

# No safe haven: Human rights risks faced by persons involuntarily returned to Afghanistan

JULY 2025



UN Women/Sayed Habib Bidell



**United Nations**  
Assistance Mission in Afghanistan



**UNITED NATIONS**  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

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## ABOUT THIS REPORT

This report is part of a series of thematic studies on current human rights issues of concern to people in Afghanistan, carried out by the United Nations Assistance Mission in Afghanistan's (UNAMA) Human Rights Service in the framework of Security Council Resolution 2626 (2022).<sup>1</sup> Resolution 2626 tasks UNAMA with engaging with “all stakeholders at the national and subnational levels and civil society and international non-governmental organizations in the protection and promotion of the human rights of all Afghans”, and to “monitor, report and advocate with regard to the situation for civilians (and) the prevention and elimination of violence”. As part of this engagement, Afghanistan's *de facto* authorities, Pakistan, and Iran, were invited to provide factual comments on the content of the report and their responses are annexed.

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<sup>1</sup> Resolution 2626 was most recently extended by Resolution 2777 (2025).



## EXECUTIVE SUMMARY

This report presents UNAMA Human Rights Service's findings regarding the human rights risks faced by individuals who have been involuntarily returned<sup>2</sup> to Afghanistan. The report focuses on specific groups who, although they represent a relatively small proportion of overall returns to Afghanistan, are at particular risk of human rights violations.

Since the Taliban takeover of Afghanistan on 15 August 2021, specific population groups have been at particular risk of human rights violations carried out by the *de facto* authorities. These groups include: women and girls,<sup>3</sup> former officials<sup>4</sup> of the government of the Islamic Republic of Afghanistan and Afghan National Defence and Security Force<sup>5</sup> (ANDSF) members<sup>6</sup>, civil society activists and human rights defenders<sup>7</sup> and journalists.<sup>8</sup>

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<sup>2</sup> The term "involuntary return" is used in this report to refer to the return of Afghans to Afghanistan, in the absence of their free, prior and informed consent.

<sup>3</sup> See, for example: UNAMA, *Divergence of Practice: The Handling of Complaints of Gender-Based Violence against Women and Girls by Afghanistan's de facto Authorities*, 14 December 2023. Source: [https://unama.unmissions.org/sites/default/files/the\\_handling\\_of\\_complaints\\_of\\_gbvawg\\_english\\_141223.pdf](https://unama.unmissions.org/sites/default/files/the_handling_of_complaints_of_gbvawg_english_141223.pdf); UNAMA, *Human Rights Situation in Afghanistan: January – March 2025*, 1 May 2025. Source: [https://unama.unmissions.org/sites/default/files/unama\\_update\\_on\\_human\\_rights\\_in\\_afghanistan\\_january-march\\_2025.pdf](https://unama.unmissions.org/sites/default/files/unama_update_on_human_rights_in_afghanistan_january-march_2025.pdf); UNAMA, *Human Rights Situation in Afghanistan: October – December 2024 Update*, 27 January 2025. Source: [https://unama.unmissions.org/sites/default/files/unama\\_update\\_on\\_hr\\_situation\\_in\\_afghanistan\\_july-sept\\_2024.pdf](https://unama.unmissions.org/sites/default/files/unama_update_on_hr_situation_in_afghanistan_july-sept_2024.pdf); UNAMA, *Human Rights Situation in Afghanistan: July-September 2024 Update*, 31 October 2024. Source: [https://unama.unmissions.org/sites/default/files/english\\_-\\_unama\\_-\\_update\\_on\\_hr\\_situation\\_in\\_afghanistan\\_-\\_july-sept\\_2024.pdf](https://unama.unmissions.org/sites/default/files/english_-_unama_-_update_on_hr_situation_in_afghanistan_-_july-sept_2024.pdf); UNAMA, *Human Rights Situation in Afghanistan: April- June 2024 Update*, 30 July 2024. Source: <https://unama.unmissions.org/human-rights-situation-afghanistan-april-june-2024-updateenglish>; UNAMA, *Human Rights Situation in Afghanistan: January - March 2024 Update*, 2 May 2024. Source: <https://unama.unmissions.org/human-rights-situation-afghanistan-janmarch-update-0>; UNAMA, *Update on the human rights situation in Afghanistan: October – December 2023*, 22 January 2024. Source: [https://unama.unmissions.org/sites/default/files/english\\_hr\\_update\\_22jan\\_2024.pdf](https://unama.unmissions.org/sites/default/files/english_hr_update_22jan_2024.pdf).

<sup>4</sup> Hereafter, the term "former government officials" refers to officials and employees of the former government of the Islamic Republic of Afghanistan.

<sup>5</sup> Afghan National Defence and Security Forces (ANDSF) is an umbrella term used to refer to the security forces of the former government of the Islamic Republic of Afghanistan and includes: Afghan Border Force, Afghan Local Police, Afghan National Army, Afghan Air Force, Afghan National Police, Afghan National Civil Order Force, Afghan Special Forces, Afghan Territorial Army (also referred to as the Afghan National Army – Territorial Force), and the National Directorate of Security.

<sup>6</sup> See, for example: UNAMA, *A barrier to securing peace: Human rights violations against former government officials and former armed force members*, 22 August 2023. Source: <https://unama.unmissions.org/barrier-securing-peace-hr-violations-against-former-government-armed-forces>.

<sup>7</sup> See UNAMA human rights updates: UNAMA, *Human Rights Situation in Afghanistan: January – March 2025*, 1 May 2025. Source: [https://unama.unmissions.org/sites/default/files/unama\\_update\\_on\\_human\\_rights\\_in\\_afghanistan\\_january-march\\_2025.pdf](https://unama.unmissions.org/sites/default/files/unama_update_on_human_rights_in_afghanistan_january-march_2025.pdf); UNAMA, *Human Rights Situation in Afghanistan: October – December 2024 Update*, 27 January 2025. Source: [https://unama.unmissions.org/sites/default/files/unama\\_update\\_on\\_hr\\_situation\\_in\\_afghanistan\\_july-sept\\_2024.pdf](https://unama.unmissions.org/sites/default/files/unama_update_on_hr_situation_in_afghanistan_july-sept_2024.pdf); UNAMA, *Human Rights Situation in Afghanistan: July-September 2024 Update*, 31 October 2024. Source: [https://unama.unmissions.org/sites/default/files/english\\_-\\_unama\\_-\\_update\\_on\\_hr\\_situation\\_in\\_afghanistan\\_-\\_july-sept\\_2024.pdf](https://unama.unmissions.org/sites/default/files/english_-_unama_-_update_on_hr_situation_in_afghanistan_-_july-sept_2024.pdf); UNAMA, *Human Rights Situation in Afghanistan: April- June 2024 Update*, 30 July 2024. Source: <https://unama.unmissions.org/human-rights-situation-afghanistan-april-june-2024-updateenglish>; UNAMA, *Human Rights Situation in Afghanistan: January - March 2024 Update*, 2 May 2024. Source: <https://unama.unmissions.org/human-rights-situation-afghanistan-janmarch-update-0>; UNAMA, *Update on the human rights situation in Afghanistan: October – December 2023*, 22 January 2024. Source: [https://unama.unmissions.org/sites/default/files/english\\_hr\\_update\\_22jan\\_2024.pdf](https://unama.unmissions.org/sites/default/files/english_hr_update_22jan_2024.pdf).

<sup>8</sup> See, for example: UNAMA, *Media Freedom in Afghanistan*, 26 November 2024. Source: [https://unama.unmissions.org/sites/default/files/unama\\_report\\_on\\_media\\_freedom\\_in\\_afghanistan.pdf](https://unama.unmissions.org/sites/default/files/unama_report_on_media_freedom_in_afghanistan.pdf).

There are limited means for Afghans – including those at particular risk of human rights violations – to seek asylum, resettlement or other means of regular stay outside Afghanistan.<sup>9</sup> At the same time, Afghans who have left the country are being involuntarily returned.

International law prohibits *refoulement* – defined as return to a country where an individual would face torture, cruel, inhuman or degrading treatment or punishment or other irreparable harm.

Between May and December 2024, UNAMA’s Human Rights Service conducted a total of 49 interviews with individuals involuntarily returned to Afghanistan to understand the human rights risks they face.

Actors involved in the response supporting returnees referred the interviewees to UNAMA. Interviewees were identified on the basis that they had been involuntarily returned to Afghanistan and had experienced or were at risk of experiencing human rights violations after their return. The profile of interviewees included: women and girls, former officials of the government of the Islamic Republic of Afghanistan and Afghan National Defence and Security Force (ANDSF) members, civil society activists and human rights defenders, journalists and musicians.

Late 2023 saw an influx of Afghans returning from Pakistan after the announcement by Pakistan’s Ministry of Interior of a plan to “repatriate” Afghan nationals in three phases. Between 15 September 2023 and 10 August 2024, the International Organisation for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) recorded 694,184 returns of Afghans to Afghanistan.<sup>10</sup> The *de facto* authorities were generally responsive to the large-scale returns, which placed additional burden on the country’s already struggling economy and infrastructure, by setting up processes for the registration of returnees, the provision of medical care and cash grants and the issuance of national identity cards.<sup>11</sup>

Despite the overall, coordinated response by the *de facto* authorities to the situation, among those interviewed for this report were individuals who reported experiencing human rights violations – including threats, arbitrary arrest and detention, and torture and ill-treatment – carried out by the *de facto* authorities after their involuntary return to Afghanistan.

While the population groups that are the focus of this report represent a small proportion of overall returns to Afghanistan, the interviews conducted highlight that members of these groups are being involuntarily returned to a country where they are at risk of persecution, torture or other cruel, inhuman or degrading treatment or punishment or other irreparable harm, in violation of the principle of *non-refoulement*.

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<sup>9</sup> UNHCR, *Global Report 2023: Afghanistan Situation*, last updated 30 October 2024. Source: <https://reporting.unhcr.org/afghanistan-situation-global-report-2023>.

<sup>10</sup> UNHCR and IOM, *UNHCR-IOM Flash Update #26: Arrest and Detention Flow Monitoring (15 September 2023 – 10 August 2024)*, 18 August 2024. Source: <https://pakistan.iom.int/sites/g/files/tmzbd1121/files/documents/2024-08/unhcr-iom-flash-update-26.pdf>.

<sup>11</sup> United Nations, *The situation in Afghanistan and its implications for international peace and security - Report of the Secretary-General*, 1 December 2023, A/78/628-S/2023/941, paras. 70-71. Source: <https://docs.un.org/en/A/78/628>.

Interviewees also reported that fears of arrest or other forms of retaliation by the *de facto* authorities have seriously affected them since returning to Afghanistan, preventing them from working, moving freely around the country and participating in other aspects of daily life. The situation of people from these population groups is exacerbated by the lack of safe pathways out of Afghanistan and limited resettlement options for Afghans, as well as the prevailing impunity for human rights violations occurring inside Afghanistan.

## METHODOLOGY

This report sets out the findings of interviews conducted by the Human Rights Service of UNAMA with individuals involuntarily returned to Afghanistan. Actors involved in the response supporting returnees referred the interviewees to UNAMA. Interviewees were identified on the basis that they were at risk of human rights violations, or had reported experiencing human rights violations after their involuntary return to Afghanistan.

A total of 49 interviews were conducted (11 women, one non-binary person and 37 men) between May and December 2024. Out of the 49 interviews, individuals had been involuntarily returned from Pakistan (40 interviewees), Iran (five interviewees), from Türkiye via Iran (two interviewees) and from Türkiye (one interviewee). One interviewee had attempted to leave Afghanistan twice and was involuntarily returned from Spain (via Türkiye) and from Pakistan.

In addition to the targeted interviews UNAMA conducted, this report also refers to human rights violations UNAMA has documented as part of its broader monitoring of the human rights situation in Afghanistan.

The report focuses on specific groups who are at particular risk of human rights violations in Afghanistan. UNAMA recognizes that the experiences of the persons interviewed may not be representative of the overall population of persons who have been involuntarily returned to Afghanistan.

## LEGAL FRAMEWORK

### Non-refoulement

The principle of *non-refoulement* requires States to ensure they do not return any person from their territory or under their effective control to a place where they will be at real and personal risk of persecution or torture or other cruel, inhuman or degrading treatment or punishment, enforced disappearance or other irreparable harm.

The prohibition of *refoulement* is explicitly included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>12</sup> the International Convention for the

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<sup>12</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 3(1).

Protection of All Persons from Enforced Disappearance<sup>13</sup> and the 1951 Convention Relating to the Status of Refugees.<sup>14</sup>

## Involuntary returns

While there is no internationally agreed definition of the term “return” in the context of forced displacement and migration, the United Nations Human Rights Office of the High Commissioner (OHCHR) has stated that “return” should be understood as:

*An umbrella term to refer to all the various forms, methods and processes by which migrants are returned or compelled to return to their country of origin or of habitual residence, or a third country. Returns may thus include deportations, expulsions, removals, rejections at the border, extraditions, repatriations, handovers, transfers or other types of return as defined in different national legal frameworks and practices. In practice, returns are often characterized as either “forced” or “voluntary”, though the reality is often less clear-cut.*<sup>15</sup>

For the purposes of this report, the term “involuntary” return is used to refer to the return of Afghans to Afghanistan in the absence of their free, prior and informed consent.<sup>16</sup>

The UN Special Rapporteur on the human rights of migrants has stated that return cannot be considered voluntary if migrants accept return as their only option to avoid, *inter alia*, arbitrary detention, abusive or exploitative situations, or the deprivation of socioeconomic rights.<sup>17</sup> Apart from actual or implied threats, the lack of alternative options to return can also impact the ability to make a free choice.<sup>18</sup>

## Arbitrary arrest and detention

International human rights law provides that everyone has the right to liberty and that no one shall be subjected to arbitrary arrest or deprivation of liberty.<sup>19</sup> Arrests and detentions are considered to be arbitrary where they are:

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<sup>13</sup> International Convention for the Protection of All Persons from Enforced Disappearance, article 16(1).

<sup>14</sup> Convention Relating to the Status of Refugees, article 33(1).

<sup>15</sup> UNCCCT and OHCHR, *Human Rights at International Borders: A Trainer’s Guide*, 2021. Source:

[https://www.ohchr.org/sites/default/files/Documents/Publications/HR\\_InternationalBorders.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/HR_InternationalBorders.pdf); Global Migration Group and OHCHR, *Recommended Principles and Guidelines on the Protection of the Human Rights of Migrants in Vulnerable Situations*, 2018. Source: <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf>; Committee against Torture, General Comment No. 4 (2017) on the implementation of article 3 of the Convention in the context of article 22, UN Committee Against Torture (CAT), 9 February 2018, para. 4; UN Human Rights Committee (HRC), CCPR General Comment No. 15: The Position of Aliens Under the Covenant, 11 April 1986, para. 9.

<sup>16</sup> OHCHR, *Nowhere but Back: Assisted return, reintegration and the human rights protection of migrants in Libya*, (2022), pp. 19-20. Source: <https://www.ohchr.org/sites/default/files/2022-12/Report-on-assisted-return-and-reintegration.pdf>.

<sup>17</sup> Report of the Special Rapporteur on the human rights of migrants, Study on the return and reintegration of migrants, 4 May 2018, A/HRC/38/41, paras. 30 and 88.

<sup>18</sup> Report of the Special Rapporteur on the human rights of migrants, Study on the return and reintegration of migrants, 4 May 2018, A/HRC/38/41, para. 18.

<sup>19</sup> International Covenant on Civil and Political Rights, article 9.

- a) not in accordance with national laws, because they are not properly based on grounds established by law or not in accordance with procedures established by law;<sup>20</sup> or
- b) otherwise arbitrary in the sense of being inappropriate, unjust, unreasonable, or unnecessary in the circumstances.<sup>21</sup>

## Torture and ill-treatment

The absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is considered a peremptory norm (*jus cogens*) of international law, applicable regardless of States' treaty obligations. Several international treaties to which Afghanistan is a party and remains bound also prohibit torture and other cruel inhuman or degrading treatment or punishment.<sup>22</sup>

The obligation to respect the prohibition of such practices is absolute and non-derogable, meaning there can never be justification to resort to the use of torture or to fail to observe the prohibition, even in times of emergency.<sup>23</sup>

## CONTEXT

This section sets out the current human rights situation in Afghanistan, focusing on the specific groups that are the subject of this report, followed by an elaboration of the general situation of Afghan migrants and refugees.

### Human rights situation

The human rights situation in Afghanistan has remained extremely serious since the Taliban takeover of the country on 15 August 2021.

While this report focuses specifically on the situation of individuals at risk of persecution, torture or other cruel, inhuman or degrading treatment or punishment or other irreparable harm in Afghanistan, there are other human rights risks associated with their return to the country. The humanitarian situation in Afghanistan remains precarious, with high rates of poverty impacting the realization of economic, social and cultural rights of the entire population, including their access to decent work, adequate housing, healthcare and food security. Women and girls face specific barriers to the realization of their rights as a result of the policies adopted by the *de facto* authorities, as set out below.

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<sup>20</sup> International Covenant on Civil and Political Rights, article 9(1).

<sup>21</sup> UN Human Rights Committee (HRC), General Comment No. 35, Article 9 (Liberty and security of person), CCPR/C/GC/35, 16 December 2014, para. 66.

<sup>22</sup> The Universal Declaration of Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Geneva Conventions of 1949, and the Rome Statute of the International Criminal Court. See also Security Council resolution 2626 (2022), para. 6(e) referencing Afghanistan's implementation of instruments concerning human rights and fundamental freedoms to which Afghanistan is a state party and remains bound.

<sup>23</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 2(2); International Covenant on Civil and Political Rights, article 4(2).



The following sections highlight the risks of torture, ill-treatment and other irreparable harm faced by specific population groups after their return to Afghanistan.

## Women and girls

The Taliban takeover of Afghanistan had an immediate, severe impact on the rights and daily lives of women and girls. The *de facto* authorities have progressively introduced edicts and pronouncements which impact the rights of women and girls to participate in public life, their freedom of movement and their access to health, work and education. These measures include: denying girls access to education beyond the sixth grade;<sup>24</sup> requiring women to be accompanied by a *mahram*<sup>25</sup> for travel of distances over 78km; ordering women civil servants to remain at home;<sup>26</sup> denying women access to tertiary education;<sup>27</sup> rendering the observance of the *hijab* mandatory for women in public places;<sup>28</sup> prohibiting women from using parks, gyms and public baths;<sup>29</sup> issuing an order prohibiting Afghan female staff from working for domestic and international non-governmental organizations (NGOs);<sup>30</sup> ordering all women's beauty salons to close;<sup>31</sup> and "levelling down" the salaries of women civil servants.<sup>32</sup> The Law on Promotion of Virtue and Prevention of Vice,<sup>33</sup> published as a decree of the Taliban leader in the Official Gazette on 21 August 2024, codified and broadened several pre-existing restrictions on the human rights of women and girls. The Law requires women to "conceal" their voices, faces and bodies in public and states that transport operators and drivers are obliged to refrain from offering to drive women unaccompanied by a *mahram*.<sup>34</sup>

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<sup>24</sup> See notice regarding girls education published by Bakhtar News, the *de facto* authorities' state media channel, at: <https://twitter.com/bnapashto/status/1506480143275069440?s=20> (Pashto).

<sup>25</sup> A woman's immediate male relatives are considered a *mahram*. This mainly includes a husband, father, grandfather, brother, adult son, uncle or nephew.

<sup>26</sup> UNAMA, *Human Rights in Afghanistan: 15 August 2021 – 15 June 2022*, July 2022, pp. 33-34. Source: [https://unama.unmissions.org/sites/default/files/unama\\_human\\_rights\\_in\\_afghanistan\\_report\\_-\\_june\\_2022\\_english.pdf](https://unama.unmissions.org/sites/default/files/unama_human_rights_in_afghanistan_report_-_june_2022_english.pdf).

<sup>27</sup> Spokesperson of the *de facto* Minister of Higher Education, X (formerly Twitter), 20 Dec 2022, 8:12PM. Source: <https://twitter.com/HafizZeiya/status/1605227230648483842> (Pashto).

<sup>28</sup> MPVPV [@MOPVPE1], X (formerly Twitter), 7 May 2022, 2:43PM. Source: <https://twitter.com/MOPVPE1/status/1522882293718818816?s=20&t=sshqCD9cwGCRkJbt8HL3LQ> (Pashto).

<sup>29</sup> MPVPV [@MOPVPE], X (formerly Twitter), 10 November 2022, 10:40PM. Source: <https://twitter.com/MOPVPE1/status/1590768823971368960> (Pashto).

<sup>30</sup> The letter was circulated in social media and was confirmed by the Spokesperson of the *de facto* Ministry of Economy to media outlets. See: Reuters, *Taliban bans female NGO staff, jeopardizing aid efforts*, 25 December 2022. Source: <https://www.reuters.com/world/asia-pacific/taliban-orders-ngos-ban-female-employees-coming-work-2022-12-24/>.

<sup>31</sup> MPVPV [@MOPVPE], X (formerly Twitter), 5 July 2023, 6:15PM. Source: <https://twitter.com/MOPVPE1/status/1676588150682992641?s=20> (Dari).

<sup>32</sup> UNAMA, *Human Rights Situation in Afghanistan: April - June 2024 Update*, 30 July 2024, p. 2. Source: <https://unama.unmissions.org/human-rights-situation-afghanistan-april-june-2024-updateenglish>.

<sup>33</sup> The Law was approved by the Taliban leader on 10 July 2024, also the date of its entry into force. It was published as a decree of the Taliban leader in the Official Gazette on 21 August 2024.

<sup>34</sup> UNAMA, *Human Rights Situation in Afghanistan: July-September 2024 Update*, 31 October 2024, pp. 2-4. Source: [https://unama.unmissions.org/sites/default/files/english\\_-\\_unama\\_-\\_update\\_on\\_hr\\_situation\\_in\\_afghanistan\\_-\\_july-sept\\_2024.pdf](https://unama.unmissions.org/sites/default/files/english_-_unama_-_update_on_hr_situation_in_afghanistan_-_july-sept_2024.pdf).

In addition to the restrictions imposed by the policies themselves, their implementation has involved further violations of human rights. Instances of women being harassed or beaten at checkpoints for failing to observe Islamic *hijab*, as interpreted by the *de facto* authorities,<sup>35</sup> or ordered to return home from the market because they were shopping without a *mahram* have been documented by UNAMA.

UNAMA has identified a lack of clarity regarding both the applicable legal framework for complaints of gender-based violence and responsibility for handling such complaints within the *de facto* authorities. Many survivors reportedly prefer to seek redress through traditional dispute resolution mechanisms because of fear of the *de facto* authorities. Complaints referred to *de facto* law enforcement and justice institutions are predominantly handled by men. The absence of women personnel combined with cultural dynamics has the potential to discourage survivors from lodging complaints.<sup>36</sup>

### **Former government officials and former ANDSF members**

Following their takeover of Afghanistan on 15 August 2021, the *de facto* authorities announced what they termed a “general amnesty” for former government officials and former ANDSF members.<sup>37</sup> In the three years since the takeover, senior *de facto* officials have repeatedly, publicly, expressed their commitment to the general amnesty, calling for it to be upheld and for breaches to be investigated and for those found responsible to be punished. For example, at a gathering in Paktya on 9 August 2024, the Acting *de facto* Minister of Interior gave an address in which he stated that there was no evidence that any individual affiliated with the previous regime had been executed or killed in the past three years and emphasized the importance of tolerance and forgiveness.<sup>38</sup>

Despite these statements, UNAMA has documented credible reports of human rights violations – including extrajudicial killings, arbitrary arrests and detentions and torture and ill-treatment – carried out by the *de facto* authorities against former government officials and ANDSF

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<sup>35</sup> UNAMA, *UNAMA deeply concerned over detentions of Afghan women and girls*, 11 January 2024. Source: <https://unama.unmissions.org/unama-deeply-concerned-over-detentions-afghan-women-and-girls-0>.

<sup>36</sup> UNAMA, *Divergence of Practice: The Handling of Complaints of Gender-Based Violence against Women and Girls by Afghanistan's de facto Authorities*, 14 December 2023. Source: [https://unama.unmissions.org/sites/default/files/the\\_handling\\_of\\_complaints\\_of\\_gbvawg\\_english\\_141223.pdf](https://unama.unmissions.org/sites/default/files/the_handling_of_complaints_of_gbvawg_english_141223.pdf).

<sup>37</sup> While there has been no written clarification regarding the scope of the amnesty issued by the *de facto* authorities, their public comments to date suggest that the “general amnesty” refers to a broad guarantee of protection for former government officials and ANDSF members. See: UNAMA, *A barrier to securing peace: Human rights violations against former government officials and former armed force members in Afghanistan*, 22 August 2023. Source: <https://unama.unmissions.org/barrier-securing-peace-hr-violations-against-former-government-armed-forces>.

<sup>38</sup> See: TOLONews [@TOLONews], X (formerly Twitter), 10 August 2024, 8:28PM. Source: <https://x.com/TOLONews/status/1822301596362985579> (Pashto). [Description: Video: The *de facto* Acting Minister of Interior, said during a visit to Paktya and Paktika provinces that the general amnesty decree has not been violated in the country and there is no evidence linking it to violations.]

members.<sup>39</sup> There is limited information regarding efforts by the *de facto* authorities to conduct investigations and hold perpetrators of these human rights violations to account.

### Media workers

Since 15 August 2021, a large number of media outlets have ceased their operations. This has been attributed to different factors, including loss of revenue stemming from the overall economic difficulties of the country, the withdrawal of donor support after the Taliban takeover, an exodus of journalists, as well as various restrictions imposed by the *de facto* authorities. The *de facto* authorities continue to create an extremely challenging operating environment for media, including censorship and difficulties in accessing information. Additionally, journalists and media workers have been subjected to intimidation, arbitrary arrest and detention, ill-treatment, and imprisonment in the course of their work.<sup>40</sup>

### Civil society

Civic space in Afghanistan has shrunk significantly since the Taliban takeover. This is due to a combination of factors, including the withdrawal of significant donor funding since 15 August 2021, the departure from the country of many prominent civil society actors and human rights defenders due to fears of retribution and the actions of the *de facto* authorities, including arbitrary arrests and detentions of civil society activists and human rights defenders and violent dispersal of protests. The *de facto* authorities have used arbitrary arrests and detentions as a means of suppressing dissent among the Afghan population. In particular, arbitrary arrests and detentions of women who participated in peaceful protests or spoke against the *de facto* authorities' discriminatory policies towards women and girls have resulted in a steady decline in public protests on women's rights issues.

### Situation of Afghan migrants and refugees

UNHCR has maintained a "non-return advisory" for Afghanistan since the Taliban takeover of the country, in view of the prevailing human rights and humanitarian situation.<sup>41</sup> In the advisory, UNHCR calls on: "[A]ll countries to allow civilians fleeing Afghanistan access to their territories, to guarantee the right to seek asylum, and to ensure respect for the principle of *non-refoulement* at all times. UNHCR calls on States to register all arrivals who seek international protection and to issue documentary proof of registration to all individuals concerned."<sup>42</sup> The non-return advisory also calls on States to "suspend the forcible return of nationals and former habitual

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<sup>39</sup> See: UNAMA, *A barrier to securing peace: Human rights violations against former government officials and former armed force members in Afghanistan*, 22 August 2023. Source: <https://unama.unmissions.org/barrier-securing-peace-hr-violations-against-former-government-armed-forces>.

<sup>40</sup> UNAMA, *Media Freedom in Afghanistan*, 26 November 2024. Source: [https://unama.unmissions.org/sites/default/files/unama\\_report\\_on\\_media\\_freedom\\_in\\_afghanistan.pdf](https://unama.unmissions.org/sites/default/files/unama_report_on_media_freedom_in_afghanistan.pdf).

<sup>41</sup> UNHCR, *Guidance Note on the International Protection Needs of People Fleeing Afghanistan (Update I)*, February 2023. Source: <https://www.refworld.org/policy/countrypos/unhcr/2023/en/124216>; UNHCR, *UNHCR Guidance Note on the International Protection Needs of People Fleeing Afghanistan*, February 2022. Source: <https://www.refworld.org/policy/countrypos/unhcr/2022/en/124031>.

<sup>42</sup> UNHCR, *Guidance Note on the International Protection Needs of People Fleeing Afghanistan (Update I)*, February 2023. Source: <https://www.refworld.org/policy/countrypos/unhcr/2023/en/124216>.

residents of Afghanistan, including those who have had their asylum claims rejected”, stating that: “The bar on forcible return serves as a minimum standard and needs to remain in place until such time as the security, rule of law, and human rights situation in Afghanistan has significantly improved”.<sup>43</sup>

Despite the well-documented human rights concerns, there are limited means for Afghans at risk to seek asylum, resettlement or other means of regular stay outside Afghanistan.<sup>44</sup> For example, in 2023, UNHCR submitted more than 9,600 Afghans for resettlement, however, only 3,300 departed.<sup>45</sup>

At the same time, Afghans are being involuntarily returned to the country in large numbers,<sup>46</sup> primarily by Pakistan and Iran, which host between them a total of more than 7.2 million Afghans of varying statuses.<sup>47</sup> In September 2023, Pakistan announced the Illegal Foreigners Repatriation Plan, setting out its intention to “repatriate” Afghan nationals in three phases, starting with the population of around 1.3 million undocumented Afghan nationals. Following this announcement, arrivals increased significantly, with UNHCR and IOM recording<sup>48</sup> 694,184 returns between 15 September 2023 and 10 August 2024, among them refugees and Afghans in refugee-like<sup>49</sup> situations. IOM and UNHCR recorded fear of arrest in Pakistan as the most common reason for return to Afghanistan.<sup>50</sup> In 2023, IOM registered nearly one million returns of Afghans from Iran, the majority of whom were undocumented and approximately 60 per cent of whom were forcibly returned.<sup>51</sup> In September and October 2023, Iranian Interior Minister,

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<sup>43</sup> UNHCR, *Guidance Note on the International Protection Needs of People Fleeing Afghanistan (Update I)*, February 2023. Source: <https://www.refworld.org/policy/countrypos/unhcr/2023/en/124216>.

<sup>44</sup> UNHCR, *Global Report 2023: Afghanistan Situation*, last updated 30 October 2024. Source: <https://reporting.unhcr.org/afghanistan-situation-global-report-2023>.

<sup>45</sup> UNHCR, *Global Report 2023: Afghanistan Situation*, last updated 30 October 2024. Source: <https://reporting.unhcr.org/afghanistan-situation-global-report-2023>.

<sup>46</sup> IOM, *Displacement Tracking Matrix Afghanistan Flow Monitoring Snapshot 1-7 December 2024*, 7 December 2024. Source: [https://dtm.iom.int/dtm\\_download\\_track/68811?file=1&type=node&id=46496](https://dtm.iom.int/dtm_download_track/68811?file=1&type=node&id=46496); UNHCR and IOM, *UNHCR-IOM Flash Update #33: Arrest and Detention Flow Monitoring (15 September 2023 – 30 November 2024)*, 6 December 2024. Source: <https://pakistan.iom.int/sites/g/files/tmzbd1121/files/documents/2024-12/unhcr-iom-flash-update-33.pdf>.

<sup>47</sup> UNHCR, *Regional Refugee Response Plan 2024-2025 – Afghanistan Situation*, 19 January 2024, p. 6. Source: <https://data.unhcr.org/en/documents/download/107144>.

<sup>48</sup> UNHCR and IOM, *UNHCR-IOM Flash Update #26: Arrest and Detention Flow Monitoring (15 September 2023 – 10 August 2024)*, 18 August 2024. Source: <https://pakistan.iom.int/sites/g/files/tmzbd1121/files/documents/2024-08/unhcr-iom-flash-update-26.pdf>.

<sup>49</sup> UNHCR defines “people in refugee-like situation” as a category which is descriptive in nature and includes groups of people who are outside their country or territory of origin and who face protection risks similar to those of refugees, but for whom refugee status has, for practical or other reasons, not been ascertained. See: UNHCR, *UNHCR Refugee Data Finder: Definitions*. Source: <https://www.unhcr.org/refugee-statistics/methodology/definition> (last accessed 17 December 2024).

<sup>50</sup> UNHCR and IOM, *UNHCR-IOM Flash Update #25: Arrest and Detention Flow Monitoring (15 September 2023 – 27 July 2024)*, 1 August 2024. Source: <https://pakistan.iom.int/sites/g/files/tmzbd1121/files/documents/2024-08/unhcr-iom-flash-update-25-v3.pdf>.

<sup>51</sup> IOM, *The Harrowing Trek: Afghan Migrants' Near-Death Journey to Hope*, undated. Source: <https://afghanistan.iom.int/stories/harrowing-trek-afghan-migrants-near-death-journey-hope> (last accessed 19 February 2025).



Ahmad Vahdidi, said that all Afghans living in the country “illegally” would be deported.<sup>52</sup> In October 2024, Ahmad Reza Radan, the commander-in-chief of Iran’s law enforcement, stated that Iran intends to expel at least two million undocumented migrants by the end of March 2025. Other Member States, including Türkiye<sup>53</sup> and Germany<sup>54</sup> have also reportedly conducted involuntary returns of Afghans.

## LEAVING AFGHANISTAN

Most individuals interviewed by UNAMA for this report had left Afghanistan after the Taliban takeover on 15 August 2021 and cited threats from the *de facto* authorities – both actual and perceived – as their reason for leaving.

The human rights violations reported by individuals prior to leaving Afghanistan ranged from arbitrary arrests and detentions of a few hours to extended periods of detention and torture and ill-treatment. For example:

In late 2021, *de facto* General Directorate of Intelligence (GDI) officials arrested a **media worker** while he was reporting on a story. He was handcuffed, had his mobile phone confiscated and was punched and beaten with the end of an AK47. He was released with a warning. He continued his work as a reporter until 2023, when he learned the *de facto* authorities planned to arrest him because of his reporting. Soon after, *de facto* GDI came to his house and asked his family members where he was. Due to fears that he would be arrested, he relocated his entire family to Pakistan where he remained until he was forced to return to Afghanistan in late 2023.<sup>55</sup>

A **former judge** had his house searched by *de facto* police around six months after the Taliban takeover. A month after that, he was stopped at a *de facto* police checkpoint, interrogated and reportedly beaten unconscious. He was released a few hours later following mediation by community elders. The man left the country for Pakistan three months later, fearing further threats.<sup>56</sup>

A **media worker** stated that after the Taliban takeover, he fled to a mountainous area. After a few days, he heard that the Taliban leader had declared a general amnesty and

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<sup>52</sup> Tehran Times, *Illegal Afghan immigrants should immediately leave Iran, interior minister says*, 25 October 2023. Source: <https://www.tehrantimes.com/news/490578/Illegal-Afghan-immigrants-should-immediately-leave-Iran-interior>; Iran International, *Taliban Says Over 40,000 Afghan Refugees Deported From Iran*, 3 August 2023. Source: <https://www.iranintl.com/en/202308036213>.

<sup>53</sup> Radio Free Europe/Radio Liberty, *Turkey Depots 325 Afghan Nationals In 48 Hours*, 10 November 2024. Source: <https://www.rferl.org/a/turkey-afghan-migrant-deportation-taliban/33196813.html>.

<sup>54</sup> Al Jazeera, *Germany depots 28 Afghans for first time since 2021 Taliban takeover*, 30 August 2024. Source: <https://www.aljazeera.com/news/2024/8/30/germany-deports-28-afghans-for-first-time-since-2021-taliban-takeover>. Following the deportations by Germany, Austria announced that it also intends to deport Afghans with criminal records. See: Euronews, *Austria joins Germany in deporting Afghans with criminal records back home*, 1 September 2024. Source: <https://www.euronews.com/my-europe/2024/09/01/austria-says-it-will-work-with-germany-on-joint-deportations-of-criminals-to-afghanistan#:~:text=Austria's%20Federal%20Office%20for%20Immigration%20and%20Asylum%20has%20already%20said,made%20by%20the%20immigration%20authorities>.

<sup>55</sup> UNAMA Human Rights, Interview 4.

<sup>56</sup> UNAMA Human Rights, Interview 43.

came down from the mountains, after which he was detained by *de facto* security forces and questioned about his work in the media. He said that he was severely tortured, including beatings with batons and being hung by his legs, before being released with a guarantee by tribal elders. Following the arrests of his family members for alleged affiliation with the National Resistance Front of Afghanistan (NRF), he made the decision to go to Pakistan in July 2023.<sup>57</sup>

**A former Afghan Local Police (ALP) commander** was arbitrarily arrested by *de facto* GDI at the time of the Taliban takeover and was held in a detention facility for over a month, where he was allegedly ill-treated. Immediately after his release, in October 2021, he left the country for Pakistan due to fears of further threats from the *de facto* authorities.<sup>58</sup>

**A woman whose relative worked for a foreign embassy in Afghanistan** prior to the Taliban takeover said that *de facto* military forces repeatedly searched her house to find documents connected to her relative's former role. They began to harass her and one *de facto* military official tried to force her to marry him. As a result, she decided to leave Afghanistan and went to Pakistan in July 2022.<sup>59</sup>

**An individual who had worked with a foreign embassy in Afghanistan** was arbitrarily arrested by *de facto* police a few weeks after the Taliban takeover. He reported being ill-treated in detention. A few weeks after his release, he went to Pakistan with his family.<sup>60</sup>

**A former police officer** who was arrested by *de facto* police in October 2021 told UNAMA:

*"I was arrested by Taliban police in October 2021. The police seriously tortured me, which caused illness on my leg and one of my hands. Under the Republic, I used to be a police officer in the criminal investigation unit of the police... After the takeover, the Taliban police arrested me from my home for my work background. I showed the letter for general amnesty to the Taliban police, but they did not accept it. They tortured me while I was in detention facility for 13 hours. It has affected my legs and one of my hands. I was released after several community elders mediated the case. For security reasons, as I was afraid of retaliation from the Taliban as I used to work as a police officer, I left Afghanistan to Pakistan to save my life."*<sup>61</sup>

**A non-binary person** who had also experienced threats under the Islamic Republic of Afghanistan left Afghanistan after an incident which occurred after the Taliban takeover:

*"Following the takeover of the Taliban, during my third year in university, I went to class one day and the Taliban guards at the university gate saw that I am not 'a normal person' and wanted to beat me. They threatened me because of my appearance and the way I was dressing. After I entered the university, some of my classmates warned me, saying that the Taliban are now in power, that I should leave or otherwise they would report me to them,*

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<sup>57</sup> UNAMA Human Rights, Interview 6.

<sup>58</sup> UNAMA Human Rights, Interview 5.

<sup>59</sup> UNAMA Human Rights, Interview 10.

<sup>60</sup> UNAMA Human Rights, Interview 11.

<sup>61</sup> UNAMA Human Rights, Interview 17.

*and they would kill me. I talked to my mother about the difficult situation I was in at university and told her that I should leave. I left Afghanistan in early 2023.”<sup>62</sup>*

A **professional musician** said that after the Taliban takeover, a group of *de facto* officials came to his office, destroyed his musical instruments and forced him to stop his work, telling him it was against Islamic principles. He said that after this incident:

*“I realised that there was no space for my profession in Afghanistan and decided to leave the country.”<sup>63</sup>*

Some interviewees were motivated to leave Afghanistan because of threats to physical and mental integrity they had received from members of the Taliban prior to their takeover of the country. For example:

A **former employee of the Ministry of Defence** stated that he had received repeated threats from “people associated with the Taliban” in the months before the takeover, saying that they had visited his house and threatened him, even shooting at him on one occasion. He left Afghanistan in August 2021 with his family due to fears of what might happen to him, having heard about arrests and killings of ANDSF members.<sup>64</sup>

A **human rights defender** who described himself as “an open supporter of the previous [Republic] government” and who “organized and participated in gatherings where we openly discussed women’s rights” stated that his father, a community elder, received threats from the Taliban prior to the takeover related to his work and demands to stop his activities. He left Afghanistan in October 2021, due to fears of retaliation after the takeover.<sup>65</sup>

## RETURN TO AFGHANISTAN

The majority of interviewees who had returned involuntarily from Pakistan did so after Pakistan’s Interior Ministry announced that all “illegal foreigners” must leave the country by 1 November 2023, or face deportation. As noted above, IOM and UNHCR have recorded fear of arrest in Pakistan as the most common reason for return to Afghanistan.<sup>66</sup> Some individuals interviewed for this report reported ill-treatment while in detention in Pakistan, including being slapped, hit with batons and beaten with cables while in detention.<sup>67</sup> No interviewee reported going through any screening process to assess possible risks they would face in Afghanistan. The United Nations High Commissioner for Human Rights has previously expressed concerns that the arbitrary expulsion of Afghan nationals from Pakistan had been accompanied by abuse,

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<sup>62</sup> UNAMA Human Rights, Interview 24.

<sup>63</sup> UNAMA Human Rights, Interview 30.

<sup>64</sup> UNAMA Human Rights, Interview 23.

<sup>65</sup> UNAMA Human Rights, Interview 25.

<sup>66</sup> UNHCR and IOM, *UNHCR-IOM Flash Update #25: Arrest and Detention Flow Monitoring* (15 September 2023 – 27 July 2024), 1 August 2024. Source: <https://pakistan.iom.int/sites/g/files/tmzbdl1121/files/documents/2024-08/unhcr-iom-flash-update-25-v3.pdf>.

<sup>67</sup> UNAMA Human Rights, Interviews 8 and 15.

including ill-treatment, arbitrary arrests and detention, destruction of property and personal belongings, extortion and bribery.<sup>68</sup>

Most interviewees who had returned from Iran were deported, however some said they returned to Afghanistan due to pressure from state authorities and/or fear of arrest. All three interviewees who returned via Türkiye were deported.

Overall, interviewees described a means and manner of return that does not align with the concept of “voluntary” returns. Interviewees described being pressured by and/or receiving threats from state authorities, arbitrary detention and ill-treatment leading up to their return. Those who were deported were neither given time to consider other options nor to ready themselves for return.

## POST-RETURN TO AFGHANISTAN

In general, the *de facto* authorities were responsive to the large-scale return of Afghans from Pakistan in late 2023, launching a “coordinated and pragmatic response” to a situation which imposed strain on the country’s economy.<sup>69</sup> The response involved the registration of returnees, the provision of medical care and cash grants and the issuance of national identity cards. The *de facto* authorities also established a *de facto* High Commission for Returnees, led by *de facto* Deputy Prime Minister for Administrative Affairs and including 31 other high-ranking *de facto* officials. In less than a week, the *de facto* authorities set up most of the decreed structures and launched an “all-of-government” approach to address the mass returns. The response plan designated 12 subcommittees responsible for dealing with related issues such as transport, health, education, employment, land and shelter. The *de facto* Ministry of Defence also played a central role in the response by transporting returnees to their provinces of origin. As part of a larger institutional response, the *de facto* authorities announced the establishment of a committee to defend the rights of all Afghan refugees.<sup>70</sup>

UNAMA’s interviews, however, highlight the significant risks specific groups faced after their forced return to Afghanistan.

**Many interviewees stated that they have been forced to live in hiding** since their return to Afghanistan due to threats – both actual and feared – from the *de facto* authorities. This impacts all areas of life; preventing persons who fear persecution due to their profiles from returning to their areas of origin, from working, and in some instances, from leaving the house. Some interviewees also stated they had to change their location regularly to avoid detection:

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<sup>68</sup> OHCHR, *Türk alarmed by reports of human rights abuses against Afghans forced to leave Pakistan*, 15 November 2023. Source: <https://www.ohchr.org/en/press-releases/2023/11/turk-alarmed-reports-human-rights-abuses-against-afghans-forced-leave>.

<sup>69</sup> United Nations, *The situation in Afghanistan and its implications for international peace and security - Report of the Secretary-General*, 1 December 2023, A/78/628-S/2023/941, paras. 70-71. Source: <https://docs.un.org/en/A/78/628>.

<sup>70</sup> United Nations, *The situation in Afghanistan and its implications for international peace and security - Report of the Secretary-General*, 1 December 2023, A/78/628-S/2023/941, para 7. Source: <https://docs.un.org/en/A/78/628>.



*"Since my arrival back to Afghanistan, I changed three times my home location, and I am still not staying at home during the nights. After leaving my home in [withheld] area in November 2023, my neighbours called me and informed me that GDI is still coming and asking for me. Currently, I am living in hiding, so I cannot do any job, which severely affects my economic position. Considering my economic condition and fear of arrest, I am under a tremendous amount of psychological pressure that created depression for me."*<sup>71</sup>

A **former judge** who left Afghanistan after the takeover said:

*I am trying to stay in hiding because I know that those prisoners who were detained because of my decisions are now high-ranking government officials and are still looking for me. If they find me, I am sure that they will kill me because they have already threatened me when I was working as judge."*<sup>72</sup>

A **group of musicians** who left shortly after the Taliban takeover because they were afraid of retaliation from the Taliban, who were known to be opposed to music, returned in November 2023. They stated that, since their return, they have been unable to work as musicians due to the *de facto* authorities' restrictions<sup>73</sup> and have moved house repeatedly due to fears of reprisals.<sup>74</sup> Another musician, who also returned in November 2023, cited similar challenges:

*"My life in Pakistan was good and manageable. I was able to support myself and my family. However, living in [province] has been quite challenging because the Taliban do not allow me to continue my profession as a singer... under the Taliban, singing is completely banned, and performers are prohibited from attending gatherings or parties. This has made life very difficult for me."*<sup>75</sup>

For **women who returned**, their situation is compounded by their reliance on a male relative in Afghanistan and the restrictions impacting their ability to work:

*"After returning, I came back to my uncle's house and live with them. I don't have any personal income and my brothers give me spending money which is very annoying for me."*<sup>76</sup>

*"I live with my uncle's friend. My uncle from Kabul sends them 3000-4000 Afghanis for my expenditures. But I never get to see the money. I am completely hidden, without any support, any assistance... I cannot travel anywhere. I do not have a mahram. This is the biggest dilemma and challenge for me, that my sister and I are without any male companion. So we cannot move."*<sup>77</sup>

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<sup>71</sup> UNAMA Human Rights, Interview 4.

<sup>72</sup> UNAMA Human Rights, Interview 43.

<sup>73</sup> Regarding the *de facto* authorities' stance with regards to music, see: UNAMA, *De Facto Authorities' Moral Oversight in Afghanistan: Impacts on Human Rights*, July 2024. Source: [https://unama.unmissions.org/sites/default/files/moral\\_oversight\\_report\\_english\\_final.pdf](https://unama.unmissions.org/sites/default/files/moral_oversight_report_english_final.pdf).

<sup>74</sup> UNAMA Human Rights, Interview 22.

<sup>75</sup> UNAMA Human Rights, Interview 30.

<sup>76</sup> UNAMA Human Rights, Interview 10.

<sup>77</sup> UNAMA Human Rights, Interview 2.

A **female former TV reporter** who left Afghanistan after the takeover due to threats she had received from the Taliban in the past spoke of her situation after her involuntary return to Afghanistan:

*"I have deep concerns regarding my personal security and feel immense frustration over the current situation imposed by the authorities against women in [my province]. I can unequivocally state that I am effectively under house detention. There are no job opportunities, no freedom of movement, and no access to education, either to learn or to teach, for women and girls."*<sup>78</sup>

Several interviewees had also experienced threats from the *de facto* authorities since returning, for example:

A **former special forces soldier** who left Afghanistan after the takeover was forced to return from Pakistan after police visited his home. He stated that after his return to Afghanistan he received threats related to his work with the ANDSF and was forced to live in hiding. After one incident in December 2023, when he was allegedly shot in the leg by *de facto* security personnel, he left Afghanistan again and went to Iran. He said that his wife, who remained in Afghanistan with their children, was a **former employee of the Department of Women's Affairs** and is "viewed with suspicion by our relatives, who see her as supporting human rights against their interpretation of Islam. She is constantly followed and harassed, making it unsafe for her to walk freely".<sup>79</sup>

Other interviewees reported arrest and ill-treatment by the *de facto* authorities after their return to Afghanistan:

A **former government official** who returned in late 2023 said that two months after his return, he was arrested by a *de facto* official. The *de facto* official came from the same province as the man and had previously made threats against him during the Republic Era. The man said he was arrested while on his way to the grocery store and was detained in a house for two nights where he was severely tortured, including: beatings with sticks, cables and wood, waterboarding, had his hair cut off and was subjected to a mock execution. His leg was broken as a result.<sup>80</sup>

A **former Afghan National Army officer** was arrested by *de facto* police days after returning to his village in late 2023. The house was raided by a group of *de facto* security forces in the middle of the night. They arrested him and took him to the provincial police detention facility where he said he was held for a week and was beaten with cables and punched. His leg was broken as a result of the torture inflicted on him. He said the *de facto* police asked him to hand over his weapons issued by the government of the Islamic Republic of Afghanistan, which he no longer had. He was released after mediation by tribal elders. He now lives in hiding, and although *de facto* police have summoned him for further questioning, he decided not to report to them because he

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<sup>78</sup> UNAMA Human Rights, Interview 28.

<sup>79</sup> UNAMA Human Rights, Interview 19.

<sup>80</sup> UNAMA Human Rights, Interview 9.

heard that friends of his were tortured and killed by *de facto* security forces and he is afraid.<sup>81</sup>

A **non-binary person** who was interviewed said they had been rejected by their family, and around a month after their return to Afghanistan they were stopped at a checkpoint and arrested by *de facto* police:

*"They took me to the police lockup and kept me there for three nights. They did not sexually abuse or harass me, but on the first day, they beat me severely, including with the back of a gun. They asked me if I am Afghan, and if I had a Tazkira [Afghan national ID], and they wanted to know who supports me and transgender persons like me. After three nights in the lockup, they asked me to sign a guarantee letter and promise that I will be a 'man'. They asked my mother to come to the police station and guarantee for me. She fingerprinted a document. I promised I will grow a beard, not to use make up, etc. Before releasing me, they tried to beat me again. I tried to cover my face with my arm and was injured on my wrist by some sharp instrument [they showed a scar on their right arm wrist]. I was bleeding a lot. Then they released me for medical treatment. I do not know what to do. All I want is to live in a peaceful place and find a job, but I do not have any prospects of finding a job or a good place for me to live. I have no one to support me in my situation, not even my own family. I am a human being, and it is not in my hands what Allah gave me."*<sup>82</sup>

In addition to the interviews conducted for the purposes of this report, UNAMA has, through its human rights monitoring work, documented cases of the *de facto* authorities targeting individuals after their return to Afghanistan. This includes arbitrary arrests and detentions of former ANDSF personnel and former government officials.

UNAMA has also documented killings of such individuals after their return to Afghanistan. For example, on 19 August 2024 in Paktika province, a former Afghan National Police officer was summoned by the *de facto* GDI to visit their office. The next morning, his dead body was found in front of his home. He had returned from Iran shortly before the incident took place. On 10 December 2024, in Takhar province, a former National Directorate of Security (NDS) officer and his wife were shot and killed in their house, reportedly by relatives of an individual who was killed by the former NDS officer prior to the Taliban takeover of the country. The victim had fled to Pakistan after the Taliban takeover but had been forced to return to Afghanistan following Pakistan's announcement regarding the expulsion of undocumented Afghans. He was killed two days after returning to his village in Takhar.

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<sup>81</sup> UNAMA Human Rights, Interview 7.

<sup>82</sup> UNAMA Human Rights, Interview 24.

## FINDINGS

Among large numbers of Afghans involuntarily returned to Afghanistan are individuals from specific groups at risk of persecution or torture or other cruel, inhuman or degrading treatment or punishment, enforced disappearance or other irreparable harm.

The population groups at particular risk of reprisals and human rights violations by the *de facto* authorities include: women and girls, individuals affiliated with the former government and its security forces, media workers and civil society.

Afghans who have been involuntarily returned to Afghanistan have reported experiencing human rights violations – including threats, arbitrary arrest and detention, and torture and ill-treatment – carried out by the *de facto* authorities after their return.

Fear of arrest or other forms of retaliation by the *de facto* authorities seriously affects individuals from these groups after their involuntary return to Afghanistan, preventing them from working, moving freely around the country and participating in other aspects of daily life.

Pressure and coercion of Afghan migrants by state officials, including arbitrary arrests and detentions, ill-treatment, confiscation of property and forced payment of bribes to induce individuals to return, are contrary to international human rights law, including the principle of free, prior and informed consent to voluntary return.

## RECOMMENDATIONS

To Afghanistan's *de facto* authorities

- The *de facto* authorities should continue to extend their support to Afghans returning to the country, paying particular attention to returnees' access to healthcare, education and other social services, employment and shelter.
- The *de facto* authorities, as duty bearers of Afghanistan's international human rights obligations, should uphold their obligations to respect, protect and fulfil the rights of Afghans who return to Afghanistan including the right to life, the rights to freedom from arbitrary detention, torture, ill-treatment and all forms of discrimination and to attain an adequate standard of living and to facilitate the sustainable reintegration of returnees.
- The *de facto* authorities should ensure that no individual is persecuted on the basis of their political affiliation, work history, gender identity or sexual orientation after their return to Afghanistan.
- The *de facto* authorities should take action to prevent human rights violations against former government officials and ANDSF members, including violations committed by private entities or groups.



## To the international community

- Member States should refrain from returning Afghan migrants and refugees to Afghanistan in the absence of an individualized assessment to ensure their return is not a violation of their human rights. Individual assessments should be conducted with due diligence and in accordance with international human rights law and standards.
- Member States should increase pathways for resettlement of Afghans at risk and ensure their protection, prioritizing individuals at heightened risk of human rights abuses if returned to Afghanistan, including: women and girls, individuals affiliated with the former government and security forces, media workers, civil society activists and human rights defenders. Member states should pay particular attention to the situation of individuals affiliated with their former diplomatic missions in Afghanistan, including former embassy staff and third-party contractors.
- Member States should increase financial support to facilitate Afghans' re-integration including the right to an adequate standard of living of those arriving in Afghanistan, in view of the significant challenge that returnees present to Afghanistan's already dire humanitarian situation.
- Member States should establish procedures to ensure that any complaints of abuses against Afghans involuntarily returned from their territories can be promptly investigated in line with international human rights law, with a view to holding state officials accountable and ensuring remedy and restitution to those affected.

## **ANNEX I: COMMENTS PROVIDED BY THE *DE FACTO* AUTHORITIES<sup>83</sup>**

**Islamic Emirate of Afghanistan  
Ministry of Foreign Affairs  
Directorate of Human Rights and Women's International Affairs**

**Date: 5 June 2025**

With due respect, the draft report of the United Nations Assistance Mission in Afghanistan (UNAMA) Human Rights Section titled "No safe haven" regarding returning refugees from Iran and Pakistan, which has been shared by the Islamic Emirate's Ministry of Foreign Affairs with relevant agencies, is hereby presented with the following clarifications after thorough evaluation and review. These responses address the concerns, claims, and issues mentioned in the report.

### **1. Position of the Honorable General Directorate of Intelligence of the Islamic Emirate of Afghanistan (IEA):**

The respected General Directorate of Intelligence states that following the issuance of the general amnesty decree by the Amir al-Mu'minin (may Allah protect him), all former military, political, civil, and media personnel have been exempted from legal prosecution, and their rights have been fully respected.

No former military or civilian individual has been arrested solely because of their previous affiliation. The Directorate strictly prevents discrimination, retaliatory behaviour, torture, and mistreatment. Meanwhile, returning citizens from neighboring countries (Iran, Pakistan) have been provided with facilities related to documentation, transportation, resettlement, and other legal support.

### **2. Response by the respected Ministry of Interior Affairs of the Islamic Emirate of Afghanistan (IEA):**

#### **A. Implementation of the General Amnesty:**

The amnesty decree of the Amir al-Mu'minin (may Allah protect him) has been strictly implemented. All personnel of the Ministry of Interior are committed to this decree. So far, no case has been recorded that indicates a violation of the decree. If any incident has occurred, it has taken place in the course of professional police duties, not as an act of revenge or retaliation.

#### **B. Police Procedures:**

The Ministry of Interior, through directive No. 2227 dated 1446/11/28 (26 May 2025), has issued instructions to all security organs stating that police must treat people with respect, conduct arrests of suspects in accordance with proper procedures, and under no circumstances engage in torture, humiliation, or mistreatment. Additionally, police have been

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<sup>83</sup> This response from the *de facto* authorities was provided in Pashto to UNAMA HRS on 5 June 2025. Texts in square brackets have been added by UNAMA HRS to provide clarity to specific points in the response. In case of discrepancies, the Pashto version of the response should be relied on.

instructed not to carry out night raids and to ensure their behaviour towards suspects is lawful, humane, and in accordance with Sharia principles.

### **C. Situation of Women and Girls:**

Regarding women's rights, Decree No. 83 has been issued by the Amir al-Mu'minin (may Allah protect him), which guarantees the dignity, safety, and Sharia rights of women. The Ministry of Interior has relevant structures in place, including the Police Rights Directorate, units for addressing incidents of violence, the presence of female police officers, and departments for the prevention of domestic violence. Female employees are active in their respective roles and are enjoying their rights and entitlements.

### **D. Former Regime's Civil Servants and Military Personnel:**

The police-related agencies follow up on complaints from individuals affiliated with the former regime who claim threats or intimidation. If threats are made by unidentified persons, the police arrest them and submit their cases for investigation. So far, there is no confirmed case of Ministry of Interior personnel having mistreated former military personnel.

### **E. Situation of Returning Refugees:**

Alongside a warm welcome to returning Afghans, the Ministry of Interior has taken special measures for their transportation, documentation, resettlement, and security. No arrests, torture, or mistreatment have been carried out by the police. Clear orders have been issued to protect the rights of suspects, and monitoring of its implementation continues.

### **F. Torture and Arbitrary Arrests:**

The Amir al-Mu'minin (may Allah protect him) issued Decree No. 29 prohibiting torture, and the Ministry of Interior Affairs' related procedure No. 1521 has been distributed to all police headquarters. All police officers have been clearly instructed that torture, mistreatment, and arbitrary arrests are forbidden. The Human Rights Department under the General Directorate of Rights is responsible for continuous monitoring, and to this end awareness programs have been organized for police accordingly.

#### **• The Comments of the International Police (Interpol)**

The Interpol Directorate has confirmed that, to date, no case has been registered by them involving actions contrary to human rights principles. This Directorate requests that the United Nations remain committed to the principle of accuracy while preparing reports and focus solely on verified issues.

#### **• The Comments of the Anti-Terrorism Directorate**

The Directorate states that the issues mentioned in the report, such as the forced return of Afghan refugees, lack of accommodation, and mistreatment—if true—should be assessed not by the Islamic Emirate, but by the countries of origin. This Directorate strongly rejects such behaviour and is committed to respecting human rights from the Islamic Emirate side.

### **The Counter-Terrorism Directorate presents the following recommendations:**

1. International organizations, especially UNAMA, should prevent forced deportation.
2. The return process must be carried out with human dignity and without violence.

3. The United Nations should not hesitate in providing basic needs to refugees, such as food, medicine, shelter, and education.
4. In cooperation with the Emirate, temporary or permanent housing solutions should be sought for returned Afghans in the capital and provinces.

The Islamic Emirate of Afghanistan is deeply committed to respecting human rights according to human rights principles, Islamic values, Sharia provisions, and international interactions. Reports should be based on accurate evidence, documented cases, and fair assessments—not on speculative opinions.

**End**



## **Annex II: Comments provided by the Ministry of Foreign Affairs of Pakistan**

**Date: 7 May 2025**

As one of the world's largest and most consistent hosts of displaced populations, Pakistan has upheld its humanitarian responsibility toward Afghan nationals for over four decades. Despite facing immense economic and security challenges, Pakistan has provided refuge and support to millions of Afghans, demonstrating an enduring commitment to regional stability and solidarity.

This long-standing support for Afghan nationals is reflective of Pakistan's constructive role in promoting peace and stability in the region.

Since 2023, Pakistan has been implementing the Illegal Foreigners Repatriation Plan (IFRP), with a view to addressing the presence of undocumented foreign nationals. The implementation of the IFRP has been guided by humanitarian considerations. The Government introduced several measures to ensure orderly and phased implementation of the Plan, including through establishment of dedicated Cells at the Ministry of Interior and across all provinces to address the concerns of returnees, as well as maintaining constant liaison with Afghan authorities on the repatriation process. These measures demonstrate Pakistan's strong commitment to facilitating a safe and orderly return of Afghan nationals in accordance with international humanitarian standards.

Pakistan has consistently underscored the need for enhanced international burden-sharing. It is critical that the international community step forward with greater support to ensure sustainable reintegration of Afghan returnees in their homeland.

Pakistan remains committed to continue to working in close collaboration with the international community and relevant stakeholders to address the challenges faced by displaced populations, in line with shared global responsibilities and humanitarian principles.

**End**

## **Annex III: Comments provided by the Ministry of Foreign Affairs of Iran**

**Date: 27 May 2025**

The Islamic Republic of Iran is fully committed to what has been agreed through consensus during Doha rounds including fully respect for human rights and establishing an inclusive government. Henceforth, Iran pays full attention to the approved working group on Private sector as the first member of which as well as the subgroup on Alternative Livelihood to help make the Afghan economy vibrant so that no returnee would face human rights risks.

Since the very beginning of the migration, no single Afghan who possessed valid documents including visa and passport, has been deported from Iran.

“Illegal immigrants” is referred to those Afghan whose visas are expired as well those trespassed the border illegally through infiltration.

All Afghan refugees in Iran, legal or illegal, live and enjoy the whole privileges as the Iranian citizens do including Subsidies amounting to 25 billion dollars per annum.

Due to the geographical qualities of the common borderline, Afghan refugees are still trespassing the line and illegally entering the Iranian territory. The borderline needs more control as illegal migration is interconnected with concepts such as security, counterterrorism, counternarcotics, and returnees. No border control amounts to infiltration of terrorists and traffickers who use Iranian territory as a transit route to other parts of the world including EU. As the interrelatedness of border control with organized crimes as enumerated requires, a technical delegation visited Kabul to convince DFA to take more steps in cooperation to erect barriers and monitoring facilities along common borders.

In the event there is a ban on girls education, women employment, and acquiring a democratic share of governance on the side of ethnicities, the emigration trend will go on a rise and the first affected is the neighboring state. Contributing to resolution of all these to create an atmosphere of tolerance and respect for human rights, is up to Doha stake holders to which I.R. Iran is a partner.

Involuntary return does not cover those refugees deported due to refraining from acquiring valid visas, overstay following visa expiration and committing crimes leading to invalidation of residence permit or whatever breach of regulations determined by domestic laws of the host state.

Under sanctions, Iran bears heavy costs of hospitality while no considerable assistance by international organizations as well as states or NGOs is extended. Less than a million of Afghan pupils have enrolled in Iranian schools, and around 45,000 university students are completing their higher education in Iranian universities while absolutely no payment has been requested so far.

**End**



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