based on a genuine conviction.

15. The Migration Agency assessed the statements he made during the asylum interviews regarding his conversion and his faith as being vague, lacking in detail and inconsistent. It further noted that he had stated that his sister and one other person in his area of origin knew about his conversion and that he had stated that he had spread information about Christianity on Facebook. However, it found that there were reasons to doubt whether anyone in Afghanistan knew about his conversion. Even if two people knew that he had visited a church there was no indication that that information had been spread in Afghanistan. Nor was there any indication that his post on Facebook

would be spread in Afghanistan, and it was uncertain that it could even be tied to him since he had not established as probable his identity. The Migration Agency also noted that in Afghanistan he had lived as a Muslim, regularly gone to the mosque and observed Muslim holidays.

16. It concluded that he had not submitted a reliable account of having converted based on a genuine religious conviction, or of his intention to live as a Christian in Afghanistan. Nor had he submitted a reliable account of his having been attributed a dissenting religious belief in Afghanistan. He was thus not considered to have established as probable that he risked treatment warranting protection in Afghanistan on those grounds.

17. As to the land dispute, the Migration Agency noted that the applicant had claimed that the provincial leader had required all Hazaras to pay a sum of money per acre of land that they owned, but that no one had lost their land, and that nothing had happened to the applicant personally on account of that. Furthermore, the information the applicant had provided about his alleged participation in a demonstration had been vague, lacking in detail and inconsistent, and certain statements had been based on speculation and second-hand information. In an overall assessment, the Migration Agency did not consider that the applicant had provided reliable information about being at risk on account of a land dispute or for participating in a demonstration should he return to Afghanistan.

18. Furthermore, it noted that the applicant was of Hazara origin but that it had not emerged that he had been subjected to discrimination or persecution such that he could be considered a refugee. He had lived in an area mostly inhabited by Hazaras, had attended school and had been able to work.

19. Lastly, the Migration Agency assessed the general security situation in Afghanistan and noted that in, for example, Kabul, Herat and Balkh (Mazar-e Sharif) there was an ongoing armed conflict. However, the situation in those three provinces was not so serious that everyone risked ill-treatment upon return there and the applicant had not established as probable that he faced any individual risks. There were international airports in Mazar-e Sharif and Kabul, and he could settle in one of those provinces.

20. For those reasons the applicant was not deemed to be eligible for refugee status or for subsidiary protection. Moreover, the circumstances in his case were not considered to be exceptionally distressing within the meaning of Chapter 5, section 6, of the Aliens Act (*utlänningslagen*, 2005:716). Thus, he was not entitled to a residence permit and his deportation was ordered.

B. The Migration Court

21. The applicant appealed against the Migration Agency's decision to the Luleå Migration Court (*Migrationsdomstolen vid Förvaltningsrätten i Luleå*). The applicant and the Migration Agency made written submissions

and the court held an oral hearing. The applicant essentially reiterated his grounds for asylum and made further submissions about the genuineness of his conversion to Christianity. The Migration Agency contested the appeal but conceded that the applicant had established as probable that Mazar-e Sharif had been his place of residence and that he could not be referred to an internal flight alternative in the event that the court found his submissions concerning the land dispute or conversion to be credible.

22. On 14 March 2018 the Migration Court dismissed the applicant's appeal.

23. The court agreed with the Migration Agency that the applicant had not established his identity as probable, but that he had established as probable that he was from Mazar-e Sharif in Afghanistan. His need for protection was therefore to be assessed in relation to that area.

24. The court found that the general situation in Mazar-e Sharif was not so serious that it, in itself, entitled the applicant to a residence permit in Sweden.

25. It further found that although the situation for Hazaras in Afghanistan was difficult, the situation was not such that merely belonging to that group was sufficient for there to be a general need for protection. In view of that, and since the applicant had no individual grounds linked to his being Hazara, he could not be granted a residence permit on that basis.

26. The court further emphasised that the applicant had given another identity when he had applied for asylum in Germany and had not provided an acceptable explanation for that, which had a negative impact on his general credibility.

27. As to the applicant's conversion to Christianity, the court considered the written evidence provided by the applicant, the testimony of a pastor who had been heard as a witness at the applicant's request and the applicant's own statements. The court pointed out that the applicant had converted after having arrived in Sweden and that the question of credibility therefore warranted particular attention. It found that the applicant's statements regarding his faith and his conversion were vague and general in nature. Parts of them appeared to be recitations of phrases learned by rote and his account was based primarily on social norms and a generally negative attitude towards Islam. In the court's view it was remarkable that he had been unable to give an account on a deeper level of his choice to convert. He had also been unable to answer knowledge-based questions about Christianity in a satisfactory way. Overall, the applicant had not established as probable that his conversion to Christianity had been based on a genuine religious conviction. Therefore, he had also not established as probable that he intended to live as a Christian upon return.

28. As to the risk that his conversion to Christianity might have become known in Afghanistan, the court noted that the applicant had stated that he had posted Christian messages on social media and told his sister about his

conversion, which had resulted in her husband, who was a very religious man, threatening to kill the applicant for being an apostate. The court found that since the applicant had not established his identity, including the name he was using in Sweden, as probable, his activities on social media under that name did not establish that it was probable that he risked treatment warranting protection on that ground. Moreover, his claims regarding the alleged threat from his sister's husband were based on hearsay and speculation and there were inconsistencies in his statements about the threat. In view of that, and of the fact that the court did not consider him credible in general, it concluded that he had not established as probable that he was at risk of treatment warranting protection owing to an attributed religious belief.

29. Regarding the land dispute, the court noted that the applicant had stated that no one had taken the land during the four to five years that he had been away from Afghanistan. Considering that the community leaders had respected his ownership during his time abroad, the court concluded that they could not be considered to pose a threat to him upon return. His claims that his sister's husband wanted to kill him and take over the land were not considered to be credible. Moreover, the court found that his statements regarding risks he faced owing to his having participated in a demonstration connected to the land dispute were not credible since, *inter alia*, he had given differing accounts of the demonstration and his involvement in it.

30. In sum, the court found that the applicant had not established as probable that he had a well-founded fear of persecution in Afghanistan, or that there were substantial grounds to believe that he would risk being subjected to treatment and/or punishment warranting protection. The court also found that there were not any extraordinarily distressing circumstances in his case.

C. The Migration Court of Appeal

31. On 17 May 2018 the Migration Court of Appeal (*Migrationsöverdomstolen*) denied the applicant leave to appeal.

III. PROCEEDINGS WHILE THE FIRST DEPORTATION ORDER WAS IN FORCE

32. During the period from May 2018 until the end of 2020 the applicant made several requests to be granted a residence permit on the basis of impediments to the enforcement of the deportation order or to be granted a re-examination of his application for asylum, essentially relying on the same grounds as before, as well as on developments in the situation in Afghanistan and his adaptation to Swedish society. Those requests were all refused by the Migration Agency and the decisions upheld on appeal, essentially on the grounds that there were no new circumstances which constituted

impediments to enforcement or grounds for granting a re-examination. However, the applicant was granted a temporary residence permit valid from 30 October 2018 to 30 November 2019 for the purpose of studies at upper secondary level, pursuant to the Act on Temporary Restrictions on the Possibility of Obtaining a Residence Permit in Sweden (*lagen om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*, 2016:752). His requests to extend that permit were subsequently refused.

33. The applicant then lodged another application for a residence permit or a re-examination, which the Migration Agency refused on 9 July 2021, finding that there were no new circumstances constituting impediments to enforcement of the deportation order or grounds for granting him a re-examination. On 24 August 2021 the Migration Court quashed that decision and referred the case back to the Migration Agency for further processing owing to developments in Afghanistan and a new legal position paper from the Migration Agency, dated 23 July 2021, which imposed a decision-making moratorium in cases concerning Afghanistan owing to the uncertain situation there. Subsequently, in June 2022, the case was struck out by the Migration Agency on the basis that the applicant's deportation order had expired and was thus no longer in force (Chapter 12, section 22, of the Aliens Act, as in force at the relevant time).

IV. SECOND SET OF ASYLUM PROCEEDINGS

A. The Migration Agency

34. On 13 June 2022 the applicant applied afresh for asylum in Sweden. On 5 September 2022, the Migration Agency held an asylum interview with him, in the presence of his new State appointed legal representative and an interpreter. The minutes from the asylum investigation were communicated to the applicant's legal representative for review. The legal representative subsequently made written submissions.

35. The applicant reasserted the same grounds for protection as he had in his previous application, namely the land dispute, his participation in a demonstration, his conversion to Christianity and his Hazara ethnicity. In regard to his conversion he submitted, *inter alia*, that he had continued to attend church regularly, that his faith had deepened and that he had received threats on social media because of the messages he had spread there. He submitted various documents, including statements from members of his congregation, in support of his claims regarding his conversion. He also stated that he had, in any event, turned his back on Islam and that practicing Islam on his return to Afghanistan, as the Taliban would require, would be spiritually and practically impossible for him. In addition, he claimed that he risked being exposed to treatment warranting protection because the Taliban

had taken power in Afghanistan and because he had become "westernised" during his time in Sweden.

36. On 27 March 2023, the Migration Agency dismissed the applicant's request for asylum and ordered his deportation to Afghanistan.

37. In the decision, while listing the evidence in the case, the Migration Agency noted that it had added the following country of origin information on Afghanistan to the case file: European Union Agency for Asylum (EUAA), *Afghanistan – Security Situation,* Country of Origin Information Report, August 2022 (pages 21-23 and 99-102) and EUAA, *Afghanistan – Targeting of Individuals*, Country of Origin Information Report, August 2022 (pages 41, 49-54 and 132-37). The Agency also listed several reports and articles which the applicant had added to the case file.

38. At the outset, the Migration Agency found that the applicant had still not established as probable his identity, even considering that he had submitted a document from his relatives in Sweden attesting to his identity. However, it found no reason to depart from the previous assessment that he was from Mazar-e Sharif and that his need for protection should be assessed in relation to the conditions there.

39. Regarding the applicant's claims related to a land dispute and participation in a demonstration, the Migration Agency found no reason to depart from the assessment made in the first asylum proceedings.

40. As to the applicant's conversion to Christianity, it took note of the written evidence and stated that it found no reason to doubt that he had been baptised or that he participated in activities organised by the church in question. However, the written evidence was not sufficient, by itself, to establish as probable that his faith had deepened or that he had converted out of a genuine conviction. The Migration Agency went on to assess his oral statements in that regard and found that they had been vague, that he had been unable to account for his feelings and reflections regarding his faith and that his reasoning was mainly based on the difference between Afghan and Western society. Noting that a total of five oral interviews had been held with him, during which he had been given the opportunity to account for his religious beliefs, the Migration Agency found no reason to depart from the earlier assessment. It therefore concluded that he had not provided reliable information about having converted based on a genuine conviction or that he intended to live as a Christian in Afghanistan.

41. Furthermore, the Migration Agency noted that he had claimed that he had been threatened because he had shared Christian messages and criticism of the Taliban on social media, but had not submitted any written evidence in support of that. Thus, he had not established as probable that he was at risk on account of this.

42. As to his claim that he risked persecution on account of his Hazara ethnicity, the Migration Agency noted that he had submitted several news articles concerning the situation of Hazaras in Afghanistan. However, those

articles only concerned the general situation of Hazaras. They did not contain anything that could be connected to him personally. Moreover, there was no country information available to it which supported the contention that there was a general need for protection for Hazaras in Afghanistan. Furthermore, the applicant had not claimed to have been subjected to any particular ill-treatment on the basis of his ethnicity. He had therefore not established as probable that he risked treatment warranting protection owing to his Hazara ethnicity.

43. As to the risks the applicant claimed he would face in Afghanistan related to his having adopted Western values and a Western way of life, and also the risk that particular political opinions would be ascribed to him on that basis, the Migration Agency considered that there was no available country information to support the idea that every single person who had stayed outside of Afghanistan and been influenced by the Western world risked persecution upon return. Furthermore, there were no concrete circumstances which indicated that the applicant risked being subjected to persecution or treatment warranting protection owing to his stay in Sweden. Moreover, the fact that he, after a relatively long stay in Sweden, had adapted to a Western way of life, was not among the fundamental, immutable characteristics which a person could not be expected to conceal. It was incumbent on him, upon his return, to adapt to the customs and practices of his country of origin. He had therefore not established as probable that he risked being attributed a political opinion upon return.

44. Accordingly, the Migration Agency concluded that the applicant had not established as probable that he had a well-founded fear of persecution or that there would be a concrete and personal threat to him upon return to Afghanistan.

45. As to the general security situation in Afghanistan, the Migration Agency found that there was no indiscriminate violence of such a nature and extent in any province in Afghanistan that anyone, by their mere presence there, risked being exposed to treatment warranting protection. It held that the applicant could return to Afghanistan through the international airport in Kabul and from there make his way to Mazar-e Sharif. That route was considered to be safe.

46. In view of the above the Migration Agency concluded that the applicant was not a refugee or eligible for subsidiary protection. Moreover, the circumstances in his case were not considered to be exceptionally or particularly distressing within the meaning of Chapter 5, section 6, of the Aliens Act. In reaching the latter conclusion the Agency had regard, *inter alia*, to applicant's state of health, his adaptation to Sweden and the situation in his home country, and found that even in a cumulative assessment he could not be granted a residence permit pursuant to that provision. Consequently, he was not entitled to a residence permit and his deportation was ordered.

B. The Migration Court

47. The applicant appealed against the Migration Agency's decision. He reiterated his arguments and emphasised, among other things, the risks he faced as a Hazara. He referred in that connection to additional country information, including the EUAA's *Country Guidance: Afghanistan*, January 2023. He also emphasised the genuineness of his conversion, that he had lived as an actively practising Christian for many years and that he faced risks as an apostate and someone who had turned his back on Islam. He stated, *inter alia*, that he was not a Muslim, that he had views on Islam which were considered heretical, that he had not performed any Muslim rituals for many years and lacked knowledge of Muslim prayers and practices, and that the Taliban were fanatical extremists who demanded things that had never been a part of his life. He also, in regard to his "westernisation", submitted, among other things, that he had adapted to Swedish society, that he had a Swedish education in the care sector, that he spoke Dari with a slight Swedish accent, dressed in a Western style and was cleanshaven.

48. The applicant's appeal was heard by the Stockholm Migration Court (*Migrationsdomstolen vid Förvaltningsrätten i Stockholm*), which held an oral hearing but refused the applicant's request that it hear a pastor and members of his congregation as witnesses, instead permitting the applicant to submit written statements from them.

49. On 29 May 2023 the court dismissed the applicant's appeal.

50. It, at the outset, found that the case had been investigated to the extent required, and that there were no deficiencies in the proceedings before the Migration Agency which warranted returning the case to it, as had been requested by the applicant. The court also agreed with the Migration Agency's assessment regarding the applicant's identity and place of origin. His case was therefore assessed based on the conditions in Mazar-e Sharif in Afghanistan. It further found that the general situation in Afghanistan and in the applicant's home province was not so serious that it, in and of itself, conferred a right to a residence permit based on protection needs. Therefore, his individual grounds had to be assessed.

51. Regarding the applicant's argument that he was in need of protection owing to a land dispute and his participation in a demonstration, the Migration Court found no reason to depart from the previous assessments. Thus, it concluded that he did not risk treatment warranting protection on those grounds.

52. As to the applicant's conversion to Christianity, the court noted that that had been assessed previously and that the Luleå Migration Court at that time had found that the applicant had not established as probable that he had converted out of a genuine and personal religious conviction and that it had also not been established as probable that he risked being attributed Christian faith in Afghanistan. The court took note of the certificates and other

documents that the applicant had submitted and stated that it did not doubt that he was baptised or that he was perceived as Christian by those who had written the certificates. However, that could not, on its own, establish as probable that his activities were based on a genuine and personal religious conviction. Having regard to the applicant's statements at the oral hearing, the court found that his account of his conversion lacked personal considerations and deeper reflections. He had not been able to give a detailed account of his inner process of conversion and his description of Islam was so lacking in nuance that he appeared more to be critical of Afghan society than to have a genuine Christian conviction. His account of his Christian faith was also lacking in detail and of a general nature, and he had been unable to say when Pentecost falls. Considering that he claimed to have been active in the Pentecostal Church for seven years he could be expected to have acquired more knowledge and a deeper faith. Furthermore, he had stated that he could not live as a Christian in Afghanistan since there were no churches or congregations there. That indicated that his engagement in the Church was based on an appreciation of the community of the Church rather than a genuine Christian conviction. Having regard to the above, and the other facts of the case, the court concluded that the applicant had not established as probable that he had apostatised from Islam or converted to Christianity based on a personal and genuine conviction.

53. The court went on to assess whether he risked being attributed the status of an apostate or a Christian convert upon return to Afghanistan. It noted that he was born and raised in Afghanistan and that he had not established as probable that he had apostatised from Islam or converted to Christianity based on a personal and genuine conviction. It was therefore not reliably established that upon his return he would be unable to behave in accordance with Muslim customs or that he would express opinions about Islam which would be considered heretical. Nor were there any other concrete circumstances which would support the contention that upon his return he would be attributed the status of an apostate or a Christian convert. Thus, there was nothing to support the conclusion that he risked treatment warranting protection on those grounds. Moreover, there was no indication that he needed protection owing to his being, or being perceived to be, a Shia Muslim.

54. Regarding the applicant's claim that he was in need of protection on the basis of his ethnicity and his Western views and adaptation to Swedish society, the Migration Court stated that, according to the available country information, neither Hazaras nor persons perceived as "westernised" generally risked being subjected to treatment warranting protection upon return to Afghanistan. It further found that the applicant had not shown that he personally risked treatment warranting protection on these grounds.

55. Lastly, the court agreed with the Migration Agency's assessment that the circumstances of the case were not sufficient to be considered particularly or exceptionally distressing.

C. The Migration Court of Appeal

56. On 16 August 2023 the Migration Court of Appeal denied the applicant leave to appeal.

V. SUBSEQUENT PROCEEDINGS

57. The applicant subsequently lodged an application with the Migration Agency, submitting that there were impediments to the enforcement of the deportation order. On 4 September 2023 the Migration Agency dismissed that application, essentially referring to the previous assessments and finding that there were no new circumstances which constituted impediments to enforcement or grounds for granting the applicant a re-examination.

58. On 3 November 2023, further to a request by the applicant, the Court applied Rule 39 of the Rules of Court until further notice. Accordingly, the Migration Agency decided to stay the enforcement of the deportation order.

59. The applicant subsequently submitted another application to the Migration Agency, referencing impediments to the enforcement of his deportation order. That application was dismissed.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. RELEVANT DOMESTIC LAW AND PRACTICE

60. The basic provisions applicable in the present case, concerning the right of aliens to enter and remain in Sweden, are laid down in the Aliens Act (*utlänningslagen*, 2005:716).

61. An alien who is considered to be a refugee or a person eligible for subsidiary protection is, with certain exceptions, entitled to a residence permit in Sweden (Chapter 5, section 1, of the Act). The term "refugee" refers to an alien who is outside the country of his or her origin owing to a well-founded fear of being persecuted on grounds of race, nationality, religious or political beliefs, or on grounds of gender, sexual orientation or other membership of a particular social group, and who is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country (Chapter 4, section 1). The term "person eligible for subsidiary protection" refers to an alien who does not qualify as a refugee but is outside the country of his or her origin because there are substantial grounds for believing (*grundad anledning att anta*) that, upon return to his or her country of origin, the alien would be at risk of being punished by the death penalty or subjected to corporal

punishment, torture or other inhuman or degrading treatment or punishment, or as a civilian would face a serious and personal risk of being harmed by reason of indiscriminate violence in connection with an external or internal armed conflict, and who is unable or, owing to such risk, unwilling to avail himself or herself of the protection of his or her country of origin. (Chapter 4, section 2). The above applies irrespective of whether the persecution or ill-treatment is at the hands of the authorities of the country or if those authorities cannot be expected to offer effective protection against such acts by private individuals.

62. Moreover, if a residence permit cannot be granted on any other grounds, a residence permit may be issued in cases where an overall assessment of the alien's situation reveals such exceptionally distressing (*synnerligen ömmande*) circumstances that he or she should be allowed to stay in Sweden. In making this assessment, particular attention is to be paid to the alien's state of health, his or her adaptation to Sweden and the situation in his or her country of origin (Chapter 5, section 6). Pursuant to the version of this provision which was in force during the applicant's second set of asylum proceedings, it was sufficient that the circumstances were particularly distressing (*särskilt ömmande*) if the alien was a child or an adult who had resided in Sweden with a residence permit and during that time had developed special ties to Sweden.

63. As regards the enforcement of a deportation or expulsion order, according to a special provision on impediments to enforcement, an alien must not be sent to a country where there are reasonable grounds for believing (*skälig anledning att anta*) that he or she would be in danger of being punished by the death penalty or subjected to corporal punishment, torture or other inhuman or degrading treatment or punishment (Chapter 12, section 1). In addition, an alien must not, in principle, be sent to a country where he or she risks persecution (Chapter 12, section 2).

64. Under certain conditions, an alien may be granted a residence permit even if a deportation or expulsion order has acquired legal force. This is the case when new circumstances have emerged which indicate (*innebär*) that there are impediments to enforcement of the nature referred to in Chapter 12, sections 1 or 2, or where there are medical or other special reasons why the order should not be enforced (Chapter 12, section 18). If a residence permit cannot be granted under those criteria, the Migration Agency may instead decide to re-examine the matter. Such re-examination is to be carried out where it may be assumed (*kan antas*), on the basis of new circumstances relied upon by the alien, that there are lasting impediments to enforcement of the nature referred to in Chapter 12, sections 1 and 2, and that these circumstances could not have been raised previously or the alien shows that he or she has a valid excuse for not having done so. Should the applicable conditions not have been met, the Migration Agency will decide not to grant re-examination (Chapter 12, section 19).

65. As to the standard of proof in cases concerning requests for asylum, the Migration Court of Appeal has stated that when invoking refugee status or other grounds for protection, the asylum seeker must establish as probable (*göra sannolikt*) that they are in need of international protection. That includes establishing as probable their identity, including their name, age and nationality. However, the Migration Court of Appeal has also stated that the standard of proof cannot be set too high when it comes to claims of risk of persecution, as it is rarely possible to provide complete evidence that clearly demonstrates that such a risk exists. To the extent that the evidence is insufficient, the applicant's account must therefore be accepted if it appears credible and probable. In this context, the Migration Court of Appeal has also referred to the principle of the "benefit of the doubt" as set out in the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (see, for example, the Migration Court of Appeal's judgments in MIG 2007:12; MIG 2007:37; MIG 2010:6; MIG 2011:8; and MIG 2014:1).

II. RELEVANT EUROPEAN UNION LAW AND CASE-LAW OF THE COURT OF JUSTICE OF THE EUROPEAN UNION

66. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, OJ 2011 L 337, p. 9 ("the Qualification Directive"), applicable at the relevant time, regulates refugee status within the European Union legal order and makes provision for granting subsidiary protection status.

67. Article 2(d) defines a refugee as a third-country national or a stateless person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside his or her country of origin and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country.

68. Article 2(f) defines a person eligible for subsidiary protection as a third-country national or a stateless person in respect of whom substantial grounds have been shown for believing that the person concerned would face a real risk of suffering serious harm if returned to his or her country of origin and who is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

69. Article 15 of the Qualification Directive defines "serious harm" as consisting of:

"(a) death penalty or execution; or

(b) torture or inhuman or degrading treatment or punishment of an applicant in the country of origin; or

(c) serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict."

70. The Court of Justice of the European Union ("the CJEU") has ruled on several cases relating to the interpretation of the Qualification Directive, including the following which are of particular interest in the present case.

71. In its judgment of 5 September 2012 in *Y and Z*, C-71/11 and C-99/11, EU:C:2012:518, paragraph 80, the Grand Chamber of the CJEU stated that an applicant's fear of being persecuted was well-founded if, in the light of the applicant's personal circumstances, the competent authorities considered that it may reasonably be thought that, upon return to his or her country of origin, he or she would engage in religious practices which would expose him or her to a real risk of persecution. In assessing an application for refugee status on an individual basis, those authorities could not reasonably expect the applicant to abstain from those religious practices.

72. In its judgment of 21 September 2023 in *Staatssecretaris van Veiligheid en Justitie (Political opinions in the host Member State)* C-151/22, EU:C:2023:688, paragraphs 29-37, the CJEU held, *inter alia*, that the concept of "political opinion" and "political characteristic" was to be interpreted broadly and that in order to fall within the concept of "political opinion" or "political characteristic" it was not required that the views, ideas or beliefs which the applicant claimed to have or express must be of a certain degree of conviction for that applicant. It was sufficient for that applicant to claim that he or she had or expressed those opinions, thoughts or beliefs. Moreover, the CJEU found that while the degree of conviction of the political opinions relied on by the applicant and whether he or she engaged in activities to promote those opinions were relevant factors for the purposes of assessing whether an applicant's fear of persecution on account of his or her political opinions was well founded, it was not required that those political opinions be so deeply rooted in the applicant that he or she could not refrain, if returned to his or her country of origin, from manifesting them (ibid., paragraphs 46-49).

73. In its judgment of 11 June 2024 in *Staatssecretaris van Justitie en Veiligheid (Women identifying with the value of gender equality)*, C-646/21, EU:C:2024:487, paragraph 64, the Grand Chamber of the CJEU held that depending on the circumstances in the country of origin, women who are nationals of that country, who share as a common characteristic the fact that they 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", constituting a "reason for persecution" capable of leading to the recognition of refugee status. The CJEU also stated that the fact that they could avoid the risk of being

persecuted in their country of origin on account of that identification by exercising restraint in expressing it was not to be taken into account (ibid., paragraph 63).

74. In its judgment of 4 October 2024 in *Bundesamt für Fremdenwesen und Asyl and Others (Afghan women)*, C-608/22 and C-609/22, EU:C:2024:828, the CJEU found that the accumulation of discriminatory measures adopted in respect of women by the Taliban regime constituted acts of persecution and that EU member States could recognise Afghan women as refugees merely based on their gender and nationality without having to take into consideration further personal circumstances and characteristics.

III. RELEVANT DECISIONS FROM THE UNITED NATIONS COMMITTEE AGAINST TORTURE AND THE UNITED NATIONS HUMAN RIGHTS COMMITTEE

75. The United Nations Committee against Torture ("the CAT") has dealt with complaints concerning deportations to Afghanistan, for example in four decisions issued after the Taliban takeover in August 2021 concerning deportations from Sweden (*A.A. v. Sweden*, Communication No. 918/2019 (2022), UN Doc. CAT/C/72/D/918/2019 (2022); *O.R. v. Sweden*, Communication No. 1016/2020 (2023), UN Doc. CAT/C/77/D/1016/2020 (2023); *N.R. v. Sweden*, Communication No. 1047/2021 (2023), UN Doc. CAT/C/78/D/1047/2021 (2023); and *A.A.S. et al. v. Sweden*, Communication No. 937/2019 (2024), UN Doc. CAT/C/78/D/937/2019 (2024)). In those decisions, which all concerned Afghan nationals who claimed, *inter alia*, to have converted to Christianity and some of whom were of Hazara ethnicity, the CAT concluded that it would be inconsistent with the obligations of the State Party under Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("the Convention against Torture") if it were to remove the complainants to Afghanistan on the basis of the existing decisions by its asylum authorities (contrast *M.T. v. Sweden*, Communication No. 997/2020 (2024), UN doc. CAT/C/81/D/997/2020 (2024), in which the opposite conclusion was reached). The CAT's decisions were based on the individual circumstances of those cases and in some of them the CAT found that the complainants' claims had been insufficiently examined by the domestic authorities (see, in particular, *A.A. v. Sweden*, paragraphs 8.8-8.15 and 9; *O.R. v. Sweden*, paragraph 10.6; and *N.R. v. Sweden*, paragraphs 7.5 and 7.6). The CAT also noted that there was a need to consider the general human rights situation in Afghanistan, which had significantly changed since the takeover of the country by the Taliban (see *N.R. v. Sweden*, paragraph 7.7, and *A.A.S. et al. v. Sweden*, paragraph 8.5; see also *O.R. v. Sweden*, paragraph 10.10).

76. During the same period, namely after the Taliban takeover in August 2021, the UN Human Rights Committee (CCPR), declared inadmissible a

communication concerning the deportation from Sweden to Afghanistan of a Hazara man who, *inter alia*, claimed to have converted to Christianity, as the author was considered to have failed to substantiate his claims. In the decision the CCPR referred, in particular, to the conclusions of the domestic authorities (*M.L.A. v. Sweden,* Communication No. 3216/2018, UN Doc. CCPR/C/135/D/3216/2018 (2023)).

IV. RELEVANT COUNTRY INFORMATION ON AFGHANISTAN

A. Office of the United Nations High Commissioner for Refugees

77. Relevant parts of the United Nations High Commissioner for Refugees' (UNHCR) *Guidance Note on the International Protection Needs of People Fleeing Afghanistan (Update II)*, of September 2025, read as follows (footnotes omitted):

> **"Introduction**
>
> ...
>
> 2. Civilians in Afghanistan continue to be gravely impacted by a deteriorating human rights and humanitarian situation in the country. In addition, the security situation continues to be fluid; the Taliban de facto authorities face armed resistance from the Islamic State of Khorasan Province (ISKP) as well as several armed groups across the country. Between 1 January 2024 and 31 August 2025, the Armed Conflict Location & Event Data Project (ACLED) documented 1,535 incidents of battles, explosions/remote violence and violence against civilians causing an estimated 1,827 civilian and non-civilian fatalities, with most of the incidents occurring in Kabul (347), Takhar (125) and Herat (119) Provinces. Civilian casualties are mostly caused by the use of improvised explosive devices (IEDs) and suicide attacks, which are mostly carried out by ISKP and target either the de facto authorities or Afghanistan's Shia minority.
>
> **Human Rights Situation**
>
> 3. The de facto authorities are reported to have committed serious human rights violations, including extrajudicial killings, arbitrary arrest and detention, torture and other forms of ill-treatment, perpetrated in the context of public punishments, in targeting persons associated with the former government and in enforcing harsh public morality laws and decrees. According to the Office of the UN High Commissioner for Human Rights (OHCHR), the 'human rights situation in Afghanistan remains very serious, as severe economic impacts and humanitarian needs have pushed the population into deeper poverty and precarity, women and girls have faced ever tighter restrictions, civic space and media freedom has been severely curtailed, and the rule of law and institutional protection of human rights continue to fall well short of international norms.'
>
> 4. Since 2021, the de facto authorities have promulgated a series of edicts and decrees that severely curtail women's rights ... Most of these restrictions were codified by the Propagation of Virtue and the Prevention of Vice ('PVPV') law published by the de facto authorities on 21 August, 2024. In addition, the de facto authorities have targeted persons perceived as opposing or criticizing their rule, including journalists, human rights defenders, civil society activists, academics, writers and artists, former government officials and their families. Ethnic and religious minorities are not

represented in the de facto authorities and experience violence, discrimination, harassment, arrest and exclusion. ...

5. The de facto authorities have imposed severe restrictions on the media ... leading to an information environment where people inside and outside of Afghanistan have insufficient information about events occurring inside the country. ... The de facto authorities' repression of civic space and tight control of the media environment makes it difficult to document, verify or report human rights violations. ...

...

International Protection Needs

...

Constraints on Assessing International Protection Needs

11. Despite adopting some laws, the de facto authorities continue to govern in large part by decree ... This governance is characterized by uncertainty, arbitrariness and disregard for the rule of law. As of March 2025, the status of laws passed by the prior government remains unclear, while the de facto authorities have gradually imposed repressive policies curtailing rights and implemented public corporal punishments such as floggings, amputations and executions.

...

13. Reports indicate that enforcement of edicts, decrees and even the PVPV law can differ by geographic area, local leadership and verbal negotiation with the de facto authorities. However, UNAMA has noted that the de facto authorities clearly intend for the PVPV law to be applied nationwide, and has put in place a 'robust enforcement framework', including through provincial committees and the increased presence of [Ministry for the Propagation of Virtue and the Prevention of Vice ('MPVPV')] inspectors. Generally, the Taliban monitors compliance across the country, including by using sophisticated surveillance techniques and technologies.

14. The lack of a clear and transparent process for providing edicts, decrees or laws, combined with enforcement of harsh punishments for transgressions, contribute to uncertainty for the population of Afghanistan about what behaviour is, or will be shortly, prohibited. ...

...

16. Given the obstacles to information gathering and reporting in Afghanistan, it will frequently be the case that human rights violations and abuses remain undocumented and unreported. UNHCR calls on decision-makers to give due weight to the uncertainty and unpredictability inherent in the modalities adopted by the de facto authorities for issuing decrees, coupled with the ongoing uncertainties regarding the applicability of Afghanistan's previous legal framework and a lack of complete country of origin information. Decision-makers must not draw adverse inferences from a lack of information, given constraints on the ability of human rights and humanitarian organizations and the media in Afghanistan to perform their functions unimpeded.

Risk Profiles

17. Based on available reports about widespread human rights violations in Afghanistan, including accounts provided to UNHCR by Afghans in flight and those already abroad as part of UNHCR monitoring activities, many Afghans will have international protection needs. The list of profiles identified below does not presume to

be an exhaustive enumeration of all profiles of Afghans who may have a well-founded fear of persecution. ...

...

Women and girls

...

19. ... the de facto authorities passed the PVPV Law in August 2024, which formalized many of the decrees and edicts which had been promulgated through other channels since 2021 and strengthened its implementation of strict behaviour laws. Nevertheless, the de facto authorities have continued to add further restrictions via social media or verbal instructions. Agents of the de facto ... MPVPV ... carry out punishments and use force against persons whom they perceive to have violated their restrictions, including through 'the use of threats, arbitrary arrests and detentions [and] excessive use of force'. In August 2024, the de facto authorities announced that the MPVPV had detained 13,000 persons since August 2023 for 'violating their morality rules'. There are reports that MPVPV enforcers interpret the law broadly, implementing stricter requirements than contained in the PVPV law.

20. The Taliban reportedly uses informers in communities to identify non-compliance, which can erode social cohesion and creates a climate of fear and self-regulation. The expectation by the de facto authorities that communities and families enforce restrictions on women and girls is reportedly 'reshaping social and familial dynamics'. Criticism of the law, and any other law propagated by the de facto authorities, is, according to the de facto authorities, comparable to criticism of Sharia law, and therefore not permissible.

21. Since the publication of the PVPV law, there has been an increase in enforcement and the presence of MPVPV enforcers. ...

...

23. ... In light of the wide range of increasingly restrictive measures imposed by the de facto authorities on women and girls in Afghanistan in violation of their human rights, UNHCR considers that Afghan women and girls are likely to be in need of international refugee protection under the 1951 Refugee Convention.

...

Persons (perceived as) opposing or criticizing the de facto authorities

31. The de facto authorities have targeted persons who they perceive as having opposed or criticizing their rule, their edicts, decrees or laws ...

32. Generally, the de facto authorities have restricted freedom of expression and punished those who criticize the de facto authorities or their governance. ... The de facto authorities reportedly monitor social media activity and have 'routinely' searched through individuals' mobile phones for critical comments. ...

33. ... persons who are (perceived as) criticizing or opposing the de facto authorities are likely to be in need of international protection.

Members of minority religious groups and members of minority ethnic groups

34. Religious minorities in Afghanistan, including notably non-Sunni Muslims, Ahmadis, Christians, Hindus and Sikhs, as well as agnostics and atheists, are increasingly marginalized, with the courts, the government and the education system all aligned with a specific interpretation of Islam and with the de facto authorities

imposing severe limitations on other religious practices. Many persons from religious minorities reportedly live in hiding or in fear. Individuals have been beaten and harassed for non-conforming religious practices, primarily Muslims who are from other sects, such as Salafis, Shias, Ismailis and Sufis. Shias have reportedly faced restrictions, physical violence, harassment, arbitrary arrest and detention for publicly displaying religious symbols and for celebrating a yearly festival. Reportedly, the de facto authorities have forced Ismailis to convert to Sunni Islam in Badakhshan province.

35. Ethnic minorities, which include Hazaras, Tajiks, Turkmen, Balochs and Uzbeks, remain underrepresented at all levels of government and allege that the de facto authorities discriminate against them by restricting or unfairly distributing aid and public services. The de facto authorities have reportedly sided with Pashtun groups in land disputes, including by forcibly evicting ethnic minority residents including Hazaras, and targeted minority neighbourhoods in Kabul for demolition. According to experts interviewed by the European Union Agency for Asylum (EUAA), Hazaras face discrimination and mistreatment from other ethnic groups and often from local de facto officials.

36. Shia Muslims who are Hazara have been targeted in 'widespread and systematic' attacks by ISKP, with repeated attacks on mosques and in the Hazara neighbourhood of Dasht-e-Barchi in Kabul, causing hundreds of casualties. ...

37. Ethnic and religious minorities in Afghanistan face serious violations of their human rights by the de facto authorities and by non-State actors, combined with historic discrimination and an increasingly hostile social and political environment. As such, persons from some religious and ethnic minorities, particularly non-Muslims (including Christians, Bahai, Sikhs and Hindus), Shias and Muslim minorities targeted for non-Sunni practices (including Ahmadis and Ismaelis), are likely to be in need of international protection. Other persons of this profile may have international protection needs depending on the individual circumstances of the case.

...

Availability of Protection

42. In light of the available information about widespread human rights violations committed by the de facto authorities, and in the absence of an independent judiciary or court system, UNHCR does not consider that the de facto authorities are willing or able to provide protection to Afghans at risk of persecution, including societal forms of persecution at the hands of family members and other members of the community.

Internal Flight or Relocation Alternative

43. In view of the volatility of the situation throughout Afghanistan, coupled with the grave economic and humanitarian situation in the country, UNHCR does not consider it appropriate to deny international protection to nationals and former habitual residents of Afghanistan on the basis of an internal flight or relocation alternative.

...

Returns to Afghanistan

...

51. Refugees and people who have not yet had the opportunity to have their refugee status determined, should not be forcibly returned, in line with States' non-refoulement obligations. The situation in Afghanistan continues to be volatile and may remain uncertain for some time to come, creating significant challenges for the safe and dignified return of those determined not to be in need of international protection.

> Against that background, UNHCR calls on States to exercise caution when considering forced returns to Afghanistan of those determined not to be in need of international protection, taking into account the sustained and large-scale humanitarian crisis in the country and the potentially destabilizing impact of large-scale returns on the fragile situation in Afghanistan."

B. United Nations Assistance Mission in Afghanistan

78. The United Nations Assistance Mission in Afghanistan ("UNAMA") published a number of reports, including quarterly updates on the human rights situation in Afghanistan. During the period from January 2024 to June 2025 those reports regularly described, *inter alia*, attacks against civilians, targeting Shia Muslims and Hazaras among others; judicial corporal punishment and executions implemented by the *de facto* authorities; and measures taken by the *de facto* authorities to implement the Law on the Propagation of Virtue and Prevention of Vice (also referred to as the Law on the Promotion of Virtue and the Prevention of Vice, the PVPV Law or the Morality Law), for example detention or ill-treatment of individuals for failing to attend prayers at mosques, arrests of men who shaved their beards shorter than fist length and arrests for posting "inappropriate" content on social media. In a press statement from March 2026 UNAMA further warned of increasing civilian casualties and a worsening of the humanitarian situation due to cross-border clashes between Afghan *de facto* security forces and Pakistani security forces.

79. UNAMA also published the report *De Facto Authorities' Moral Oversight in Afghanistan: Impacts on Human Rights*, of July 2024, which included, *inter alia*, the following information (footnotes omitted):

> "Since its establishment, the activities of the *de facto* MPVPV [Ministry for the Propagation of Virtue and Prevention of Vice] have already had negative impacts on the enjoyment of human rights and fundamental freedoms in various aspects of life for people living in Afghanistan, with a discriminatory and disproportionate impact on women. The *de facto* MPVPV has issued instructions on obligations and prohibitions based on the *de facto* authorities' interpretation of Islamic law. The instructions are issued in a variety of formats and often only verbally, and in certain cases lack clarity, consistency and legal certainty. Failure to adhere to any of these instructions could at times lead to severe punishments. The ambiguities and inconsistencies surrounding the instructions issued, the unpredictability, severity and disproportionality of punishments associated with non-compliance, and restrictive measures to regulate activities of individuals in the private sphere all contribute to a climate of fear and intimidation among segments of people living in Afghanistan.
>
> ...
>
> Men have also been instructed to observe congregational prayers. In addition, instances were recorded where individuals were victims of ill-treatment by *de facto* DPVPVs [provincial Departments for the Propagation of Virtue and Prevention of Vice] because they followed beliefs other than those prescribed by the *de facto* authorities, impeding a person's freedom of thought, conscience and religion.

The *de facto* MPVPV reportedly has a broad mandate and various enforcement methods have been used, including verbal intimidation, arrests and detentions, ill-treatment and public lashing. People's right to privacy is violated through searches for prohibited items in their phone or cars, having their attendance at mosques recorded, or being required to show proof of family relationship in public places. ..."

80. UNAMA furthermore published the *Report on the Implementation, Enforcement and Impact of the Law on the Propagation of Virtue and Prevention of Vice in Afghanistan*, of April 2025, which set out, *inter alia*, the following in its executive summary:

"Six months into implementation of the PVPV law, UNAMA observed a determination by Afghanistan's *de facto* authorities to ensure their vision of a pure Islamic system is implemented nationwide. The *de facto* authorities have stated they view the PVPV law as a component of measures aimed at reshaping Afghan society in line with their vision by creating a culture of self-perpetuating social and individual conduct and values they assert will result in a nationwide return to a pure Islamic system in Afghanistan.

The PVPV law codifies many of the *de facto* authorities' existing directives and restrictions issued as decrees, edicts and instructions, broadening some and adding new ones. These include a requirement for women to wear a *hijab* (with face covering) outside of the home; for men to have a physical appearance considered Islamic and to attend congregational prayers; prohibition of certain celebrations, items and activities deemed un-Islamic; prohibition of unrelated men and women from looking at each other requiring the separation of men and women; drivers prohibited from transporting women unaccompanied by a *mahram* (male guardian) with women banned from using public transport without a *mahram;* and ensuring publications and media content do not contradict Sharia, insult Muslims or contain images of living beings.

The PVPV law articulates a robust enforcement framework. ...

Increased nationwide enforcement of the PVPV law was evident within weeks of the law's promulgation ... UNAMA observed an initial wave of advocacy efforts by the *de facto* authorities, with a particular focus on northern provinces where greater resistance may have been expected for social, cultural, and religious reasons. Three key themes were conveyed through this advocacy: that all Afghans have an obligation to obey the Taliban leader; that the *de facto* authorities would not bow to any internal or external pressure in their pursuit of their version of Sharia; and that Afghanistan is the only nation in the world living under pure Sharia.

Across Afghanistan, men, women, minorities, and youth have been impacted to varying degrees by enforcement of the PVPV law often marked by violations of personal and private spaces, public areas, economic activities, and, in the case of non-Sunnis, religious spaces. Thousands of predominately male PVPV inspectors are conducting enforcement operations, equipped with broad discretionary powers, including of arbitrary detention and confiscation.

...

Enforcement of the PVPV law has also affected men facing stipulations on hairstyle and beard length, attendance at prayers and from other provisions of the law. UNAMA observed that in the first six months of implementation of the PVPV law, over half of the PVPV law-related arbitrary detentions concerned men's appearance ..."

C. United Nations Special Rapporteur on the situation of human rights in Afghanistan

81. The United Nations Special Rapporteur on the situation of human rights in Afghanistan issued several reports of the situation for human rights in Afghanistan. In the first such report, *Situation of human rights in Afghanistan*, 9 September 2022 (UN Doc. A/HRC/51/6), the Special Rapporteur expressed concern about a number of aspects of the human rights situation in Afghanistan, and noted, *inter alia*, the following about the situation for Hazaras:

> "64. The Special Rapporteur is seriously concerned about the situation of minorities since August 2021. Their places of worship and educational and medical centres have been systematically attacked and their members have been arbitrary arrested, tortured, summarily executed, evicted, marginalized and, in some cases, forced to flee the country.
>
> 65. Hazaras, who are overwhelmingly Shia, are historically one of the most severely persecuted groups in Afghanistan. They are subjected to multiple forms of discrimination, affecting a broad spectrum of human rights, including economic, social and cultural rights. The Taliban have appointed Pashtuns to senior positions in government structures in Hazara-dominated provinces, forcibly evicted Hazaras from their homes without adequate prior notice and imposed religious taxation contrary to Shia principles. There are reports of arbitrary arrests, torture and other ill-treatment, summary executions and enforced disappearances. There are also reports of an increase in inflammatory speech, both online and in some mosques during Friday prayers, including calls for Hazaras to be killed. ...
>
> 66. In May, the Special Rapporteur visited the Se Dokan Mosque in Mazar-e Sharif and the Sayed ul Shuhada and Abdul Rahman Shahid schools in Dasht-e Barchi, Kabul, all of which were attacked by ISIS-KP in 2021 and 2022. ...
>
> 67. These attacks, frequently claimed by ISIL-K, and the historical persecution of Hazaras and other minorities noted above, appear to be systematic in nature and reflect elements of an organizational policy, thus bearing hallmarks of international crimes, including crimes against humanity. ..."

82. In a later report, *Situation of human rights in Afghanistan*, 20 February 2025 (UN Doc. A/HRC/58/80), which mainly covered the period between 1 August and 31 December 2024 and built on previous reports, the Special Rapporteur provided a general overview of the situation of human rights in Afghanistan, noting that the human rights crisis had deepened continuously since August 2021, when the Taliban seized power. That report included, *inter alia*, the following information (footnotes omitted):

> **B. Civic space**
>
> 24. The Taliban severely restrict freedom of expression, tolerating no opposition, dissent or even contrary views. They have clamped down on civic space through widespread censorship, threats and intimidation, violence, arbitrary arrests and the closure of institutions. ...
>
> ...

26. Afghans have warned of the Taliban's extensive use of digital and in-person surveillance, using informants to monitor dissent, including on social media. ... Many have reported that they take digital protection measures, noting that the Taliban might search mobile phones at checkpoints. The situation has created a climate of fear within communities and led to self-policing. ...

...

28. The Special Rapporteur, [UNAMA], other human rights mechanisms and media institutions have documented widespread arbitrary arrest, violence, torture and ill-treatment of journalists, activists and defenders. ...

...

C. Minorities

44. Afghanistan is home to a diversity of ethnic, religious and linguistic communities ... The Taliban have emphasized unity, stability and 'equal rights in the Islamic system'. However, a wide range of Afghan stakeholders have shared with the Special Rapporteur growing concerns about unaddressed grievances along ethnic and religious lines related to discrimination, exclusion, violence and the lack of protection, as well as lack of recognition of past violations. The de facto authorities frequently seem unwilling to acknowledge or address such grievances. ...

45. ... The lack of representation of minorities in de facto institutions has resulted in credible allegations of marginalization, including regarding the distribution of humanitarian aid, social security, judicial decisions, media coverage, civil service employment, and government policies. ...

...

49. During the reporting period, Islamic State in Iraq and the Levant-Khorasan continued to claim attacks deliberately targeting members of religious minorities, especially Shia Muslims – who are predominantly ethnic Hazaras – and Sufis. ...

...

51. The Special Rapporteur reiterates that the series of attacks by Islamic State in Iraq and the Levant-Khorasan targeting specific religious groups, with Hazaras bearing the brunt of such attacks, have the hallmarks of international crimes. ...

...

V. Civil and political rights

A. Right to life and security of the person, extrajudicial executions, torture and ill-treatment

82. In the second half of 2024, the Taliban continued to accelerate the imposition of corporal punishments that amount to torture and other ill-treatment. Between July and December 2024, at least 311 persons (264 men and 47 women) received corporal punishments, according to announcements made by the de facto Supreme Court. ...

83. On 13 November, the de facto authorities carried out its sixth public execution ...

84. In addition to de facto court-sanctioned corporal and capital punishments, the Special Rapporteur remains concerned about torture and ill-treatment occurring in detention centres, including unofficial places of detention ...

...

B. Rule of law and administration of justice

86. The Special Rapporteur continues to be concerned about the lack of legal certainty, arbitrary actions during enforcement and the right to a fair trial without discrimination, with vulnerable groups, such as women, children and minorities, especially affected.

...

88. The de facto authorities are given broad discretion and disproportionate power to implement and enforce edicts with little or no oversight. For example, under the law on the promotion of virtue and the prevention of vice, *muhtasibs* have been provided with wide discretionary powers, without the necessary checks and balances to ensure accountability and keep abuse of power in check.

89. The Special Rapporteur has also received information that punishments and other actions are being carried out by Taliban members, without due process or contrary to established legal procedures. ...

...

VI. Economic, social and cultural rights

...

C. Housing, land and property rights

105. Afghans from around the country, especially those belonging to minority groups, have increasingly raised concerns with the Special Rapporteur about cases of land disputes ... leading to forced evictions and displacement, as well as loss of livelihoods ..."

83. The Special Rapporteur furthermore prepared the report *Study on the so-called law on the promotion of virtue and the prevention of vice - Advance unedited version*, 12 March 2025 (UN Doc. A/HRC/58/74). That report noted, *inter alia*, that the "law codifies and consolidates the many discriminatory decrees, edicts and policies imposed by the Taliban since seizing power in 2021. While women and girls bear the brunt of this oppression, no one is spared: men, boys, gender-diverse persons, ethnic and religious minorities, marginalized communities and the independent media all face a deeply repressive regime that dictates almost every aspect of life."

84. As to the specific restrictions imposed by the Law on the Promotion of Virtue and the Prevention of Vice the report noted, *inter alia*, that the Law not only imposes strict dress codes on women and girls but also imposes restrictions on the appearance of men and boys that encompass both clothing and the length of their beards. Other provisions place further restrictions on people's personal appearance, such as the banning of neckties, crucifixes and other undefined "un-Islamic" symbols.

85. The report further provided the following regarding restrictions related to religious beliefs and practices (footnotes omitted):

"61. Multiple provisions of the law restrict the right to freedom of religion or belief. These restrictions take several forms, such as by: imposing the Taliban's ideology, including their religious views, on the population, irrespective of people's personal religious or other beliefs, or lack thereof; mandating specific religious practices for

Muslims; prohibiting the practice of religious or belief systems other than Islam; and granting broad powers to restrict Muslim practices and beliefs deemed contrary to the Taliban's interpretation of sharia.

...

63. The religious practices of Muslims are strictly regulated. In addition to ... dress codes, the law mandates congregational prayers in mosques at set times ... Even before the law was introduced, the Taliban had instructed that congregational prayers must be observed and that those who failed to comply would be subjected to detention and corporal punishments. Since the law was enacted, Afghans have continued to report inspections to ensure that businesses are closed during prayer times and the recording of attendance at prayers.

...

65. Under the law, actions or behaviour that the Taliban deem 'un-Islamic' can result in punishment. These actions include publishing content deemed to contradict sharia or Islamic principles ... celebrating festivals with no basis in Islam ... wearing or promoting 'un-Islamic' symbols ... and practising or promoting bid'ah ... While these provisions affect all persons in Afghanistan, the broad discretion to determine what constitutes 'un-Islamic' behaviour or content, coupled with the Taliban's narrow interpretation of sharia on the basis of Hanafi jurisprudence, exacerbates concerns about the discriminatory application of the law against Muslim minorities, in particular Shia Muslims, who follow their own schools of thought and who have long faced discrimination and persecution in Afghanistan."

86. The report also described other restrictions imposed by the Law, for example restrictions on the freedom of movement of women and girls, restrictions on the interaction of unmarried women and men, including in their day-to-day activities – for example prohibiting women and men who are not related from looking at each other's bodies or faces – as well as prohibitions on being friends with or helping non-Muslims, prohibitions on the "wrongful" use of tape recorders or radio and taking pictures or videos of living beings, restrictions on cultural events and celebrations and prohibitions on the playing of music.

87. As to the enforcement of the Law, the report stated *inter alia*, the following:

"75. The law on the promotion of virtue and the prevention of vice grants *muhtasibs* broad and arbitrary powers to detain and punish individuals accused of infractions of its provisions, without any requirement for evidence or due process, in flagrant violation of international human rights law and standards. In conferring such broad and discretionary powers, the law enables *muhtasibs* to simultaneously function as law enforcement officers, judges and prison wardens, which very few limitations or checks on their power.

...

78. Since the law was enacted, there have been multiple reports not only of its enforcement but also of the strict enforcement of other Taliban restrictions ... Afghans have described an increased presence of *muhtasibs* on the streets, inspecting people for compliance at markets and on public transport and meting out punishments ... Across different provinces, there are consistent reports of *muhtasibs* checking people's phones

for banned content and entering people's homes to conduct searches. While enforcement has been patchy, the overall trend is towards conformity.

80. While enforcement is being felt across the country, marginalized communities with pre-existing vulnerabilities, including widows, female-headed households and internally displaced persons, are disproportionately affected. Meanwhile, there are troubling indications that the law is being implemented more strictly in areas home to ethnic and religious minorities, particularly in central, northern, north-eastern and western Afghanistan.

81. Another worrying trend is the increasing involvement of community leaders, religious leaders and family members in enforcement. ...

82. While the extent of community enforcement varies across the country, the overall trend points to a growing normalization of restrictions and a blurring of the lines between Taliban control and private and community pressure."

88. When assessing the impacts and implications of the Law the Special Rapporteur noted, *inter alia*, the following (footnotes omitted):

"92. The Taliban's oppressive policies, including the law on the promotion of virtue and the prevention of vice, not only allow the de facto authorities to exert control over nearly every aspect of Afghans' daily lives, they reinforce a pervasive climate of fear that the Special Rapporteur has noted with concern since his initial report in September 2022. Public spaces, homes and even personal interactions are monitored, eroding the distinction between private and public life. Non-compliance can result in harsh punishments, including public shaming, imprisonment or physical violence. This, in turn, fosters an atmosphere of anxiety, as individuals live in constant fear of violating the Taliban's moral code.

93. Equally worrying is the growing fear of being reported by neighbours, colleagues or even family members for real or perceived infractions of Taliban policies. ..."

D. European Union Agency for Asylum

1. Country Guidance: Afghanistan, May 2024

89. The European Union Agency for Asylum's (EUAA) *Country Guidance: Afghanistan*, May 2024, which superseded the Country Guidance of January 2023 and was primarily based on information concerning the period from 1 July 2022 to 31 January 2024, stated, *inter alia*, the following regarding the general developments in Afghanistan following the Taliban takeover in 2021:

"Since the Taliban takeover, several armed groups, including the NRF [the National Resistance Front of Afghanistan], have been resisting the Taliban by force. In addition, the ISKP [the Islamic State Khorasan Province] remains active in Afghanistan, carrying out attacks against both Taliban and civilian targets ... Nevertheless, the levels of armed violence significantly dropped following the Taliban takeover in 2021 compared to the previous years of conflict ...

...

The Taliban have announced their intention to govern through 'a strong Islamic government', based on their principles, religion, and culture. Their *interim* government

has been 'modelled on the same system' as in the 1990s ... with a decision-making structure that can be described as a religious theocracy. The Taliban have further stated that 'nothing should be against Islamic values' under their rule and have issued numerous instructions calling on people to observe Islamic law (*sharia*). ... The human rights situation has gradually deteriorated, and sources have described Afghanistan as developing into a theocratic police state, which is ruled through an atmosphere of fear and abuse ..."

90. The Country Guidance further noted that "[i]n Afghanistan, a wide range of different groups and individuals can be considered as actors of persecution or serious harm, and a clear distinction between State and non-State actors ... may be difficult to make." One of the actors mentioned specifically is the Islamic State Khorasan Province ("the ISKP"), and, *inter alia*, the following was noted regarding that organisation:

"ISKP's activity has traditionally been concentrated in Kabul and in the country's eastern provinces, notably Kunar and Nangarhar where the group used to have a strong foothold, especially in rural areas. Although attacks have been recorded beyond these core areas (such as suicide attacks against Shia mosques in Kunduz, Kandahar and Mazar-e Sharif), most security events involving ISKP continued to be recorded in Kabul, Kunar, and Nangarhar ...

Primary targets of ISKP have been Taliban fighters, Taliban officials and religious leaders, in its strive to undermine the Taliban rule. However, the deadliest attacks attributed to or claimed by ISKP have been against certain ethno-religious groups, in particular the Shia Hazara community. ..."

91. As to the potential international protection needs of particular profiles of asylum seekers, the report stated, *inter alia*, the following:

"3.11. Individuals considered to have committed blasphemy and/or apostasy

This profile covers persons who are considered to have abandoned or renounced the religious belief or principles of Islam (apostasy), as well as persons considered to have spoken sacrilegiously about God or sacred things (blasphemy). It includes individuals who have converted to a new faith, based on their genuine inner belief (e.g. converts to Christianity), as well as those who disbelieve or lack belief in the existence of God (atheists).

...

Apostasy is a crime defined by *sharia* and includes conversion to another religion ... According to the Taliban's interpretation of *sharia*, apostasy is punishable by death ... It is reported that there has not been any formal Taliban policy on hunting down converts, as there is a general expectation that converts are killed by their own families ...

The Taliban see those individuals who preach against them or contravene their interpretations of Islam as 'apostates' ... According to the ISKP, Muslim allies of the West, but also those individuals who practice forms of 'impure' Islam, which includes non-Sunnis ... can be defined as 'apostates' ...

...

Individuals who hold views that can be perceived as having fallen away from Islam, such as converts, atheists and secularists, cannot express their views or relationship to Islam openly, at the risk of sanctions or violence, including by their family. Such

individuals must also appear outwardly Muslim and fulfil the behavioural religious and cultural expectations of their local environment ...

...

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

For individuals considered to have committed blasphemy and/or apostasy, including converts, well-founded fear of persecution would in general be substantiated.

...

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

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. ...

...

Afghanistan's highly diverse society includes urban, rural, and tribal segments ... Islamic values, concepts, and practices influence many social and behavioural norms throughout society. ... Transgression of a moral and/or societal norm may lead to honour-based violence ...

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. ... 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. ...

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. ...

...

The Taliban took restrictive measures regarding the dress code of Afghan men and women. ... 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 ...

...

... cases were reported in which men were stopped and harassed by Taliban fighters for wearing Western style clothes or shaving beards. ...

...

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 ...

...

... Afghan media also reported on cases where the Taliban had detained, beaten, and killed individuals for playing music. ...

...

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

For individuals perceived to have committed *zina* [illicit sexual relations, adultery, pre-marital sex] 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.

...

3.13. Individuals (perceived as) influenced by foreign values (also commonly referred to as 'Westernised')

This profile refers to persons who may be (perceived as) influenced by foreign values (also commonly referred to as 'Westernised') 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 spent time in Western countries.

This profile may largely overlap with the profile 3.12. Individuals perceived to have transgressed religious, moral and/or societal norms ...

...

The Taliban's views on persons leaving Afghanistan for Western countries remain ambiguous. On the one hand, the Taliban have said that people flee due to poverty and that it has nothing to do with any fear of them, adding that they were attracted by the economically better life in the West. Another narrative about persons leaving Afghanistan has been about the elites that left. They were not seen as 'Afghans', but as corrupt 'puppets' of the 'occupation', who lacked 'roots' in Afghanistan. ...

...

Taliban officials have repeatedly called on Afghans to return to Afghanistan. They have also communicated that former officials returning from abroad will be ensured safety ... There have been reports about Afghans returning voluntarily to Afghanistan, to relocate there, for business, to visit family, and to go on holiday – including from Europe and the US ...

It is reported that the Taliban have minimal background information on returning individuals and a source described the Taliban's approach towards returnees as 'lenient'. However, a human rights activist stated that high-profile individuals might face problems if they would return. An anonymous organisation with presence in Afghanistan stated that sometimes people were targeted when they returned to Afghanistan, but the source did not see any clear connections simply to the fact that these individuals had left the country. Rather, the targeting seemed to be connected to the reason for their initial departure from Afghanistan. Similarly, another source noted that it was not his impression that Afghans returning from the West would be subject to targeting by the Taliban, unless it was a result of a personal dispute or vendetta ...

Already before the Taliban takeover in 2021, there were accounts of a stigma of those being returned. There was reportedly a common perception that a person must have

committed a crime to be deported, or that people returning from Europe were ‘loaded with money’. Out of fear of being harassed or robbed, some did not disclose that they were returnees. A source noted that when people left for Europe, applied for asylum and then involuntarily returned or were deported, they could raise suspicion and questions as regards to what extent they had been ‘contaminated’ by European ways of living. After the takeover, many states suspended deportations of Afghans, while IOM [the International Organization for Migration] and Frontex have stopped activities facilitating or accompanying returns to Afghanistan. Therefore, no recent information is available about individuals being deported or returned from the EU ...

One source reported ... that the Taliban have harassed family members of people who left the country and gave examples of neighbours asking questions about deported individuals’ time in the West, inspecting behaviours, seeking for signs of change, and making assumptions about how they had been impacted. The same source emphasised that apparently minor accusations, such as someone having had a girlfriend or having drunk alcohol in Europe, easily spread and may lead to conflicts ...

The Taliban reportedly have the aim to ‘purify’ Afghan society and eject foreign influence from Afghanistan. Sources noted that individuals seen as ‘Westernised’ may be threatened by the Taliban, relatives, or neighbours. In some cases, men were reportedly harassed by Taliban fighters for wearing Western style clothes or attacked in public because they were seen as ‘traitors’ or ‘unbelievers’ ... some sources described cases of men stopped and harassed by Taliban fighters for wearing Western style clothes or shaving their beards ...

...

Other links to the Western countries, such as the teaching and learning of English language could also lead to violence by the *de facto* authorities. ...

...

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

The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: the behaviour adopted by the applicant, visibility of the applicant, area of origin and conservative environment, gender (the risk is higher for women), age, duration of stay in a western country, etc.

...

3.14.2. Individuals of Hazara ethnicity and other Shias

This profile includes people who belong to the Hazara ethnicity and others belonging to the Shia religion. ... Mostly, persons of Hazara ethnicity are of Shia religion ...

The majority of the Hazara population inhabits the Hazarajat. There are also major Hazara populations in the cities of Kabul, Herat and Mazar-e Sharif ...

The Hazara ethnicity can usually be recognised by the person’s physical appearance.

...

Hazaras have historically faced severe abuse, including enslavement, mass killings, and systematic discrimination under different rulers in Afghanistan. Under the previous Taliban rule in 1996-2001, several massacres of Hazaras took place ... Since the fall of the Taliban regime in 2001, the Hazaras had improved their position in society. However, new security threats emerged for the Shia Muslim (Hazara) community from

2016 and onwards as the ISKP was established as a new armed actor in Afghanistan, carrying out attacks targeting, *inter alia*, Hazaras ...

a) Treatment by the Taliban

In the months following their coming to power, the Taliban held a series of meetings with Shia Hazara leaders from various parts of the country, promising to provide security for all citizens and expressing the willingness to avoid sectarian divisions ... Also, Hazaras were appointed to posts in the new Taliban administration at central and provincial level to a very limited extent, and it was debated whether these people were regarded as true representatives of the Hazara minority since they had already been part of the Taliban insurgency ...

Despite their promises to provide security, the Taliban failed to protect the Shia Hazara communities as several attacks have been carried out by the ISKP. Moreover, harassment and forced displacement of these communities have increased ...

Members of the Hazara community have been killed during Taliban raids claimed to be targeting 'armed rebels', and in Ghazni Province the Taliban *de facto* security forces opened fire against a group of mourners assembled to commemorate the Shia Ashura ceremony. After the Taliban struck down the dissident Taliban member Mawlawi Mehdi, who was Hazara, in June 2022, reports followed of summary executions of civilians in the district of Balkhab (Sar-e Pul Province), an area with a large Hazara population, where Mehdi based his uprising ...

Sources noted a discrepancy between the Taliban leadership's public stance towards Hazaras/Shias and the actual treatment of these communities by Taliban rank-and-file security forces. Hazaras have been facing discriminatory acts from Taliban members in local *de facto* administrative bodies and from the Taliban rank-and-file. According to a source, while the Hazaras have not been facing 'targeted discrimination' by the *de facto* authorities, the local Taliban would 'view Hazaras negatively and treat them with contempt (in line with historical norms)' as 'there is a view' that Hazaras 'benefitted too much' under the previous rule, which must be 'corrected' now. As a result, Hazaras have been 'systematically treated differently' by the local Taliban according to the same source. The lack of representation has also caused barriers to Hazaras in accessing passport services, and in accessing justice - for example in land disputes. Thousands of Hazaras have been evicted since the Taliban takeover, and in many decade-old land disputes which have reopened, the Taliban have tended to side with (Pashtun) Kuchi nomads ...

...

b) Treatment by ISKP

Over recent years, attacks by insurgent groups have mainly been attributed to ISKP. Their intention to target Shias from 'Baghdad to Khorasan' has been stated in Telegram channels run by the Islamic State. ISKP consider Shia Muslims to be apostates and, hence, a legitimate target for killing ...

It was described that there have been two patterns of attacks targeting Shia Hazaras after the Taliban takeover. The first pattern consists of attacks mainly targeting civilian passenger vehicles, particularly public transport minivans favoured by 'young, educated and professional Hazaras' such as government employees, journalists, and NGO staff. The second pattern consists of large-scale complex attacks, which have *inter alia* targeted Shia mosques, hospitals, and schools in Hazara-dominated areas, mainly in the cities of Kabul, Herat, Mazar-e Sharif, Kandahar, and Kunduz ...

According to the UN, from 30 August 2021 to 30 September 2022, there were 22 recorded attacks against civilians in Afghanistan, 16 of which targeted the Hazara population specifically. Attacks carried out by the ISKP and unknown actors have targeted the Shia Hazara community since the takeover. Human Rights Watch estimated that 700 individuals in total had been killed and injured in such attacks. ...

In 2023, the number of attacks against the Shia Hazara community decreased, and no major attacks were reported between January and September 2023 ... However, ISKP claimed responsibility for a suicide attack against a Shia Mosque in Pul-e Kumri in Baghlan province in October 2023, in which UNAMA reported 21 deaths and 30 injured. Between October 2023 and mid-January 2024, ISKP claimed responsibility for a string of IED attacks in Dasht-e Barchi, a Hazara dominated area in Kabul city. Estimates vary, however around 100 casualties, killing at least 19 people, were reported by UNAMA ... Three targeted attacks killing five Shia religious leaders took place in Herat city in October, November and December 2023. ...

c) Treatment by the society

Hazaras and Shias have reportedly faced discrimination under the Taliban rule. There is also the perception within conservative parts of the Afghan society that the Hazara minority has embraced a culture not in line with the Taliban's definition of Islam ... A source reported that Hazaras have historically tended to face societal discrimination in Afghanistan ...

As a majority of the Shia Muslims in Afghanistan belong to the Hazara ethnic group, the Hazaras have been the main victims of sectarian targeting against Shias. ...

...

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

The individual assessment of whether there is a reasonable degree of likelihood for a Hazara and/or Shia applicant to face persecution should take into account their area of origin and whether ISKP has operational capacity there, with those from Hazara-dominated areas in larger cities being particularly at risk.

Being a Hazara may also be a risk-impacting circumstance in relation to other profiles, such as: ... 3.12. Individuals perceived to have transgressed religious, moral and/or societal norms, 3.13. Individuals (perceived as) influenced by foreign values (also commonly referred to as 'Westernised') ..."

92. The EUAA's Country Guidance further noted the following concerning serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict:

"No province in Afghanistan is currently assessed to reach such an exceptionally high level of violence that 'mere presence' on the territory would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) [of the Qualification Directive]. Also, no province in Afghanistan is currently assessed to reach such a high level of violence that a lower level of individual elements would be considered sufficient in order to substantiate subsidiary protection needs under Article 15(c) [of the Qualification Directive]."

93. It further concluded that "the Taliban do not qualify as an actor of protection who is able to provide effective, non-temporary and accessible protection" and that "[n]o other actors are currently found to be in control of

a significant part of the territory and able to provide protection". Additionally, it concluded that an internal protection alternative "would in general not be applicable to any part of Afghanistan".

2. COI Reports - Afghanistan: Country Focus, November 2024 and January 2026

94. In two later reports, *COI Report - Afghanistan: Country Focus*, November 2024, and *COI Report - Afghanistan: Country Focus*, January 2026, the EUAA provided further information on the situation in Afghanistan, covering the reference period of 1 October 2023–30 September 2024 and 1 October 2024–30 November 2025 respectively. Those reports contained largely similar information as the Country Guidance of May 2024, with certain updates and additions.

95. Both reports reiterated that the general human rights situation had gradually deteriorated since the Taliban takeover and that sources had described the *de facto* administration as moving towards a theocratic police state, ruling though a climate of fear. The January 2026 report also noted that there were reports of deepened repression in 2025 and that the *de facto* authorities had become increasingly intolerant to criticism and that the space for voicing concern had decreased further.

96. Both reports described that the *de facto* authorities imposed their religious ideology on the general population through numerous restrictions, regulating for example religious practices as well as the behaviour and appearance of the population, by way of, *inter alia*, the Law on the Propagation of Virtue and Prevention of Vice. Both reports further noted that while the implementation of decrees and instructions had varied across the country, several sources could see a general trend of more uniform enforcement, with local variations decreasing. The January 2026 report furthermore described that the *de facto* MPVPV enforcers enjoyed extensive powers, for example allowing them to detain individuals or issue extra-judicial punishment, and that there had been continuous reports of them using force, including verbal intimidation, arrests, harassment, and physical violence. The report further described Afghans having "adapted to restrictions through self-regulation, social pressure, and reportedly also community surveillance by family members, religious leaders and neighbours".

97. Both reports described that corporal punishments had continued to be enforced on a regular basis, and gave examples of flogging having been used as punishment for "running away from home", same-sex sexual relations between men, extramarital relations and reportedly also for theft, drinking alcohol and drug trafficking. The November 2024 report also described reports of floggings being enforced for, "failure to adhere to the Taliban's dress code", "making phone calls to non-mahram individuals, and "travelling without a mahram". Both reports furthermore stated that, while human rights

organisations did not have access to detention facilities in Afghanistan, torture and other forms of ill-treatment were reportedly common practice at such sites.

98. As to the treatment of people returning from abroad, the January 2026 report described, *inter alia*, that millions of Afghans had returned from Pakistan and Iran since the Taliban takeover, with sources noting that many of them had been forced or felt compelled to return. While one source reported that some returnees had faced physical violence at the border by the *de facto* authorities, other sources indicated that returnees were generally treated well and were not subjected to abuse solely on the basis of being returnees. In regard to returns from Europe, the January 2026 report stated, *inter alia*, the following (footnotes omitted):

> "... there have only been isolated cases of repatriations and voluntary returns from European countries and North America. ...
>
> ... Germany deported 28 Afghans with criminal records on 30 August 2024. According to Der Spiegel, these individuals were detained upon their return, but most were released about a week later, after their families assured the de facto authorities that they would not commit future crime. A handful of individuals were kept in house arrest-like conditions, while being interrogated. One deported person was reportedly killed, although the perpetrating actor was not specified. Germany conducted a second deportation on 18 July 2025, this time of 81 Afghans with criminal records. The UN Special Rapporteur on human rights in Afghanistan said that he had no information on the treatment of these individuals upon their return. ... Austria deported one man convicted of crime on 21 October 2025.
>
> ...
>
> Being interviewed on the topic of 'westernization', [Afghanistan expert Thomas] Ruttig told ACCORD that individuals perceived as 'infected' by Western values have been met with suspicion, and the Taliban have been targeting such individuals, including urban residents, civil society activists, individuals having a Western education or who had adopted a lifestyle deviating from local customs.
>
> ...
>
> ... Sources reported on deportations bringing assumptions of engaging in criminal activities abroad, and rumours easily spreading around 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. Accusations that seem small may cause conflicts ..."

99. Both reports furthermore provided updated information regarding the general security situation. The January 2026 report, noted, *inter alia*, that data suggested a decrease in violence levels during 2025 compared to 2024.

100. In regard to the situation for Hazaras and other Shia groups both reports largely described it in a similar manner as the EUAA's Country Guidance of May 2024. As to violence from the Taliban the November 2024 report referred, *inter alia*, to a source which stated that the Taliban did not usually attack Hazara and Shia communities. In this context the January 2026 report referred to a source which had expressed that "although no current

large-scale massacres have occurred, past violence against the group by the Taliban suggests a possibility that this may recur in the future".

101. Both reports described that Shia Hazaras had been targeted in attacks often claimed by or attributed to the ISKP, and that the *de facto* authorities had allegedly not provided the Shia Hazara community with sufficient protection from such attacks. The November 2024 report described that events attributed to the ISKP had been recorded in the provinces of Kabul, Kunar, Ghor, Kandahar, Nangarhar, Badakhshan, Baghlan, Balkh, Bamyan and Herat, while the January 2026 report described that such events had been recorded in the provinces of Baghlan, Nangarhar, Kabul, Ghor, Kunar, Kunduz, Laghman, Takhar. The January 2026 report further noted that the number of ISKP attacks had decreased since 2022, although sporadic attacks had resurfaced in periods, and that the UN had not reported on any violent attacks targeting the Shia Hazara community within the reference period of the report.

E. Reports from authorities in the Contracting States

1. Swedish Migration Agency

102. The Swedish Migration Agency's legal position paper regarding the assessment of the need for protection for citizens from Afghanistan (*Rättsligt ställningstagande. Prövning av skyddsbehov för medborgare från Afghanistan,* RS/089/2021), published on 30 November 2021 and last updated on 11 November 2024, essentially referred to the EUAA's *Country Guidance: Afghanistan*, May 2024, while noting that in individual cases the most recent country information also had to be taken into account.

103. The Migration Agency's report *Afghanistan Restrictions and limitations on personal freedom under Taliban rule* (*Afghanistan Restriktioner och begränsningar av personlig frihet under talibanstyret*), 16 April 2024, provided similar information as the sources cited above (see paragraphs 77-89, 91 and 95-96) regarding the deterioration of the human rights situation in Afghanistan and the numerous rules and restrictions issued by the Taliban regime. The report noted, *inter alia*, that despite certain inconsistencies and differences locally, there was nevertheless an ongoing tendency towards increased enforcement and demand for conformity.

2. Dutch Ministry of Foreign Affairs

104. The Dutch Ministry of Foreign Affairs report, *General country of origin information report Afghanistan*, June 2023, covered a reporting period from April 2022 to May 2023.

105. In regard to the general security situation the report stated, *inter alia*, that "[d]uring the reporting period, the security situation was still much better than before the takeover. There was significantly less violence throughout the

country and far fewer casualties. However, the number of attacks by ISKP increased".

106. As to the situation for Hazaras, the report described, in a similar manner as the sources cited above (see paragraphs 77, 78, 81, 82, 90, 91, 100 and 101), that this population group was subjected to discrimination, evictions, and violence, in particular by the ISKP, and that the Taliban were failing to protect them against such attacks. The report further described that the ill-will against Hazaras was based both on religious and ethnic/tribal reasons, and that Hazaras were an easy target to identify because they were recognisable by their Central Asian appearance. The report also stated that the Taliban's attitude could perpetuate and legitimise long-standing anti-Hazara sentiments and that, according to one source, the situation of the Hazaras was clearly worse than before the takeover. Moreover, the report described that "[i]n everyday life, according to a source, Hazaras are often impacted even harder in comparable conflicts. Someone who is both a former ANDSF soldier and a Hazara faces a double risk".

107. As to "individuals who behave or dress in a 'Western' manner" the report stated, *inter alia*, that a person's behaviour and adaptation to socio-cultural norms was more important than clothing and "[t]hose who were seen as 'Westernised' might be threatened by the Taliban, relatives or neighbours." The report also stated, *inter alia*, the following, in regard to non-practicing Muslims and non-Muslims:

> "... there were tight social controls over the practice of religion. The police and the MPVPV checked whether people prayed. ... People who did not pray were intimidated. People also checked up on each other with regard to attending prayers. ...
>
> ... there was no understanding or tolerance on the part of the de facto government for non-adherence to the Islamic faith. The Taliban see people who have left Islam as apostates. Apostasy is a capital offence. ..."

108. The report further stated, in regard to potential problems faced by returnees, that it is "unclear whether people can encounter problems on their return, what kind of problems if so, and how they are treated", noting that "[t]he information on this subject is sparse and anecdotal". The report moreover noted that "[i]t is not clear whether ethnicity plays a role in whether or not people experience problems on their return", although "[i]n general, the Hazaras are often discriminated against and dealt with more harshly than other population groups."

3. Finnish Immigration Service

109. The Finnish Immigration Service published a document in February 2025 entitled *Afghanistan / Update on the situation of the Hazaras, developments of 2023-2024*, which largely described the situation for Hazaras in the same manner as the sources cited above (see paragraphs 77, 78, 81, 82, 90, 91, 100, 101 and 106), for example describing discrimination,

marginalisation and attacks by, primarily, the ISKP. As to the actions of the Taliban the report also stated that "some Taliban commanders have made statements that Shia Muslims are infidels, which is seen as normalising and justifying acts of violence against them" and that "in July 2024, the Taliban reportedly conducted arbitrary searches involving beatings, destruction of property, and individual unlawful killings of people, but there is no specific information available on the incidents." As to recent attacks by the ISKP the report stated that "[i]n 2024, there were at least seven attacks against Shiite Hazaras and six of them were reported as perpetrated by ISKP and the perpetrator of one remained unknown. As a result of the attacks that took place during 2023–2024, at least 69 people were killed and 155 wounded."

110. Another document, also published in February 2025, entitled *Afghanistan / Update: Conversion to Christianity, secularism, irreligion, atheism, blasphemy, developments of 2022–2024*, described the situation for converts, atheists and secularists in Afghanistan, and the rules imposed by the so called "Morality Law", in a similar manner as the sources cited above (see paragraphs 77-80, 82-88, 91, 96, and 107). It further stated, *inter alia*, the following (translated from Finnish by the Registry, footnotes omitted):

> "... various civil society organizations have reported raids carried out by the Taliban ... with the aim of locating Christians living in hiding. ... the Taliban has also offered financial incentives to citizens who provide information on the activities and whereabouts of Christians, which has led to the exposure of many Christians.
>
> ...
>
> ... Mere suspicion of conversion can lead to public condemnation and human rights violations.
>
> ...
>
> ... Like those who convert to Christianity, secularised Muslims, atheists, and non-believers must exercise self-censorship and refrain from expressing views on Islam that differ from those of the surrounding society for fear of possible sanctions and violence ...
>
> Based on information from various sources, secularists, atheists, and non-believers, like other Afghans, must in practice live in accordance with the moral rules based on Islam and the Taliban's interpretation of Islam in Afghanistan. The Taliban maintains a strict moral code and social control in accordance with its interpretation of Sharia ...
>
> ...
>
> The Taliban is reported to have closely monitored the local population's practice of Islam and participation in prayers throughout the country ... and has also ordered local mosque leaders to monitor the local population's participation in religious services and report on those who skip prayers.
>
> ...
>
> According to Open Doors, in Taliban-controlled Afghanistan family communities are also under extreme pressure to follow conservative Islamic practices. There is no room in society to question these practices, and social control is very strict, even at the community level. ...

...

... According to Open Doors, blasphemy charges are not so much legal issues as social issues in which Taliban authorities, local religious leaders or Islamist groups can take swift action to punish those accused. Even mere suspicion or allegations can lead to a person being killed or forced to flee. ..."

4. German Federal Office for Migration and Refugees

111. The German Federal Office for Migration and Refugees report *Country information Afghanistan: Situation of the Hazara* (*Länderkurzinformation Afghanistan: Lage der Hazara*), October 2024, gave an overview of the situation of the Hazara in Afghanistan since the Taliban takeover. The report described attacks on Hazara by the ISKP, including during 2024, and noted, *inter alia*, that the attacks were no longer limited to the ISKP core area around Nangarhar, Kunar and Kabul provinces, but were taking place nationwide. The report further stated that there were regular documented attacks by the Taliban against the Hazara, including arrests and killings, and that, according to media reports, some Taliban commanders and soldiers had a strong dislike of the Hazara. Furthermore, it noted that there were reports of Hazaras being systematically removed from public office, of restrictions on Shiite literature and celebrations, of the Taliban deliberately diverting humanitarian aid from Hazaras to other groups or simply collecting it, and that Taliban were accused of forcibly evicting Hazaras from their land and siding with Pashtuns over Hazaras in land disputes.

5. Norwegian Country of Origin Information Centre, Landinfo

112. The Norwegian Country of Origin Information Centre, Landinfo, published a report in January 2025, concerning the situation for men in Afghanistan, *Thematic note Afghanistan: The situation of Afghan men (Temanotat Afghanistan: Situasjonen for afghanske menn)*. The report described the human rights situation for men in Afghanistan, stating, *inter alia*, the following (original English, subsequent quotes translated from Norwegian by the Registry):

"... More than three years after the takeover, the Islamic Emirate of Afghanistan has evolved into a theocracy and a police state where all power is concentrated with the emir. Although Afghan men can participate in various social arenas, all civil and political rights are suspended. There is no room for critical expression or questioning the legitimacy of the de facto authorities. ..."

113. While noting that "[m]en who challenge and oppose the *de facto* authorities may come under their scrutiny and be subjected to reprisals"; that men who do not enforce the Taliban's rules on female family members risk punishment and reprisals; and that the new Morality Law applies also to men, the report stated that "[o]rdinary Afghan men without a particular profile and who conform to the Taliban's worldview, can live without security challenges

and without the *de facto* authorities taking any notice of them. However, even these men feel that their lives have been affected by the Taliban's takeover."

114. As to the situation for returnees and "westernised" individuals, the report noted, *inter alia*, the following:

> "There is no precise definition or uniform understanding of what it means to be 'westernised'. There is little experience of how people who have spent a long time in the West are treated by the *de facto* authorities. Knowledge about returnees and 'westernised' individuals is largely anecdotal and unsystematic. There are few forced returns from Western countries, although they do occur. ...
>
> According to an international analyst (2024), people returning from Europe and the West are not subjected to harassment, but those who return to their home villages must adapt to local customs and dress codes. ..."

115. The report also described the general security situation noting, *inter alia*, the following:

> "Since August 2021 there has been no armed conflict in the country. Military resistance to the *de facto* authorities is limited. Compared to before the takeover, there is no doubt that conflict-related violence and the number of Afghans killed or injured in combat have significantly decreased ..."

116. Regarding the situation for Hazaras, the reports stated, *inter alia*, the following:

> "There have been no reports of armed clashes between the Hazara and the security forces of the *de facto* authorities. The physical threat to the Hazara and Shia is posed by ISKP. At the same time, it is a fact that the *de facto* authorities have not succeeded in protecting the Hazara from such attacks ..."

6. United Kingdom Home Office

117. The United Kingdom Home Office's *Country Policy and Information Note: Afghanistan, Fear of the Taliban,* Version 5.0, August 2025, stated that those who were likely to be at risk from the Taliban included, but might not be restricted to, people who did not conform to, or were perceived not to conform to, cultural and religious expectations/mores, such as women, Hazaras and religious minorities and non-Muslim. In regard specifically to risks faced by Shia Muslims and Hazaras the document stated the following:

> "3.9.1 Afghanistan is a majority Sunni Muslim country. Pashtuns form the largest ethnic group and make up the majority of Taliban members. While minority Shia Muslims have faced historical issues with the Taliban, and continue to face official and societal discrimination, in general this is not sufficiently serious to amount to persecution or serious harm. The onus is on the person to demonstrate otherwise (see Ethnic and/or religious minorities).
>
> 3.9.2 The situation is different for ethnic Hazaras, also mostly Shia Muslim, who continue to face abuses by the Taliban and are, in general, likely to face a real risk of persecution. Hazaras are also a major target for ISKP (see Shias and Hazaras)."

118. Meanwhile, the document stated that those who were unlikely to be at risk from the Taliban included, but might not be restricted to, "[p]eople who claim they are at risk simply for having made an unsuccessful asylum claim abroad" and "people claiming to be 'Westernised' after having spent time in the West". In regard to returnees and people claiming to be "westernised" the document further stated that there was "no clear evidence of the Taliban targeting returnees in general, nor persons who have lived in the West specifically on that basis." However, it was also noted that "this could be because enforced returns from Western countries have not been occurring since the Taliban takeover".

7. Swiss State Secretariat for Migration

119. The Swiss State Secretariat for Migration's report *Focus Afghanistan: Returning from abroad (Focus Afghanistan*: *Rückkehr aus dem Ausland)*, of 14 February 2025, set out, *inter alia,* the following in its main findings (original English):

> "Since the Taliban seized power in August 2021, many Afghan nationals have returned to their home country. A large proportion are people who had previously lived in the neighbouring countries of Pakistan and Iran, with or without residence status. They were either forcibly repatriated or left the neighbouring country voluntarily, the latter often out of fear of forced repatriation. Turkey has also repatriated thousands of Afghan nationals, mostly by air. A few Afghans voluntarily travelled from Western countries back to their country of origin. Forced returns have only occurred in isolated cases so far, such as the deportation of 28 criminal offenders by charter flight from Germany in August 2024.
>
> ...
>
> ... there are hardly any reported problems at airports when entering the country. Numerous passengers enter the country every day at airports, including from Western countries. Most of them are business travellers and visitors from the Afghan diaspora. At the beginning, people deported from Turkey were questioned more thoroughly than others, but now they can enter the country without any disturbances. Most of those deported from Germany were initially detained and questioned for some time, but have since also been released.
>
> ...
>
> The biggest challenge for returnees is access to livelihood, primarily to work. ... Persecution or other abuses by the Taliban interim authorities are reported mainly in the case of a few risk groups, and even in their case not systematically: former senior officials and politicians, former security forces, human rights activists. ..."

F. Reports from non-governmental organisations

1. Amnesty International

120. Amnesty International's report, *The State of the World's Human Rights: April 2025* described worsening levels of human rights violations under the *de facto* Taliban authorities, including arbitrary arrests, forcible

disappearances, extrajudicial executions, torture and other ill-treatment, including corporal punishment. It also described that the Shia-Hazara community continued to be marginalised and systematically targeted in attacks and killings, primarily by the ISKP. Furthermore, it described restrictions on the religious practices of Shia communities and reports of the Taliban forcing members of the Shia community to convert to the Sunni faction of Islam.

2. Human Rights Watch

121. Human Rights Watch's *World Report 2025 – Afghanistan*, published in January 2025, described economic and humanitarian crises in Afghanistan, stating, *inter alia*, that "[m]ore than half of Afghanistan's population – 23.7 million people – needed urgent humanitarian aid and assistance in 2024". The report also described cases of arbitrary arrest, detentions and corporal punishment, as well as instances of torture, mistreatment, and other forms of harm. In regard to attacks on civilians, the report stated, *inter alia*, that the "Islamic State Khorasan Province (ISKP), the Afghan affiliate of the Islamic State (ISIS), launched several attacks against ethnic and religious minorities, especially the Hazara community, as well as attacks on the Taliban that injured and killed civilians."

3. Rawadari

122. Rawadari, an Afghan human rights organisation, published the report *Afghanistan Human Rights Situation Report 2024* in March 2025. It included a number of findings in regard to attacks on civilians and human rights abuses such as targeted, mysterious and extrajudicial killings, enforced disappearances, arbitrary and illegal detention, torture and other ill-treatment, and the situation of vulnerable ethnic and religious groups. The introduction of the report set out, *inter alia*, the following:

> "In 2024, Afghanistan saw a decrease in the number of explosions and suicide attacks and subsequently a reduction in civilian casualties. However, other forms of human rights violations significantly increased compared to 2023. For instance, the number of targeted, mysterious, and extrajudicial killings of individuals accused of collaborating with anti-Taliban groups have doubled. There has been a 70% increase in number of enforced disappearances. Rawadari has recorded more instances of torture leading to death. In 2024, there has also been a spike in arbitrary and unlawful detentions by the Taliban, leading to an increase of 42% compared to 2023. This increase might partly be due to the introduction and full enforcement of the so called 'Promotion of Vice and Prevention of Virtue' (PVPV) Law [*sic*] in August 2024 that reinforced existing restrictions and introduced new ones, particularly on the rights and freedoms of women and girls."

123. The report further described the implementation of corporal punishments, such as flogging, noting, *inter alia*, that "[d]uring this reporting period, the Taliban flogged at least 524 people, primarily on charges of

eloping *[running away from home]*, extramarital relationships, theft, insult, and fraud". It also stated that "[r]eports indicate that the Taliban systematically use flogging as a supplementary punishment for nearly all types of crimes", and provided examples of people being flogged, in addition to serving prison sentences, on charges of having extramarital relations and on charges of "illicit phone communication with women". The report also described reports of the torture and mistreatment of persons in detention.

124. The report further described the impact of the Law on the Promotion of Virtue and Prevention of Vice, stating, *inter alia*, that "following the enforcement of the PVPV law in August 2024, the number of arbitrary and unlawful arrests has significantly increased. The Taliban implement this law through aggressive methods, including arresting and imprisoning individuals." The report provided examples of men being detained or arrested because of their clothing style and beard length and stated that the Taliban searched people's vehicles and mobile phones at checkpoints and if they found music on a phone, in some cases they arrested the individual. The report further stated that in some provinces the MPVPV had ordered all community representatives to report any behaviours that contradicted the Taliban leader's decrees and to provide a list of individuals whose clothing and appearance did not comply with the law, or face punishment.

125. As regards the situation of vulnerable ethnic and religious groups the report described that ethnic and religious minorities in Afghanistan continued to face discrimination and persecution. It described, *inter alia*, how targeted violence against ethnic and religious minorities, for example Hazaras, had persisted. Moreover, the report stated that its findings indicated that Taliban had deliberately and discriminatorily deprived vulnerable ethnic and religious groups of equal access to government services, development projects, humanitarian aid and national resources. Several of the examples given concerned Hazaras. Furthermore, the report stated that the Taliban had systematically suppressed diverse religious beliefs and restricted religious freedoms, for example for Shia Muslims, and reported instances of Shia jurisprudence or rituals being referred to as "against the principles of the Islamic Emirate", "heresy" and "illegitimate and un-Islamic".

126. Rawadari also published a press release in January 2026 regarding the implications of the "Criminal Procedure Code for Courts" issued by the Taliban. The press release described the content of this new Code, noting *inter alia* that it "legalizes and formalizes discrimination against religious minorities and the suppression of individuals' basic freedoms, including violations of human dignity, restrictions on freedom of expression and thought, and arbitrary arrest and punishment" and was "incompatible with even the most basic standards of fair trial". The Code, among other things, characterised followers of other sects than the Hanafi school of thought as "heretics"; created conditions for widespread repression of religious minorities; granted broad and arbitrary discretion to punish individuals

merely for expressing different and critical viewpoints; granted ordinary individuals, morality police officers, and clerics aligned with the Taliban the authority to punish "sinners"; prescribed the punishment of flogging extensively and without clear limitations; obliged all citizens to inform the Taliban authorities of activities of "opponents of the regime"; and legitimised violence against women and children.

4. European Council on Refugees and Exiles

127. The European Council on Refugees and Exiles ("the ECRE") published the report *Seeking Protection: Afghan Asylum Applicants in the EU* in March 2024. The report firstly contained an overview of the situation in Afghanistan which stated, *inter alia*, that Afghanistan held the unfortunate distinction of being the least peaceful country in the world, that there were credible reports of severe human rights abuses by the Taliban *de-facto* government and that one of the most severe humanitarian crises globally was happening in Afghanistan.

128. Secondly, the report described the protection offered in Europe for Afghan asylum seekers, noting, *inter alia*, that in 2023 "the Eurostat database ... shows that overall EU protection rates at first instance for Afghan nationals increased to 80% (including national forms of protection), up from 57% in 2020 and 53% in 2019." However, an inconsistency in protection rates in different countries is noted and in this regard the report states the following:

> "Since the Taliban seized control in August 2021, the disparity in protection rates for Afghan asylum applications has been reduced due to an increase in protection rates in countries where they were lower than the EU average. Nonetheless, there remains significant variation, with the protection rate for Afghan asylum applications ranging from 12% to 99% in 2023.
>
> Eurostat shows that first-instance protection rates for Afghan nationals in 2023 were 99% in Ireland, 94% in Denmark, 94% in Finland, 93% in Austria, 93% in Germany and 89% in the Netherlands. However, rates were as low as 12% in Bulgaria, 35% in Belgium, 40% in Romania, and 52% in Sweden, still significantly below the EU average. There are no credible or objective reasons for such a discrepancy."

THE LAW

I. ALLEGED VIOLATION OF ARTICLES 2, 3 AND 13 OF THE CONVENTION

129. The applicant complained that his removal to Afghanistan would expose him to a real risk of being subjected to treatment in breach of Article 3 of the Convention and/or a violation of Article 2 of the Convention. In his observations he also complained that the domestic proceedings had not met the standards required under Articles 2 and 3, taken alone or in conjunction with Article 13 of the Convention.

130. The Court, being the master of the characterisation to be given in law to the facts of the case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 114 and 126, 20 March 2018), considers that the applicant's complaints should be examined only under Article 3 of the Convention, which reads as follows:

Article 3

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

A. Admissibility

131. The Court notes that the application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicant

132. The applicant submitted that he would face a real risk of being subjected to treatment in breach of Article 3 if he were deported to Afghanistan. While maintaining all the grounds he had relied on in the domestic proceedings, he submitted that that conclusion should be reached even if regard was only had to conditions in Afghanistan and to such of his personal circumstances that were not, or ought not to be, disputed by the Government and the Swedish authorities.

133. He submitted that those undisputed circumstances included his Hazara ethnicity, his area of origin in Afghanistan (Mazar-e Sharif in Balkh province), the unavailability of an internal relocation alternative, the fact that he had been baptised into the Pentecostal Church, and the period of time he had been living in Sweden, studying at Swedish educational institutions and interacting with members of Swedish society – including by living with Swedish citizens and attending church services for several years. Those circumstances also included the fact, which had been accepted by the Migration Agency in its decision of 27 March 2023, that he had adapted to a Western way of life after a relatively long period of living in Sweden (see paragraph 43 above), and the findings of the Luleå Migration Court in its judgment of 14 March 2018 that he had a generally negative attitude towards Islam (see paragraph 27 above) and of the Stockholm Migration Court in its judgment of 29 May 2023 that he was critical of Afghan society and that his engagement in the Pentecostal Church in Sweden was based on an appreciation for the community of the Church (see paragraph 52 above). Furthermore, in the applicant's view, it should not be in dispute that he had

lived in the same dwelling as his married landlady for approximately the previous five years, and that he, while working as a student nurse, had showered and cleaned elderly nursing home residents in Sweden, including women.

134. The applicant pointed to country information regarding the situation for Hazaras in Afghanistan as well as for individuals who were perceived to have transgressed religious, moral and/or societal norms and individuals perceived to have been influenced by foreign values, including the EUAA's *Country Guidance: Afghanistan*, May 2024 (see paragraphs 89-91 above), and the Dutch Ministry of Foreign Affairs report, *General country of origin information report Afghanistan*, June 2023 (see paragraphs 104-108 above). He also referred to a written statement of 11 September 2024, addressed to the Court, in which he described, *inter alia*, his views on the new Morality Law, his religious beliefs, his experiences in Sweden and how his stay in Sweden had changed him.

135. Moreover, the applicant referred to a written opinion by William Maley, Emeritus Professor at the Australian National University, provided at the request of the applicant, which stated, *inter alia*, the following. Hazaras had faced pervasive discrimination since the Taliban takeover and were at risk of violent attack, deprivation of liberty and torture. Both the Taliban and non-state actors, for example the ISKP, were actors of potential harm. There was no evidence that the Taliban were willing and able to guarantee protection to people of Hazara ethnicity against threats emanating from non-state actors. A person of Hazara ethnicity who returned to Afghanistan after living in Sweden for more than nine years would face additional risks, since persons who had lived abroad during their formative years often came to speak their native languages using vocabulary that had become somewhat dated and acquired body language, forms of gesture and mannerisms – of which they might themselves be unaware – that identified them as having lived abroad. In Afghanistan, that could attract the derogatory label *gharbzadeh* ("child of the West") which could, in turn, activate a melange of prejudices and animosities that could put people in real peril. A man who had lived in a Scandinavian country could also easily, and inadvertently, fall foul of the provisions in the Law on the Promotion of Virtue and the Prevention of Vice. Having lived alone for years in the same dwelling as his landlady – an older married woman – in the absence of her husband, and having dressed, washed and showered elderly women who were not dependent family members would be seen as transgressing social norms and therefore be a source of some risk. Being a baptised Christian with a history of church attendance would be a very significant additional source of risk, and the combination of the above circumstances would place a Hazara returnee at especial risk.

136. The applicant argued that throughout the domestic proceedings the Migration Agency and the Migration Courts had systematically applied the

standard of proof "establish as probable" (*göra sannolikt*, translated by the applicant as "establish as likely"), which, the applicant argued, required him to prove his claimed circumstances, and the risks facing him if returned to Afghanistan, to a 75% degree of certainty. He contended that that was contrary to the Court's case-law, which established that it was sufficient that substantial grounds had been shown for believing that the persons concerned would face a real risk of being subjected to treatment contrary to Article 3.

137. The applicant also submitted that the domestic proceedings and the assessments made therein had been deficient in other regards. He contended that the domestic authorities' approach to country-of-origin information had been inadequate. Moreover, the risks facing him owing to his Hazara ethnicity, being perceived as "westernised" and/or attributed a political opinion upon return, as well as his conversion, had been dealt with by way of sweeping and unparticularised assertions, which, among other things, had failed to demonstrate any careful scrutiny of his personal circumstances. Furthermore, contrary to the Migration Agency's conclusions (see paragraph 43 above), individuals could not be expected to conceal aspects of their identity as a means of avoiding treatment contrary to Article 3, and that principle could not be limited to "core" or "immutable" aspects of the individual's identity. Such a limitation would incorrectly presuppose that meaningful distinctions could be drawn between the two. It would also require an individual to lie about and supress aspects of their experience or identity convincingly and expertly at all times, which was likely to be beyond the capacities of any returnee. Moreover, no adequate assessment had been made of the risks that he would face simply for having turned his back on Islam, no matter whether that had been out of a sense of conviction in favour of some other religion.

138. The applicant therefore asked the Court to find that his deportation to Afghanistan would give rise to a violation of Article 3 of the Convention. Alternatively, he asked the Court to find that the national proceedings had violated Article 3 in its procedural aspect and that there would be a violation of that Article were the applicant to be returned to Afghanistan without the Swedish authorities first carrying out a new and complete *ex nunc* assessment, compliant in all respects with the procedural and substantive obligations imposed by Article 3.

(b) The Government

139. The Government submitted that two lengthy sets of domestic asylum proceedings had taken place and that the entire second set of asylum proceedings had taken place after the Taliban takeover. The applicant's claims had thus been assessed in view of the prevailing situation in Afghanistan after the Taliban had taken power. The Government maintained that, where domestic proceedings had taken place, it was not the Court's task to substitute its own assessment of the facts for that of the domestic courts

and, as a general rule, it was for those courts to assess the evidence before them.

140. They further submitted that, while not wishing to underestimate the legitimate concerns that could be expressed regarding the prevailing human rights situation in Afghanistan, the general situation in the country was not such that any removal thereto would be in violation of Article 3 of the Convention. Accordingly, an individual examination had to be made of whether the applicant had shown substantial grounds for believing that he would face a real risk of being subjected to torture or to inhuman or degrading treatment or punishment upon return there.

141. When examining the grounds presented by the applicant for asylum, the domestic authorities had considered his Hazara ethnicity. They had found, however, that it did not follow from the country-of-origin information that there was a general risk for all Hazaras that they would be subjected to treatment rendering them in need of protection. Moreover, based on the applicant's written and oral submissions, the migration authorities had not considered that he had shown evidence linking him personally to any threat on account of his ethnicity upon return.

142. As to the religious conversion relied upon by the applicant, the Government submitted that that had been examined by the domestic authorities and that the applicant had been given the opportunity to expand, with the assistance of a State appointed legal representative, on his religious beliefs and affiliations both orally and in writing. He had, however, not been considered to have plausibly demonstrated that he had converted from Islam to Christianity based on a personal and genuine conviction, or that he would manifest such an opinion upon his return and thereby run the risk of treatment that would render him in need of international protection.

143. They argued that the domestic authorities had also assessed the risk of a religious or political opinion being attributed to the applicant as well as the risk of his being perceived as "westernised" upon return to Afghanistan. Overall assessments had also been made to determine whether the applicant's intersecting forms of vulnerability could amount to particularly or exceptionally distressing circumstances within the meaning of the Aliens Act. His state of health, the length of time spent in Europe, his adaptation to Swedish society and his social, cultural and family ties, as well as the situation in his home country, had been considered.

144. In conclusion, the Government maintained that the applicant's asylum applications, along with his circumstances and the evidence he had provided, had been adequately examined on an individual basis. He had not shown that the domestic authorities had failed to consider his submissions and all of the evidence presented or that they had failed to take into account relevant and available country-of-origin information. Thus, he had not shown that there were substantial grounds for believing that upon return to Afghanistan he would be exposed to a real risk of being subjected to treatment

contrary to Article 3. Therefore, the position of the Government was that the case revealed no violation of the Convention.

2. The Court's assessment

(a) General principles

145. The relevant general principles have been summarised in, among other authorities, *F.G. v. Sweden* ([GC], no. 43611/11, §§ 111-27, 23 March 2016), *J.K. and Others v. Sweden* ([GC], no. 59166/12, §§ 77-105, 23 August 2016) and *Khasanov and Rakhmanov v. Russia* ([GC], nos. 28492/15 and 49975/15, §§ 93-116, 29 April 2022). The Court, in particular, reiterates the following.

146. Contracting States have the right, as a matter of well-established international law and subject to their treaty obligations, including the Convention, to control the entry, residence, removal and deportation of aliens. However, the removal or deportation of an alien by a Contracting State may give rise to an issue under Article 3 of the Convention, and hence engage the responsibility of that State under the Convention, where substantial grounds have been shown for believing that the person in question, if removed or deported, would face a real risk of being subjected to treatment contrary to Article 3 of the Convention in the destination country. In these circumstances, Article 3 of the Convention implies an obligation not to remove or deport the person in question to that country (see *F.G. v. Sweden*, § 111, and *Khasanov and Rakhmanov*, § 93, both cited above, with further references).

147. The assessment of the existence of a real risk must necessarily be a rigorous one and must focus on the foreseeable consequences of the applicant's removal to the country of destination, in the light of the general situation there and of his or her personal circumstances (see *F.G. v. Sweden*, §§ 113 and 114, and *Khasanov and Rakhmanov*, §§ 95 and 109, both cited above, with further references).

148. In this connection, and where it is relevant to do so, regard must be had to whether there is a general situation of violence existing in the country of destination. However, a general situation of violence will not normally in itself entail a violation of Article 3 in the event of a removal to the country in question, unless the level of intensity of the violence is sufficient to conclude that any removal to that country would necessarily breach Article 3 of the Convention. The Court would adopt such an approach only in the most extreme cases, where there is a real risk of ill-treatment simply by virtue of the individual concerned being exposed to such violence on returning to the country in question (see *F.G. v. Sweden*, §§ 114 and 116, and *Khasanov and Rakhmanov*, § 96, both cited above, with further references).

149. In cases where an applicant alleges that he or she is a member of a group systematically exposed to a practice of ill-treatment, the Court considers that the protection of Article 3 of the Convention enters into play

when the applicant establishes, where necessary on the basis of the available sources, that there are serious reasons to believe in the existence of the practice in question and in his or her membership of the group concerned (see *F.G. v. Sweden*, § 120; *J.K. and Others v. Sweden,* §§ 103-05; and *Khasanov and Rakhmanov*, § 97, all cited above).

150. In relation to claims based on an individual risk, it is incumbent on persons who allege that their removal would amount to a breach of Article 3 to adduce, to the greatest extent practically possible, material and information allowing the authorities of the Contracting State concerned, as well as the Court, to assess the risk a removal may entail. While a number of individual factors may not, when considered separately, constitute a real risk, the same factors may give rise to a real risk when taken cumulatively and when considered in a situation of general violence and heightened security (see *J.K. and Others v. Sweden*, §§ 92, 95 and 96, and *Khasanov and Rakhmanov*, § 110, both cited above).

151. Owing to the absolute character of the right guaranteed, Article 3 of the Convention applies not only to the danger emanating from State authorities but also where the danger emanates from persons or groups of persons who are not public officials. However, it must be shown that the risk is real and that the authorities of the receiving State are not able to obviate the risk by providing appropriate protection (see *J.K. and Others v. Sweden*, cited above, § 80, with further references).

152. The primary responsibility for implementing and enforcing the guaranteed rights and freedoms is laid on the national authorities and the machinery of complaint to the Court is subsidiary to national systems safeguarding human rights. The Court must be satisfied, however, that the assessment made by the national authorities is adequate and sufficiently supported by domestic materials as well as by materials originating from other reliable and objective sources such as, for instance, other Contracting or third States, agencies of the United Nations and reputable non-governmental organisations (see *F.G. v. Sweden*, § 117, and *Khasanov and Rakhmanov*, §§ 102-03, both cited above, with further references).

153. Where domestic proceedings have taken place, it is not the Court's task to substitute its own assessment of the facts for that of the domestic courts and, as a general rule, it is for those courts to assess the evidence before them. As a general principle, the national authorities are best placed to assess not just the facts but, more particularly, the credibility of witnesses since it is they who have had an opportunity to see, hear and assess the demeanour of the individual concerned. This should not lead, however, to an abdication of the Court's responsibility and a renunciation of all supervision of the result obtained from using domestic remedies, otherwise the rights guaranteed by the Convention would be devoid of any substance (see *F.G. v. Sweden*, § 118, and *Khasanov and Rakhmanov*, §§ 104-05, both cited above).

154. If an applicant has not already been deported, the material point in time for the assessment must be that of the Court's consideration of the case (see *F.G. v. Sweden*, § 115; *J.K. and Others v. Sweden*, §§ 106-07; and *Khasanov and Rakhmanov*, § 106, all cited above, with further references). When carrying out the risk assessment, it is a firmly established principle that the Court may obtain relevant materials of its own motion (see *J.K. and Others v. Sweden*, § 90, and *Khasanov and Rakhmanov*, § 116, both cited above).

(b) Application of those principles to the present case

(i) The general situation in Afghanistan

155. The Court has previously not found that in Afghanistan there was a general situation of violence such that a real risk of ill-treatment would arise simply by virtue of an individual being returned there (see, for example, *H. and B. v. the United Kingdom*, nos. 70073/10 and 44539/11, §§ 92-93, 9 April 2013, and *M.M. and Others v. the Netherlands* (dec.), nos. 15993/09 and 3 others, § 120, 16 May 2017, with further references). However, those assessments were made several years ago and prior to the Taliban takeover in 2021. The Court reiterates that any finding regarding the general situation in a given country and its dynamic, as well as the finding as to the existence of a particular vulnerable group, is in its very essence a factual *ex nunc* assessment made by the Court on the basis of the material at hand and is amenable to revision by the Court in the light of changing circumstances (see *Khasanov and Rakhmanov*, cited above, §§ 107 and 108).

156. The Court observes that both the Swedish Migration Agency and the Migration Court concluded in 2023 that the general security situation in Afghanistan was not such that there was a general need for international protection for asylum-seekers (see paragraphs 45 and 50 above). When reaching that conclusion neither the Migration Agency nor the Migration Court explicitly analysed the content of, or even referred to, any particular country information. Indeed, the Migration Court did not refer to any specific country information at all in its judgment, while the Migration Agency made a general reference to certain reports at the outset of its decision (see paragraph 37 above).

157. The Court, therefore, cannot be satisfied – based on the reasoning in the domestic decisions alone – that that assessment was adequate and sufficiently supported by domestic and international materials (see paragraph 152 above, with case law references). Moreover, since the applicant has not yet been deported, the material point in time for the assessment of the claimed Article 3 risk is that of the Court's consideration of the case. A full and *ex nunc* assessment is called for as the situation in a country of destination may change over the course of time. The Court will therefore take into account information that has come to light since the final

decision taken by the domestic authorities, including materials obtained *proprio motu* (see paragraph 154 above with case-law references).

158. In this respect, the Court notes that the UNHCR, in its *Guidance Note on the International Protection Needs of People Fleeing Afghanistan*, updated in September 2025, stated that civilians in Afghanistan continued to be gravely impacted by a deteriorating human rights and humanitarian situation in the country and that the security situation continued to be fluid, noting a number of security-related incidents and civilian casualties. Moreover, the UNHCR stated that the situation in Afghanistan continued to be volatile and called on States to exercise caution when considering forced returns to Afghanistan (see paragraph 77 above).

159. The Court furthermore observes that various other reports from reliable and objective sources described a highly problematic situation in Afghanistan, involving security concerns, a severe humanitarian crisis and widespread human rights abuses (see, in particular, paragraphs 78-80, 82, 89, 95, and 120-127 above). These reports described, *inter alia*, armed violence and attacks on civilians, including during recent cross-border clashes with Pakistani security forces (see, in particular, paragraphs 78, 89, 120, 121 and 122 above).

160. Moreover, the Court observes that it appears that most European States have not carried out any involuntary returns to Afghanistan since the Taliban takeover, with few exceptions (see paragraphs 91, 98, 114, 118 and 119 above)).

161. Nevertheless, the Court also notes the assessment in the EUAA's Country Guidance of May 2024 that no province in Afghanistan suffered from such an exceptionally high level of violence that mere presence on the territory would be considered sufficient to establish a real risk of serious harm under Article 15(c) of the Qualification Directive, or even such a high level of violence that a lower level of individual elements would be considered sufficient in order to substantiate subsidiary protection needs under Article 15(c) of the Qualification Directive (see paragraph 92 above). The EUAA furthermore stated that the levels of armed violence had dropped significantly following the Taliban takeover in 2021 compared to the previous years of conflict (see paragraph 89 above). Similar findings concerning a decrease in general violence and a reduction of civilian casualties can be found in other reports (see, for example, paragraphs 99, 105, 115 and 122 above).

162. In view of the above, while recognising that the general security situation in Afghanistan remains serious and fragile, the Court does not find that the level of intensity of the violence is sufficient to conclude that any removal to Afghanistan would necessarily breach Article 3 of the Convention, reiterating that it would adopt such an approach only in the most extreme cases of general violence, where there is a real risk of ill-treatment simply by virtue of the individual concerned being exposed to such violence on return (see paragraph 148 above with case-law references, and see also

Sufi and Elmi v. the United Kingdom, nos. 8319/07 and 11449/07, § 218, 28 June 2011).

163. That said, the Court observes that the situation of general violence is not the only risk that a person might have to face upon return to Afghanistan. He or she might still be exposed to a real risk of ill-treatment on account of the human rights situation (see, *mutatis mutandis*, *Sufi and Elmi*, cited above, § 272, and see also paragraph 75 above regarding decisions from the CAT, in which the CAT, *inter alia*, noted the need to consider the general human rights situation in Afghanistan, which had changed significantly since the takeover of the country by the Taliban).

164. The materials referred to above (see paragraphs 77-127) were essentially unanimous in considering that the general human rights situation in Afghanistan had steadily deteriorated since the Taliban takeover in August 2021 and that there are widespread human rights abuses in the country. The materials included reports of arbitrary arrests and detentions, extrajudicial killings and capital punishment, corporal punishment, torture and other forms of ill-treatment, as well as other restrictions on fundamental rights – perpetrated, *inter alia*, in the context of enforcing harsh morality laws and restricting civic space. Afghanistan has been described as developing into a "theocratic police state", ruled "through an atmosphere of fear and abuse" (see paragraphs 89, 95 and 112 above), and there are reports of deepened repression in 2025 (see paragraph 95 above) and additional repressive legislation being issued in January 2026 (see paragraph 126 above).

165. The Court is mindful of the obstacles to the gathering of comprehensive information about the human rights situation in Afghanistan. It notes the many difficulties faced by governments and NGOs in gathering information in dangerous and volatile situations and accepts that information provided by sources with first-hand knowledge of the situation may have to be relied on (see, for example, *Khasanov and Rakhmanov*, § 115 and *Sufi and Elmi*, § 232, both cited above). It furthermore notes that the UNHCR called on decision-makers to give due weight to the uncertainty and unpredictability of the situation in Afghanistan and warned against drawing adverse inferences from a lack of information. The Court also recognises that the UNCHR stated that "[b]ased on available reports about widespread human rights violations in Afghanistan, ... many Afghans will have international protection needs" (see paragraph 77 above).

166. Still the Court does not find that the general human rights situation, while certainly serious, can be considered sufficient to conclude that any removal to Afghanistan would necessarily breach Article 3 of the Convention. However, it must be duly taken into account when assessing the risks an individual may face upon return. In this context the Court reiterates that a real risk of being subjected to treatment contrary to Article 3 of the Convention may emanate from a general situation, a personal characteristic

of the applicant or a combination of the two (see *F.G. v. Sweden*, § 116, and *Khasanov and Rakhmanov*, § 95, both cited above).

(ii) The situation of Hazaras in Afghanistan

167. The applicant submitted that he was at risk of ill-treatment in Afghanistan owing to, *inter alia*, his Hazara ethnicity. The Court reiterates that where an applicant alleges that he or she is a member of a group systematically exposed to a practice of ill-treatment, the protection of Article 3 of the Convention enters into play when the applicant establishes, where necessary on the basis of the available sources, that there are serious reasons to believe in the existence of the practice in question and in his or her membership of the group concerned (see paragraph 149 above, with case law references).

168. The Court observes, at the outset, that it is not in dispute that the applicant is an Afghan national of Hazara ethnicity. The Court has previously found that while the general situation in Afghanistan for the Hazara minority might have been far from ideal, it could not be regarded as being so harrowing that there would already be a real risk of treatment prohibited by Article 3 in the event that a person of Hazara origin were to be removed to Afghanistan (see *A.M. v. the Netherlands*, no. 29094/09, § 86, 5 July 2016, and *A.A. v. Switzerland*, no. 32218/17, § 56, 5 November 2019). However, that assessment was made several years ago and prior to the Taliban takeover. It is, as noted above (see paragraph 155), amenable to revision by the Court in the light of changing circumstances (see *Khasanov and Rakhmanov*, cited above, §§ 107 and 108).

169. The Court observes that both the Migration Agency and the Migration Court concluded in 2023 that, according to available country information, Hazaras did not generally risk being subjected to treatment warranting protection in Afghanistan (see paragraphs 42 and 54 above). The domestic authorities' assessments in this regard were limited to that brief conclusion, and, as in their assessments of the general security situation (see paragraph 156 above), neither the Migration Agency nor the Migration Court explicitly analysed the content of, or even referred to, any particular country information when reaching that conclusion.

170. The Court, therefore, cannot be satisfied – based on the reasoning in the domestic decisions alone – that that assessment was adequate and sufficiently supported by domestic materials as well as by materials originating from other reliable and objective sources (see paragraph 152 above, with case law references). Moreover, as noted above (see paragraph 157) the risk of treatment contrary to Article 3 must be examined in the light of the present-day situation, and the Court will therefore take into account information which has come to light after the final decision taken by the domestic authorities, including materials obtained *proprio motu*.

171. It appears from various reports from reliable and objective sources that the situation of Hazaras in Afghanistan undoubtedly gives cause for real concern. The Court notes, in particular, the following.

172. Hazaras have historically faced abuse and discrimination, and during the previous period of Taliban rule in 1996-2001 several massacres of Hazaras took place (see paragraphs 81 and 91 above). Their position in society improved after fall of the former Taliban regime but a new threat emerged in 2016 in the form of the ISKP and the situation deteriorated once more following the Taliban takeover in 2021 (see, in particular, paragraphs 91, 106, 109 and 111 above). The ill-will towards Hazaras is based on ethnicity and religion – as persons of Hazara ethnicity are mostly Shia Muslims and the majority of the Shia Muslims in Afghanistan belong to the Hazara ethnic group – as well as "'a view' that Hazaras 'benefitted too much' under the previous rule, which must be 'corrected' now" (see paragraphs 91 and 106 above). There is also a perception within conservative parts of the Afghan society that the Hazara minority has embraced a culture not in line with the Taliban's definition of Islam (see paragraph 91 above).

173. Reports indicate that Hazaras suffer multiple forms of discrimination as well as forced evictions and displacement (see, in particular, paragraphs 77, 81, 82, 91, 100, 106, 109, 111 and 125 above). Furthermore, their representation in public positions has decreased, which negatively impacts their access to, *inter alia*, government services and justice (see, in particular, paragraphs 77, 82, and 91). The Taliban leadership has expressed their willingness to avoid sectarian divisions and promised to provide security for all citizens, and the *de facto* authorities have, according to some sources, not subjected Hazaras to "targeted" discrimination. However, a discrepancy is reported between the Taliban leadership's public stance towards Hazaras and the actual treatment of those communities by the Taliban rank-and-file (see paragraph 91 above). Local Taliban are reported to view Hazaras negatively and treat them with contempt, and Hazaras have therefore been "systematically treated differently" by the local Taliban (see paragraph 91 above). There are also reports of the Taliban deliberately depriving Hazaras of equal access to humanitarian aid, diverting humanitarian aid from Hazaras to other groups or simply collecting it for itself (see paragraphs 77, 111 and 125 above). Moreover, there are reports of an increase in inflammatory speech, including calls for Hazaras to be killed (see paragraph 81 above), and of Shia jurisprudence or rituals being referred to as "against the principles of the Islamic Emirate", "heresy" and "illegitimate and un-Islamic" (see paragraph 125 above), and statements by Taliban commanders that Shia Muslims are infidels, which is seen as normalising and justifying acts of violence against them (see paragraph 109 above).

174. While these reports clearly support the contention that there is widespread discrimination against Hazaras, albeit perhaps not systematically from the Taliban leadership, the material before the Court provides somewhat

contradictory information as to whether Hazaras are subjected to violence or other ill-treatment by the Taliban (see paragraphs 81, 91, 100, 109, 111, 116, and 117 above).

175. However, it is clear that other actors, primarily the ISKP, carry out deadly attacks against Hazaras, targeting, for example, civilian passenger vehicles, Shia mosques, hospitals, and schools in Hazara-dominated areas (see paragraphs 77, 78, 81, 82, 90, 91, 101, 106, 109, 111, 116, 117, 120 and 121 above). The UN Special Rapporteur noted that such attacks "appear to be systematic in nature" and bear the "hallmarks of international crimes" (see paragraphs 81 and 82 above). It appears, moreover, that the Taliban have failed to protect the Hazara communities against such attacks (see paragraphs 91, 101, 106 and 116 above). Both the UNHCR and the EUAA have also, generally, found that the Taliban *de facto* authorities cannot be considered to be willing or able to provide protection against other potential actors of harm (see paragraphs 77 and 93 above). The Court notes the gravity of these serious and recurring attacks. The Court further observes that while the reported number of attacks and casualties may appear to be limited (see, in particular, paragraphs 91, 101, and 109 above), they are far from insignificant. Moreover, the difficulty of determining their precise frequency and extent given, *inter alia*, the obstacles to the gathering of comprehensive information (see paragraph 165 above), must be taken into account.

176. The Court however observes that, while the UNHCR identifies members of minority religious and ethnic groups, including Hazaras and Shia Muslims, as risk profiles and states that persons from some religious and ethnic minorities, particularly Shias, are likely to be in need of international protection (see paragraph 77 above), the Court cannot conclude from that statement that the UNHCR considers that all Hazaras have such protection needs. Moreover, while the EUAA's Country Guidance of May 2024 indicates that Hazaras may be at risk of acts qualifying as persecution, it has not defined Hazaras as a group for which a well-founded fear of persecution would in general be substantiated (see paragraph 91 above, but contrast the assessment by the United Kingdom Home Office in paragraph 117 above).

177. In view of all of the above – while recognising that the situation for Hazaras is undoubtedly dire, and without prejudice to whether the acts, or accumulation of acts, against Hazaras could amount to persecution as defined by the Refugee Convention and the Qualification Directive – the Court is not persuaded that the situation of Hazaras in Afghanistan is such that they can be said to be a group that is systematically exposed to a practice of ill-treatment attaining the level of Article 3 of the Convention. However, when assessing the risks an individual may face upon return, due regard must be had to, *inter alia*, any further distinguishing features which may increase the risks a Hazara individual faces, and the extent to which Hazara ethnicity could be a risk-enhancing factor in relation to other risks (see, *mutatis*

mutandis, *F.G. v. Sweden*, § 116, and *Khasanov and Rakhmanov*, § 95, both cited above).

(iii) The applicant's individual circumstances

178. The Court firstly notes that in 2023 the Migration Agency and Migration Court, after concluding that Hazaras in Afghanistan did not generally risk being subjected to treatment warranting protection, found that the applicant had not established as probable that he personally risked treatment warranting protection on that ground. The Migration Court did not further elaborate on the reasons for that assessment (see paragraph 54 above), while the Migration Agency referred to the fact that the material the applicant had submitted only concerned the general situation for Hazaras and that he had not claimed to have been subjected to any particular ill-treatment on the basis of his ethnicity (see paragraph 42 above).

179. However, the Court observes that, according to the EUAA's Country Guidance of May 2024, "[t]he individual assessment of whether there is a reasonable degree of likelihood for a Hazara and/or Shia applicant to face persecution should take into account their area of origin and whether ISKP has operational capacity there, with those from Hazara-dominated areas in larger cities being particularly at risk" (see paragraph 91 above). It is undisputed that the applicant is from Mazar-e Sharif in Balkh province and his need for protection was assessed in relation to the conditions there (see paragraphs 21, 23, 38 and 50 above). It also appears that that is where he is envisaged to return (see paragraph 45 above). The Court observes that there are indications that ISKP attacks are now taking place nationwide (see paragraph 111 above), though there are certain reports of a decrease in the number of attacks (see paragraph 101 above). The Court notes that such attacks have specifically been recorded in Balkh province and particularly in Mazar-e Sharif (see paragraphs 81, 90, 91, 101 above), which is a comparatively large city with a major Hazara population (see paragraph 91 above). Moreover, the applicant's envisaged route of return also includes passing through Kabul (see paragraph 45 above), another large city with a major Hazara population where multiple ISKP attacks have been carried out (see paragraphs 77, 81, 90, 91, and 101 above).

180. Considering the above, the Court finds that the applicant faces heightened risks owing to his Hazara ethnicity and area of origin, which is also the area it is envisaged he would return to.

181. In addition to his Hazara ethnicity, the applicant mainly relied on risks related to his conversion to Christianity, or in any event his having turned his back on Islam, and his "westernisation".

182. As to the applicant's conversion, the Court observes that it is clear from the available country information that individuals considered to have committed blasphemy and/or apostasy, including converts to Christianity, face a real risk of treatment contrary to Article 3 in Afghanistan (see, in

particular, paragraphs 91 and 110 above). However, in the present case the Migration Agency and Migration Courts found that the applicant had not established as probable that his conversion was based on a personal and genuine conviction or that he intended to live as a Christian upon return to Afghanistan (see paragraphs 14-16, 27, 40 and 52 above).

183. The Court notes that the applicant's claims regarding his conversion were examined by the Migration Agency and the Migration Courts in two sets of proceedings, during both of which he was represented by legal counsel. In both sets of asylum proceedings he was heard orally by both the Migration Agency and the relevant migration court, and throughout the proceedings he had ample opportunities to present his case. Furthermore, the conclusions of the domestic authorities concerning his conversion were reached having taken account of the statements made by the applicant, as well as of the documents submitted by him, and after examinations of all the relevant and available information. The Court notes that the genuineness of a person's convictions may be difficult to assess. The Court, however, cannot find support for the applicant's contention that the domestic authorities applied a burden of proof that was so high as to make their assessment non-compliant with the Convention. The Court, moreover, notes that while the applicant disputed the assessments of the Migration Agency and the Migration Courts regarding his conversion during the domestic proceedings, he did not at that time claim that the standard of proof applied was too high. The Court further reiterates that the national authorities are best placed to assess not just the facts but, more particularly, the credibility of asylum claimants since it is they who have had an opportunity to see, hear and assess the demeanour of the individuals concerned (see paragraph 153 above, with case-law references). In view of the above, the Court does not find sufficient grounds to depart from the conclusions drawn by the domestic authorities as to the genuineness of the applicant's conversion. However, the potential risks associated with being perceived as a convert or apostate must also be considered (see in this regard also paragraphs 34-36 in the UNCHR, *Guidelines on International Protection No. 6: Religion-Based Refugee Claims under Article 1A(2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugees*, HCR/GIP/04/06, 28 April 2004, and Article 10(2) of the Qualification Directive).

184. The Migration Agency and the Migration Courts did not dispute that the applicant had been baptised, that he had attended church and participated in activities organised by the church, and that he was perceived as a Christian by his pastor and members of his congregation (see paragraphs 14, 40 and 52 above). They, moreover, found that he had a generally negative attitude towards Islam (see paragraph 27 above), appeared to be critical of Afghan society and had an appreciation of the community of the Church (see paragraph 52 above). The Migration Agency also appears to have accepted

that he, after a relatively long stay in Sweden, had adapted to a Western way of life (see paragraph 43 above).

185. However, the Migration Agency and the Migration Court, in the second set of asylum proceedings, found that individuals perceived as "westernised" did not generally risk being subjected to treatment warranting protection upon return to Afghanistan; that the applicant had not shown that he personally risked treatment warranting protection on those grounds; and that there were no other concrete circumstances leading to a conclusion that he would be ascribed an affiliation as an apostate or a Christian convert upon his return. Moreover, they held that he was obliged, and would be able, to adapt to the customs and practices of his country of origin (see paragraphs 43, 53 and 54 above).

186. The Court is not convinced that those assessments adequately reflect the risks faced by individuals perceived as apostates or as "westernised" or who do not conform to the strict rules and restrictions in place under the current regime in Afghanistan. Nor is the Court convinced that they adequately reflect the particular circumstances of the applicant's case.

187. The Court refers to its above findings regarding the general human rights situation in Afghanistan and reiterates that it must be duly taken into account when assessing the risks an individual may face upon return (see paragraphs 164-166 above). The Court observes that the *de facto* Taliban authorities in Afghanistan are enforcing a particularly draconian version of Sharia law. They maintain a strict moral code and social control in accordance with their interpretation of Sharia and have imposed strict rules of conduct and numerous bans and regulations aimed at preventing activities they consider "un-Islamic" or inappropriate, by way of, *inter alia*, the Law on the Promotion of Virtue and Prevention of Vice (see, in particular, paragraphs 77, 78-80, 82-86, 91, 96 and 110 above). While women bear the brunt of the oppression (see also the findings by the CJEU in regard to Afghan women, paragraph 74 above, and the arrest warrants issued by the International Criminal Court against high representatives of the Taliban for the crime against humanity of persecution on gender grounds), men are also affected by this "deeply repressive regime that dictates almost every aspect of life" (see paragraph 83 above).

188. The Taliban *de facto* authorities are described as being equipped with broad and discretionary powers to enforce the rules and restrictions they have imposed, and as acting in arbitrary and unpredictable ways (see, in particular, paragraphs 77, 80, 82, 87, and 96 above). Failure to adhere to any of the instructions or prohibitions can lead to detention and severe punishments, including flogging and other corporal punishment, also for relatively minor infringements (see, in particular, paragraphs 77, 78, 79, 80, 88, 91, 97, 123 and 124 above).

189. The Court moreover observes that there are reports of the Taliban *de facto* authorities actively monitoring compliance with existing directives and

restrictions, for example by inspecting people for compliance in public spaces, monitoring attendance at prayers, conducting searches of phones, vehicles and homes, and by using surveillance techniques (see, in particular, paragraphs 77, 79, 82, 85, 87, 107, 110 and 124 above). While there have been inconsistencies and local variations, several reports also describe a general trend towards increased enforcement and demand for conformity to rules, and an increasingly uniform implementation across the country (see paragraphs 77, 80, 87, 96, and 103 above).

190. There are furthermore reports describing strong pressure on communities to follow conservative Islamic practices and impose strict social control, including reports of community members actively monitoring each other's behaviour and reporting on non-compliance with the Taliban's directives and restrictions (see paragraphs 77, 82, 87, 96, 107, 110, and 124). The UN Special Rapporteur on the situation of human rights in Afghanistan has, for example, expressed concern over the "growing fear of being reported by neighbours, colleagues or even family members for real or perceived infractions of Taliban policies" (see paragraph 88 above).

191. In this context the Court also observes that the material before it does not provide an entirely clear picture of the situation in Afghanistan for returnees from Europe, which may be due to information concerning such returns being sparse, in particular as regards involuntary returns (see paragraphs 91, 98, 108, 114, 118, and 119 above). However, the Court takes note of the reports indicating that individuals perceived to have transgressed religious, moral and/or societal norms, even when that transgression occurred abroad, and individuals perceived as having been influenced by foreign values, also referred to as "westernised", can be at risk of ill-treatment from the Taliban, relatives or neighbours (see, in particular, paragraphs 91, 98 and 107 above, and see also paragraph 135 above regarding persons who attract the label "child of the West").

192. When assessing the applicant's situation in the light of the above findings the Court notes that he arrived in Sweden in 2015, when he was either a teenager or a young adult – depending on whether he was born in 1999, as he claimed before the Swedish authorities, or in 1993, as had been recorded by the German authorities and which was eventually registered by the Swedish authorities. Thus, he has no recent experience of living in Afghanistan. Moreover, regardless of which date of birth is correct, his experience of living under the former Taliban regime is limited to that of a child. He has now spent ten years in Sweden, which amounts to a substantial part of his life. Furthermore, the Swedish authorities found that he had adapted to a Western way of life, or in other words become "westernised", had a generally negative attitude towards Islam and appeared critical of Afghan society. Moreover, the Swedish authorities do not appear to have questioned his claims in the second asylum proceedings that he had not carried out Muslim rituals for many years, lacked knowledge of Muslim

prayers and rituals, and spoke Dari with a slight Swedish accent. The Court, furthermore, notes that the applicant during his stay in Sweden has engaged in behaviour which would be perceived as transgressing religious and moral norms in Afghanistan, for example by not performing Muslim rituals and by being baptised, by attending church and by participating in activities organised by the church.

193. Even assuming that it could be required of him to hide these aspects of his life (contrast, for example and *mutatis mutandis*, *I.K. v. Switzerland* (dec.), no. 21417/17, § 24, 19 December 2017, and *A.A. v. Switzerland*, cited above, § 55; and see also, *mutatis mutandis*, the case-law of the CJEU referred to in paragraphs 71-73 above), the Court is not convinced that the applicant would be able to adequately conceal those experiences and elements of his identity or that that would be sufficient to obviate the risks faced. The Court reaches this conclusion, in particular, in view of its findings regarding the nature of the current repressive regime in Afghanistan, the need to actively and consistently adhere to the various rules and restrictions in place which dictate almost every aspect of life in order to avoid negative attention and ill-treatment, the reports of compliance being actively monitored by the Taliban and other members of Afghan communities, and the reports of the Taliban acting in arbitrary and unpredictable ways (paragraphs 187-191 above, and see also *mutatis mutandis*, *Sufi and Elmi*, cited above, §§ 272-77, regarding the difficulties for returnees to adequately "play the game" in order to avoid attention and ill-treatment under a similarly repressive regime in al-Shabaab controlled areas of Somalia).

194. In this context the Court also observes that not only persons who have converted out of a genuine conviction, but also those considered to have committed blasphemy and/or apostasy or who are perceived as being influenced by foreign values can be at risk (see, for example, paragraphs 91 and 98 above). Moreover, the Court observes that there are reports indicating that rejected asylum seekers from Europe can raise suspicion as regards to what extent they have been "contaminated" by European ways of living and have engaged in prohibited conduct, that there are examples of neighbours asking questions about deported individuals' time in the West, inspecting behaviours and looking for signs of change, and that apparently minor accusations could easily spread and lead to conflicts (see paragraphs 91, 98 and 107 above above). The Court also notes the reports indicating that even mere suspicion and allegations of blasphemy or conversion can lead to a person being killed or subjected to other human rights violations (see paragraph 110 above). The above supports the conclusion that even small deviations of behaviour or rumours about activities in the West may be sufficient to arouse negative attention from the Taliban and/or surrounding society. The Court also has regard to the written opinion submitted by the applicant, which pointed out the risk of attracting negative attention owing to changes in language and mannerisms, of which a person may be unaware,

and the risk of inadvertently falling foul of provisions of the Law on the Promotion of Virtue and Prevention of Vice (see paragraph 135 above).

195. The Court furthermore observes that being Hazara is a trait which the applicant undisputedly cannot conceal and which entails certain risks in itself, even if the Court has concluded that Hazaras cannot be said to be a group that is systematically exposed to a practice of ill-treatment attaining the level of Article 3 of the Convention (see paragraphs 171-177 and 180 above). Moreover, the Court observes that being Hazara can be a risk-impacting circumstance in regard to being perceived to have transgressed religious, moral and/or societal norms, or being perceived as "westernised" (see paragraph 91 above).There are also reports indicating that Hazaras, in everyday life, are often "impacted even harder in comparable conflicts" and that someone who is both a Hazara and belongs to another risk group faces an increased risk (see paragraph 106 above).

196. Moreover, the Court observes that the UN Special Rapporteur on the situation of human rights in Afghanistan has stated that there are troubling indications that the Law on the Promotion of Virtue and Prevention of Vice is being implemented more strictly in areas home to ethnic and religious minorities, particularly in central, northern, north-eastern and western Afghanistan (see paragraph 87 above). UNAMA has also observed that in the initial wave of advocacy efforts by the *de facto* authorities related to the enforcement of that law, there was a particular focus on northern provinces where greater resistance may have been expected for social, cultural and religious reasons (see paragraph 80 above). Balkh province, including Mazar-e Sharif, the applicant's area of origin and envisaged return, is situated in northern Afghanistan.

197. Lastly, the Court emphasises that the assessment of whether there is a real risk must be made on the basis of all relevant factors that could increase the risk of ill-treatment. Due regard should also be given to the possibility that a number of individual factors may not, when considered separately, constitute a real risk; but when taken cumulatively and when considered in the light of the general situation in the country in question, the same factors may give rise to a real risk (see *NA. v. the United Kingdom*, no. 25904/07, § 130, 17 July 2008; *J.K. and Others v. Sweden*, cited above, § 95; and *Khasanov and Rakhmanov*, cited above, § 110). The Court can find no indication of such a cumulative risk assessment in the domestic decisions in the applicant's case. While a cumulative assessment was made when considering whether the applicant's circumstances were particularly or exceptionally distressing within the meaning of Chapter 5, section 6, of the Aliens Act (see paragraph 46 above), there is no indication that all relevant factors were considered cumulatively in the risk assessment.

198. Having regard to all the above, the Court finds that the cumulative effect of the applicant's personal circumstances, including his Hazara ethnicity, and seen in the light of the general human rights situation in

Afghanistan, must be considered to create a real risk of ill-treatment in the event of his return to Afghanistan.

(iv) Conclusion

199. The foregoing considerations are sufficient to enable the Court to conclude that substantial grounds have been shown for believing that the applicant would face a real risk of treatment contrary to Article 3 if returned to Afghanistan. Accordingly, the Court considers that the implementation of the deportation order in respect of the applicant would entail a violation of Article 3 of the Convention.

II. RULE 39 OF THE RULES OF COURT

200. The Court reiterates that, in accordance with Article 44 § 2 of the Convention, the present judgment will not become final until (a) the parties declare that they will not request that the case be referred to the Grand Chamber; or (b) three months after the date of the judgment, if referral of the case to the Grand Chamber has not been requested; or (c) the Panel of the Grand Chamber rejects any request to refer under Article 43 of the Convention.

201. It considers that the indication made to the Government under Rule 39 of the Rules of Court should remain in force until the present judgment becomes final or until the Court takes a further decision in this connection (see the operative part).

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

202. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

203. The applicant made no claims in respect of pecuniary or non-pecuniary damage. Accordingly, the Court considers that there is no call to award him any sum on that account.

B. Costs and expenses

204. The applicant claimed 1,250 United States dollars (approximately 1,000 euros) in respect of costs and expenses incurred before the Court, to cover expenditure in the form of interpreting costs for meetings between the

applicant and his representative. The applicant submitted, *inter alia*, that this expense had been borne by the International Refugee Assistance Project ("IRAP") in support of the applicant, not by the applicant directly, and that IRAP would not ask the applicant to reimburse this expenditure if the Court did not award compensation for it.

205. The Government submitted that the claimed amount seemed unreasonably high given the circumstances of the case.

206. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. In the present case the Court finds that the cost has not been actually incurred by the applicant, since he has not paid it and there is no indication that he is bound pay it, pursuant to a legal or contractual obligation, even if it were awarded by the Court. The Court therefore dismisses the claim for costs and expenses.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that the implementation of the deportation order against the applicant would give rise to a violation of Article 3 of the Convention;

3. *Decides* to continue to indicate to the Government under Rule 39 of the Rules of Court that it is desirable in the interests of the proper conduct of the proceedings not to expel the applicant until such time as the present judgment becomes final or until further notice;

4. *Dismisses* the applicant's claim for just satisfaction.

Done in English, and notified in writing on 26 March 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Ilse Freiwirth Registrar	Ivana Jelić President