

Afghanistan (1)

**2000 Annual Report on International Religious Freedom:****Afghanistan**

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AFGHANISTAN

Freedom of religion is restricted severely. Due to the absence of a constitution and the ongoing civil war, freedom of religion is determined primarily by the unofficial, unwritten, and evolving policies of the warring factions. In 1999 the Taliban, the ultraconservative Islamic movement that controls 90 percent of the country, claimed that it was drafting a new constitution based on Islamic law. Although a spokesperson for the Taliban claimed that the new constitution would ensure the rights of all Muslims and religious minorities, custom and law require affiliation with some religion, and atheism is punishable by death. There was no announcement during the period covered by this report that a constitution was promulgated.

The status of respect for religious freedom continued to deteriorate during the period covered by this report due to the civil war, the policies of the Taliban, and the policies of the Taliban's opponents. In particular, persecution by the Taliban of the Hazara ethnic group, which is predominantly Shi'a Muslim, reflected great religious intolerance. Although the conflict between the Hazaras and the Taliban is political and military as well as religious, and it is not possible to state with certainty that the Taliban engaged in its campaign against the Shi'a solely because of their religious beliefs, the religion of the Hazaras apparently was a significant factor leading to their persecution.

The Taliban sought to impose its extreme interpretation of Islamic observance in areas that it controlled and has declared that all Muslims in areas under Taliban control must abide by the Taliban's interpretation of Islamic law. The Taliban relies on a religious police force under the control of the Ministry for the Promotion of Virtue and the Suppression of Vice to enforce rules regarding appearance, dress, employment, access to medical care, behavior, religious practice, and freedom of expression. Persons found to be in violation of the edicts are subject to punishment meted out on the spot, which may include beatings and/or detention. In practice, the rigid policies adopted both by the Taliban and by certain opposition groups has a chilling effect on adherents of other forms of Islam and on those who practice other faiths.

The U.S. Embassy in Kabul has been closed since 1989 for security reasons. Although the United States does not recognize any of the warring factions as the Government of Afghanistan, U.S. officials have raised religious freedom issues with representatives of the factions on several occasions. U.S. officials have made similar approaches to other governments, including countries with influence in Afghanistan.



In September 1999, the Secretary of State identified the Taliban as a particularly severe violator of religious freedom.

Section I. Government Policies on Freedom of Religion

Legal/Policy Framework

Freedom of religion is restricted severely. Due to the absence of a constitution and the ongoing civil war, religious freedom is determined primarily by the unofficial, unwritten, and evolving policies of the warring factions. In most parts of the country, the Pashtun-dominated ultraconservative Islamic movement known as the Taliban vigorously enforced its interpretation of Islamic law. The Taliban movement, which controls approximately 90 percent of the country, claimed in mid-1999 that it was drafting a new constitution, based upon the sources of Islamic religious law (Shari'a): the Koran, the Sunna, and Hanafi jurisprudence. A Taliban spokesman has stated that the new constitution would ensure the rights of all Muslims and of religious minorities. However, custom and law require affiliation with some religion, and atheism is considered apostasy and is punishable by death. The small number of non-Muslim residents who remain in the country may practice their faith but may not proselytize.

Afghanistan's official name, according to the Taliban, is the Islamic Emirate of Afghanistan; according to the umbrella organization of various smaller anti-Taliban groups, the Northern Alliance, it is the Islamic State of Afghanistan. These names reflect the desire of both factions to promote Islam as the state religion. Taliban leader Mullah Omar carries the title of Commander of the Faithful.

Licensing and registration of religious groups do not appear to be required by the authorities in any part of the country.

Religious Demography

Reliable data on the country's population is not available. However, informed sources estimate that 85 percent of the population are Sunni Muslim; most of the remaining 15 percent are Shi'a. The Hazara ethnic group is predominantly Shi'a; Shi'a are among the most economically disadvantaged persons in the country. The Shi'a minority want a national government that would give them equal rights as citizens. There are also small numbers of Ismailis living in the central and northern parts of the country. Ismailis are Shi'a, but consider the Aga Khan their spiritual leader.

Traditionally, Sunni Islam of the Hanafi school of jurisprudence has been the dominant religion. The Taliban also adheres to the Hanafi school of Sunni Islam, making it the current dominant religion in the country. For the last 200 years, Sunnis often have looked to the example of the Deoband madrassa (religious school) near Delhi, India. Most of the Taliban leadership attended Deobandi-influenced seminaries in Pakistan. The Deoband school has long sought to purify Islam by

discarding supposedly un-Islamic accretions to the faith and reemphasizing the models established in the Koran and the customary practices of the Prophet Mohammed. Additionally, Deobandi scholars often have opposed what they perceive as Western influences. Much of the population adheres to Deobandi-influenced Hanafi Sunnism, but a sizable minority adheres to a more mystical version of Hanafi Sunnism generally known as Sufism. Sufism centers on orders or brotherhoods that follow charismatic religious leaders.

In the past, small communities of Hindus, Sikhs, Jews, and Christians lived in the country, but most members of these communities have left. Even at their peak, these non-Muslim minorities constituted only 1 percent of the population. Almost all members of the country's small Hindu and Sikh population, which once numbered about 50,000 persons, have emigrated or taken refuge abroad. Non-Muslims such as Hindus and Sikhs are found only in extremely small numbers. They are almost all foreigners, often working as traders, and generally are not disturbed as long as they do not attempt to proselytize. The very few Christians and Jews who live in the country are apparently almost all foreigners who are assigned temporarily to relief work by foreign nongovernmental organizations (NGO's).

Several areas of the country are religiously homogeneous. Sunni Muslim Pashtuns, centered around the city of Kandahar, dominate the south, west, and east of the country. The homeland of the Shi'a Hazaras is in the Hazarajat or the mountainous central highlands around Bamiyan. Badakshan province, in the extreme northeast of the country, traditionally has been an Ismaili region. Other areas, including Kabul, the capital, are more heterogeneous. For example, in and around the northern city of Mazar-i-Sharif, there is a mix of Sunnis (including Pashtuns, Turkmen, Uzbeks, and Tajiks) and Shi'a (including Hazaras, Qizilbash, and Ismailis).

Governmental Restrictions on Religious Freedom

In Taliban-controlled areas authorities have decreed that all Muslims must take part in five daily prayers. Friday noon prayers at mosques are said to be compulsory. Women and girls reportedly are forbidden to enter mosques and therefore must pray at home.

According to Human Rights Watch, in September 1999, the Taliban issued decrees that forbade non-Muslims from building places of worship but allowed them to worship at existing holy sites, forbade non-Muslims from criticizing Muslims, ordered non-Muslims to identify their houses by placing a yellow cloth on their rooftops, forbade non-Muslims from living in the same residence as Muslims, and required that non-Muslim women wear a yellow dress with a special mark so that Muslims could keep their distance. These decrees followed earlier reports that Hindus were required to wear a piece of yellow cloth attached to their clothing to identify their religious identity, and that Sikhs were required to wear some form of identification as well. This system of identification allegedly was imposed to spare non-Muslims from the enforcement of rules that are mandatory for Muslims and from

harassment by agents of the Ministry for the Promotion of Virtue and the Suppression of Vice (PVSV), but reportedly no longer is enforced.

No information is available about any activities by Muslim missionaries in the country. Proselytizing by non-Muslims is prohibited. A small number of foreign Christian groups are present in the country, but they focus on relief work since they are forbidden to proselytize. Conversion from Islam is considered apostasy and is punishable by death. There was no information available about converts, and no information available concerning restrictions on the training of clergy.

The Taliban does not encourage free speech about religious issues or frank discussions that challenge orthodox Sunni views. Publishing and distribution of literature of any kind, including religious material, is rare. The Taliban continues to prohibit music, movies, and television on religious grounds in Taliban-controlled areas. In 1998 television sets, videocassette recorders, videocassettes, audiocassettes, and satellite dishes were outlawed in order to enforce the prohibition. However, subsequent reports indicate that many persons in urban areas around the country own such electronic devices despite the ban.

The sections of the country's educational system that have survived over 20 years of war put considerable emphasis on religion.

When the Taliban took Kabul in September 1996, it immediately issued pronouncements forbidding girls to go to school. According to a United Nations survey, at that time, more than 100,000 girls reportedly attended public school in Kabul from grades kindergarten to 12. Since 1996 the Taliban has eliminated most of the opportunities for girls' education that existed in areas that the Taliban has taken over; however, some girls' schools still operate in rural areas and small towns. The Taliban has decreed that women are not allowed to attend the country's formerly coeducational universities, and one women's university, the Kabul branch of the Peshawar-based Afghan University, was closed by the Taliban after its takeover of Kabul. More than 100 NGO-funded girls' schools and home-based women's vocational projects were closed in Kabul in June 1998. The Taliban stated that schools would not be allowed to teach girls over the age of 8, and that the schools that were closed had violated this rule. In the future, the Taliban stated that girls' schools would be licensed, and that teaching in such schools would be limited to the Koran. Some girls reportedly are receiving an education in informal home schools, which are tolerated by the Taliban authorities in various parts of the country. It also was reported that several girls' schools remain open in Kandahar, although in Herat, which was captured by the Taliban in 1995, girls' schools have remained closed except in the refugee camps maintained by international NGO's. Some families sent girls abroad for education in order to evade the Taliban's prohibitions on education for females in most urban areas. It also has been reported that the ban on women working outside of the home has hampered the education of boys, since 70 percent of the country's teachers were women prior to the advent of Taliban rule.

The Taliban announced in 1998 that foreign Muslim women, including

U.N. workers, would be allowed to perform their jobs only if accompanied by a male relative, a move that was not vigorously enforced during the period covered by this report.

At various times, the Taliban has banned certain traditional recreational activities, such as kite flying and playing chess. Dolls, stuffed animals, and photographs are prohibited under the Taliban's interpretation of religious injunctions against representations of living beings; in search of these objects, Taliban soldiers or persons masquerading as Taliban members reportedly have entered private homes without prior notification or informed consent. Health care for both men and women was hampered by the ban on images of humans, which caused the destruction of public education posters and hampered the provision and dissemination of health information in a society with massive illiteracy. However, the Taliban allowed the visual depiction of persons in demining education materials.

The Taliban reportedly has required parents to give their children "Islamic" names.

Governmental Abuses of Religious Freedom

In the recent past, the mass killings of the mainly Shi'a Hazaras by the Taliban in recently occupied territories in the north in particular, constituted a serious abuse. Although the conflict between the Hazaras and the Taliban is political and military as well as religious, and it is not possible to state with certainty that the Taliban engaged in its campaign of persecution against the Shi'a solely because of their religious beliefs, the religion of the Hazaras apparently was a significant factor leading to their persecution.

Since they took control of Kabul in 1996, the Taliban reportedly has committed numerous human rights violations, particularly against the Hazaras. In September 1997, the Taliban reportedly massacred 70 ethnic Hazara civilians in Qezelabad. There were reports of mass arrests by the Taliban in Hazara neighborhoods of Kabul in January 1998. There also were credible reports of the massacre of thousands of civilians and prisoners by the Taliban during and after the capture of Mazar-i-Sharif in August 1998; this massacre reportedly was aimed at ethnic Hazaras. In September 1998, approximately 500 persons were killed as the Taliban gained control of the city of Bamiyan. The Hazaras regained control of Bamiyan in April 1999 following prolonged guerilla-style warfare; however, the Taliban recaptured Bamiyan in May 1999 and reportedly killed a number of Shi'a residents. There were reports during 1999 and 2000 that there were forced expulsions of ethnic Hazaras and Tajiks from areas controlled or conquered by the Taliban, as well as harassment of these minorities throughout Taliban controlled areas.

The Taliban ruled strictly in areas that it controlled, establishing ad hoc and rudimentary judicial systems. The Taliban established Islamic courts in areas under its control to judge criminal cases and resolve disputes. The courts reportedly dealt with all complaints, relying on the Taliban's interpretation of Islamic law and punishments as well as tribal

customs. In cases involving murder and rape, convicted prisoners generally were ordered executed, although relatives of the victim could instead choose to accept other restitution. Decisions of the courts reportedly were final. Taliban courts imposed their extreme interpretation of Islamic law and punishments following swift summary trials. Murderers were subjected to public executions, which sometimes took place before crowds of up to 30,000 persons at Kabul Stadium. Executions sometimes were carried out by throat slitting, a punishment that, at times, was inflicted by the victims' families. Thieves were subjected to public amputations of either one hand or one foot, or both. The U.N. Special Rapporteur for Torture noted particular concern about the use of amputation as a form of punishment by Taliban authorities. Adulterers were stoned to death or publicly whipped with 100 lashes. According to Human Rights Watch, several men who were found guilty of homosexual acts were crushed by having walls toppled over them by a tank; one man who survived the ordeal after being left under the rubble for two hours reportedly was allowed to go free.

The Taliban seeks to impose its extreme interpretation of Islamic observance in areas that it controlled and has declared that all Muslims in areas under Taliban control must abide by the Taliban's interpretation of Islamic law. The Taliban announces its proclamations and edicts through broadcasts on the Taliban's "Radio Shariat," and relies on a religious police force under the control of the Ministry for the Promotion of Virtue and the Suppression of Vice to enforce rules regarding appearance, dress, employment, access to medical care, behavior, religious practice, and freedom of expression. Members of the PVSV, which was raised to the status of a Ministry in May 1998, regularly check persons on the street in order to ascertain that individuals are conforming to such Taliban edicts. Persons found to be in violation of the edicts are subject to punishment meted out on the spot, which may include beatings and/or detention. In practice, the rigid policies adopted both by the Taliban and by certain opposition groups has a chilling effect on adherents of other forms of Islam and on those who practice other faiths. Enforcement of Taliban social strictures is much stricter in the cities, especially in Kabul, and looser in rural areas, where more is left to local custom.

Prayer is mandatory for all, and those who are observed not praying at appointed times or who are late attending prayer are subject to punishment, including severe beatings. There were reports in 1998 that PVSV members in Kabul stopped persons on the street and quizzed them to determine if they knew how to recite various Koranic prayers.

According to Taliban regulations, men's beards must protrude farther than would a fist clamped at the base of the chin. Men also must wear head coverings and must not have long hair. A man who has shaved or cut his beard may be imprisoned for 10 days and be required to undergo Islamic instruction. Several civil service employees reportedly were fired in 1997 for cutting their beards. All students at Kabul University reportedly are required to have beards in order to study there (no female students are allowed). There also are credible reports that Taliban members gave forced haircuts to males in Kabul.

Women and girls suffered the brunt of the Taliban's extreme interpretation and implementation of Shari'a (Islamic law). Women were required to don a head-to-toe garment known as the burqa, which has only a mesh screen for vision, when in public. While in some rural areas this was the normal garment for women, the requirement to wear the burqa represented a significant change in practice when imposed in urban areas. According to a decree announced by the religious police in 1997, women found outside the home who were not covered properly would be punished severely, along with their family elders. In Kabul and elsewhere, women found in public who were not wearing the burqa, or whose burqas did not cover their ankles properly, were beaten by Taliban militiamen. Some poor women cannot afford the cost of a burqa, and thus are forced to remain at home or risk beatings if they go out without one. There are reports that disabled women, who need a prosthesis or other aid to walk, are virtually homebound because they cannot wear the burqa properly over the prosthesis or other aid. The absence of a burqa has resulted in the inability of some women to get necessary medical care; at least one woman reportedly died because she did not have a burqa and thus could not leave her home. In a 1998 survey, Physicians for Human Rights (PHR) found that 22 percent of the female respondents surveyed reported being detained and abused by the Taliban; of these incidents, 72 percent were related to alleged infractions of the Taliban's dress code for women. Most of these incidents reportedly resulted in detentions that lasted 1 hour or less, but 84 percent also resulted in public beatings, and 2 percent resulted in torture. Sixty-eight percent of those surveyed reported that they had reduced their public activities drastically during 1998 in Kabul. A few reports in 1997 indicated that some women in Herat had covered their heads with large scarves that leave the face uncovered and had not faced reprisals, and many women in rural areas also have been observed without burqas but with scarves covering their heads. Women are not allowed to wear white burqas, white socks, or white shoes. Women reportedly were beaten if their shoe heels clicked when they walked. All of these restrictions apparently are not enforced strictly upon the nomad population of several hundred thousand or upon the few female foreigners, who nonetheless must cover their hair, arms, and legs. Women in their homes also must not be visible from the street; the Taliban requires that houses with female occupants have their windows painted over. However, in early 1999 there were reports that the Taliban may be easing some of the restrictions on women's dress.

Women were expected to leave their homes only while escorted by a male relative, further curtailing the appearance and movement of women in public even when wearing approved clothing. Women appearing in public without a male relative ran the risk of beatings by the Taliban. Women are not allowed to drive, and taxi drivers reportedly are beaten if they take unescorted women as passengers. Women only may ride on buses designated as women's buses; there are reportedly not enough of these buses to meet the demand, and the wait for women's buses can be long. In 1998 the Taliban ordered that bus drivers who take female passengers must encase the bus in curtains, and put up a curtain so that the female passengers cannot see or be seen by the driver. Bus

drivers also were told that they must employ boys under the age of 15 to collect fares from female passengers, and that neither the drivers nor the fare collectors were to mingle with the passengers.

When the Taliban took Kabul in 1996, it immediately issued pronouncements forbidding women to work, including female doctors and nurses in hospitals. In a few cases, the Taliban relented and allowed women to work in health care occupations under restricted circumstances. The prohibition on women working outside of the home has been especially difficult for the large numbers of widows left by 20 years of civil war; there are an estimated 30,000 widows in Kabul alone. Many women reportedly have been reduced to selling all of their possessions and to begging to feed their families. Taliban gender restrictions continued to interfere with the delivery of humanitarian assistance to women and girls, as well. In 1997 the Taliban asked that international assistance be provided to women through their close male relatives rather than directly. Male relatives also must obtain the permission of the PVSF for female home-based employment.

While most citizens lack any access to adequate medical facilities, such access was made even more restrictive for women under Taliban rule. In 1997 the Taliban announced a policy of segregating men and women in hospitals and directed most hospitals in Kabul to cease services to women and to discharge female staff. Services for women were to be provided by a single hospital still partially under construction--a drastic reduction in access to, and the quality of, health care for women. Several orders concerning the provision of emergency and nonemergency medical aid for women were given and reversed in 1997. Women were permitted to seek treatment from female medical personnel working in designated women's wards or clinics; they were permitted to see male doctors if accompanied by a male relative. Erratic reversals in policy continued throughout 1998, with the effect that women often were prevented from obtaining adequate medical care. In June 1998, the Taliban prohibited all doctors from treating female patients in the absence of a patient's husband, father, or brother. This decree, while not universally enforced, made treatment extremely difficult for Kabul's widows, many of whom have lost all such male family members. Furthermore, even when a woman is allowed to be treated by a male doctor, he may not see or touch her, which drastically limits the possibility of any meaningful treatment.

The Taliban's restrictions on medical treatment by male health professionals have had a detrimental effect on children. According to PHR, children sometimes are denied medical care when the authorities do not let male doctors visit children's wards, which may be located within the women's ward of a hospital, or do not allow male doctors to see children accompanied only by their mothers.

While some Taliban leaders have claimed tolerance of religious minorities, there reportedly have been restrictions imposed upon Shi'a Muslims in Taliban-controlled territory, although not necessarily on a uniform basis. However, the Taliban allegedly has ordered Shi'a to confine their Ashura commemorations during the month of Muharram

to their mosques and to avoid the public processions that are an integral part of Ashura in other countries with Shi'a populations.

There also are unconfirmed reports that the Taliban has occupied and "cleaned" Shi'a mosques for the use of Sunnis, including a Shi'a mosque in Mazar-i-Sharif in 1998.

No information is available on the numbers of religious detainees or prisoners. There is no indication that religious detainees or prisoners are charged formally as part of their incarceration. However, the Taliban is reported to hold many Hazara Shi'a prisoners, who were detained as a result of the country's civil war and not solely on the basis of their religion.

The Ismaili community also fought for the Northern Alliance against the Taliban and suffered when the Taliban occupied territories once held by Ismaili forces. There have been reports of the mistreatment of Ismailis at the hands of the Taliban.

The status of respect for religious freedom continued to deteriorate during the period covered by this report due to the civil war, the policies of the Taliban, and the policies of the Taliban's opponents.

Very little information is available about territory held by the Northern Alliance, which controls much less territory than the Taliban and therefore affects a smaller percentage of the population. However, some groups within the Northern Alliance also are dedicated to enforcing strict adherence to Islamic law. In past years, some members of the Northern Alliance were responsible for atrocities against Taliban forces during the war for control of the country.

Forced Religious Conversion of Minor U.S. Citizens

There were no reports of the forced religious conversion of minor U.S. citizens who had been abducted or illegally removed from the United States, or of any faction's refusal to allow such citizens to be returned to the United States.

Section II. Societal Attitudes

Relations between the different branches of Islam in the country are problematic. Historically, the minority Shi'a faced discrimination from the majority Sunni population. Most Shi'a Muslims are members of the Hazara ethnic group, which traditionally has been segregated from the rest of society. The country's history contains many instances of conflict between the Hazaras and other Afghans. These conflicts often have had economic and political roots but regularly have acquired sectarian dimensions. The Hazaras fear that Taliban rule would deprive their community of its religious, political, and economic rights. However, many Shi'a, including a sizable community in Kabul, enjoy limited religious freedom.

For the most part, the current factions in the country are divided along

religious and ethnic lines. The Taliban is made up mainly of Sunni Muslim Pashtuns; the Taliban's chief opposition is the Northern Alliance, which, under the nominal leadership of Burhanuddin Rabbani, is made up of various smaller anti-Taliban groups. Rabbani and his Defense Minister, Commander Ahmad Shah Masood, are both Tajiks and control a largely Tajik-inhabited territory in the northeast. Other members of the Northern Alliance include ethnic Hazara, Uzbeks, Turkmen and other smaller groups. The Hazara and some other smaller ethnic groups are Shi'a Muslims. Within the respective factions, there are economic, political, and military advantages to belonging to the dominant faith or ethnic group in a given faction. Conversely, members of a different faith may encounter disadvantages if they seek full membership in a particular faction. The Taliban has brought several prominent Shi'a commanders into its organization in an effort to counter the perception that it is an exclusively Sunni Pashtun movement. The Northern Alliance includes several Pashtuns in prominent roles, although its supporters largely come from the non-Pashtun minorities.

Section III. U.S. Government Policy

The U.S. Embassy in Kabul has been closed since 1989 for security reasons. The United States maintains contact with all factions but does not recognize any as the Government of Afghanistan. U.S. officials have raised religious freedom issues with representatives of the factions, including the Taliban, on several occasions and particularly have called for the protection of the rights of religious minorities. U.S. officials have made similar approaches to other governments regarding the behavior of the Taliban, including countries with influence in Afghanistan.

The Department of State has raised the issue of Taliban abuses committed against religious minorities in international forums and has voted in favor of U.N. Security Council and General Assembly resolutions criticizing abuses committed against Shi'a by the Taliban. In August 2000, the Department of State announced that it was doubling its refugee resettlement ceiling for the Near East and South Asian regions for the year 2000, in part to allow more Afghan women and their families into the United States.

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