



US Policy Options for Religious Minorities in Danger in and Fleeing from Afghanistan

Written Testimony by Anne C. Richard
Distinguished Fellow

US Commission on International Religious Freedom Hearing
Religious Freedom in Afghanistan: One Year Since the Taliban Takeover
August 24, 2022

Chairman Turkel, Vice Chairman Cooper, and members of the Commission, thank you for the invitation to speak today and for ensuring we continue to pay attention to the plight of those threatened by the Taliban. I serve as a Distinguished Fellow at Freedom House and lead our Afghanistan Human Rights Coordination Mechanism. This Mechanism was developed last autumn following the fall of Kabul to the Taliban and was launched in January with seed funding from the Open Society Foundations. Freedom House joined with four non-governmental organizations (NGOs) -- two international NGOs and two Afghan NGOs -- to create the Mechanism and invited others to join us.¹ We now have hundreds of participants, who include Afghan human right defenders (HRDs) inside their country, Afghans in exile and Afghan specialists at international or US-based NGOs. Through this network, we share information with Afghan HRDs and arrange for them to hear from and question key policymakers. We also seek to channel support to those who need it to help them get to safety and, in the best cases, resume their work.

I'm honored to join today's panel on the state of ethnic and religious minorities in Afghanistan since the Taliban takeover and to discuss options for US policymakers, particularly to propose ways forward for US refugee policy in Afghanistan and the current refugee resettlement crisis.

FREEDOM OF RELIGION?

As you know, the Taliban are an Afghan nationalist Sunni group that has adopted the ideas of Wahhabism and Salafism. While it was out of power over the past twenty years, it waged war against the Afghan Republic. When it is in power, as it was in the late 1990s and is now again since August 2021, it threatens anyone on its long list of perceived enemies. In 1999 and 2000, Secretary of State Albright designated the Taliban regime as a "particularly severe violator" of religious freedom. Freedom House has tracked Taliban abuses over many years and recognizes that the Taliban has perversely justified the massive violation of rights in the name of religion – from imposing restrictive rules on women and girls, to classifying who the "true Muslims" are.

The Taliban regime imposes obedience as a principal value, and the religious hierarchy is the power that moves the country to make any national or international decision. The Taliban regime encourages and incites social hostility and seeks to hinder all personal rights. Taliban leaders and members intervene in how people should live their personal lives; no space is considered private. The Taliban

¹ The four NGOs are: Afghan Civil Society Forum (ACSF), Safety and Risk Mitigation Organization (SRMO), International Federation for Human Rights (FIDH) and MADRE.

will not stop seeking to change all of society to become part of its group. They understand that a functioning judiciary, education, and women's rights could undermine their aims. They want to impose their ideas and transform the education and criminal justice system, including the courts, to produce a submissive community. Personal lives and family values have been threatened and subjected to pressure and supervision by the *de facto* authorities to match what the Taliban aims to create.

It is essential that we continue to pay very close attention to the rights of religious minorities and religious reform in Afghanistan, as this will be central to reducing violence there and restoring the rights and freedom of all Afghan people.

ESCALATING ATTACKS

According to the UN Special Rapporteur for Human Rights in Afghanistan, attacks against ethnic and religious communities are escalating across that country. While discrimination and violence against ethnic and religious minority communities have plagued Afghanistan, attacks against Hazaras, Afghan Hindus and Sikhs, Ahmadis, Sufis and other at-risk groups have escalated at alarming rates since the Taliban seized power. Some attacks have been claimed by the Islamic State-Khorasan Province (ISKP), which is fighting the Taliban. Nevertheless, as the *de facto* authorities, the Taliban must be held to account for they are responsible for the safety and security of all Afghans and must take action to protect them and detect and stop violence and attacks of this sort, in accordance with international standards.

This year, deliberate attacks on minorities have killed scores of innocent Afghans. The UN Assistance Mission in Afghanistan, UNAMA, has reported that “between August 2021 and June 2022, the most significant contributors to civilian harm were IED attacks against ‘soft’ (non-military) targets such as mosques, public parks, schools and public transportation, with the majority of the incidents claimed by, or attributed to, ISIS-KP. In many instances, the target was ethnic and/or religious minorities--namely Hazara Shias, Shia Muslims generally, and Sufi Muslims.”²

For example, in mid-April there were back-to-back attacks on the Hazara ethnic group and Shia community. Twenty-six Hazara children were killed at their school in Kabul on April 19 and places of worship in Mazar-e-sharif were targeted on April 21.

Then, on April 29th, there was a deadly attack on Sufi Muslims in the Khalifa Sahib Mosque in western Kabul during Friday prayers that killed dozens. On May 25th, at least five people were killed when the Hazrat Zakaria Mosque in Kabul, Afghanistan, was bombed.

And just last Wednesday night in Kabul’s Khair Khana neighborhood, a suicide bomber attacked the Siddiquiya Mosque and killed a cleric, Mullah Amir Mohammad Kabuli, and twenty others.

The US Government is well aware that threats are routinely made against minorities in Afghanistan. For example, in July, the United States and European Union sponsored a high-level event on the protection of religious and ethnic minorities in Afghanistan that took place on the sidelines of the 50th session of the UN Human Rights Council. Freedom House was pleased to be asked to co-host this event

² “Human Rights in Afghanistan, 15 August 2021-15 June 2022”, UNAMA report, 20 July 2022.

https://unama.unmissions.org/sites/default/files/unama_human_rights_in_afghanistan_report_-_june_2022_english.pdf

IED stands for improvised explosive devices.

and our Executive Vice President, Nicole Bibbins Sedaca, moderated the conversation attended by two hundred people including many international diplomats as well as Afghan human rights defenders.

During this session, U.S. Special Envoy Rina Amiri, EU Special Envoy Tomas Niklasson and Special Rapporteur for Afghanistan Richard Bennett concurred that Afghanistan's ethnic and religious diversity is its greatest asset and called upon the Taliban to take concrete steps to protect at-risk communities. Leaders from Afghan Ahmadi, Hazara, and Sikh communities discussed the security and human rights challenges these and other vulnerable populations are experiencing as the human rights situation in Afghanistan continues to deteriorate. Noting that condemnation is not enough, they called for greater protection measures, including documentation and investigation mechanisms and relocation of those at greatest risk. It was noted that under international human rights treaties ratified by Afghanistan, the rights of ethnic and religious minorities are protected, and they have a right to equality of treatment with other groups.

Given the situation my fellow panelists and I have outlined, we urge US CIRF action on the following recommendations to help ethnic and religious minorities in Afghanistan:

- Once again recommend that Afghanistan be designated as a Country of Particular Concern;
- Play a role in collecting and sharing views and recommendations from grassroots activists and community members;
- Call for efforts to document human rights abuses to have a record and, eventually, seek justice against the perpetrators. Ideally, human rights violations must be investigated, perpetrators held accountable, and incidents should be prevented from reoccurring in the future.
- Call for removal of barriers to deliveries of humanitarian aid on the grounds of religion or ethnicity, and
- Endorse US government efforts to relocate and protect minorities and women's rights and HRDs who are at high risk.

REFUGEE RESETTLEMENT

In the United States, another life-saving action we can take is to offer those who flee the Taliban in Afghanistan a chance to restart their lives here. Both the 1951 International Refugee Convention and US law include in the legal definition of "refugee" people fleeing persecution because of their religion.

Since last summer, the US government has run a program to get Afghans who were allied with us and threatened by the Taliban out of Afghanistan and to the US. As you know, more than 124,000 Americans, green card holders, and Special Immigrant Visa holders and applicants made it out before the end of August. Yet with the departure of the US Embassy, the tempo of evacuations – or, as the Taliban prefers to call them, "relocations" – then slowed to a crawl. The priority for the US government has been first and foremost US Citizens, of course, and then green card holders and Afghans who qualify for Special Immigrant Visas. Most brave Afghans who contributed to the decades-long effort to build a free and democratic Afghanistan and spoke out in support of religious and other freedoms but did so on their own initiative or with minimal support from the US and other foreign governments, are much further down the list or lack a viable pathway to safety altogether. These individuals stood for the same values and principles that underpinned American engagement in Afghanistan, and they are the individuals that continue to push for human rights – and yet they are among the most persecuted and forgotten by evacuation efforts.

Some human rights leaders and their families were evacuated by other countries, especially if they were national figures and known to Embassy officials in Kabul. Many more were not contacted or did not make it onto planes before coalition forces left Afghanistan. Too many of the people who contributed to the growth of democracy, human rights and rule of law in Afghanistan over the past twenty years were abandoned, including women leaders, journalists, and human rights champions.

Fearing for their lives, some Afghans try to reach neighboring countries like Pakistan, Iran, and Central Asian nations, but can end up in limbo. Visas to enter neighboring countries legally are valid for a short time and hard to get. The Office of the UN High Commissioner for Refugees (UNHCR) has warned Freedom House that it is prioritizing only the most vulnerable cases. Afghans in neighboring countries lack work authorization, quickly deplete their savings, and face fraught choices: rely on hard-pressed relatives, risk exploitation while performing informal work, or risk their lives by returning to Afghanistan.

Since last September, US government colleagues have brought about 9,000 Afghans and their family members to the United States via commercial airlines from Kabul. Private groups also continue to get threatened Afghans out in small numbers.

Afghan refugees may enter the United States through several pathways:

- 1) Special Immigrant Visas (SIV) – These visas are for people who provided services for US Government/Military and for Afghans who did similar work for US contractors. Afghan SIV recipients are eligible for the same resettlement assistance, entitlement programs, and other benefits as refugees admitted under the US Refugee Admissions Program (USRAP). There is a backlog of more than 70,000 SIV applicants and many applications have been rejected because of missing paperwork.
- 2) Humanitarian Parole – Many of those who arrived in the US during the large-scale evacuation from Kabul in August 2021 were allowed into the country on humanitarian parole. This allowed Afghans to enter the United States on a (a) temporary basis and (b) entitled them to no special benefits or help, although we did see how there was an outpouring of help for them from many ordinary Americans. Further, a continuing resolution passed by Congress in fall 2021 ensured that Afghans arriving on humanitarian parole could receive refugee resettlement benefits.
- 3) US Refugee Admissions Program (USRAP) – Refugees from Afghanistan and other countries can apply to USRAP which brings refugees to the US from around the world. This is what people mean when they say P-2 or “priority two” – it is not a visa but an annual program run as a public-private partnership with refugee resettlement agencies. The priority two designation made announced in early August 2021 made clear that Afghans who had worked for the US government but did not qualify for the SIV program and Afghans who had worked on US government grants or for the media or aid agencies could qualify as refugees.
- 4) Travel to the United States on one’s own and claim asylum. This is not easy to do, but some Afghans have been, for example, showing up on the US-Mexico border seeking asylum.

Each of these pathways has different complications and the odds are against anyone getting here fast. Advocates, including Freedom House, support the Afghan Adjustment Act, which was recently introduced in Congress on a bipartisan basis. The Afghan Adjustment Act allows certain Afghan evacuees to apply for permanent status after one year or two years of being paroled into the United

States. It relieves the immediate burden on the SIV process — which has over 70,000 applications in the backlog — and asylum process — which currently has over 1.4 million cases in the backlog — and prevents Afghans paroled in the United States from losing their jobs or being deported while their applications for these statuses are pending. Passing the Afghanistan Adjustment Act will be of great help to those Afghans who arrived since the fall of Kabul.

For hundreds of years, the United States has accepted those seeking freedom of religion and welcomed them to our shores. Now many religious minorities in Afghanistan are facing religious persecution, and the United States owes it to those, in a country where we have invested so much, to help them find protection at home or refuge elsewhere.

Thank you for calling attention to the crisis in Afghanistan and the particular threats to religious minorities.