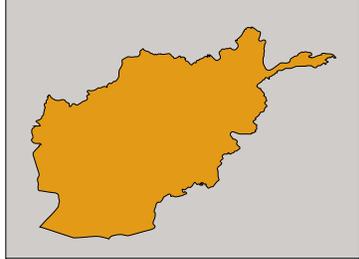


**AFGHANISTAN**



# AFGHANISTAN

## Key Findings

Afghanistan's overall stability and security has deteriorated significantly in the last year due to a resurgence of the Afghan Taliban and increased activity by other extremist groups, including the Islamic State of Iraq and the Levant (ISIL) and al-Qaeda. These groups' violent ideology and attacks threaten all Afghans, but the Shi'a Muslim, Hindu, and Sikh minorities are especially vulnerable, as are the tiny Christian and Baha'i communities. Extremist attacks on Shi'a Muslims increased in 2015. Despite a sustained international support effort, the Afghan government lacks the capacity to protect civilians from attacks. In addition, the country's constitution and other laws violate international standards for freedom of religion or belief. Based on these concerns, in 2016 USCIRF again places Afghanistan on Tier 2, where it has been since 2006.

## Background

Afghanistan's population is estimated at 32.5 million. An estimated 84 to 89 percent is Sunni Muslim, and 10 to 15 percent is Shi'a Muslim. Sikh, Hindu, Christian, and other religious communities collectively comprise less than one percent. Although the population is religiously homogenous, it is ethnically diverse. According to U.S. government figures, Afghanistan's population is 42 percent Pashtun, 27 percent Tajik, nine percent Hazara, nine percent Uzbek, three percent Turkmen, two percent Baloch, and eight percent other groups.

Formed in September 2014, the national unity government, led by President Ashraf Ghani and Chief Executive Officer (CEO) Abdullah Abdullah, has been unable to counter violent extremist groups that target the government, the military, civilians, and U.S. and NATO forces. Despite a prolonged international military effort, the Taliban has expanded its reach and power in Afghanistan. As of January 2016, the Taliban controlled around 30 percent of the country, more area than any

time since 2001. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Taliban attacks between August and October 2015 increased by 19 percent compared to the same period in 2014. The Afghan government's efforts against the Taliban have been hindered significantly by its own internal instability; a fragmented police, military, and intelligence force; corruption; and a weak economy.

In this context, Afghans from all faiths and ethnic groups increasingly are fleeing their homes and the country. OCHA reported that between January and November 2015, more than 300,000 Afghans were forcibly displaced, a 160 percent increase over the same period in 2014. In total, nearly one million Afghans are internally displaced within the country, and 2.6 million are refugees in the region and beyond. According to European Union figures, nearly 150,000 Afghans, mostly Hazara Shi'a Muslims, sought asylum in Europe in 2015. Afghans also are fleeing to other countries in South Asia, as well as Australia.

## Religious Freedom Conditions 2015–2016

### Constitutional and Legal Issues

The Afghan constitution fails to protect the individual right to freedom of religion or belief as guaranteed

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*The Afghan constitution fails to protect the individual right to freedom of religion or belief as guaranteed under international human rights law, providing only that non-Muslims are "free to perform their religious rites within the limits of the provisions of the law."*

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under international human rights law, providing only that non-Muslims are "free to perform their religious rites within the limits of the provisions of the law." There

is no provision protecting freedom of religion or belief for Muslims. The constitution states that Islam is the state religion, and that no Afghan law can be contrary to the beliefs and provisions of Islam. This clause has been interpreted by the Afghan government and religious clerics in ways that limit religious freedom and freedom of expression. The country's penal code permits the courts to defer to Shari'ah law in cases involving matters that neither the penal code nor the constitution explicitly address, such as blasphemy, apostasy and conversion, resulting in those charges being punishable by death. State-backed religious leaders and the judicial system are empowered to interpret and enforce Islamic principles and Shari'ah law, leading at times to arbitrary and abusive interpretations of religious orthodoxy. A 2004 media law prohibits writings deemed un-Islamic, enabling the detention of journalists and others.

### **Conditions for Non-Muslims**

Hindus and Sikhs continue to face discrimination, harassment, and at times violence, despite being allowed to practice their faith in places of public worship and being represented in parliament through presidential appointments. Decades of conflict and official and societal discrimination have diminished significantly these communities' numbers in Afghanistan. In January 2015, the non-governmental Afghanistan Sikh and Hindu Community Council reported that the

country continues to operate on the grounds of the Italian embassy. There were no reports of Afghan Christians arrested during the reporting period, but many reportedly have left for India. Afghanistan's tiny Baha'i community leads a covert existence. A 2007 ruling by the General Directorate of Fatwas and Accounts declared the Baha'i faith blasphemous and converts to it apostates.

### **Violence around Blasphemy Allegations**

In March 2015, a mob in Kabul publicly and brutally murdered Farkhunda Malikzada, a young Muslim woman after a local religious leader falsely accused her of burning a Qur'an. Graphic video of the incident, which made worldwide headlines, showed some police attempting to help her, while others stood by as the crowd beat and kicked her, ran a car over her, and set her on fire. Although several religious leaders and government officials initially lauded the murder of an alleged blasphemer, within two days of her murder and following public protests demanding prosecutions, the Ministry of Hajj and Religious Affairs announced she was innocent. Nearly 50 people, including 19 police officers, stood trial in May 2015. Of the civilians charged, four were sentenced to death, eight were sentenced to 16 years in prison, and 18 were found not guilty. Of the police officers, 11 were sentenced to one year in prison and eight were acquitted. In July 2015, an appeals court overturned the four death sentences, instead sentencing three of the men to 20 years in prison and one,

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*Hindus and Sikhs continue to face discrimination, harassment, and at times violence, despite being allowed to practice their faith in places of public worship and being represented in parliament through presidential appointments.*

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Sikh population was fewer than 1,000 families and that Hindus had all but left the country. By contrast, 40 years ago an estimated 50,000 Sikh and Hindu families lived in Afghanistan. Only one of the eight Sikh *gurdwaras* in Kabul is operating.

The very small Christian population cannot worship openly and is at risk of attack by the Taliban and other extremists. In June 2014, the Taliban kidnapped Fr. Alexis Prem Kumar, who led Jesuit Refugee Services; he was released in February 2015. The one known church in the

who was under 18 years of age, to 10 years.

### **U.S. Policy**

Afghanistan has been the focus of U.S. engagement in South Asia for over a decade. U.S. government efforts have focused on building a stable Afghanistan and fighting extremist groups. The United States brokered the solution to resolve Afghanistan's highly-contested 2014 presidential election, which led to the creation of the current government.

In 2015, U.S. and international forces in Afghanistan transitioned from a combat mission to a training mission, although U.S. forces are still authorized to conduct combat operations. President Barack Obama's original goal to shrink the force to around 5,000 by the end of 2015 was revised in October 2015, at President Ghani's request, largely due to the Taliban's resurgence. By the end of the reporting period, there were approximately 10,000 U.S. troops in Afghanistan, who will remain in the country at least through 2016.

The Quadrilateral Coordination Group (the United States, Pakistan, China, and Afghanistan) are working to create a new framework for peace talks between the Afghan government and the Taliban. A meeting between the two parties occurred in July 2015, but the effort collapsed after the belated news of the 2013 death of Taliban leader Mullah Muhammad Omar led to infighting within the Taliban. In January and February 2016, Ambassador Richard Olson, the U.S. Special Representative for Afghanistan and Pakistan, represented the United States in meetings with the Pakistani, Chinese, and Afghan governments. Other United States government officials have visited Afghanistan during the reporting period, including Assistant Secretary of State for Democracy, Human Rights, and Labor Tom Malinowski, who traveled to the country in April 2015. In March 2015, President Ghani and CEO Abdullah visited the United States. While in the United States, Ghani met with President Obama and Secretary of State Kerry, and addressed a joint session of the U.S. Congress.

Afghanistan's dependence on U.S. and foreign aid is unlikely to change in the near future. Through the Tokyo Mutual Accountability Framework, the United States and other international donors committed to provide Afghanistan \$16 billion in aid through 2015 and continue assistance at similar levels through 2017. According to a report from the United States Special Inspector General for Afghanistan Reconstruction, as of the end of 2015, the United States had appropriated approximately \$113.09 billion for relief and reconstruction in Afghanistan since FY2002, including \$68.44 billion for security, \$31.79 billion for governance and development, \$2.93 billion for humanitarian aid and \$9.94 billion for civilian operations. In FY2015, total USAID and Department of State humanitarian assistance to Afghanistan was \$182.9 million. In March 2015, Secretary Kerry

announced that the United States government will make up to \$800 million available to support a "New Development Partnership" to combat corruption, promote rule of law, strengthen women's rights, and enhance private sector growth in Afghanistan.

## Recommendations

Recognizing that the Afghan government faces significant challenges in combating the Taliban and other violent extremist groups and generally lacks the capacity to protect religious and ethnic communities from violent attacks, USCIRF recommends that the U.S. government should:

- Raise directly with Afghanistan's president and CEO the importance of religious freedom, encourage Afghan government officials to publicly promote the right and work towards creating a civic space for diverse religious opinions on matters of religion and society in Afghanistan;
- Urge the government to reform the Afghan constitution and laws to comply with international standards of freedom of religion or belief, including by revoking the 2004 media law prohibiting writings deemed un-Islamic and the 2007 ruling that the Baha'i faith is blasphemous and converts to it are apostates;
- Revive the interagency U.S. government taskforce on religious freedom in Afghanistan and ensure religious freedom issues are properly integrated into the State and Defense Department strategies concerning Afghanistan;
- Include a special working group on religious freedom in U.S.-Afghan strategic dialogues and the Quadrilateral Coordination Group (the United States, Pakistan, China, and Afghanistan);
- Encourage the Afghan government to sponsor, with official and semi-official religious bodies, an initiative on interfaith dialogue that focuses on both intra-Islamic dialogue and engagement with different faiths; and
- Ensure that human rights concerns are integrated in the reconciliation process and that the parties to any peace agreement pledge to uphold both the Universal Declaration of Human Rights and the Afghan constitution.