

Legal framework

Islam is the state religion of Afghanistan. The constitution states that followers of other religions may exercise their faith within the limits of the law, however conversion from Islam to another religion is considered apostasy and is punishable by law. There are also punishments for verbally or physically assaulting religious adherents and any insults or distortions directed towards Islam, including online.

Violations of freedom of religion or belief

Afghans have experienced sectarian violence and violations of freedom of religion or belief (FoRB) both before and after the August 2021 withdrawal of North Atlantic Treaty Organisation (NATO) forces.

Most Afghans are Sunni Muslims, while Shi'as account for approximately 10-15% of the population. Other religious groups, including Christians, Hindus, Sikhs and Baha'is officially account for only 0.3% of the population.

Between 2001, when the Taliban was ousted, and 2021, when they regained power, Afghanistan took some positive steps in terms of women's rights, education, and FoRB. A new law, for example, mandated the reservation of an additional seat in parliament's lower house for a member of the Hindu or Sikh communities. However, persistent challenges for ethnic and religious minorities prompted many to leave the country. For example, the Sikh community in Afghanistan shrunk to fewer than 400 members by 2021, having formerly numbered 1,300 in 2017.

The Hazara people are one of the largest ethnic minorities in Afghanistan. Predominantly Shi'a Muslims, they face systematic discrimination and recurrent periods of targeted violence and enforced displacement.

Aligning with its mission, the Ministry for the Propagation of Virtue and Prevention of Vice (MPVPV) has been responsible for the enforcement of religious decrees and edicts since the 2021 Taliban takeover. These decrees impact all Afghans and include monitoring men's beard length, observing the hijab decree, prohibiting music, and segregating men and women in the workplace and public spaces. The MPVPV has also been responsible for imposing restrictions and regulations on religious practices throughout the country.

Under de facto Taliban rule, Afghanistan has experienced a continual and significant decline in FoRB conditions. Taliban authorities have implemented dozens of religious edicts that restrict the right to FoRB of all Afghans, including Sunni Muslims with different interpretations of Islam. Such edicts have disproportionately affected Afghan women and girls as well as religious minorities who remain in the country, including Ahmadiyya Muslims, Christians, Hindus, Shi'a Muslims and Sikhs.

The Taliban's Ministry for the Propagation of Virtue and the Prevention of Vice enforces de facto authorities' strict interpretation of Islam and shari'a, including through corporal and capital punishment.

The Taliban has been engaged in a conflict with the Islamic State in Khorasan Province (ISIS-K) since the 2021 takeover. ISIS-K has attacked Taliban positions and officials, while the Taliban has responded to its insurgency with counter-terrorism efforts. While both groups are Islamist, they hold different interpretations of Islam and have distinct goals. ISIS-K aims to establish a global caliphate, while the Taliban places a more regional emphasis on establishing Islamic law in Afghanistan.

Few places of worship remain open for Hindus and Sikhs, while Ahmadiyya Muslims and Christians report that to avoid discrimination and harassment they worship primarily in private or in 'nondescript places of worship.' Hindu and Sikh groups also report difficulties in cremating their dead.

As per the latest report from the United States Commission on International Religious Freedom (USCIRF), during the first half of 2024 the number of attacks and targeting of Hazara Shi'a communities increased in particular.¹ Hazaras make up the majority of Afghanistan's Shi'a population and have been labelled 'infidels' and 'unbelievers' by top Taliban officials and ISIS-K. Such rhetoric has been used to justify violent attacks against the community.

In January 2024, for example, an explosion occurred near the Abu Muslim Khorasani Mosque in Kabul. ISIS-K claimed responsibility for the minivan explosion that killed at least three people, stating that the attack was part of its campaign against 'infidels' to 'kill them wherever you find them.'

Hazara women and girls are particularly vulnerable, and some have reported being subjected to violence, assault, threats, and intimidation while in police custody. In March 2024, for example, the Taliban arrested Hazara human rights defenders Azada Rezaei, Nadia Rezaei and Elaha Rezaei, along with their brother. While the detainees were reportedly released in April, for a period of time their whereabouts were unknown to their family. Taliban authorities had previously detained their sister, Tamana Rezaei, for 29 days in 2022, inflicting 'mental and emotional' torture and reportedly referring to her as an 'infidel' for being Hazara.

In April 2024 ISIS-K claimed responsibility for an attack on a mosque in a predominantly Shi'a community of Herat Province. Six worshipers, including the mosque's imam, were killed in the attack. In July de facto Taliban authorities destroyed the statue of former Hazara leader Abdul Ali Mazari in Kabul.

In addition, the Taliban has reportedly pressured Shi'a Ismaili community members to convert to Sunni Islam. In May 2024, for example, 15 Ismailis were detained in the

¹ USCIRF, 'Country Update: Afghanistan', August 2024 <https://www.uscifr.gov/sites/default/files/2024-08/Afghanistan%20Country%20Update%202024.pdf>

northeastern province of Badakhshan and were reportedly falsely accused of being affiliated with armed opposition groups.

Refugees

Land borders with Afghanistan are mostly sealed, apart from that with Iran. According to the International Organization for Migration (IOM) there were approximately 3.75 million Afghan nationals living in Iran and 2.05 million in Pakistan as of September 2024,² however the governments of both countries continue to forcibly repatriate Afghan refugees in large number. The IOM reported that over 1.1 million undocumented migrants were returned to Afghanistan from Iran in 2024.

In October 2023 the Pakistani government announced the Illegal Foreigners Repatriation Plan requiring undocumented refugees, including Afghans, to leave the country within 30 days. From October 2023 to June 2024 an estimated 600,000 Afghans were forcibly returned. The second phase of this plan came into effect in June 2024 as authorities began the next part of the plan, aiming to deport 800,000 individuals back to Afghanistan. In July the Pakistani government announced that it would extend expired registration cards for Afghan refugees but would continue its repatriation plan.

In January 2025 the head of the Norwegian Refugee Council announced that Iran had repatriated over 3,000 Afghan refugees in a single day.³

Hundreds of Afghans have also fled to Uzbekistan.⁴ However, despite being a signatory to the 1951 Refugee Convention, the country does not provide admittance for official refugee status, rendering these individuals vulnerable to deportation.

On his first day in office, on 20 January 2025 United States (US) President Donald Trump signed an executive order suspending the US Refugee Admissions Program (USRAP), which processes refugees for resettlement in the country, effective 27 January. All applications and arrivals through the programme have likewise been suspended. With a sudden halt to USRAP, Afghan refugees, many already approved to enter the US, find themselves in limbo, facing instability and the threat of violence.⁵

Many Afghan refugees also face challenges in the countries they have fled to. For example, members of the Shi'a Hazara

community are likely to face discrimination in Pakistan due to belonging to the Shi'a branch of Islam. Many members of other religious minorities do not have passports and so find themselves stuck in Pakistan and unable to flee to a third country.

Women's rights under the Taliban

In 2023 the Taliban established, expanded, and implemented a series of edicts and decrees to further restrict the rights of Afghan women and girls in society, including their dress, movement, access to education, and employment. In April 2023 the Taliban prevented Afghan women from reporting to work at the UN, expanding its 2022 decrees forbidding women from working in offices or for NGOs. During the first half of 2024 de facto Taliban authorities cracked down on Afghan women for failing to observe what authorities deem 'proper hijab'.⁶ In January 2024 the Taliban began enforcing its May 2022 hijab decree, dictating that women and girls must fully cover themselves in public. The directive noted that women were not to leave the home except in cases of necessity, and it made male relatives responsible for enforcing the decree or face punishment. The decree states that if the hijab law is not enforced, a woman's male guardian (mahram) will be summoned to the relevant department.

In February 2025 the Taliban suspended the operation of Afghanistan's only women's radio station. Radio Begum is a Kabul-based radio station run by women that focuses on women's education. The radio station reported that members of the Taliban's Ministry of Information and Culture detained the station's staff during a search of its premises.⁷

Since the August 2021 takeover the authorities have banned girls from receiving an education beyond the sixth grade and barred women from attending universities. They have also removed any topics relating to human rights and women's rights from school and university curricula, stating that these topics contradict Taliban and Islamic ideology. Recently the Taliban has seen the removal of curricula that involve inclusive and non-discriminatory approaches to education.

In February 2025 the Taliban's Deputy Foreign Minister Mohammad Abbas Stanikzai was reportedly forced to flee to the United Arab Emirates (UAE) following a speech he made at a graduation ceremony in the Khost Province, near the Afghan-Pakistani border, on 20 January in which he criticised the government's ban on girls attending secondary schools

2 International Organization for Migration (IOM) Regional Office for Asia and the Pacific, 'Every step of resilience: The unwavering spirit of Afghans navigating life through crises', 17 December 2024 <https://roasiapacific.iom.int/stories/every-step-resilience-unwavering-spirit-afghans-navigating-life-through-crises>

3 The Khaama Press News Agency, 'Iran departs over 3,000 Afghan refugees in one day: Norwegian Refugee Council', 19 January 2025 <https://www.khaama.com/iran-deports-over-3000-afghan-refugees-in-one-day-norwegian-refugee-council/>

4 DW, 'Afghan refugees in Uzbekistan live in uncertainty', 3 November 2021 <https://www.dw.com/en/afghan-refugees-in-uzbekistan-live-in-uncertainty-facing-deportation/a-59710250>

5 Al Jazeera, 'Advocates and family react as Trump cancels Afghan refugee resettlement', 22 January 2025 <https://www.aljazeera.com/news/2025/1/22/advocates-and-family-react-as-trump-cancels-afghan-refugee-resettlement>

6 The hijab is a head covering worn by some Muslim women, typically a scarf that covers the hair and neck. It is often seen as a symbol of modesty and religious expression. The term 'hijab' also refers to the broader concept of modest attire in Islam, encompassing clothing that covers the body, though the specific head covering is the most recognised usage. The Taliban enforces a particularly strict interpretation of hijab.

7 CNN, 'Taliban raids and suspends Afghanistan's only nationwide women's radio station', 7 February 2025 <https://edition.cnn.com/2025/02/05/asia/afghanistan-taliban-raid-radio-begum-intl-hnk/index.html>

and higher education, prompting the Taliban's supreme leader, Hibatullah Akhundzada, to order his arrest and issue a travel ban.

Recommendations

To the European Union and Member States:

- Urge the Taliban to end the violence against women and girls, and reverse policies that discriminate and exclude them from society; to respect and protect freedom of religion or belief and all religious and cultural heritage; to guarantee the safety and independence of civil society actors, including journalists, human rights defenders and educators; to uphold international humanitarian law; and to respect the right to leave one's country.
- Create safe pathways for Afghan refugees and migrants; broaden asylum and resettlement programmes; consider easing eligibility criteria for refugees in order to facilitate asylum processes for those who lack passports or identity cards.
- Support international efforts to monitor and document human rights abuses and hold the Taliban accountable, particularly for violations against women, ethnic, and religious minorities.
- Advocate for the protection of minority groups, including Hazara Shi'a, Christians, Sikhs, and others, and support efforts to document and prosecute atrocities.
- Provide financial, legal, and humanitarian support to Afghan civil society organizations, journalists, and human rights defenders working under Taliban restrictions.

To the United Nations and Member States:

- Support the work of the United Nations Assistance Mission to Afghanistan (UNAMA) and the UN Special Rapporteur on the situation of human rights in Afghanistan, and ensure they have every resource required to fulfil their respective mandates.
- Urge the Special Rapporteur on Afghanistan and other UN Special Procedures and Treaty Bodies to include the right to freedom of religion or belief in their monitoring and reporting on Afghanistan, addressing the unique vulnerabilities and violations faced by religion or belief communities and those seeking to defend them.
- Ensure staff at UNHCR are trained to support asylum seekers from religious minority communities so that they are afforded their full rights and protections in accordance with international law.
- Consider easing eligibility criteria for refugees in order to facilitate asylum processes for those who lack passports

or identity cards in addition to creating safe pathways for Afghan refugees and migrants, broadening asylum and resettlement programmes and immediately halting the deportation of Afghans who seek protection.

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