

AFGHANISTAN 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution establishes Islam as the state religion, but explicitly states that followers of religions other than Islam are free to exercise their faith and perform their religious rites within the limits of the provisions of the law. Governmental practices and laws, however, limited freedom of religion, particularly for religious minorities. According to the courts' interpretation of Islamic law, Muslims can be punished for converting from Islam to other religions. The General Directorate of Fatwas and Accounts, a department within the Supreme Court, also categorizes the Bahai Faith as a form of blasphemy and its practitioners as infidels. The Hindu and Sikh communities reported that the government provided police protection from societal harassment during burial rituals and provided free electricity for Hindu and Sikh temples. According to reports, the Taliban attacked and killed members of religious minority communities, in part because of their beliefs.

Public opinion continued to be openly hostile toward converts to Christianity and to organizations that proselytized. Although Hindus and Sikhs said they were able to practice their religion publicly, they reportedly continued to face societal discrimination and intimidation, which significantly limited their educational and economic opportunities.

U.S. embassy and other U.S. government officials met regularly with senior officials to discuss religious freedom, religious minority issues, and countering violent extremism, and encouraged the government to address concerns. Diplomatic staff hosted iftars with key government officials and civil society leaders during Ramadan, at which they underscored the U.S. commitment to religious freedom. Staff based outside of Kabul reached out to leaders of all religious groups to emphasize the importance of religious freedom and tolerance.

Section I. Religious Demography

The U.S. government estimates the total population at 31.8 million (July 2014 estimate). Sunni Muslims comprise 80 percent of the population and Shia Muslims make up about 19 percent of the population. The Shia population includes Ismailis and a majority of ethnic Hazaras. Other religious groups comprise the remaining 1 percent. Sikh and Hindu leaders estimate there are 600 Sikh and Hindu families totaling 3,000 individuals. A Sikh leader stated that 700 Sikh and Hindu

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individuals emigrated during the year to Europe and elsewhere. Reliable estimates of the Bahai and Christian communities are harder to make, because neither group practices openly. There are small numbers of practitioners of other religions, including one Jew.

The Hazaras live predominantly in the central and western provinces, and the Ismailis live mainly in Kabul and in the central and northern provinces. Followers of the Bahai Faith, who have practiced in the country for approximately 150 years, are predominantly based in Kabul, with a small population in Kandahar.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution states followers of religions other than Islam are “free to exercise their faith and perform their religious rites within the limits of the provisions of the law,” and it provides for religious freedom and the right to change one’s religion. However, the constitution also declares that the official religion of the state is Islam, that “no law can be contrary to the beliefs and provisions of the sacred religion of Islam,” and that “the provisions of adherence to the fundamentals of the sacred religion of Islam and the regime of the Islamic Republic cannot be amended.” The constitution sets the hierarchy for legal interpretation, with the constitution first, statutes second, and legislative decrees third. If these are not dispositive, the constitution states that Sunni Hanafi jurisprudence will be applied within the limits set by the constitution. It also states that Shia law may be applied in cases dealing with personal matters where all parties are Shia. The law provides that in family legal matters involving the Shia minority, courts should rely on Jafari Shia jurisprudence. There is no separate law applying to non-Muslims.

There were no reported convictions for apostasy during the year. Under the courts’ interpretation of Islamic law, if someone converts to another religion from Islam, he or she has three days to recant the conversion. If that person does not recant, the punishment for apostasy is beheading, deprivation of all property and possessions, and/or the invalidation of the person’s marriage. Hanafi jurisprudence says, however, whereas beheading is appropriate for male apostates, women apostates are generally sentenced to imprisonment until they repent or die in prison. This ruling applies to individuals who are of sound mind and have reached the age of maturity. Although the civil law states the age of majority for male

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citizens is 18 and for female citizens 16, Islamic law defines it as the point at which one shows signs of puberty.

According to the General Directorate of Fatwas and Accounts under the Supreme Court, the Bahai Faith is distinct from Islam and a form of blasphemy.

Furthermore, all Muslims who convert to it are considered apostates, and Bahai practitioners are labeled as infidels. The Bahai community has stated there is legal discrimination against it, particularly on the question of marriages between Bahai women and Muslim men.

While the constitution enshrines the freedoms of expression, the press, and religion, the Supreme Court, empowered under an article of the constitution, provides religious opinions (fatwas) according to Islamic law. The media law forbids making specific references to spoken or written utterance of insults or profanity against deities, religions, sacred symbols, or religious books of any faith. Blasphemy, which can include anti-Islamic writings or speech, is a capital crime under the courts' interpretations of Islamic law. Similar to apostates, blasphemers are given three days to recant or face death.

The constitution requires that the president and vice president be Muslim. Other senior officials (ministers, members of parliament, judges) must swear as part of their oath of office allegiance and obedience to the principles of Islam.

The media law prohibits the production, reproduction, printing, and publishing of works and materials contrary to the principles of Islam or offensive to other religions and denominations. It also prohibits publicizing and promoting religions other than Islam, and articles and topics that harm the physical, spiritual, and moral well-being of persons, especially children and adolescents. The media law instructs National Radio and Television Afghanistan (RTA) to provide balanced broadcasting that reflects the culture, language, and religious beliefs of all ethnic groups in the country. The law, however, also obligates RTA to adjust its programs in light of Islamic principles and national and spiritual values.

The government's national identity cards indicate an individual's religion. Individuals are not required to declare belief in Islam to receive citizenship; however, the state, including the courts, traditionally acts as if all citizens were Muslim. As a result, some basic citizenship rights of non-Muslims are not explicitly codified, and non-Muslims may be tried according to Hanafi jurisprudence. In practice, courts do not always accord Muslims and non-Muslims

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the same rights. In matters requiring sharia jurisprudence, non-Muslims cannot provide testimony. The state will recognize non-Muslim marriages as long as the couple does not publicly declare their non-Muslim beliefs. A Muslim man may marry a non-Muslim woman, but the woman must first convert if she is not an adherent of one of the other two Abrahamic faiths – Christianity or Judaism. It is illegal for a Muslim woman to marry a non-Muslim man.

The penal code addresses “crimes against religions” and states that a person who attacks a follower of any religion shall receive a prison sentence of not less than three months and a fine of between 3,000 and 12,000 afghanis (\$52 to \$207), although it does not specifically address blasphemous remarks. The criminal code also states that persons who forcibly stop the conduct of rituals of any religion, those who destroy or damage permitted places of worship where religious rituals are conducted, or those who destroy or damage any sign or symbol of any religion are subject to a medium-term prison sentence. This is defined in the criminal code as confinement in jail for not less than one and no more than five years and/or a fine of between 12,000 and 60,000 afghanis (\$207 to \$1,036).

Licensing and registration of religious groups are not required, although the government has registered some mullahs who work directly for the Ministry of Hajj and Religious Affairs (MOHRA). Approximately 4,500 mullahs are registered with and work directly for MOHRA, receiving a monthly salary of 3,500-4,000 afghanis (\$60-71). The minimum educational requirement for mullahs who apply to be prayer leaders in MOHRA-registered mosques is a bachelor’s degree or equivalent, and the degree must be attested by the Ministry of Education (MOE). New mosques are opened or built based either on the government’s development plans or on proposals by local residents, which MOHRA must subsequently approve.

There are no explicit restrictions on religious minority groups’ abilities to establish places of worship or to train clergy. The educational curriculum places considerable emphasis on religion. According to the constitution, the “state shall devise and implement a unified educational curriculum based on the provisions of the sacred religion of Islam, national culture, and in accordance with academic principles, and develop the curriculum of religious subjects on the basis of the Islamic sects existing in Afghanistan.” The public school curriculum includes Islamic content, but no content on other religious groups. The national curriculum includes materials designed separately for Sunni-majority schools and Shia-majority schools, as well as textbooks that emphasize nonviolent Islamic terms and

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principles. There is no restriction on parental religious teaching, and non-Muslims are not required to study Islam in public schools.

The constitution allows for political parties, provided “the program and charter of the party are not contrary to the principles of the sacred religion of Islam.”

Government Practices

There were no reported prosecutions for blasphemy in 2014. One individual convicted of blasphemy in 2013 was serving a 20-year prison sentence; no further information on a reported 2013 blasphemy prosecution was available during the year.

In October local media reported on an “anti-Islam” article published by an English language publication. Religious leaders and government officials condemned the article and called for the arrest of the writer for violating the media law’s provision against blasphemy. Subsequent media reporting revealed the author lived in the Netherlands, and the editor of the paper fled Afghanistan before the article was published. The Ministry of Interior arrested, and later released, five people associated with the paper.

Due to fear of persecution, Christians continued to avoid situations where they might be perceived as seeking to spread their religion to the larger community. During a session of parliament in July 2013, four members of parliament called for the execution of converts to Christianity and the speaker of parliament’s lower house stated that security officials should investigate the spread of Christianity in the country. No information on any ongoing investigation was available during the year.

The government banned the pan-Islamic movement Hizb ut-Tahrir – which calls for the overthrow of existing governments to create a unified Muslim state – on the basis that it is an “extremist organization.”

The right to change one’s religion was not respected either in law or in practice. Muslims who converted from Islam risked annulment of their marriages, rejection by their families and villages, loss of employment, and possibly the death penalty.

In previous years, Hindus and Sikhs stated they were not able to cremate the remains of their dead in accordance with their customs, due to interference by

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those who lived near the cremation sites. While the government had provided land for this purpose following the intervention of a Sikh senator, some Sikhs complained that the land was far from any major urban area and in an insecure region, which rendered it unusable. A member of parliament allegedly usurped the land bestowed to the Sikh community in Lut-o Band, outside of Kabul, and reportedly threatened to kill anyone who attempted to cremate a body there. During the year, the government designated a cremation site within the city and provided police support to protect the Sikh and Hindu communities while they performed their rituals. Members of the Bahai Faith, however, continued to face challenges and discrimination when attempting to attend to their dead in accordance with their customs.

The Office of Fatwa and Accounts interpreted Hanafi jurisprudence when a judge needed assistance in understanding its application. Courts continued to rely on Hanafi interpretations of Islamic law, even in cases that conflicted with the country's international commitments to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

At least two Sikhs served in government positions, including one as the ambassador to Canada and one as a presidentially appointed member of the upper house of parliament. Sikh leaders stated they lacked political representation, and said that most Afghans failed to distinguish between Hindus and Sikhs despite significant religious differences.

Four Ismailis served as members of parliament; however, some members of the Ismaili community complained of exclusion from positions of political authority.

The government provided free electricity to mosques. In previous years, the Hindu and Sikh communities did not receive free electricity for their *mandirs* (Hindu temples) and *gurdwaras* (Sikh places of worship). At the beginning of the year, the government responded to previous complaints regarding equal treatment for the Hindu and Sikh communities and approved the provision of free electricity for *mandirs* and *gurdwaras*.

Sikh and Hindu sources reported that members of their communities expressed concerns over land disputes and that they often chose not to pursue restitution through the courts for fear of retaliation, particularly when powerful local leaders occupied their property. While Sikhs and Hindus had recourse to dispute resolution mechanisms such as the Special Land and Property Court, members of

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the two communities reportedly felt unprotected. Sikh and Hindu community members stated they generally did not take civil cases to court; rather, they preferred to settle disputes within their communities.

Senior members of the Ulema Council, – a group of influential Sunni and Shia scholars, imams, and Muslim jurists from across the country – met regularly with the president and advised him on Islamic moral, ethical, and legal issues. The council was nominally independent of the government, but its members received financial support from the state. Through contacts with the presidential administration, the parliament, and ministries, the council or its members advised on the formulation of new legislation or the implementation of existing law. Although well represented in some provincial capitals, the council had much less reach in villages and rural areas, where decisions were made based on tradition and local interpretations of Islamic law. The council urged individuals to avoid conduct that could be perceived as insulting local traditions and religious values, on the grounds that “safeguarding our national honor and Islamic values is the obligation of every citizen.”

MOHRA was the primary ministry handling religious affairs. Its responsibilities included sending citizens on pilgrimages (Hajj and Umrah), collecting revenues to fund religious activities, identifying and acquiring property for religious purposes, issuing fatwas, testing imams, and raising public awareness of religious problems. Both Sunnis and Shia were permitted to go on pilgrimages, and the government imposed no quota for either group.

The government continued to emphasize ethnic and Muslim intrafaith reconciliation indirectly, through support to the judicial, constitutional, and human rights commissions composed of members of different ethnic and Islamic religious (Sunni and Shia) groups. The Ministry of Women’s Affairs and MOHRA worked together to give women the opportunity to attend mosques. A new institution, called the Moderation Center of Afghanistan, was inaugurated in March. This institution is not part of a ministry, but was supported by the government and affiliated with an organization supported by the Government of Kuwait. The center focused on intrafaith communication and promotion of what the government judged to be a moderate interpretation of Islam. The center sent Shia and Sunni clerics to Kuwait for training and then appointed them as teachers in various provinces to train other clerics. The center received full governmental support.

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The MOE's Directorate of Curriculum Development had responsibility for creating curriculum guidelines for public schools. A number of government-affiliated madrassahs, in the capital and in provinces where there was sufficient security, offered Islamic and secular education in accordance with MOE curricula. The MOE-mandated curriculum for madrassahs is 60 percent religious education and 40 percent general education. In principle, the MOE required independent madrassahs to be accredited and disclose their funding sources. There were 1,100 MOE-sponsored madrassahs throughout the country serving about 340,000 students, notably in Kabul, Balkh, Nangarhar, and Herat provinces. The MOE estimated there were an additional 2,200 unaccredited madrassahs. MOHRA did not formally operate primary-level madrassahs; rather, students at that level attended mosques for primary religious studies. Graduates from government madrassahs were eligible to attend state universities. The country had 70 higher-level madrassahs that bestowed a degree equivalent to an associate's degree, including four higher-level madrassahs for female students.

The Department of Islamic Education within the MOE provided a standardized curriculum to accredited madrassahs. Madrassahs registered with the MOE were required to route funding from private or international donations through the MOE or risk being banned. This system allowed the government to monitor assistance to institutes of learning funded by known entities. The government solicited donations for the support of madrassahs from Muslim countries and private individuals. The MOE did not have good control over non-registered madrassahs, particularly in the provinces.

There were three government-sponsored schools for Sikh children in Kabul, Helmand, and Ghazni provinces. There was one Sikh school in Jalalabad financially supported by the Swedish Committee for Afghanistan, a Swedish nongovernmental organization (NGO). The government provided proportional funding for Sikh schools compared to other schools. The MOE provided curricula for Sikh schools, except for religious studies. The community appointed a teacher for religious studies, and the MOE paid that teacher's salary. A few Sikh children attended private international schools. There was one Sikh student in university, studying medicine at Kabul University. There were no Christian schools. Hindus did not have separate schools but sometimes sent their children to Sikh schools.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

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There were reported abuses targeted at specific religious groups by insurgents. In June Taliban insurgents dressed as police officers abducted 17 Hazara Shia in Uruzgan Province. The Taliban, cut off the victims' ears, noses, and hands, and beheaded them.

In July during Ramadan Taliban insurgents halted a minibus with 30 passengers in western Afghanistan. After questioning the passengers, the insurgents forced 14 Hazara Shia (including women and children) from the minibus, bound their hands, and shot and killed them by the side of the road. Reportedly, one of the Taliban commanders involved in the incident was arrested for the crimes in September. No further information on the case against him was available.

As in previous years, there were killings of religious leaders and attacks on mosques attributed to members of the Taliban and other insurgent groups. Sources reported antigovernment elements continued to target religious leaders based on their links to the government or their particular interpretations of Islam. In March a mullah was gunned down in Ghazni province. In April a prominent religious scholar and spokesman for the Herat Ulema Council was shot and killed in Herat province. In September Taliban militants beheaded a cleric in central Uruzgan province.

In March the Taliban attacked a Kabul guesthouse of the NGO Roots of Peace, claiming the building was a church being used to convert Afghans to Christianity. At least six people were injured in the attack, including one Afghan child.

Members of the Taliban also monitored the social habits of local populations, imposing their interpretations of Islamic law on residents of areas under their control. The Taliban and other insurgents threatened and assassinated religious leaders for preaching messages counter to their interpretation of Islam or their political agenda. The Taliban threatened clerics with death if they continued to preach against the militants. The Taliban also warned mullahs not to perform funeral prayers for government security officials.

Section III. Status of Societal Respect for Religious Freedom

Because religion and ethnicity are often closely linked, it is difficult to categorize many incidents as being solely based on religious identity.

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While historically the minority Shia have faced discrimination from the majority Sunni population, observers stated that discrimination against the Shia significantly decreased, with no reported incidents in the capital and major outlying areas. Shia were represented in the government, holding major positions, and were free to participate fully in public life. There were reported incidents, however, of unofficial discrimination and poor treatment that varied by locality. For example in Herat province where there was a large Shia population and both Shia and Sunni leaders reported a high general degree of harmony, many young Herati Shia cited the low number of Shia in senior and middle-level government positions as a structural problem designed to limit Shia political influence in the province.

Non-Muslim minorities such as Sikhs, Hindus, and Christians continued to face social discrimination and harassment and, in some cases, violence. This treatment was not systematic. Public opinion continued to be openly hostile toward Afghan converts to Christianity and to proselytizing by Christian organizations and individuals.

The Hindu population, which was less visibly distinguishable than the Sikh population because they lacked the distinctive Sikh male headdress, faced less harassment. Both groups, however, reported harassment by neighbors in their communities. Both communities, although allowed to practice their religion publicly, reportedly continued to face discrimination, including intimidation.

According to the Office of the United Nations High Commissioner for Refugees, many in the Sikh and Hindu communities did not send their children to public schools because of reported harassment by other students. In the past, Hindus and Sikhs sent their children to private Hindu and Sikh schools. Many of those schools have closed due to their communities' shrinking population and deteriorating economic circumstances, which made private schooling unaffordable for most families. A Sikh community member stated that due to their difficulty obtaining an education free from harassment in the past, Hindus and Sikhs have largely remained illiterate, which has limited their higher education and employment opportunities. However, Sikh sources also reported that the three established government-sponsored schools for Sikh children in Kabul, Helmand, and Ghazni provinces were able to educate sufficient numbers of children from both the Sikh and Hindu populations, and operated under MOE curricula. Hindu and Sikh students who complete education at these schools will be eligible to attend universities in 2017.

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Sikh leaders also reported economic discrimination and lack of labor market access as the main reasons for Hindu and Sikh emigration. In August 35 Afghan Sikhs, including 13 children, were discovered in a shipping container illegally entering Great Britain from Belgium. One individual died in the container; the others sought asylum in Britain. The migrants told the media they were fleeing persecution in Kabul. The women said they could not go out due to harassment, while the men said Afghan locals would pull off their turbans.

The deputy leader of the Sikh community stated that Hindu and Sikh families were unable to return to their historical homes in Helmand, Parwan, Khost, Paktia, and Nangarhar. They migrated to Kabul during Taliban rule and their property was subsequently seized by local strongmen.

There were few places of worship for Sikhs, Hindus, and Jews, as the size of their communities decreased. The number of *gurdwaras* (Sikh places of worship) declined to 11 from 64 before the mujahedeen era in the late 1970s. There was one synagogue in Kabul, although it was not active. There were no public Christian churches. Afghan Christians, many of whom converted while living in third countries, including as refugees, worshipped alone or in small congregations in private homes. Worship facilities for noncitizens of various faiths were located on coalition military facilities and at embassies in Kabul. Buddhist foreigners were free to worship in Hindu temples.

Local religious officials continued to confront women over their attire and behavior, regardless of religion. In rural areas and some urban areas, many women wore a burqa (dress that covers the full body and face, including the eyes) in public. Since the fall of the Taliban many women in urban areas no longer wore the burqa, but almost all wore some form of head covering, either by personal choice or due to societal pressure.

Local religious leaders exerted pressure to limit various social activities. In September a number of provincial clerics in Badghis warned women and girls not to leave their homes to attend school or work. Additionally they deemed working in a mixed-sex environment a “prohibited act.”

There was some popular suspicion regarding outside influence and the motivations of foreigners, even those offering assistance and projects. Some individuals reportedly suspected offers of assistance were surreptitious efforts to advance Christianity and engage in proselytizing.

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There were no reports of harassment of Christians, nor of conversions to Christianity. The small Christian community remained hidden, likely as a result of fear of discrimination and persecution.

Section IV. U.S. Government Policy

The U.S. embassy worked with the government to promote religious freedom and tolerance, introduce the public to diverse perspectives, and enhance the capacity to counter violent extremism. Senior embassy officials expanded their discussions on religious freedom and tolerance with government officials, religious leaders, and civil society figures, including raising issues such as apostasy and blasphemy cases.

During Ramadan the embassy and a number of civilian personnel across the country hosted iftars with key government, civil society, and religious leaders, at which they underscored the U.S. respect for Islam and commitment to religious freedom. The U.S. government also worked with civil society organizations to promote religious freedom and tolerance.

U.S. embassy programs supported traditional voices that oppose violent extremism, exposed Afghans to diverse perspectives, and promoted religious tolerance. Embassy officials attended and hosted meetings with government officials, as well as with leaders from communities of major religious groups and NGOs working on religious freedom issues, to discuss interfaith dialogue, religious tolerance, and religious freedom. Embassy officials also explored with these groups the development of programs and projects to promote religious tolerance.

U.S. government staff based outside of Kabul conducted outreach to provincial community and religious leaders and routinely included them in their local initiatives. In eastern parts of the country, the embassy sponsored discussions focused on equal rights and respect with 20 Muslim children and 35 Hindu and Sikh children, hosting a weekly interfaith program for the children to work in pairs and in groups.