

# AFGHANISTAN

## TIER 2

### KEY FINDINGS

Afghanistan's overall stability and security remain precarious despite a sustained U.S.-led international effort to combat the Afghan Taliban and other extremist groups, including the Islamic State of Iraq and Syria (ISIS) and al-Qaeda. These groups' violent ideologies and attacks threaten all Afghans, including the minority Shi'a Muslim, Hindu, Sikh, Christian, and Baha'i communities. In 2016, with international assistance, the Afghan government made some progress in ousting the Taliban from areas it controlled in previous years. However, the government lacks the capacity to protect civilians from attacks due to its internal political instability; fragmented police, military, and intelligence forces; corruption; and weak economy. In

addition, the country's constitution and other laws are contrary to international standards for freedom of religion or belief. Based on these concerns, and 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, in 2017 USCIRF again places Afghanistan on Tier 2, where it has been since 2006. In 2017, USCIRF also finds that the Taliban merits designation as an "entity of particular concern" for religious freedom violations under December 2016 amendments to the International Religious Freedom Act of 1998 (IRFA).

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate the Taliban as an "entity of particular concern" under December 2016 amendments to IRFA;
- Continue to raise directly with Afghanistan's president and chief executive officer the importance of religious freedom;
- Encourage Afghan government officials to publicly promote freedom of religion or belief and work toward creating a civic space for the open discussion of diverse opinions on matters of religion and society in the country;
- 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;
- Ensure the integration of religious freedom issues into State Department and Defense Department strategies concerning Afghanistan, including by reviving the interagency U.S. government taskforce that operated between 2013 and 2015 and prioritized countering religious extremism, attacks on non-Muslim communities, and Sunni-Shi'a violence;
- Include a special working group on religious freedom in U.S.-Afghan strategic dialogues;
- 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, including freedom of religion or belief, are integrated into all bilateral or multilateral talks seeking peace and reconciliation between the Afghan government and the Taliban, and that the parties to any peace agreement pledge to uphold the Universal Declaration of Human Rights.



## BACKGROUND

Afghanistan's population is estimated to be 33.3 million, 84 to 89 percent of which is Sunni Muslim, and 10 to 15 percent Shi'a Muslim. Sikh, Hindu, Christian, and other religious communities collectively are less than 0.3 percent of the total population. 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, 9 percent Hazara, 9 percent Uzbek, 3 percent Turkmen, 2 percent Baloch, and 8 percent other groups.

The constitution states that Islam is the state religion, and that no Afghan law can be contrary to the beliefs and provisions of Islam. The constitution fails to protect the individual right to freedom of religion or belief as guaranteed under international human rights law. It provides only that non-Muslims are "free to perform their religious rites within the limits of the provisions of the law";

there is no constitutional provision protecting freedom of religion or belief for Muslims. Additionally, the country's penal code permits the courts to defer to the Hanafi school of Shari'ah law and *hudoob* laws (which cover crimes committed against God) in cases involving matters that neither the penal code nor the constitution explicitly address, such as blasphemy, apostasy, and conversion. Within this system, state-backed religious leaders and the judicial system are empowered to interpret and enforce Islamic principles and Hanafi Shari'ah law, leading at times to arbitrary and abusive interpretations of religious

orthodoxy and to the imposition of severe punishments, including death. In 2016, there were no known reports of physical assaults, detentions, arrests, or prosecutions for blasphemy or apostasy. However, one person convicted of blasphemy in 2013 is still serving a 20-year prison sentence, according to the State Department.

The constitution also states that Shi'a Muslims can utilize Shi'a Islamic schools of jurisprudence in personal law issues but makes no reference to personal law allowances for non-Muslims. A 2004 media law prohibits writings deemed un-Islamic, enabling the detention of journalists and others. Also, since a 2007 *fatwa* by the General Directorate of Fatwas and Accounts, the Baha'i faith has been deemed a form of blasphemy, which

means Baha'is are viewed as infidels and converts to the faith as apostates.

Many Afghans from all faiths and ethnic groups have fled their homes and need humanitarian assistance. In June 2016, the [United](#)

[Nations \(UN\) High Commissioner for Refugees](#) reported that there were more than 2.7 million Afghan refugees living abroad, and approximately 1.2 million internally displaced people in Afghanistan. In 2016, the Afghan government reported that more than 550,000 people became internally displaced due to fighting and insecurity. Additionally, despite the insecurity in the country, the UN reported that in 2016, 1.5 million Afghans who had fled the country in previous years—especially to Pakistan, Iran, and Europe—returned, many forcibly, including registered refugees.

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## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### Conditions for Shi'a Muslims

During the last year, Shi'a Muslims, especially ethnic Hazaras, fell victim to multiple violent and deadly attacks, as well as abductions that often ended in death. The attacks were overwhelmingly claimed by or attributed to U.S.-designated terrorist groups, including the Taliban and ISIS. Reportedly, more than 500 members of the Shi'a community were injured or killed between July and November 2016. There continue to be allegations that the government failed to provide adequate security in majority-Shi'a areas.

For example, in June 2016, in Sar-e-Pul Province, the Taliban abducted 17 Hazara Shi'a Muslims; it later released them, reportedly only after their community leaders paid a ransom. Allegedly, they were kidnapped in retaliation for the Afghan government's detention of a local Taliban leader the day before. In July, two ISIS suicide bombers struck a peaceful protest by Hazara Shi'a Muslims in Kabul, killing at least 80 people and injuring more than 400. The community was protesting governmental plans for a power project that would bypass Bamiyan, a predominately Hazara province in the country's central highlands area. Between October 11 and 12, two separate ISIS-claimed attacks targeted the Shi'a community during Ashura celebrations. During the October 11 attack on the Karte Shrine in Kabul, at least 19 people were killed and dozens injured. On October 12, a bomb detonated at a mosque in Khoja Gholak, Balkh Province, resulting in 14 deaths and 30 injuries; most of the victims were children. Also in October, ISIS abducted and killed 30 civilians from the predominately Shi'a area of Ghor Province. In November, an ISIS suicide bomber in Kabul killed at least 32 worshippers and injured 50 more as the Shi'a community observed the religious ceremony of Arba'een.

### Conditions for Non-Muslims

Non-Muslim religious communities continue to face societal discrimination, harassment, and, at times,

violence. Intimidation and harassment to pressure non-Muslims to convert to Islam have been reported, as well as harassment of converts from Islam. Additionally, non-Muslim communities reported that general insecurity and a lack of economic opportunities have compelled them to emigrate.

In December 2016, the nongovernmental organization National Council of Hindus and Sikhs (NCHS) reported that there were fewer than 200 families, or about 900 individuals, from these two communities remaining in Afghanistan. Despite Hindus and Sikhs being allowed to practice their faiths in public places of worship and being represented in parliament through presidential appointments, in 2016 the NCHS reported that locals often interfere with or disrupt cremation ceremonies for their dead.

There are no reliable estimates of the size of Afghanistan's Christian and Baha'i populations; however, based on reports from refugees in Europe, these populations likely have diminished significantly since the Taliban's resurgence in 2015. The one known Christian church in the country continues to operate on the grounds of the Italian Embassy. Baha'is continue to live covertly due to the 2007 *fatwa*.

### Women's Rights

In Taliban-controlled areas, women are prohibited from working, attending school, or leaving their homes unless accompanied by a close male relative, and are forced to wear the burqa. In December 2016, five assailants—believed to be Taliban members—beheaded a

30-year-old woman for leaving her home without a male relative in the Taliban-controlled remote village of Latti, Sar-e-Pul Province. Moreover, women often are denied access to medical attention due to the lack of

female doctors. Women who live outside of Taliban-controlled areas also are targeted by the group.

In Afghan government-controlled areas, due to societal norms often enforced by religious clerics at the local level, women and girls often face discrimination, violence, harassment, forced marriages, prohibitions on working or

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studying outside the home, and restrictions on how they dress. Women and girls often do not report crimes committed against them. Non-Muslim women report they feel compelled to wear burqas or other face veils.

In March 2016, Afghan President Ashraf Ghani ordered the formation of an investigative committee after more than 40 Afghan civil society and women's rights organizations protested the Supreme Court's decision to uphold a lower court's reduction in the sentences imposed on 13 men for the brutal and public 2015 murder of Farkhunda Malikzada, a young Muslim woman falsely accused of burning a Qur'an. The incident made worldwide headlines after a graphic video of the murder went viral. Originally, nearly 50 people, including 19 police officers, stood trial in May 2015. At that time, four of the civilians were sentenced to death, eight were sentenced to 16 years in prison, and 18 were found not guilty; 11 of the police officers were sentenced to one year in prison and eight were acquitted. Subsequently, the four death sentences were reduced to 20 years in prison for three defendants and 10 years in prison for the fourth, and nine of the other prison sentences were shortened significantly.

## 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 resolution of 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. The United States heads two military missions in the country: the joint U.S.-Afghan mission and the North Atlantic Treaty Organization's (NATO) Resolute Support mission. In Afghanistan, there are nearly 10,000 U.S. troops; in July 2016, then President Barack Obama announced that they would remain in the country through his term as president. In January 2017, President Donald J. Trump reportedly told Afghan President Ghani that he would continue to support Afghanistan and consider increasing the U.S. troop deployment to the country. Additionally, in late 2015, the United States facilitated

the formation of the Quadrilateral Coordination Group (comprising the United States, Pakistan, China, and Afghanistan). The group's goal was to create a framework for peace talks between the Afghan government and the Taliban. However, in 2016, the group had little success and faced significant political challenges when the Afghan government accused the Pakistani government of failing to take action against militant groups. The group last met in May 2016; no future meetings are planned as of this reporting.

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In April 2016, then Secretary of State John Kerry travelled to Kabul, where he co-hosted the third U.S.-Afghanistan Bilateral Commission with Foreign Minister Salahuddin Rabbani. The discussion included issues related to security and defense, democracy and governance, and social and economic development. Additionally, while in Kabul, then Secretary Kerry met with President Ghani and Chief Executive Abdullah Abdullah. On several occasions, then Ambassador Richard Olson, U.S. Special Representative for Afghanistan and Pakistan, travelled to the country to discuss similar topics. In its bilateral and multilateral engagement with the Afghan government, the U.S. government has urged greater protection for ethnic and religious communities that are likely targets for extremist groups.

Afghanistan's dependence on U.S. and foreign aid is unlikely to change in the near future. In October 2016, more than 100 countries gathered in Brussels, Belgium, to renew commitments first established through the 2012 Tokyo Mutual Accountability Framework. International donors committed to provide Afghanistan \$15.2 billion in aid through 2020, and the United States pledged it would maintain civilian assistance to Afghanistan at or near levels committed through 2016. In fiscal year 2015, total USAID and Department of State humanitarian assistance to Afghanistan totaled \$182.9 million.