

# AFGHANISTAN

## TIER 2

### KEY FINDINGS

The security situation in Afghanistan remains unsettled, which negatively impacts religious freedom throughout the country. Despite a rise in socioeconomic status for Shi'a Muslims in recent years, attacks against this community—especially by the Islamic State in the Khorasan Province (ISKP)—continued during 2017, and in some cases worsened. In addition, religious leaders involved in efforts to fight extremism and bridge the gap between various Muslim groups were murdered by extremists at a higher frequency in 2017 than in previous years. Non-Muslim groups like Hindus, Christians, and Sikhs remain endangered minorities and lack the ability to publicly take part in their religious traditions. Aspects of the country's constitution and other laws are contrary to international standards for free-

dom of religion or belief. Challenges facing the nation's women also continued, especially in relation to forced marriage and access to education and equal employment. Based on these concerns, in 2018 USCIRF again places Afghanistan on its Tier 2 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 also finds that the Taliban continued to commit particularly severe religious freedom violations in 2017, and therefore again recommends in 2018 that the group merits designation as an "entity of particular concern," or EPC, under December 2016 amendments to IRFA.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Designate the Taliban as an EPC under IRFA, as amended by the Frank R. Wolf International Religious Freedom Act of 2016;
- Emphasize to Afghanistan's president and chief executive the relationship between religious freedom and overall security in the country;
- Encourage the Afghan Ministry of Education and Ministry of Information and Culture to publicly promote freedom of religion or belief through public education and by creating a civic space for the open discussion of diverse opinions on matters of religion and society in the country;
- Facilitate cooperation between Afghanistan's Ministry of Women's Affairs and the U.S. Department of State's Office of Global Women's Issues to assist women in accessing education and employment while also addressing through legislation the practice of forced marriage;
- Urge the Afghan government through cooperation between the U.S. Embassy, leading parliamentarians, the Ministry of Law, and the Directorate on Fatwa and Accounts in the Supreme Court 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;
- Encourage the Afghan government to enhance the Ministry on Hajj and Religious Affairs' role in fostering interfaith dialogue and empowering religious minority groups;
- 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;
- Ensure the integration of religious freedom concerns with related issues such as countering religious extremism and resolving sectarian conflict into State Department and Defense Department strategies and policies concerning Afghanistan; 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.

## COUNTRY FACTS

### FULL NAME

Islamic Republic of Afghanistan

### GOVERNMENT

Unitary Presidential Islamic Republic

### POPULATION

33,000,000

### GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

Islam

### RELIGIOUS DEMOGRAPHY\*

98–99% Muslim

80% Sunni Muslim

10–19% Shi'a Muslim (including Ismailis)

> 1% Others (Hindu, Sikh, Baha'i, and Christian)

\*Estimates compiled from CIA World Factbook and The Pew Research Center

## BACKGROUND

While much of Afghanistan's population is Muslim, the country is ethnically diverse, including Pashtuns (42 percent), Tajiks (27 percent), Hazaras (9 percent), Uzbeks (9 percent), Turkmen (3 percent), and Baloch (2 percent). The country is used as a base of operations for various international and local terrorist groups, including Al-Qaeda, the Islamic State in Iraq and Syria (ISIS/ISKP), the Taliban, and the Haqqani network (which also uses Pakistan as a base of operations).

The nation's leadership under Chief Executive Abdullah Abdullah and President Ashraf Ghani was unable to prevent attacks on religious minorities in 2017. This is in part related to the fact that the government of Afghanistan only exercises control over 62 percent of its national territory, with insurgent groups controlling up to 16 percent and contesting 21 percent of the country's territory.

The constitution designates Islam as the official religion of the state and requires all parliamentary laws to accord with Islamic principles. Article 35 of the constitution mandates that no political party manifestos contravene Islam, and article 45 requires the state to create a public education curriculum based on the tenants of Islam. The constitution's

rules for the judiciary require the use of Hanafi Shari'ah jurisprudence in the absence of laws or constitutional provisions governing a case. For example, blasphemy is not criminalized in the constitution or in Afghanistan's penal code but can be punished by death under Hanafi jurisprudence. In addition, a 2004 media law allows for the detention of any writer who publishes material deemed anti-Islamic by a committee composed of fellow journalists and government officials.

Article 2 of the constitution, which makes Islam the state religion, also states that non-Muslims are free to practice their "religious rites . . . within the bounds of law." However, there is no provision in the constitution that explicitly protects freedom of religion or belief for every Afghan citizen. Moreover, the limited right to worship that is provided to non-Muslims is unlike the more expansive right to freedom of religion or belief recognized by article 18 of the

Universal Declaration of Human Rights (UDHR). Yet, article 7 of Afghanistan's constitution requires the government to respect the UDHR.

The conflict between the UDHR and the Afghan constitution relating to religious freedom remains unresolved.

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## RELIGIOUS FREEDOM CONDITIONS 2017

### Treatment of Shi'a Muslims

Since the U.S. invasion of Afghanistan in 2001, many 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 community, whose sociopolitical imprint has grown over the last two decades. While the State Department has stated that there are no reliable data concerning the percentage of Shi'a Muslims and Sunni Muslims, there are now over 10,000 Shi'a mosques in the country, 400 of which are in the capital city of Kabul.

Shi'a Muslims' sociopolitical ascendance has been one of the reasons extremist groups continue to target Shi'a Muslims, whom they consider to be apostates who are "worthy of killing." In 2017, groups affiliated with ISIS in Afghanistan continued to attack Shi'a mosques and neighborhoods. Many former Taliban leaders have allied themselves with ISIS and pledged allegiance to ISIS leader Abu Bakr al-Baghdadi, while many ISIS fighters have fled from Syria and established bases in Afghanistan. These dual phenomena have increased ISIS's imprint in Afghanistan, which operates under the name ISKP.

Based on the commands of Abu Bakr al-Baghdadi and the global ISIS leadership, ISKP has targeted members of other Islamic subgroups or sects it considers heretics, especially Shi'a Muslims. In 2017, this led to several attacks on major Shi'a mosques like the Al Zahra Mosque in Kabul and the Imam Mohammad Baqir Mosque in the city of Herat. In December 2017, an attack was carried out by ISKP against the Shi'a-dominated Tabayan Social and Cultural Center in Kabul, leaving 41 people dead. Reportedly, at least seven targeted attacks against Shi'a Muslims took place in 2017 that have left nearly 149 people dead and 300 wounded.

Such attacks often have coincided with Shi'a religious festivals like Lailat-UI-Qadir, Ashura, Muharram, or Hazrat Mahdi's birthday. In response to this threat, the Afghan government has attempted to provide additional security and offered weapons to civilians living near Shi'a mosques. Nevertheless, attacks continued throughout the year. By attacking the community's

mosques during religious celebrations, groups like ISKP aim to eliminate the ability of Shi'a Muslims to practice their faith openly and take part in their public traditions.

Extremist groups, including ISKP and the Taliban, targeted one specific ethnic group in particular: the overwhelmingly Shi'a Hazaras. There were at least two major incidents of these extremist groups targeting Hazara Shi'a in 2017, one that involved the murder of thirteen coal mine workers and another in which ISKP beheaded three victims. Further, Hazara advocates report that the country's current leadership has sidelined Hazara political leaders and parties and left them with little influence over government policies.

### Violence against Religious Leaders

A trend that emerged in 2017 was the increased targeting of progressive faith leaders in Afghanistan, especially those who are working in interfaith commissions or local anti-extremist Shura councils. There are several governmental and nongovernmental organizations and conferences that seek to bridge the sectarian divide between Shi'a and Sunni Muslims. Leaders attending these kinds of events were targeted with greater frequency in 2017 than in previous years.

The United Nations Assistance Mission to Afghanistan explained in its midyear report for 2017 that there were at least eleven attacks on religious leaders in the first half of 2017, while there were only two such attacks in the

previous reporting period. This points to a damaging trend that threatens to derail cooperation between religious leaders of various religious communities. Further, by targeting leaders of the

Shi'a Muslim minority community, groups like ISKP aim to weaken that community and deprive it of strong leadership. If this trend is not abated, the security of the Shi'a community and the potential for sectarian and interfaith peace will be further imperiled in Afghanistan.

### Conditions for Other Religious Minorities

Before the fall of the government to the Taliban in 1992, there were nearly 200,000 Hindu and Sikh citizens in Afghanistan, a number that has dwindled to just 200

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families, or a total of between 3,000 and 7,000 people, according to the nongovernmental organization National Council of Hindus and Sikhs. After a great deal of negotiations with the government and failed past attempts, Hindus and Sikhs were granted representation in the parliament in 2016. President Ghani has made attempts to empower and employ members from this community.

However, the remaining Hindu and Christian families have abandoned visually distinguishable temples and churches in favor of plain buildings and often celebrate their holy days in private to ensure their security. Further, with no crematoria in the country, these communities are unable to carry out their religious funeral rites. When ceremonies have been carried out in residential areas, conflicts with the neighborhood's Muslim community have arisen.

For the Baha'i community in Afghanistan, there is little population or treatment data available. The community has lived in relative anonymity since the 2007 declaration by the General Directorate of Fatwas and Accounts of the Supreme Court of Afghanistan, which proclaimed that the Baha'i faith was a blasphemous group.

### Women and Religious Freedom

The status of women's rights in Afghanistan remained much the same as in 2016. The Taliban-led government in the 1990s violently eliminated the rights of women based on extremist interpretations of Islam and Shari'ah law, and in 2017 extremist groups inspired by the Taliban's ideology continued to deny women their rights in the areas that these groups controlled. During 2017, governmental and societal actors also continued to enforce religious and social norms in ways that discriminated against women and restricted their right to freedom of religion or belief. Honor killings based on allegations of extra marital sex, premarital sex, or any form of perceived disobedience continued to impact Afghan women due to strict interpretations of Shari'ah. Often, many cases of domestic violence or honor-based violence go unreported because the perpetrators and victims are family members. Further, while some interpretations of Shari'ah law in Afghanistan accept child marriages, in April 2017, the government created the National Action Plan to Eliminate Early and Child Marriages to stem the practice and enforce the age of consent as 18 years old.

### U.S. POLICY

Afghanistan continues to be a central focus for U.S. policy in South Asia. Defeating terrorist groups like the Taliban and ISIS in Afghanistan is a means of allowing the government of Afghanistan to exercise control over its entire territory and suppress the growth of international terrorist groups in the rest of the region. There are two military missions operating within Afghanistan: the North Atlantic Treaty Organization (NATO) Resolute Support mission and the joint U.S.-Afghan mission. Attempts to resolve the conflict through peace talks with the Taliban have failed, and ISKP and other extremist groups are likely to try to stymie future attempts. In 2017, General John W. Nicholson, commander of the U.S. forces in Afghanistan since 2016, explained that the low troop levels committed by the international community and the United States have created a stalemate with extremist groups that may be difficult to break without additional forces. Partly in response to this, President Trump promised 3,000 additional U.S. troops to augment the 14,000 currently stationed in the country. The NATO Resolute Support mission also agreed to provide an additional 3,000 troops to its training forces in the country.

Unlike President Barack Obama, President Donald Trump has not applied any timeline for U.S. involvement in Afghanistan, but has based withdrawal of troops on conditions that must be fulfilled by the international community, the United States, and the Afghanistan security forces and government. The exact nature of the conditions has not been publicized.

During the year, then Secretary of State Rex Tillerson visited Bagram Airbase in October and Vice President Mike Pence visited Kabul in December, meeting with President Ghani and delivering a speech to troops. Both emphasized the commitment of the United States to help securing Afghanistan and empowering the Afghan government.

In 2017, the State Department continued to assist the Afghan leadership in the protection of human rights and religious freedom. In meetings with senior government officials, embassy officials emphasized religious tolerance and the need to provide protection to the nation's religious minorities. The U.S. Embassy also sought to create outreach programs encouraging peaceful interfaith and intrafaith dialogue.