

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	289
Land:	Afghanistan
Kilde:	U.S. Department of State
Titel:	"International Religious Freedom Report 2007"
Udgivet:	14. september 2007
Optaget på baggrundsmaterialet:	2. oktober 2007



Afghanistan

International Religious Freedom Report 2007

Released by the Bureau of Democracy, Human Rights, and Labor

The Constitution proclaims that "followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law." However, it also states that Islam is the "religion of the state" and that "no law can be contrary to the beliefs and provisions of the sacred religion of Islam." The right to religious freedom was not respected in practice. Years of Taliban rule and weak democratic institutions have contributed to intolerance manifested in acts of harassment and violence against reform-minded Muslims and religious minorities.

Still recovering from 25 years of violence and suffering from an ongoing insurgency, the country is slowly moving toward greater stability and democracy. Since 2004, the country has held democratic presidential, parliamentary, and provincial council elections. In April 2006 President Hamid Karzai nominated a second Cabinet, and by the end of 2006, a Supreme Court. Efforts to reform the judiciary were underway with assistance from the U.S. and the international community. The Government took limited steps to increase religious freedom. The Ministry of Foreign Affairs organized some seminars for religious leaders to promote religious tolerance and moderate views versus strict interpretations of Shari'a on women's issues.

Despite reform efforts, there was an increase in the number of reports of problems involving religious freedom compared to previous years. Several high-profile cases involving religious freedom sparked demonstrations in major cities during the period covered by this report. Condemnations of conversions from Islam and censorship increased concerns about citizens' ability to freely practice minority religions.

The country's population is nearly entirely Muslim. Non-Muslim minority groups faced incidents of discrimination and persecution. Conversion is understood by many citizens to contravene the tenets of Islam and Shari'a. Due to societal pressure, most local Christians hid their religion from their neighbors and others. As a result, little information was available about this community or the challenges it faced. The local Sikh and Hindu populations, although allowed to practice publicly, continued to face problems obtaining land for cremation purposes and faced discrimination when seeking government jobs as well as harassment during major celebrations. Within the Muslim population, relations among the different sects of Islam continued to be difficult. Historically, the minority Shi'a community has faced discrimination from the majority Sunni population. This discrimination continued to exist.

The U.S. Government regularly discusses religious freedom issues with government officials as part of its overall policy to promote human rights. The U.S. Embassy continued to send political, civil society, and religious leaders to programs in the United States.

The Embassy also advocated for the Hindu and Sikh community in their efforts to obtain land for cremation. Land was assigned, and the Embassy continued to work to finalize the agreement, which as of the end of the reporting period, had still not been signed. Together with the international community, the U.S. Government expressed concern at the treatment of local converts to Christianity.

Some Provincial Reconstruction Teams (PRTs) provided assistance through the U.S. Military's Commanders Emergency Response Program (CERP) to build madrassahs, or religious schools, for local communities. During the reporting period, the U.S. military completed projects to repair, refurbish, or provide supplies and equipment to 35 mosques around the country.

Section I. Religious Demography

The country has an area of 402,356 square miles and a population of 31 million. Reliable data on religious demography is not available because an official nationwide census has not been conducted in decades. Observers estimate that 80 percent of the population is Sunni Muslim; 19 percent is Shi'a Muslim; and other religious groups make up less than 1 percent of the population. There is a small, hidden Christian community; there are no reliable figures on its size, but estimates range from 500 to 8,000. There are roughly 3,000 Sikh and Hindu believers and more than 400 Afghans who are followers of the Baha'i faith. In addition, there are small numbers of adherents of other religious groups, mostly Buddhist foreigners.

Traditionally, the dominant religion has been the sect of Sunni Islam that follows the Hanafi school of jurisprudence. For the last 200 years, Sunnis often have looked to the example of the Darul Uloom madrassah located in Deoband near Delhi, India. The Deobandi school has long sought to purify Islam by discarding supposedly un-Islamic accretions to the faith and reemphasizing the models that it believes were established in the Qur'an and the customary practices of Muhammad. Additionally, Deobandi scholars often have opposed what they perceive as Western influences. Much of the population in Afghanistan adhered to Deobandi-influenced Hanafi Sunnism, but a sizable minority adhered to a more mystical version of Islam, generally known as Sufism. Sufism centers on orders or brotherhoods that follow charismatic religious leaders.

Members of the same religious group have traditionally concentrated in certain regions. Sunni Muslim Pashtuns centered around the city of Kandahar and dominated the south and east of the country. The homeland of the Shi'a Hazaras was in the Hazarajat, the mountainous central highlands around Bamyan. Northeastern provinces traditionally have had Ismaili populations. Other areas, including Kabul, the capital, were more heterogeneous and included large Sunni, Shi'a, Hindu, Sikh and Baha'i populations. Similarly, the northern city of Mazar-e Sharif included a mix of Sunnis (including ethnic Pashtuns, Turkmen, Uzbeks, and Tajiks) and Shi'a (Hazaras and Qizilbash), including Shi'a Ismailis.

In the past, small communities of Hindus, Sikhs, Jews, and Christians lived in the country; however, most members of these communities emigrated during the years of civil war and Taliban rule. Even at their peak, these non-Muslim minorities constituted less than one percent of the population. Most of the small Hindu and Sikh populations, which once numbered approximately 50,000 persons, took refuge abroad during the many years of conflict; however, there is a small population of native-Afghan Hindus and Sikhs that never left. In total, non-Muslims, including Hindus, Sikhs, Baha'is and Jews, were estimated to number in the hundreds at the end of Taliban rule. Since the fall of the Taliban a number of religious minorities have returned.

During the reporting period, there were approximately 3,000 Sikhs and Hindus living in the country. There are seven gurdwaras, Sikh places of worship, in Kabul, where worshippers generally were free to visit, and few threats were reported. The Hindu population, which is less distinguishable than the Sikh population whose men wear a particular headdress, faced little harassment. There were approximately six Hindu temples in four cities. An additional eighteen were destroyed during the many years of war. There is one Christian church and one synagogue. Some who converted to Christianity as refugees have returned. Others may have been born abroad into other religious groups. The Baha'i faith has had followers in Afghanistan for approximately 150 years. The community is predominantly based in Kabul, where more than 300 Baha'i members live, but another 100 are said to live in other parts of Afghanistan.

There were some missionary groups working in the country. While proselytizing was not technically illegal, those that actively proselytized did so in secret to avoid harassment or arrest by local officials.

Section II. Status of Religious Freedom

Legal/Policy Framework

Efforts continued to update the existing criminal and civil legal codes to bring them in line with the country's international treaty obligations. Full and effective enforcement of the Constitution is an ongoing challenge due to the lack of a strong tradition of reliance on state judicial institutions.

The Constitution was ratified in January 2004. The Constitution declares Islam to be the official "religion of the state," stating that "no law can be contrary to the beliefs and provisions of the sacred religion of Islam," and that, "the provisions of adherence to the fundamentals of the sacred religion of Islam and the regime of the Islamic Republic cannot be amended." Followers of other religions are "free to exercise their faith and perform their religious rites within the limits of the provisions of the law."

Interpretation of the Constitution on matters of religion has proved difficult, as the Constitution also includes the mandate to abide by the Universal Declaration of Human Rights and obliges the state to "create a prosperous and progressive society based on social justice, protection of human dignity, protection of human rights, realization of democracy, and to ensure national unity and equality among all ethnic groups and tribes." For issues on which the Constitution and penal code are silent (such as conversion and blasphemy), the courts defer to Shari'a law - interpretations of which often come into conflict with the mandate to abide by the Universal Declaration of Human Rights.

Societal disputes are often resolved by informal judicial committees, "shuras," comprised of tribal and religious leaders often with no formal legal training based on interpretations of Shari'a law. Some estimates suggested that 80 percent of all civil and criminal cases went through shuras. This left many vulnerable to violation of their legal rights, as customary shuras or "jirgas" did not adhere to the constitutional rights of citizens and often violated the rights of religious minorities.

Article 34 of the Constitution protects freedom of expression and of the press. Amendments to the Afghan Mass Media

Law, approved by the Lower House of the Afghan Parliament on May 22, 2007, included both positive and negative changes with respect to religious freedom. In the current version of the draft law, which still has to be approved by the Upper House and signed by President Karzai, Article 45(1) prohibits the publication by the mass media of any materials that are contrary to the "principles and provisions" of the Islamic Religion, and Article 45(2) prohibits the publication by the mass media of materials that are offensive to other religions. Article 45(6) states that the mass media shall be prohibited from printing, airing, broadcasting, or otherwise disseminating materials (articles, programs, etc.) that publicize or promote any religion other than Islam. This formalizes in Afghanistan's written law a prohibition on the use of mass media to attempt to convert others to religions (other than Islam). Regardless, any attempt to convert a Muslim to another religion is already illegal in Afghanistan under Islamic law, whether through the mass media or otherwise.

The ambiguity surrounding what constitutes offensive material offers the potential for abuse of this clause to restrict press freedom and intimidate journalists. These rules also apply to non-Muslims and foreign-owned media outlets.

The amended Media Law instructs National Radio and Television Afghanistan, the state-run media outlet, to provide balanced broadcasting that respects the culture, language, and religious beliefs of all ethnic groups in Afghanistan.

In May 2007 the Upper House of Parliament passed a draft resolution on reconciliation. The resolution must go to the Lower House and be signed by President Karzai before becoming law. One of the clauses calls for the "censoring and prevention of broadcast of commonplace films and TV programs that are aimed against the ideology, customs, and Afghan culture, and which cause damage to the feelings of our people." The draft resolution also called for, "more Islamic religious programs on TV, which is expected to be effective in bringing the people and government close to each other." It also calls for the Afghan government to enroll Afghan Taliban who are studying religious subjects in Pakistani madrassas into Afghan madrassas, presumably as an attempt to dissuade them from fundamentalist religious beliefs that advocate attacks against the Afghan government.

Proselytism was practiced discreetly. There are no laws forbidding the practice, even though it is viewed by authorities and society as contrary to the beliefs of Islam. There were unconfirmed reports of attempts to arrest Afghan Christians involved in proselytism. Foreigners caught proselytizing were deported. The Government worked on revising the penal code to bring it in line with international standards during the reporting period. Blasphemy is a capital crime, and authorities could punish blasphemy with death, if committed by a male over age 18 or a female over age 16, who is of sound mind. Those accused of blasphemy are given three days to recant their actions and could otherwise face death by hanging.

Conversion from Islam is considered apostasy and is punishable by death under some interpretations of Shari'a. As in the case of blasphemy, an Afghan citizen who has converted from Islam (if a male over age 18 or a female over age 16, who is of sound mind) has three days to recant his or her conversion and is otherwise subject to death by hanging.

In May 2007 the General Directorate of Fatwas and Accounts under the Supreme Court issued a ruling on the status of the Baha'i faith, declaring it to be distinct from Islam and a form of blasphemy. The ruling also declared all Muslims who convert to Baha'i to be apostates and all followers of the Baha'i faith to be infidels. The text of the ruling reads, "Islamic scholars have issued a fatwa [religious announcement] against the Baha'i faith, declaring it to be separate from the religion of Islam and a form of blasphemy. If any Muslim follows the Baha'i faith, he is considered an apostate. In consideration of the themes written in the books *The Baha'i Religion* and *The Kingdom of Heaven's Message* -- the famous books of the Baha'i religion -- the Islamic scholars of the Fatwa Directorate of the Supreme Court have issued a fatwa declaring Bab Mirza Mohammad Ali and Baha'i Mirza Hussein Ali (founders of the Baha'i faith who have claimed to be Mehdi or Imam Zaman of the last days and messengers of God) and their followers to be apostates. This ruling is supported by writings from other Islamic scholars, which have declared Bab Mirza Mohammad Ali and Baha'i Mirza Hussein Ali and their followers to be apostates."

The ruling appears to have resulted from an Ulama Council's investigation into where the Baha'i faith stands vis-à-vis Islam. The Ulama Council that issued the ruling deemed that the Baha'i faith and its followers would be treated similarly to Christians and Jews in the country. While the ruling is unlikely to affect foreign-national Baha'is in Afghanistan, it could potentially create problems for the country's small Afghan Baha'i population, particularly on the question of marriage. Many Afghan Baha'is are married to Afghan Muslims, but the ruling could be used by courts to invalidate marriages between Baha'is and Muslims. This would create a noteworthy distinction between how the courts view the Baha'i faith vis-à-vis Christianity and Judaism, as Jewish and Christian women (but not Baha'i women) can be legally married to Muslim men. (Muslim women can only be married to Muslim men.) Afghan citizens who convert from Islam to the Baha'i faith face a risk of persecution, similar to that of Christian converts. It remains to be seen how the government will treat second-generation Baha'is who technically have not converted, as they were born into families of Baha'i followers, but may still be viewed as having committed blasphemy.

Prior to the drafting of the Constitution, some conservative elements advocated that the Constitution should favor the Hanafi school of Islamic jurisprudence associated with the Sunnis over the Jafari school used by the Shi'as. These elements also called for the primacy of Shari'a in the legal system; however, the Constitution does not grant preferential status to the Hanafi school, nor does it make specific reference to Shari'a. The Constitution also grants that Shi'a law would be applied in cases dealing with personal matters involving Shi'as; there is no separate law applying to non-Muslims.

The Constitution requires that the President and Vice President be Muslim and does not distinguish in this respect between Sunnis and Shi'as. This requirement is not explicitly applied to government ministers, but the oath required of ministers suggests adherence to the Islamic faith. The Constitution has no religious requirement for Members of Parliament.

The Afghan Independent Human Rights Commission (AIHRC) conducted national consultations on transitional justice, promoted reconciliation at civil society gatherings, and through various media, continued to receive reports of abuses from citizens. In December 2005 President Karzai approved a Transitional Justice Action Plan which was adopted by the cabinet by the end of the year. In 2003 the Ministry of Interior established a Human Rights Department to investigate abuses, and this department designated two officers responsible for human rights compliance in each province. During the reporting period, all provincial police departments had human rights officers to investigate abuses.

In August 2006 the government announced it was considering establishing a Department for the Prevention of Vice and Promotion of Virtue within the Ministry of Religious Affairs. Under the Taliban an entity with the same name was a much feared organization known for its extensive abuse of women and religious minorities. The proposal to establish a Vice and Virtue Department would require a presidential decree, and at the end of the reporting period, it rested in the President's office.

The Minister of Hajj and Endowment stated that the proposed Department's mandate would be similar to that of parallel ministries in other Islamic countries - to educate people in order to discourage actions inconsistent with Islamic principles - rather than the mandate observed under the Taliban.

A de facto local "morals and rules commission" was established in Khost Province during Ramadan (September - October 2006). It arrested individuals for selling alcohol to Muslims, possessing and selling pornography, and displaying "other improper ethics." Minister Shahrani, the Minister of Hajj and Endowment, stated that this local Vice and Virtue Department was not connected to the Ministry in Kabul. Khost Governor Jamal stated that the commission was temporary, with a limited mandate during Ramadan to enforce existing laws.

Chapter 18 of the Penal Code of 1976 (Penal Code) addresses "Crimes Against Religions," although it does not address blasphemous remarks. Article 347 of the Penal Code says that (a) people who forcefully stop the conduct or rites of religious rituals and (b) people who destroy or damage permitted places of worship where religious rituals are conducted or who destroy or damage any sign or symbol of any religion, shall be subject to a medium-term prison sentence and/or a cash fine of between 12,000 and 60,000 Afghanis (\$240 - \$1200). There is nothing in the Penal Code related to the spoken or written utterance of insults or profanity against God, or religion or sacred symbols, books, etc.

Only Islamic holy days are celebrated as public holidays. There were no reports that Muslim holidays negatively affected other religious groups. The Shi'a community openly celebrated the birthday of Imam Ali, one of the most revered figures in the Shi'a tradition. In past years, the Shi'a holiday of Ashura, during which Shi'a Muslims hold religious parades in local streets, has triggered violence in the cities of Kabul and Herat. However, observations of Ashura in January 2007 were overwhelmingly peaceful.

The licensing and registration of religious groups is not required.

Both Sunnis and Shi'as were permitted to go on the Hajj, and there was no quota system for those from either group. Participants were selected by lottery.

The components of the educational system that survived more than twenty-five years of war place considerable emphasis on religion. The Constitution states that, "The state shall devise and implement a unified educational curriculum based on the provisions of the sacred religion of Islam, national culture, and in accordance with academic principles, and develops the curriculum of religious subjects on the basis of the Islamic sects existing in Afghanistan." During the reporting period, the public school curriculum included Islamic content but no content from other religious groups.

The Government announced in April 2007 that it would begin setting up its own madrassahs in order to counter the influence of extremist elements operating in the countryside. The Ministry of Education considers it the Government's responsibility to offer a tolerant and modern Islamic education for young Afghans, as many parents want religious schooling for their children. These schools plan to offer an alternative to the Taliban's use of education as a weapon of terrorism. The first schools are scheduled to be established during the spring and summer of 2007, with a new madrassah to eventually open in each of Afghanistan's 34 provinces. The planned schools will accommodate up to 50,000 children, and offer 40 percent religious education, 40 percent general education, and 20 percent computer science and foreign languages.

There was no restriction on parental religious teaching. The national curriculum and textbooks that emphasize moderate Islamic terms and principles steadily replaced the preaching of jihad in schools. By the end of the period

covered by this report, all schools in Kabul and in 15 of the 34 provinces, mostly surrounding the capital, were using the new texts. The Ministry of Education began introducing human rights as a subject in the national school curriculum at the beginning of the school year in 2003 and extended it nationwide in 2004.

Restrictions on Religious Freedom

There was no information available concerning restrictions on the general training of clergy. The government paid officially registered mullahs, but only a small number of the country's active mullahs are registered, as the government's registration program is a new initiative.

As discussed above, under Islamic law, conversion from Islam is punishable by death.

Immigrants and non-citizens were free to practice their own religions. In Kabul 200 to 300 expatriates met regularly at Christian worship services held in private locations due to the existence of only one Christian church in the country. This church, located within the diplomatic enclave, was not open to local nationals. Buddhist foreigners were free to practice in temples established for the Buddhist immigrant community.

Since the fall of the Taliban, no political parties (other than the Taliban) have been officially banned for religious reasons. The Constitution allows for political parties provided that "the program and charter of the party are not contrary to the principles of sacred religion of Islam." Political parties based on ethnicity, language, Islamic school of thought, and religion are not allowed.

There were an unknown number of foreign missionaries in the country who worked discreetly to avoid harassment. There were no overt foreign missionaries or other non-Islamic religiously oriented organizations in the country. Proselytism was practiced discreetly, since it is viewed as contrary to the beliefs of Islam. During the period covered by this report, there were a few minor incidents involving individuals attempting to proselytize.

There were reports of local government officials prohibiting music, movies, and television on religious grounds. The cable television audience in urban centers continued to expand, and unlike in previous years, televisions, radios, and other electronic goods were sold freely, and music was played widely. Kabul continued to have five radio stations, including the official Radio Kabul. Private media outlets were publicly criticized by government officials for broadcasting material that was "un-Islamic" such as footage of women dancing in music videos or live musical performances; however, Bollywood soap operas, which show women with their heads uncovered, remain the most popular programs on TV. The most recent result of this public debate on appropriate material for TV programming was the Media Law, discussed above, which included a significant increase in language mandating that media activity must be in accordance with the principals of Islam.

Nongovernmental radio stations broadcast a mix of Afghan, Indian, Pakistani, and Western music. Approximately 90 percent of the country's inhabitants reported some access to radio. The stations had no religious content other than brief prayers and Qur'an readings on the government-controlled radio station.

The Government does not designate religion on national identity cards and does not require individuals to declare a belief in Islam in order to receive citizenship. However, the state, including the courts, traditionally considers all citizens to be Muslim; therefore, some basic citizenship rights of non-Muslims were not respected.

The Government provided limited funding or assistance for Sikh schools. The Sikh community chose to send its children to its own schools because of reported abuse and harassment in government-run schools. In July 2007 the Ministry of Education opened a school for Sikh and Hindu children in Ghazni province. A Sikh school in Kabul has been privately run with no assistance from the government for several years and reported having only one full-time teacher for 120 students. There were no Christian or Jewish schools in the country.

The Government provides free electricity to the country's mosques. The Sikh and Hindu community are lobbying the Government to provide free electricity to their temples and gurdwaras as well.

In family disputes, courts continue to rely on a civil code that is based on the Sunni Hanafi school, regardless of whether the parties involved are Shi'a or Sunni. The civil code also applies to non-Muslims. In response to questions about marriage, the chief judge of the family court issued guidelines in accordance with the court's interpretation of Shari'a law. Most restrictive is the rule on marriage between non-Muslims, which stipulates that whether born in the country or elsewhere non-Muslims do not have the right to marry. According to government officials, the court nevertheless considers all citizens to be Muslims by default and therefore non-Muslim Afghans can be married as long as they do not publicly acknowledge their non-Muslim beliefs. In addition, the judges stated that a Muslim man may marry a non-Muslim woman, but if she is not "of the book," including Christian or Jewish, she must first convert. A Muslim woman, however, is not allowed to marry a non-Muslim man.

While there is currently one Hindu member of the Upper House of Parliament, he was appointed directly by President Karzai. The Hindu and Sikh communities have been lobbying to have one seat each designated for a Hindu and a

Sikh representative in Parliament. They point out that ten seats have been reserved for ethnic minorities from the Kuchi community, and that their community should also have reserved representation. Members of the Hindu and Sikh communities report being discriminated against when seeking jobs with the local and national government.

Abuses of Religious Freedom

Sporadic violations of religious freedom by some officials occurred.

On April 9, 2007, police arrested an Afghan citizen who was born a member of the Baha'i faith, after his religious beliefs were exposed to authorities by his wife. After inquiries from the international community, authorities released the man on May 11, 2007. He had spent 31 days in jail without any charges. According to the Penal Code, authorities can jail a person for only up to 15 days without charges. Should authorities need more time to investigate a case, the courts may grant an extension of up to 15 days more. In this particular case, however, no such extension was requested or granted. Upon his release from jail, the man fled to another country along with other family members, one of whom feared police would try to detain him for his role in helping to seek the man's release from jail. The man's wife, who is Muslim, is seeking a divorce based on grounds that marriage between a Muslim woman and a non-Muslim man is not legal in Afghanistan.

The March 2006 case of Abdul Rahman, an Afghan citizen who converted to Christianity, highlighted the extreme cultural sensitivities surrounding religious freedom in Afghanistan. As conversion is not prohibited by the Afghan constitution or penal code, the Afghan legal system defers to Shari'a law - conservative interpretations of which deem conversion to be punishable by death. Rahman was detained in March 2006 for professing his conversion to Christianity and refusing to recant it. He was eventually released based on findings of mental instability and granted asylum in Italy. However, the issue ignited a passionate debate throughout the country. Conservative religious clerics organized a demonstration of more than 700 protestors in Mazar-e-Sharif calling for Rahman's death and denouncing international involvement in the case. The Afghan Parliament objected to the fact that Rahman was whisked out of the country before standing trial and harshly criticized the international community's role in what it characterized as an internal matter.

According to a September 11, 2006, report by the UN Secretary General, following the highly publicized case of Abdul Rahman in March 2006, there have been three similar cases of harassment of Afghan Christians. In two of the cases, Afghan families in which some members had converted to Christianity reported being harassed in their community and eventually decided to leave the country. In a third case, a Christian convert was jailed on unrelated allegations of homicide. While in jail, another inmate who came to know of his religious beliefs killed him.

In August 2006, more than 1,000 members of a South Korean Christian aid group tried to organize a 3-day peace festival in several cities around Afghanistan. Many were expelled from the country after Islamic clerics accused them of trying to convert Muslims to Christianity. Officials in Kabul reported that the South Korean Christians who arrived for the peace festival were warned not to "preach religion." But the officials stated some group members ignored the warnings and were seen trying to convert Muslims. Group members who subsequently arrived at Kabul Airport were refused entry visas and turned back by customs officials. Those already in Kabul were confined to their guest houses. Under the terms of their tourist visas, local officials allowed them to leave the guest houses only in small groups to get food and supplies. Afghan authorities eventually expelled the remaining members from Afghanistan because their safety could not be guaranteed. The Government of Afghanistan maintains that its restrictions on the group were an effort to protect their safety and in response to a fear that their peace festival would have provoked societal violence throughout the country.

In October 2005 Ali Mohaqiq Nasab, a journalist and editor of a women's rights magazine, was sentenced to two years in prison by a tribunal for blasphemy for reprinting and commenting on two articles which questioned the harsh punishment imposed on women accused of adultery and theft under traditional Islamic law. He also advocated that conversion from Islam should not be considered a crime. After being tried in court, his sentence was reduced to six months on appeal. Half of this time was suspended, and Nasab was released in December 2005.

In May 2005 two students were suspended for a year from Herat University for commenting on Islam during a religious debate in ways that classmates and a teacher found blasphemous. The AIHRC reported that the two students were reinstated at the university and all charges against them suspended. Following the arrests, the students were released from jail and housed, for security purposes, at various safe houses.

Forced Religious Conversion

There were no confirmed reports of forced religious conversion, including of minor U.S. citizens abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States. However, the Hindu community reported that in late 2006, two Hindu women were abducted and their families were told the women had converted to Islam and chosen to marry Muslim men. The families were not allowed contact with the girls to confirm the story, and believe that if true, the women were forced to convert and marry.

Abuses by Terrorist Organizations

There were reported abuses targeted at specific religious groups by terrorist organizations during the period covered by this report. Terrorist organizations attacked, and in some cases killed, several Muslim clerics for supporting the Government or for stating that activities conducted by terrorist organizations were against the tenets of Islam. There were also attacks on both Muslim and non-Muslim employees of international organizations, but it is unclear whether these attacks were politically or religiously motivated.

Attacks by al-Qa'ida and Taliban networks continued during the reporting period. In a repeat of previous years, several killings of religious leaders and attacks on mosques were attributed to al-Qa'ida and Taliban members who objected to their victims' links with the Karzai administration and to their particular interpretations of Islam. Throughout 2006, antigovernment elements killed more than a dozen clerics in Kandahar and 20 nationwide. These attacks also injured 40 other religious officials. In September 2006, a suicide bomber detonated himself outside a mosque in Kandahar. These attacks were perceived by the public to be an attack on the Government and not on Islam.

Throughout 2006, numerous schools were attacked. While some claim schools allegedly connected with Christian groups were targeted by the Taliban, most schools attacked did not have an overt religious affiliation and were attended predominantly by Muslim children. Political motivations appeared to be the primary impetus behind these attacks. By early 2007 the number of school attacks began to decrease significantly, as insurgents realized such attacks lead to waning support from the Afghan public.

Improvements and Positive Developments in Respect for Religious Freedom

The Government continued to stress reconciliation and cooperation among all citizens. Although it primarily was concerned with reconciliation of former Taliban combatants, it also expressed concern about religious intolerance. The Government responded positively to international approaches on human rights, including religious freedom, and worked effectively. The Government continued to indirectly emphasize ethnic and intrafaith reconciliation through the support of the judicial, Constitutional, and human rights commissions composed of members of different ethnic and Muslim religious (Sunni and Shi'a) groups. The Constitutional Commission also included a Hindu member to represent non-Muslim religious minorities. The Ministry of Women's Affairs and the Ministry of Religious Affairs and the Hajj also worked together to give women the opportunity to attend mosques. While women have always had the right to attend mosques, separate areas had to be designated for them. The new initiative provided for such spaces in larger mosques where room was available. During the reporting period, the Ministry of Foreign Affairs organized seminars for religious leaders to promote moderate views about the role of women in Islam. Approximately 20 religious leaders attended the seminars, which sparked continued discussion on the topic.

Section III. Societal Abuses and Discrimination

Relations between the different branches of Islam continued to be difficult. Historically, the minority Shi'a faced discrimination from the Sunni population. However, since Shi'a representation has increased in government, there was a decrease in hostility from Sunnis. Most Shi'a were members of the Hazara ethnic group, which traditionally has been segregated from the rest of society for a combination of political, ethnic, and religious reasons. Throughout the country's history, there have been many examples of conflicts between the Hazaras and other citizens. The Hazaras accused the Afghan government, led by a Pashtun President, of providing preferential treatment to Pashtuns and of ignoring minorities, especially Hazaras. Hazaras have reported being asked to pay additional bribes at Afghan border crossings where Pashtuns were allowed to pass freely. These conflicts often have had economic and political roots but also have religious dimensions. The government has made some public overtures to quell historical tensions affecting the Hazara community. In January 2007 it banned the Bollywood film *Kabul Express*, in which actors spoke several lines that were offensive to Afghanistan's Hazara community, characterizing the film as "anti-Afghan."

The treatment of the Shi'a community varied by locality. Although some discrimination continued at the local level, Shi'a generally were free to participate fully in public life. The rigid policies adopted both by the Taliban and by certain opposition groups adversely affected adherents of other branches of Islam and other religious groups. The active persecution of the Shi'a minority, including Ismailis, which existed under the Taliban regime has ended.

According to a recent UNHCR report, while Ismailis were not generally targeted or seriously discriminated against, they continued to be exposed to risks. In years past, local commanders in Baghlan province occupied or confiscated and then sold Ismaili land, and Ismailis were unable to reclaim their property. The Baghlan provincial court and other provincial authorities refused to dispense justice for Ismailis in land-related cases. Ismailis faced illegal taxation and extortion by local commanders. In Tala-wa-Barfak District, cases of rape of Ismaili women have been reported, with perpetrators acting with impunity.

According to the AIHRC, during the reporting period an Ismaili woman willingly married a follower of Hanafi Islam in a small village in Badakhshan province. While the bride's immediate family approved of the marriage, extended family and other villagers in the predominantly Ismaili region did not approve and eventually ousted the couple from the area.

Non-Muslim minorities such as Sikhs, Hindus, and Christians continued to face social discrimination and harassment and, in some cases, violence. This treatment was not systematic, but the Government did little to improve conditions during this reporting period. For example, in the spring of 2006, there was an explosion outside of a Sikh gurdwara in Jalalabad.

In May 2007 the Sikh-Hindu community alleged that it was still working with the Kabul Municipality to resolve land titling problems. The community claims land rights to an area of Kabul that once held a large Sikh-Hindu community; however, the Government claims this land is owned by the government and that no one has residential privileges there.

Some Sikh and Hindu children were unable to attend government schools due to harassment from teachers and students. The Government took limited steps to protect these children and reintegrate them into the classroom environment. For example, during the reporting period, the Government opened the first-ever government-sponsored school for Sikh and Hindu children in Ghazni. The AIHRC reported that members of the Hindu community in Kandahar City reported discrimination in schools and asked the local government to build a separate school for Sikh and Hindu children. This request was not met. There were no reports of discrimination toward Christians in schools.

After the fall of the Taliban, there continued to be episodic reports of persons at the local level using coercion to enforce social and religious conformity. During the reporting period, moderates in the Government opposed attempts by conservative elements to enforce rules regarding social and religious practices based on their interpretation of Islamic law.

When in public, most women in rural areas wear a garment called a burqa, which covers their full body and face, including the eyes, when in public. Since the fall of the Taliban, many women in urban areas no longer wear the burqa, however, a majority continued to wear some form of head covering either by choice or community pressure. Urban women generally did not wear burqas before the Taliban imposed this practice.

In contrast to previous years, there were no new reported cases of forced chastity examinations. However, local marriage traditions in which a newly-wed couple consummates their marriage on a white handkerchief which is later displayed as proof of the bride's virginity until marriage remain popular throughout the country. Women run the risk of immediate divorce and social ostracism, severe punishment from her in-laws, or death, if her virginity is not confirmed through this ritual. There were no reports of examinations directed at non-Muslims. Local religious officials also confronted women over their attire and behavior.

In recent years, some mullahs - particularly those from the southeastern provinces - have declined to participate in USG visitors programs for fear of retribution by insurgents upon their return to Afghanistan.

Muslim clerics with political connections were also the target of violence.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with government officials as part of its overall policy to promote human rights.

U.S. representatives met regularly with government officials and with religious and minority figures in an ongoing dialogue regarding the political, legal, religious, and human rights context of the country's reconstruction. The United States worked with civil society organizations to promote religious tolerance.

The U.S. Embassy actively promoted professional and cultural ties between local citizens and the United States. The public affairs section coordinated a variety of exchange, speaker, artistic, and information programs to generate an exchange of ideas between Americans and local citizens on democracy and civil society, human rights, Islam in America, and other subjects. The United States funded travel by local journalists, academics, politicians, government officials, religious scholars, community leaders, women, youth, and NGO officials to engage with their counterparts in the United States.

The U.S. Embassy continued to send local mullahs to the United States to participate in programs on democracy, civil society and Islam in America. Since 2003, the U.S. Government funded visits to the United States for approximately 50 mullahs under a program on "Democracy and Civil Society." The approximate cost of this program was \$250,000 (12,575,000 Afghani). In July 2006 Afghan religious leaders attended a seminar in the U.S. on "The Role of Religious Leaders in a Democracy" sponsored by the U.S. Government.

In total, the U.S. military provided assistance to rehabilitate and equip 35 mosques during the period covered by this report.

U.S. Government officials supported efforts during the 2003 Constitutional Loya Jirga to include specific language in

the draft Constitution to provide for equal rights for men and women and to incorporate moderate language on Islam.

The U.S. Government has also worked with civil society organizations to promote religious tolerance. During the reporting period, the U.S. Government provided funding for radio programming and training of community leaders on the theme of "Human Rights and Women's Rights in the Context of Islam" that is developed and implemented by Equal Access. To date, more than 200 community leaders have been trained.

Released on September 14, 2007

[International Religious Freedom Report Home Page](#)