

July 27, 2006: Afghanistan: Return of Religious Police a Step Backward

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(202) 523-3240, ext. 14 WASHINGTON-The U.S. Commission on International Religious Freedom is deeply concerned about the proposed establishment in Afghanistan of a Department for the Promotion of Virtue and Prevention of Vice, an organization reminiscent of one used by the Taliban to enforce its strict religious codes through public beatings, imprisonment, torture, and execution, including stoning to death. Women, non-Muslims, and Muslims who dissented in any way from the strain of state-enforced Islamic orthodoxy were the particular victims of the Vice and Virtue squad, though few in Afghanistan were spared its arbitrary and heinous abuses."The U.S. government should make clear to the government of Afghanistan its staunch opposition to this proposal," Commission Chair Felice D. Gaer said. "It should oppose any official state entity that will result in violations of the religious freedom rights of Afghanistan's citizens and make clear the view that such entities are widely associated with coercion and restrictions of religious freedom. In addition, the U.S. government should ensure that no U.S. assistance goes to support this new department," Gaer said. The creation of a new Department for the Promotion of Virtue and Prevention of Vice was reportedly proposed by Afghanistan's Ulema, or council of Muslim clerics, and has been endorsed by the cabinet of President Hamid Karzai. It has now been referred for approval to the country's parliament, which is scheduled to reconvene at the end of July. Afghanistan's Deputy Minister for Religious Affairs has been quoted as stating that the new Vice and Virtue agency will not be the same as that under the Taliban. He claims that this new department will not involve a special police force empowered to beat and imprison violators. Instead, it will be aimed, according to the Deputy Minister, at promoting religious values through "education, preaching, and encouragement." Nevertheless, the Commission has several concerns that the creation of such a government institution in Afghanistan charged with the promotion of religious adherence to state-imposed orthodoxy could amount effectively to a religious police force that will: violate Afghan citizens' universal right to freedom of thought, conscience, and religion or belief, including the right to be free from state compulsion with regard to religious worship and practice; abridge the human rights of Afghan women and girls; impose political conformity and stifle political debate about human rights and political freedom in Afghanistan, as well as the role of religion in Afghan law and society; and arbitrarily determine the "correct" nature of religious adherence and what constitutes a "violation"-a significant problem given the wide variety of doctrines and practices that exist within the majority Muslim community in Afghanistan. Moreover, if it is criminality that this proposed agency is being created to address, such offenses should be dealt with under existing criminal statutes by the country's police force. These concerns are not merely theoretical, since in the past year in Afghanistan, several very troubling cases exemplifying the absence of legal protections for fundamental rights came before the courts. In October 2005, an Afghan journalist and editor was found guilty of blasphemy and "insulting Islam" after he raised questions about discrimination against women and the use of certain harsh punishments under traditional Islamic law. His two-year term was reduced to a six-month suspended sentence, but only after he apologized to the court. In March 2006, an Afghan citizen was arrested and threatened with execution on the charge of changing his religion. In the face of a massive international outcry about the case, the court dismissed the charges against him, but concerns about his personal safety forced him to seek asylum abroad."The Ministry for the Promotion of Virtue and Prevention of Vice was responsible for some of the most egregious violations of freedom of religion or belief in Afghanistan under the Taliban," said Gaer. "The re-emergence of a government department that could impose religious doctrine is a profoundly disturbing development that imperils the institution of democracy in Afghanistan. This development cannot be one envisioned by those who fought to see the Taliban removed from power." Last May, the Commission placed Afghanistan on its Watch List of countries that merit heightened attention by the U.S. government for religious freedom violations. Establishment of a Vice and Virtue agency is the kind of regressive action that the Commission feared would tip the balance away from protections for human rights. This development is of particular concern because, as the Commission has consistently noted, Afghanistan's constitution does not guarantee the individual right to religious freedom and empowers the judicial system to enforce Islamic law. The result is that the new constitution does not fully protect individual Afghan citizens who dissent from state-imposed orthodoxy against unjust accusations of religious "crimes" such as apostasy and blasphemy. A new government department tasked with promoting virtue and preventing vice would only further exacerbate these disturbing legal weaknesses.

Felice D. Gaer, Chair

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