

Flygtningenævnets baggrundsmateriale

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Fråga-svar

Afghanistan. Religionsfrihet- ateism- som asylskäl

Fråga

- Kontrolleras civila och deras vanor att be eller inte be?
- Kan ateist dra till sig uppmärksamhet genom att inte leva som godtroende muslim (dvs inte be eller gå till moskén)?

Svar

BBC (2014):

” An Afghan citizen has been granted asylum in the UK because he is an atheist, in what is being seen as a landmark case.”

” The danger comes when it is made public that a Muslim has stopped believing in the principles of Islam. There is no compassion for Muslims who "betray their faith" by converting to other religions or who simply stop believing in one God and the Prophet Muhammad”

”Conversion, or apostasy, is also a crime under Afghanistan's Islamic law and is punishable by death. In some instances, people may even take matters into their own hands and beat an apostate to death without the case going to court.”

Norge. Landinfo (2013):

Sid. 9

“...Personer i sekulære miljøer, ateister og ikke-troende afghanere vil – som de kristne – måtte utøve kontinuerlig selvzensur og ikke ytre seg om sitt forhold til eller synspunkt på islam, på grunn av risiko for sanksjoner.⁷

Likeledes vil disse gruppene være tvunget til adferd som er konform med islam; de må handle og opptre som om de var muslimer; i det ytre må alle afghanere oppfylle det lokale miljøets forventninger om religiøs adferd, bønn, og så videre. Det er, blant annet ifølge HCC, mange afghanere, ikke kun kristne konvertitter, som følger lokale religiøse skikker og deltar i ritualer uten at det reflekterer deres ”indre” tro og overbevisning (samtale 13. august 2013). ”

UNHCR (2013):

” c) Other Acts Contravening Sharia Law

Besides apostasy, other acts on which Afghanistan’s laws are silent and in relation to which the courts therefore rely on Islamic law include blasphemy. Under some interpretations of Islamic law blasphemy is a capital crime; men over the age of 18 and women over the age of 16 who are of sound mind and who are accused of blasphemy may thus be at risk of being sentenced to death. As with apostasy, those accused of blasphemy have three days to recant.²⁸⁸

d) Summary

Based on the preceding analysis, UNHCR considers that persons perceived as contravening Sharia law, including persons accused of blasphemy and converts from Islam, as well as members of minority religious groups, may be in need of international refugee protection on the ground of religion, depending on the individual circumstances of the case.²⁹⁰”

US Department of State (2013):

sid. 3

“Although the constitution expressly protects free exercise of faith for non-Muslims within the limits of the law, in situations where the constitution and penal code are silent, such as apostasy and blasphemy, the constitution also instructs courts to rely on the Hanafi School of Sunni Islamic jurisprudence in a way that best serves justice. The Office of Fatwa and Accounts within the Supreme Court interprets Hanafi jurisprudence when a judge needs assistance in understanding its application. Courts continue to rely on Hanafi interpretations of Islamic law, even in cases which conflict with the country’s international commitments to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The constitution also grants that Shia law may be applied in cases dealing with personal matters

where all parties are Shia. There is no separate law applying to non-Muslims.”

Freedom House (2012):

“Religious freedom has improved since the fall of the Taliban government in late 2001, but is still hampered by violence and harassment aimed at religious minorities and reformist Muslims. The constitution establishes Islam as the official religion. Blasphemy and apostasy by Muslims are considered capital crimes. While faiths other than Islam are permitted, non-Muslim proselytizing is strongly discouraged....”

Denna sammanställning av information/länkar är baserad på informationssökningar gjorda under en begränsad tid. Den är sammanställd utifrån noggrant utvalda och allmänt tillgängliga informationskällor. Alla använda källor refereras. All information som presenteras, med undantag av obestridda/uppenbara fakta, har dubbelkontrollerats om inget annat anges. Sammanställningen gör inte anspråk på att vara uttömmande och bör inte tillmätas exklusivt bevisvärde i samband med avgörandet av ett enskilt ärende. Informationen i sammanställningen återspeglar inte nödvändigtvis Migrationsverkets officiella ståndpunkt i en viss fråga och det finns ingen avsikt att genom sammanställningen göra politiska ställningstaganden. Refererade dokument bör läsas i sitt sammanhang.

Källförteckning

(länkarna hämtade 2014-03-28)

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