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Afghanistan

International Religious Freedom Report 2008

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The Constitution 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." It 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."

Government and political leaders aspire to a national environment that respects the right to religious freedom. Residual effects of years of Taliban rule, popular suspicion regarding outside influence and the motivations of foreigners, and still weak democratic institutions are factors that slow the realization of this aspiration. Intolerance was manifested in harassment and occasional violence against religious minorities and Muslims who were perceived as not respecting conservative Islamic strictures.

Still recovering from more than 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. The Government took limited steps to increase religious freedom.

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. Within the Muslim population, relations among the different sects continued to be difficult. Historically, the minority Shi'a community faced discrimination from the majority Sunni population. This discrimination continued. Some Sunnis complained about the growing influence of the Shi'a community in political circles. Local Sikh and Hindu populations, although allowed to practice their religion publicly, continued to encounter problems obtaining land for cremation and faced discrimination when seeking government jobs as well as harassment during major celebrations. Due to societal pressure, most local Christians hid their religion from others.

The U.S. Government regularly discusses religious freedom 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; advocated for the Hindu and Sikh communities in their efforts to obtain land for cremation; and expressed concern at the treatment of local converts to Christianity. Some Provincial Reconstruction Teams provided assistance through the U.S. military's Commanders Emergency Response Program funds to assist in repairing madrassahs (Islamic religious schools) for local communities.

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 Shi'a Muslim, and other religious groups make up less than 1 percent of the population. There are approximately 2,200 Sikh and Hindu believers and more than 400 Baha'is. There is a small, hidden Christian community; estimates on its size range from 500 to 8,000. In addition, there are small numbers of adherents of other religious groups, mostly Buddhist foreigners.

Traditionally, the dominant religion is the sect of Sunni Islam that follows the Hanafi school of jurisprudence. For the last 200 years, much of the population adhered to Deobandi-influenced Hanafi Sunnism from Deoband, India, near Delhi. 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. During the 20th century, the influence of the Wahhabi form of Islam grew in certain regions.

Members of the same religious group have traditionally concentrated in certain regions. Some groups were displaced forcibly by kings for internal security reasons or to make agricultural and grazing land available to favored ethnic groups. Sunni Muslim Pashtuns dominate the south and east. The homeland of the Shi'a Hazaras is in the Hazarajat, the mountainous central highlands around Bamyan. Northeastern

provinces traditionally have Ismaili populations. Other areas, including Kabul, the capital, are more heterogeneous and include Sunni, Shi'a, Hindu, Sikh, and Baha'i populations. The northern city of Mazar-e-Sharif includes 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, Baha'is, Jews, and Christians lived in the country, although most members of these communities emigrated during the anti-Soviet jihad years of civil war and Taliban rule. Non-Muslim minorities were estimated to number in the hundreds at the end of Taliban rule. A small population of native Hindus and Sikhs never left. Since the fall of the Taliban, some members of religious minorities have returned, with many settling in Kabul.

Nuristanis, a small but distinct ethnolinguistic group living in a mountainous eastern region, practiced an ancient polytheistic religion until forcibly converted to Islam in the late 19th century. Some non-Muslim religious practices survive today as folk customs.

There are seven gurdwaras, Sikh places of worship, in Kabul. There are approximately six Hindu temples in four cities. An additional 18 were destroyed during the many years of war.

There is one Christian church and one synagogue. Some citizens who converted to Christianity as refugees have returned. Others Afghans living abroad may have been born abroad into other religious groups. The Baha'i faith has had followers in the country for approximately 150 years. The community is predominantly based in Kabul, where more than 300 Baha'i members live; another 100 are said to live in other parts of the country.

Section II. Status of Religious Freedom

Legal/Policy Framework

Full and effective enforcement of the new Constitution is an ongoing challenge due to potentially contradictory commitments contained within it and the lack of a tradition of judicial review.

The Constitution was ratified in January 2004. It includes a 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." Followers of other religions are "free to exercise their faith and perform their religious rites within the limits of the provisions of the law."

The Constitution also 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." For issues on which the Constitution and Penal Code are silent (including conversion and blasphemy), courts rely on Shari'a--some interpretations of which conflict with the mandate to abide by the Universal Declaration of Human Rights.

Prior to the drafting of the Constitution, some conservative jurists argued that the Constitution should favor the Hanafi school of Islamic jurisprudence associated with the Sunnis over the Jafari school adhered to by Shi'as. These jurists also called for the primacy of Shari'a in the legal system. While the Constitution does not make specific reference to Shari'a, it does state that when there is no provision in the Constitution or other laws guiding ruling on an issue, the courts' decisions shall accord with Hanafi jurisprudence in such a way as to serve justice in the best possible manner. The Constitution also grants that Shi'a law will be applied in cases dealing with personal matters where both sides are 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 or Members of Parliament, but each of their oaths includes swearing to support the provisions of Islam.

The Constitution protects freedom of expression and of the press. Amendments to the Afghan Mass Media Law, approved by the Lower House of the Parliament on May 22, 2007, included negative articles with respect to the freedoms of religion and expression. The Upper House passed an amended version on September 4, 2007, and a conference committee passed a compromise bill on October 25, 2007. President Karzai returned the media law bill to Parliament's Lower House on December 26, 2007, for further consideration. In the current version of the draft law, Article 45(1) prohibits the publication by mass media of any materials that are contrary to the "principles and provisions" of Islam, and Article 45(2) prohibits the publication by mass media of materials that are offensive to other religions. Article 45(6)

states that mass media shall be prohibited from printing, airing, broadcasting, or otherwise disseminating materials (articles, programs, etc.) that publicize or promote any religions other than Islam. This formalizes in written law a prohibition on the use of mass media to attempt to convert persons to other religions (other than Islam). Regardless, any attempt to convert a Muslim to another religion is already illegal under Shari'a, whether through the mass media or otherwise.

The ambiguity surrounding what constitutes offensive material offers the potential for abuse 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 the country.

There are no legal restrictions on the import of religious texts; however, as the Government views all citizens as Muslim, the commonly held view is that the import of other religious texts is prohibited.

In April 2008 a group of parliamentarians introduced legislation that would reportedly, among other things, ban the association of men and women in public, t-shirts, loud music, billiards, video games, and playing with pigeons. As of the end of the reporting period, the legislation had not been considered. In July 2007 provincial authorities under pressure from the local Ulema Council in Mazar-e-Sharif introduced restrictions on music, paying exorbitant dowries, and having celebrations before or after a wedding ceremony.

In May 2007 the Upper House of Parliament passed a draft resolution on the reconciliation of disaffected citizens. 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 Government to enroll Afghan Taliban who are studying religious subjects in Pakistani madrassahs into Afghan madrassahs. The resolution expressed the view of the Upper House but does not have legal status.

The Government continued to update the existing criminal and civil legal codes to bring them in line with the country's international treaty obligations. Chapter 18 of the Penal Code of 1976 addresses "Crimes Against Religions," although it does not address blasphemous remarks. Article 347 of the Penal Code says that persons who forcefully stop the conduct or rites of religious rituals and persons 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 \$240 and \$1,200 (12,000 and 60,000 Afghanis). There is nothing in the Penal Code related to the spoken or written utterance of insults or profanity against God, religion, or sacred symbols or books.

There are no laws forbidding proselytism, even though it is viewed by many authorities and most of society as contrary to the beliefs of Islam. There were unconfirmed reports of harassment of Christians thought to be involved in proselytism.

Conversion from Islam is considered apostasy and is punishable by death under some interpretations of Shari'a. A citizen who converted from Islam (if a male over age 18 or a female over age 16, who is of sound mind) has 3 days to recant his or her conversion or could otherwise be subject to death by hanging. Individuals can also be stripped of all their property and possessions and have their marriage declared invalid. In recent years, the death sentence has not been carried out.

Blasphemy is a capital crime under some interpretations of Shari'a, 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 3 days to recant their actions and could otherwise face death by hanging. In recent years, this sentence was not carried out in practice, although during the reporting period a court sentenced a student journalist to death for activity it ruled blasphemous. The case was under appeal at the end of the reporting period.

The Ulema Council, headed by former Supreme Court Chief Justice Fazl Hadi Shinwari, is a group of influential Sunni and Shi'a scholars, imams, and Islamic jurists from across the country reflecting the network of provincial ulema councils. Its senior members meet regularly with the President and provide him advice on Muslim moral, ethical, and legal issues. The Council is nominally independent of the Government, but its members receive financial support from the state. Through contacts with the Presidential Palace, the Parliament, and ministries, the Council or its members advise on the formulation of new legislation or the implementation of existing law. While well represented in provincial capitals, the

Council has much less outreach in villages and rural areas.

On January 4, 2008, the Ulema Council met with President Karzai and urged him to prevent foreign aid groups from undertaking missionary activities and converting citizens to Christianity, ban un-Islamic television and radio programs, and immediately reintroduce public executions. On November 15, 2007, the Ulema Council issued a declaration calling for moderation in freedom of expression and press freedom by urging individuals to avoid conduct that may be perceived as insulting to local traditions and religious values. The statement declared that "safeguarding our national honors and Islamic values is the obligation of every citizen."

In May 2007 the General Directorate of Fatwas and Accounts under the Supreme Court, which provides guidance on ambiguous religious issues not addressed in the Constitution or other laws, 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'ism to be apostates and all followers of the Baha'i faith to be infidels. The ruling appears to have resulted from the Ulema Council's determination that the Baha'i faith and its followers would be treated similarly to Christians and Jews in the country.

The ruling creates uncertainties for the country's small Baha'i population, particularly on the question of marriages between Baha'i women and Muslim men. Citizens who convert from Islam to the Baha'i faith face risk of persecution, similar to that of Christian converts. Also unclear is 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. The ruling was not expected to affect foreign national Baha'is.

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 the Action Plan for Peace, Reconciliation, and Justice, a transitional justice action plan, which the Cabinet adopted. 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 although many, like most institutions, lacked adequate personnel and other resources.

The Ministry of Hajj and Islamic Affairs is the primary ministry handling religious affairs. The Ministry's responsibilities include sending citizens on the Hajj, collecting endowment-related revenues, identifying and acquiring endowment-related property, providing children with Islamic teaching in mosques, issuing fatwas and testing imams, and raising public awareness of religious issues. In 2006 the Government announced it was considering establishing a Department for the Prevention of Vice and Promotion of Virtue within the Ministry to educate citizens about Islamic principles but not to monitor and punish. The proposal would require a presidential decree, which has not been issued.

Only Islamic holy days are celebrated as public holidays. 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, triggered violence in the cities of Kabul and Herat. However, observations of Ashura in January 2008 were peaceful.

Both Sunnis and Shi'as were permitted to go on the Hajj, and the Government imposed no quota system for either group. Approximately 2,000 Shi'as and 22,100 Sunnis went on the Hajj in 2007. Participants were selected by lottery.

The licensing and registration of religious groups is not required, but the Government began a new initiative to register mullahs. The registration process varies depending on the ministry. Mullahs working for the Ministry of Hajj and Islamic Affairs are generally proposed for registration by local residents and approved by the Ministry. There are 3,039 registered mullahs, 628 of them based in Kabul. Many mullahs are not registered due to lack of capacity and funding, as well as security problems in the provinces. New mosques are either opened or built based on the Government's development plans or based on proposals by local residents, then approved by the Ministry of Hajj and Islamic Affairs. According to the Ministry of Hajj and Islamic Affairs, mosques only temporarily close due to security problems.

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, including through independent madrassahs. The Ministry of Education considers it the Government's responsibility to offer a tolerant and modern Islamic education for youths, 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. Fourteen

"high madrassahs" were established in 2007, with a new high madrassah eventually to open in each of the country'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. Also, the Ministry of Education is requiring that independent madrassahs be accredited and disclose their funding sources. Madrassahs receiving private or international donations not routed through the Ministry will be banned.

The components of the educational system that survived more than 25 years of war place considerable emphasis on religion. The Constitution states, "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." The public school curriculum included Islamic content, but no content from other religious groups.

There was no restriction on parental religious teaching, and non-Muslims were not required to study Islam. The national curriculum and textbooks that emphasize moderate Islamic terms and principles steadily replaced the preaching of jihad in schools. 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. New textbooks for grades 1-6 were distributed throughout the country. The Ministry of Education was working on a curriculum and texts for grades 7-12.

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 the sacred religion of Islam." Political parties based on ethnicity, language, Islamic school of thought, and religion are not allowed.

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 active mullahs were registered, as the Government's registration program was a new initiative and the budget and staff were limited.

As discussed above, under Islamic law, conversion from Islam is punishable by death. In recent years, this sentence was not carried out.

Immigrants and noncitizens 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.

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 teachings of Islam. During the period covered by this report, there were a few reported incidents involving individuals attempting to proselytize.

There were reports of local government officials prohibiting music, movies, and television broadcasts 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 has ten 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, Indian soap operas, which show women with their heads uncovered, remained the most popular programs on television. During the reporting period, under pressure from the Ulema Council, the Ministry of Information and Culture banned five Indian soap operas from four television stations in April 2008. Initially, three of the four television stations complied with the ban. As of June 30, 2008, however, two of those three stations resumed broadcasting the programs. The most recent result of this public debate on appropriate material for television programming was the Media Law, discussed above, and its provisions include 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. Broadcasts 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 explicitly codified.

The Sikh community chose to send its children to its own schools because of reported abuse and harassment in government-run schools. The Government provided limited funding or assistance for Sikh 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.

Unlike in previous years, when Hindus complained of not being able to cremate the remains of their dead in accordance with their customs, the Government intervened to protect their right to carry out cremations. Although community representatives expressed concerns over land disputes, they often chose not to pursue restitution through the courts for fear of retaliation, particularly when powerful, local leaders occupied their property. There were no known reports of discrimination against Hindus by the Government.

The Government provides free electricity to mosques. The Sikh and Hindu communities were lobbying the Government to provide free electricity to their temples and gurdwaras as well.

While the Constitution grants that Shi'a law will be applied in cases dealing with personal matters where both parties are Shi'as, for 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. 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-Muslims 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.

President Karzai appointed one Hindu member to the Upper House of Parliament. The Hindu and Sikh communities have lobbied to have one seat each designated for a Hindu and a Sikh representative in Parliament. They point out that ten seats are reserved for the ethnic minority Kuchi community and that their communities should also have reserved representation. Members of the Hindu and Sikh communities reported that they in large part no longer apply for government jobs because of past discrimination.

Abuses of Religious Freedom

Officials took actions that violated the religious freedom of some individuals or groups.

In early November 2007 authorities arrested and detained Ghaus Zalmi for publishing an unofficial translation of the Qur'an in Dari. Religious scholars alleged the translation was un-Islamic for misinterpreting verses about alcohol, begging, homosexuality, and adultery, as well as for not providing a parallel text in Arabic for comparison. Protests calling for Zalmi's punishment were held in various towns, including a demonstration of reportedly more than 1000 university students in November, who demanded the death penalty for Zalmi. Parliament prohibited Zalmi from leaving the country, and a commission of clerics and prosecutors met to examine the text. At the end of the reporting period, Zalmi remained in jail with no charges filed against him. Malawi Mushtaq Ahmad, who sanctioned the translation, was also arrested in June 2008. As of the end of the reporting period, no dates were set for court proceedings against either Zalmi or Ahmad.

On October 27, 2007, police arrested Sayed Perwiz Kambakhsh, a student at Balkh University and a journalist for *Jahan-e Naw* (New World) daily, after he allegedly downloaded and distributed information from the Internet regarding the role of women in Islamic societies. On January 22, 2008, a local court sentenced him to death, basing its decision on Shari'a. On January 29, 2008, the Upper House of Parliament issued a declaration supporting the death sentence but quickly retracted it, noting a technical error. Kambakhsh immediately appealed the decision and the case moved to the Kabul Appeals Court. The court also transferred Kambakhsh to a Kabul prison in March, pending the appeal. In May and June 2008 Kambakhsh's case was delayed four times, most recently on June 15, 2008, to summon witnesses from Balkh Province. At the end of the reporting period, no date had been set for the next hearing.

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. There have been no cases cited under this ruling since its issuance.

On April 9, 2007, police arrested a 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 spent 31 days in jail without any charges. According to the Penal Code, authorities can jail a person for only up to 15 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, authorities requested no such extension. This is not unusual due to an underfunded and understaffed judicial system in which many prisoners face lengthy pretrial detention. 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 to a non-Muslim man is not legal.

The 2006 case of Abdul Rahman, who was detained after converting to Christianity, highlighted the extreme cultural sensitivities surrounding religious freedom in the country. Conservative interpretations of Shari'a deem conversion to be punishable by death. Rahman was released based on findings of mental instability, and Italy later granted him asylum. Religious clerics organized a demonstration of more than 700 protestors in Mazar-e-Sharif calling for Rahman's death, and the Parliament harshly criticized the international community's role in the matter.

According to a UN Secretary General report in 2006, two families in which some members had converted to Christianity left the country due to community harassment. In another case, a fellow inmate killed a Christian convert jailed on unrelated allegations of homicide after becoming aware of his religious beliefs.

A nongovernmental organization (NGO) alleged that in late 2006 a Muslim convert to Christianity was killed by his wife's father. Local authorities investigated the crime, but closed the investigation without making any arrests.

In August 2006 more than 1000 members of a South Korean Christian aid group tried to organize a 3-day peace festival in several cities around the country. Many were expelled from the country after Islamic clerics accused them of trying to convert Muslims to Christianity. Officials in Kabul warned the South Korean Christians to not "preach religion," but officials stated some group members ignored the warnings and were seen trying to convert Muslims. Authorities eventually expelled the group because their safety could not be guaranteed.

In Khost Province during Ramadan 2006, a temporary "morals and rules commission" arrested individuals for selling alcohol to Muslims, possessing and selling pornography, and displaying "other improper ethics." Khost Governor Jamal stated that the commission's mandate was limited to enforcing existing laws during Ramadan.

In October 2005 Ali Mohaqiq Nasab, a journalist and editor of a women's rights magazine, was sentenced to 2 years in prison by a tribunal for blasphemy for questioning the harsh punishment imposed on women under traditional Islamic law and advocating that conversion from Islam should not be considered a crime. Nasab was released in December 2005 after his sentence was reduced on appeal.

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.

Abuses by Terrorist Organizations

There were reported abuses targeted at specific religious groups by terrorist organizations, including al-Qa'ida and Taliban networks during the period covered by this report. As in previous years, killings of religious leaders and attacks on mosques were attributed to al-Qa'ida and Taliban members. The victims were targeted based on their links to the Government or their particular interpretations of Islam.

According to the AIHRC, in 2007 there were at least four cases of religious leaders assassinated by insurgents due to their links to the Government. On July 20, 2007, a terrorist organization killed Balkh Ulema Council Head Maulawi Mohammad Aslam in Balkh province for stating that activities conducted by terrorist organizations were against the tenets of Islam. On July 19, 2007, the Taliban killed Maulawi Abdul Sattar, the Lashkar Gah city mosque mullah. On February 14, 2007, the Taliban killed Maulawi Sayed Mahmood Agha, a Sangin district mosque mullah, in his home. On February 5, 2007, the Kandahar Ulema

Council Deputy was killed in the center of the Kandahar bazaar.

In December 2007 unidentified gunmen shot and killed Mullah Hussain in his house in the Karkh district. On October 12, suspected Taliban militants kidnapped Maulawi Saleh Mohammad, an imam from the Arghandab district of Zabul Province. The following day Pajhwak Afghan News reported he was beheaded, with a Taliban commander justifying the killing because he believed Mohammad to be a government informant. On October 9, the Afghan Interior Ministry reported the kidnapping and killing of a mullah in neighboring Logar Province on his way home from Friday prayers. Also on October 9, suspected Taliban militants reportedly opened fire with machine guns on a mosque in the Syed Abad district of Wardak Province during Friday prayers. Two persons were reportedly killed and ten others injured.

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. In July 2007 23 South Korean assistance workers connected to a church-based organization were held hostage and 21 were released by Taliban members in August 2007, after 2 of the missionaries were executed by their captors.

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. In November 2007 the *Dawn* newspaper reported that Taliban militants threatened the principal of the Higher Secondary Girls School in Oghi Tehsil of Mansehra with "serious consequences" if he did not require the wearing of the burqa by all students. The paper reported that more than 80 percent of the female students chose to wear the burqa.

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. 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 Islamic 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 Hajj and Islamic Affairs 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.

Unlike in previous years, when some mullahs--particularly those from the southeastern provinces--declined to participate in U.S. visitors programs for fear of retribution by Taliban insurgents upon their return to the country, mullahs began participating again in visitor programs during the reporting period.

After participating in civil society or human rights training, some mullahs began incorporating these messages into their teachings.

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. Since Shi'a representation has increased in government, overt discrimination by Sunnis against the Shi'a community decreased. Sunni resentment over growing Shi'a influence was expressed widely, often linked to claims of Iranian efforts to influence local culture and politics.

Most Shi'a were members of the Hazara ethnic group, which was traditionally 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 Government, led by Pashtuns, of providing preferential treatment to Pashtuns and of ignoring minorities, especially Hazaras. Hazaras have reported being asked to pay bribes at 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 made significant efforts to address historical tensions affecting the Hazara community, including affirmative hiring practices.

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 occurred under the Taliban regime ended. Although there were reported

incidents of discrimination and treatment varied by locality, Shi'a generally were free to participate fully in public life.

According to a recent United Nations High Commissioner for Refugees (UNHCR) report, while Ismailis were not generally targeted or seriously discriminated against, they continued to be exposed to risks in some local areas. 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 were reported, with perpetrators acting with impunity.

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 was not able to improve conditions during the reporting period. The Hindu population, which is less distinguishable than the Sikh population, whose men wear a particular headdress, faced less harassment, although Hindus reported being harassed by neighbors in their communities. The Sikh and Hindu communities, although allowed to practice their faith publicly, reportedly continued to face discrimination, including intimidation, causing them to leave the country. While Hindus and Sikhs had recourse to dispute resolution mechanisms such as the Special Land and Property Court, in practice the communities felt unprotected.

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. The AIHRC reported that members of the Hindu community in Kandahar City faced 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 Shari'a, including the proposed legislation in April 2008 to ban men and women associating in public, loud music, and playing with pigeons, among other things. There were no reports of anti-Semitic acts.

Local religious officials continued to confront women over their attire and behavior. In rural areas, most women wear 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, but almost all wear some form of head covering either by personal choice or due to community pressure.

There were no new reported cases of forced chastity examinations. However, local marriage traditions in which a newlywed couple consummates their marriage on a white handkerchief that 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 imposed on non-Muslims.

Controversy over the republishing of a Danish cartoon depicting the Prophet Muhammad by 17 Danish newspapers and the airing of "Fitna," a film produced by Dutch opposition parliamentarian Geert Wilders critical of the Qur'an, created a widespread public backlash. On March 3, 2008, Foreign Minister Rangeen Dadfar Spanta condemned the decision to reprint the cartoon, and the next day approximately 200 parliamentarians demonstrated at the Parliament against the reprinting. In March 2008 public protests demanded the departure of Dutch and Danish troops, the closure of their embassies, and the cutting of diplomatic relations. On April 18, 2008, Taliban militants attacked Dutch troops in retaliation for the Dutch film.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom 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 U.S. Government 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). A self-imposed moratorium on mullahs going to the United States recently ended as the mullahs once again felt comfortable going to the United States for programs. As a result, the U.S. Embassy accepted nominees for two visit programs in fiscal year 2009 that will focus on religious leaders and encourage religious freedom.

Some Provincial Reconstruction Teams (PRTs) provided assistance through the U.S. military's Commanders Emergency Response Program (CERP) funds to assist in repairing madrassahs for local communities. During the reporting period, the U.S. military planned projects to assist in repairing, refurbishing, or providing supplies and equipment to 9 madrassahs and 83 mosques around the country.

The U.S. Government 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 religious, elected, and community leaders on the theme of "Human Rights and Women's Rights in the Context of Islam." To date, more than 200 religious and community leaders have been trained. The U.S. Government also provided funding for eight roundtable discussions with ulemas and mullahs focused on their perceptions of civil society and their own role in its development. Sixty-four religious leaders, including 11 women, participated in the events.

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