

AFGHANISTAN

TIER 2

KEY FINDINGS

In 2018, religious freedom conditions in Afghanistan trended negatively. Afghanistan's leadership struggled to maintain security in the country, especially for religious minority groups. The ongoing operation of terrorist groups, such as the Islamic State in Khorasan Province (ISKP), threaten the country's overall security but particularly endanger the nation's Shi'a Muslim population who have faced increased attacks in recent years. In fact, 2018 was one of the most fatal in Afghanistan for all civilians—and particularly religious minorities—due to terrorist activity, and the government often was unable to protect civilians from attacks. Also, during the reporting period, non-Muslim groups like Hindus, Christians, and Sikhs remained endangered minorities—many fled the country and many of their community leaders who remained were killed in a largescale July 2018 terrorist attack. In general, religious minorities in Afghanistan have endured severe human rights violations since the 1990s under the Taliban's rule and subsequently have suffered ongoing attacks by extremist groups. Sikhs and Hindus have been driven underground without the ability to publicly practice their religious traditions for fear of reprisal by terrorist groups or society at large. While the government has provided assurances to religious minority communities and made limited attempts to include them in the policy-making process, socioeconomic

discrimination and lack of security continued to challenge the survival of these groups, which include other vulnerable populations, such as women and girls. This trend could worsen if religious freedom is not made a focal point for talks between the U.S. government, the Afghan government, and the Taliban.

Based on these concerns, USCIRF again places Afghanistan on its Tier 2 in 2019, as it has since 2006, for engaging in or tolerating religious freedom violations that meet at least one of the elements of the "systematic, ongoing, egregious" standard for designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). USCIRF is concerned about the degree to which the Afghan government has control, both in general and with respect to religious freedom violations. As such, USCIRF will monitor religious freedom conditions to determine whether developments worsen and warrant a change in Afghanistan's status during the year ahead. USCIRF also finds that the Taliban continued to commit particularly severe religious freedom violations in 2018 while controlling parts of Afghanistan's territory, and therefore again recommends in 2019 that the group be designated as an "entity of particular concern," or EPC, under December 2016 amendments to IRFA. The U.S. Department of State designated the Taliban in Afghanistan as an EPC, most recently in November 2018.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Press the Afghan government to acknowledge the significant threat to freedom of religion or belief posed by the Taliban and raise these concerns during peace negotiations between the U.S. government, the Afghan government, and the Taliban by:
 - Emphasizing the need to protect vulnerable groups—including women and girls—whose religious freedoms and related rights have been endangered in the past due to the Taliban's actions and policies; and
 - Highlighting the interconnected role of government officials, security forces, and former affiliates of the Taliban in ensuring religious freedom rights throughout the country;
- Ensure the integration of religious freedom concerns with related issues such as countering religious extremism and resolving sectarian conflict into U.S. Department of State, U.S. Agency for International Development (USAID), the Millennium Challenge Corporation, and U.S. Department of Defense strategies and policies concerning Afghanistan;
- Urge the Afghan government to revoke the 2004 media law prohibiting "un-Islamic" writings and overturn through appropriate legislation the 2007 decision by the Supreme Court that the Baha'i faith is blasphemous and converts to it are apostates through cooperation between the embassy, leading parliamentarians, the Ministry of Law, and the Directorate on Fatwa and Accounts in the Supreme Court;
- Encourage the Afghan Ministry of Education and Ministry of Information and Culture to:
 - Ensure—and, if possible, in coordination with USAID's [Textbook Printing and Distribution Project](#)—that inflammatory and intolerant textbook and curricula content is discontinued and removed from usage; and
 - Create a civic space for the open discussion of diverse opinions on matters of religion and society in the country; and
- Advocate for the Ministries of Interior, Defense, and Hajj and Religious Affairs to work collectively to provide security for and facilitate cooperative meetings between faith leaders and scholars from various religions and from the various Muslim communities that exist in Afghanistan.

COUNTRY FACTS

FULL NAME

Islamic Republic of Afghanistan

GOVERNMENT

Unitary Presidential Islamic Republic

POPULATION

34,940,837

GOVERNMENT RECOGNIZED RELIGIONS/FAITHS

Islam

RELIGIOUS DEMOGRAPHY*

98.99% Muslim (80% Sunni; 10–19% Shi'a Muslim, including Ismailis)
>1% Other (Hindu, Sikh, Baha'i, Christian, Buddhist, and Zoroastrian)

*Estimates compiled from the CIA World Factbook

BACKGROUND

Afghanistan is home to a diverse array of ethnic groups, including Pashtuns (42 percent), Tajiks (27 percent), Hazaras (9 percent), Uzbeks (9 percent), Turkmen (3 percent), and Baloch (2 percent). Historically, the nation was also home to a religiously diverse population; however, the vast majority of non-Muslims fled the country after the Taliban took over the government in 1992. The country continues to be used as a center of operations for international terrorist groups like the Taliban, the ISKP, and al-Qaeda. Further, there are regional terrorist groups operating within Afghanistan and across the border in Pakistan, including the Haqqani network, Lashkar-e-Jhangvi, Lashkar-e-Taiba, and Tehreek-e-Taliban Pakistan.

The United Nations and other nongovernmental organizations (NGOs) declared 2018 as one of the bloodiest years in the Afghan conflict, with 2,798 civilians killed and at least 5,000 injured due to terrorist activity. While the overall population is facing increasing threats to their security, religious minorities in particular continued to face threats as the nation's leadership has not been able to prevent attacks against them. In fact, the national government of Afghanistan only controls 50 to 60 percent of the overall territory in the country, with extremist groups contesting or outright controlling the remaining areas. Further complicating matters, the

Afghan government continued to engage in peace talks with the Taliban during the reporting period, despite the fact that the latter does not acknowledge the government's role in the peace process.

The constitution recognizes Islam as the official religion of the state and requires all parliamentary laws to respect Islamic principles. Non-Muslims are prohibited from holding the highest offices in the land, including president and vice president. Although chapter 18 of Afghanistan's Penal Code protects all religions by criminalizing assault against those publicly practicing any faith and the destruction of any religious places, there have been few cases enforcing this protection.

Since 2004, a vaguely worded media law criminalized "anti-Islamic content" and assigned enforcement to a commission of government officials and members of the media. The constitutional rules for the judiciary require the use of Hanafi Shari'ah jurisprudence in the absence of laws or constitutional provisions governing a case. This has impacted the criminalization of blasphemy, which is not listed in Afghanistan's Penal Code but is punishable by death for Muslims under Hanafi jurisprudence. There have been no recorded cases involving the death penalty for a person accused of blasphemy since 2001.

Article 2 of the constitution, which makes Islam the state religion, also states that non-Muslims are free to practice their "religious rites," but must do so "within

the bounds of law.” This means that laws can be created to limit the religious practices of non-Muslims. Moreover, the limited right to worship that is permitted for non-Muslims differs greatly from the more expansive right recognized under international human rights standards. This is especially important because Afghanistan’s constitution explicitly requires respect for international law, in particular the [Universal Declaration of Human Rights](#) (UDHR).

RELIGIOUS FREEDOM CONDITIONS 2018

Treatment of Shi’a Muslims

Since the U.S. invasion of Afghanistan in 2001, a few historically disadvantaged ethnic and religious minority groups have overcome generations of discrimination to hold prominent positions in the public and private sectors. This is especially true for the Shi’a Muslim community, whose sociopolitical influence has grown over the last two decades as its members increasingly hold leading positions in the government, media, and private industry. There are now more than 10,000 Shi’a mosques in the country, 400 of which are in the capital city of Kabul. There are also several prosperous neighborhoods and enclaves throughout the country that are predominantly inhabited by the Shi’a Muslim community.

Shi’a Muslims’ sociopolitical ascendance has been one of the reasons some extremist groups have continued to target the community, whom they consider to be apostates. Yet, a superficial division has formed between extremists allied with the ISKP and those working for the Taliban. For example, in the aftermath of an attack in November 2018, the Taliban’s website explained that its aim was not to target any “specific race, ethnicity or sect” but rather to attack anyone abetting the government.

On the other hand, extremists affiliated with the Islamic State of Iraq and Syria (ISIS) have intentionally escalated their attacks and increased their public hate speech dehumanizing Afghanistan’s Shi’a Muslims. This is, in part, due to the fact that some of Afghanistan’s Shi’a Muslim population fought against ISIS in

Syria. As a result, many ISIS leaders who fled from Syria to Afghanistan to establish bases have exported their intent to exact revenge against all Shi’a Muslims in the country. This is especially significant because an increased number of local Taliban fighters have started to switch their allegiance to the ISKP. In 2018, this culminated in an increasingly lethal series of ISKP attacks against Shi’a mosques, such as an attack in March 2018 that left one dead and eight wounded and another in August that resulted in the deaths of 29.

While the ISKP carried out attacks that targeted all civilians in general, its attacks targeting the Shi’a Muslim community have been more lethal, with nearly 300 fatalities from almost two dozen attacks in 2018 alone. Such attacks often have coincided with Shi’a religious festivals like Ashura or Muharram. In response to this threat, the Afghan government has attempted to provide additional security and offered weapons to civilians living near Shi’a mosques.

In 2018, extremist groups, including the ISKP, continued targeting one specific ethnic group in particular: the overwhelmingly Shi’a Hazaras. Some examples include the ISKP’s twin bombings on September 5 of a Shi’a Hazara enclave that resulted in the deaths of 20 and injuries to 70, along with an attack on August 15 that resulted in 48 young Shi’a Muslims

being killed and 67 injured. These kinds of attacks were not limited in 2018 to major cities like Kabul, but increasingly occurred at the provincial level, such as a series of attacks in Ghazni Province. Hazara advocates have complained that

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the government has failed to provide proper security to the community and that Hazara political leaders were granted limited influence over the government’s policy-making process.

Treatment of Non-Muslim Communities

Before the fall of the government to the Taliban in 1992, there were nearly 200,000 Hindu and Sikh citizens in Afghanistan. Due to persistent attacks on these communities, loss of property through land grabs, and

socioeconomic exclusion, only 3,000 to 7,000 Sikhs and Hindus remain in the country. Small numbers have represented the communities in the parliament since 2016, and the president has employed Sikhs and Hindus in government service.

Yet, several prominent leaders from both communities were killed in a July 2018 ISKP terrorist attack in Jalalabad that left 19 dead. The attack took place as leaders from the community were awaiting a meeting with President Ashraf Ghani; one of the victims was Awtar Singh Khalsa, the only Sikh candidate running in the October 2018 elections. The attack increased both communities' level of fear of further persecution in the absence of leaders capable of representing their interests.

There were increasing calls from the communities to leave the country as they feel the government is unwilling and unable to provide adequate security. Many have fled to India where they have been given rights to residence, while the remaining members of the community

complain of limited access to housing and employment. Some Sikh community members have been relegated to living inside their temple (or *gurdwara*) due to lack of financial means and secure housing options.

Further, in order to avoid attacks, the remaining Hindu families—as well as Christians—have abandoned visually distinguishable temples and churches in favor of plain buildings. With few crematoria in the country, these communities are unable to carry out their religious funeral rites. When ceremonies were carried out in residential areas, conflicts with the neighborhood's Muslim community increased in 2018.

For nonbelievers in Afghanistan, authorities interpret Shari'ah law to allow for capital punishment. The number of nonbelievers is unknown because admission of such a status could lead to death.

Similarly, for the Baha'i community in Afghanistan, there are few population data available. The community has lived in anonymity since the 2007 declaration by the General Directorate of Fatwas and Accounts of

the Supreme Court of Afghanistan, which proclaimed Baha'is to be a blasphemous group.

Women and Religious Freedom

During the reporting period, the status of women's rights in Afghanistan remained much the same as in 2017. Extremist groups continued to cite their interpretation of Islamic principles when attacking the basic rights of women to hold and inherit property, gain an education or employment, and marry according to their own wishes. Also, during 2018, governmental and societal actors continued to enforce religious and social norms in ways that discriminated against women and restricted their right to freedom of religion or belief. For example, leaders updated the nation's Penal Code in February 2018 but excluded a section criminalizing violence against women. Honor killings based on allegations of extra-marital or premarital sex continued to impact Afghan women due to strict interpretations of Shari'ah.

Further, while the government in 2017 created a National Action Plan to Eliminate Early and Child Marriages to stem the practice of arranged marriages of female children under the age of 18, there has been little progress in enforcing the plan. This lack

of progress could partly be attributed to some political leaders who often argue that the modernization of women's rights is anti-Islamic. Nevertheless, women in Afghanistan continued to advocate for their rights and have increasingly sought justice by submitting family disputes to specialized units created by the Ministry of Women's Affairs in local shura or jirga councils and the Huquq (Rights) Department in the Ministry of Justice.

Elections

Elections remain a point of conflict in Afghanistan. During the leadup to the October 2018 parliamentary elections, the ISKP carried out several attacks on religious minorities—such as Shi'a Muslims—at voter registration or polling centers. For example, an April 22 attack in Kabul left 57 people dead and 117 wounded.

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Both the Taliban and the ISKP have carried out similar attacks in connection to the upcoming 2019 presidential election. Not only have the attacks been violent, but their collateral damage of delaying the electoral process also has been criticized by ascendant religious minority groups like the Hazara Shi'a community.

U.S. POLICY

Mired in a seemingly intractable civil war with international implications, Afghanistan continues to challenge U.S. policymakers. The year 2018 was one of the most lethal periods in the conflict since 2014, and evidence suggests the number and capability of terrorist groups like the Taliban and the ISKP is rising. Attempts to resolve the conflict through peace talks with the Taliban have largely failed, and the ISKP and other extremist groups are likely to try to stymie future attempts. There are two military missions operating within Afghanistan: the North Atlantic Treaty Organization (NATO) Resolute Support mission and the joint U.S.-Afghan mission. In 2017, both President Donald J. Trump and the NATO Resolute Support mission committed to provide additional troops in Afghanistan. Yet, in December 2018, President Trump ordered the U.S. military to withdraw 7,000 U.S. troops

from Afghanistan during the first few months of 2019. This will put even greater pressure on the U.S. government and its Afghan civilian allies to settle a peace deal with the Taliban in order to resolve the conflict.

During several high-level visits in 2018, U.S. government officials emphasized the president's policy for peace talks. Highlighting the importance of these talks, Secretary of State Michael R. Pompeo visited Kabul in July 2018 and met with President Ghani to discuss the status of negotiations with the Taliban. On September 7, 2018, then Secretary of Defense James Mattis visited Kabul, echoing those sentiments. While each of these U.S. government officials have discussed the importance of an Afghan-led peace process, few have publicly raised the protection of religious minorities as a substantial issue in negotiations with the Taliban. In January 2019, after the reporting period, U.S. and Taliban interlocutors discussed a tentative plan that would ensure international terrorists—both individuals and groups—do not use key Afghan territories for their extremist activities and could lead to a withdrawal of U.S. troops.

In November 2018, the State Department redesignated the Taliban in Afghanistan as an EPC.