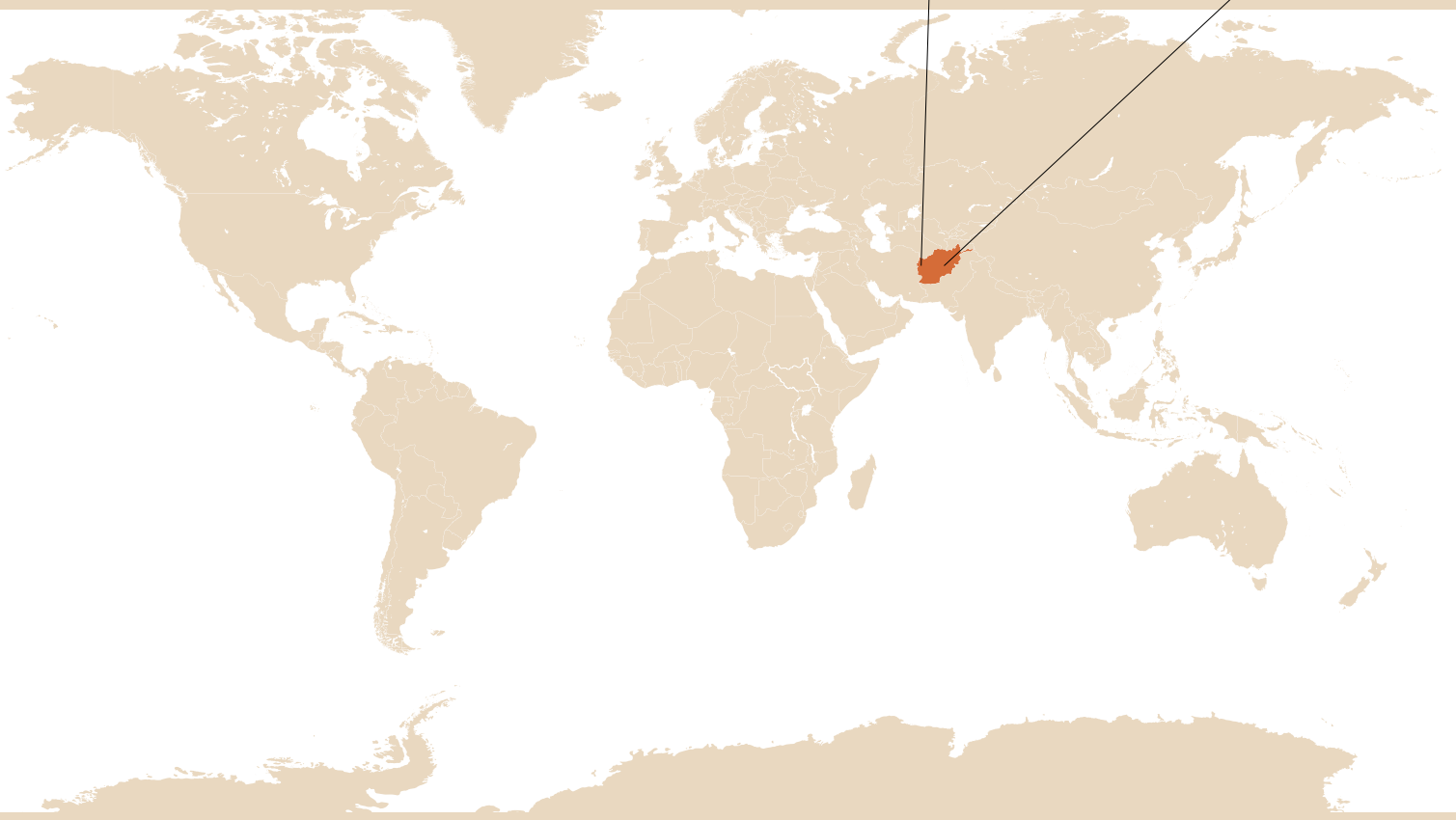


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AFGHANISTAN



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Key Findings

Religious freedom conditions continue to be exceedingly poor for Sunni Muslims who dissent from governmental and social orthodoxies, Shi'a Muslims, Hindus, and Sikhs, as well as the tiny Christian and Baha'i communities. During the reporting period the formal U.S. combat mission came to a close and a new Afghan government was established. The Taliban continued terrorist attacks in an attempt to demonstrate the government's inability to protect citizens against violence and intimidation. Taliban agents and sympathizers attacked three different Christian-based relief agencies for activity deemed "un-Islamic." Afghanistan's legal system remains deeply flawed, as the constitution explicitly fails to protect the individual right to freedom of religion or belief, and it and other laws have been applied in ways that violate international human rights standards. Based on these concerns, in 2015 USCIRF again places Afghanistan on Tier 2, where it has been since 2006.

Background

Afghanistan's population of around 30 million is comprised of numerous ethnic groups. According to U.S. government figures, Afghanistan is 42 percent Pashtun, 27 percent Tajik, nine percent Hazara, nine percent Uzbek, three percent Turkmen, two percent Baloch, and eight percent other groups. Regarding religious breakdown, 80 percent of the population identifies as Sunni Muslim, 19 percent as Shi'a, and 1 percent as other, including tiny Sikh, Hindu, and Christian communities. Shi'a Muslims generally come from the Hazara ethnic group, which the community believes comprises between 10 and 19 percent of the population. Hazaras traditionally have been harshly discriminated against and segregated from the rest of society for a combination of political, ethnic, and religious reasons.

Ashraf Ghani, a former World Bank official, was elected president of Afghanistan in a contested two-

round campaign against Abdullah Abdullah. In a compromise to form a national unity government, Abdullah was named as the country's Chief Executive Officer (CEO). In a new development for this tradition-bound nation, President Ghani's wife, Rula Ghani, is Christian Lebanese-American by background and has expressed support for the French ban on face-covering veils.

President Ghani and CEO Abdullah oversee a constitutional and legal system that restricts religious freedom. The Afghan constitution fails to protect the individual right to freedom of religion or belief, allows ordinary laws to supersede other fundamental rights, and contains a repugnancy clause stating that no law can be contrary to the tenets of Islam. Governments have interpreted narrowly the repugnancy clause, which limits freedom of religion or belief. The penal code permits the courts to defer to Shari'ah law in cases involving matters that neither the penal code nor constitution explicitly address, such as apostasy and conversion, resulting in those charges being punishable by death. State-backed religious leaders and the judicial system are empowered to interpret and enforce Islamic principles and Shari'ah law, leading at times to arbitrary and abusive interpretations of religious orthodoxy.

Religious Freedom Conditions 2014–2015 Official Enforcement of Religious Norms

Within the legal context discussed above, a restrictive interpretation of Shari'ah law is prioritized over human rights guarantees and has resulted in abuses. One month after coming into office, the Council of Ministers chaired by CEO Abdullah tasked the Ministry of Interior and the Ministry of Culture to charge the English-language newspaper *Afghan Express* with blasphemy for publishing an article that reportedly questioned the existence of God. The Council's statement also declared that the new government would take strict actions against other articles deemed

blasphemous. The newspaper issued an apology, citing a technical error. However, its owner and chief editor were arrested. It is unknown whether they remain in jail. This decision seems to be a continuation from former President Karzai's Council, which would periodically issue decrees directing action against activities deemed "un-Islamic."

Repression of Non-Muslim Religious Minorities

There were three major Taliban attacks on Christian-based relief agencies, which killed relief workers and their children. The Taliban justified two of the attacks by claiming the groups were proselytizing and hosting underground Christian worship sites for Afghans, allegations that were not confirmed. The violence demonstrated how Afghan Christians are forced to conceal their faith and cannot worship openly. In June 2014, Fr. Alexis Prem Kumar, who led Jesuit Refugee Services, was kidnapped. The Taliban released him in February 2015. There were no reports of Afghan Christians arrested by the government during the reporting period, but many have left for India, according to reports. The one known church in the country continues to operate on the grounds of the Italian embassy.

Afghanistan's small Baha'i community leads a covert existence, particularly since May 2007 when the General

Shi'a and other Muslims

The situation has improved since the end of Taliban rule for Afghanistan's Shi'a Muslim community, the largest religious minority in the country. During the reporting period, Shi'a Muslims generally were able to perform their traditional Ashura public processions and rituals without hindrance. Nevertheless, violence continues to be a threat. For instance in July 2014, Taliban insurgents killed 14 Shi'a Muslim Hazaras who were travelling on a bus. They were singled out from other passengers, bound, and shot on the side of the road. After the reporting period, 30 Shi'a Hazaras were kidnapped by gunmen. There have also been reports of the Afghan government deporting Uighur Muslims to China at the request of the Chinese government.

Women's Rights

Violence and discrimination against women continued throughout the reporting period, due in part to the Taliban's resurgence and in part to the strong influence of religious traditionalists. President Ghani in November told members of the Afghanistan Independent Human Rights Commission (AIHRC) that they could monitor his government's performance on human rights reforms and he pledged to promote women's rights. Women who seek to engage in public life often

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Directorate of Fatwas and Accounts ruled the Baha'i faith blasphemous and converts to it apostates. Afghanistan's Jewish community is down to one member.

Hindus and Sikhs face discrimination, harassment and at times violence, despite being allowed to practice their faith in places of public worship. They have been represented in the parliament through Presidential appointments. The communities have declined over the past 30 years, due to instability and fighting; only one of the eight Sikh *gurdwaras* in Kabul is operating. Reports regularly arise of Afghan authorities and local residents preventing Sikhs from performing cremation ceremonies for their deceased.

are condemned as "immoral" and targeted for intimidation, harassment, or violence. However, President Ghani's wife, Rula Ghani, played a visible role during the campaign. President Ghani's proposed "unity cabinet" of 27 members had three women nominees who would head the ministries of Higher Education, Information and Culture, and Women's Affairs. Two of the three women nominees were reportedly chosen by CEO Abdullah; and one was chosen by President Ghani. Although President Ghani did not meet his promise to name four female cabinet members, his three nominees exceed the two women in former President Karzai's cabinet.

U.S. Policy

Afghanistan has been the focus of U.S. engagement in South Asia for over a decade. U.S. government efforts have focused on building a stable Afghanistan and fighting al-Qaeda and its affiliates. The past year saw two major milestones, the peaceful change in government and the transition of U.S. and international forces from a combat mission to a training mission, although U.S. forces are still authorized to conduct combat missions. The change in mission came after Afghanistan agreed to a Bilateral Security Agreement, which former President Karzai had resisted but President Ghani signed. As of this writing, U.S. forces number around 10,000, drastically down from a peak of 100,000. President Obama's original goal to shrink the force to around 5,000 by the end of 2015 was put off in response to President Ghani's request.

The United States helped resolve Afghanistan's highly contested 2014 presidential election, after allegations of fraud threatened to undermine the transition. In September 2014, a U.S.-brokered solution resulted in the creation of a unity government with Ashraf Ghani as President and Dr. Abdullah Abdullah as Chief Executive Officer, a new position. The governing coalition appears stable, but two factors – widespread corruption and Taliban attacks – threaten its longevity. Both President Ghani and CEO Abdullah have committed to stamp out corruption.

President Ghani has actively traveled to neighboring countries and countries that financially support his government in an attempt to restart negotiations with the Taliban. Many observers are concerned by the potential compromises that may be made in any peace deal with the Taliban. Taliban leader Mullah Omar has indicated he wants to see the imposition of religious law, which under the Taliban interpretation, would severely restrict religious minorities, dissenting members of the religious majority, and women's rights. U.S. officials have raised concerns about women's rights and minority rights in the past. However, Afghan law already imposes restrictions on fundamental human rights. It is unclear how much influence the United States and the international community would have over a settlement between the Ghani government and the Taliban on these issues.

While the number of combat troops is declining, Afghanistan's reliance on international aid has not changed. Afghanistan is very dependent on U.S. and

foreign aid, a reality unlikely to change in the near future. According to the Congressional Research Service, since the overthrow of the Taliban the United States has provided approximately \$93 billion in assistance to Afghanistan, and from that more than \$56 billion to train and equip Afghan forces. The fiscal year 2014 appropriation was more than \$6.1 billion and the FY2015 request is about \$5.7 billion.

Recommendations

In the context of the withdrawal of international forces and the recent change in government, the threat of violence by the Taliban and other armed groups is a growing reality for all Afghans, but especially for religious minorities. To promote religious freedom and create civic space for diverse religious opinions on matters of religion and society in Afghanistan, USCIRF recommends that the U.S. government should:

- Raise directly with Afghanistan's president and CEO the importance of religious freedom, especially for dissenting Muslims, Muslim minorities, and non-Muslim religious groups;
- Revive the interagency U.S. government taskforce on religious freedom in Afghanistan and ensure religious freedom issues are properly integrated into the State and Defense Department strategies concerning Afghanistan;
- Include a special working group on religious tolerance in U.S.-Afghan strategic dialogues and the trilateral dialogues with the United States, Afghanistan, and Pakistan;
- Encourage the Afghan government to sponsor, with official and semi-official religious bodies, an initiative on interfaith dialogue that focuses on both intra-Islamic dialogue and engagement with different faiths; and
- Ensure that human rights concerns are integrated in the reconciliation process and that the parties to any peace agreement pledge to uphold the Universal Declaration of Human Rights and not just the Afghan constitution.