

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 the right to freedom of religion or belief before 2021 NATO withdrawal

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 are 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.

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.

Under de facto Taliban rule, Afghanistan has experienced a continual and significant decline in religious freedom conditions. Taliban authorities have implemented dozens of religious edicts that have restricted 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, Sikhs, Hindus, Christians and Shi'a Muslims.

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

According to a 2020 US State Department report,¹ other religious minorities, including Christians, Hindus and Sikhs, also experience harassment, societal discrimination, including in educational settings, threats and violence. Few places of worship remain open for Sikhs and Hindus, while Christians and Ahmadi Muslims 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.

Between 2001, when the Taliban was ousted, and 2021, Afghanistan took some positive steps in terms of women's rights, education, and FoRB, for example, a new law 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.

Humanitarian crisis after the 2021 NATO withdrawal

On 17 August Taliban spokesperson Zabihullah Mujahid said that the 'Islamic Emirate' would not seek revenge on anyone, while pledging that women's rights and press freedom, as recognised within its cultural framework, would be respected.² However, doubt has been cast on these assurances due to disturbing and credible allegations of house-to-house searches, summary executions, forced marriages, enforced disappearances and the killings of members of ethnic minority communities.

Some of the reported violations may amount to war crimes or crimes against humanity. During his address to the Security Council on 16 August 2021,³ the Permanent Representative of Afghanistan to the United Nations (UN) warned that residents in Kabul were living in 'absolute fear,' echoing concerns expressed by the UN Secretary-General regarding violations against women and girls, who feared the return of the country to 'the darkest days.'⁴

The humanitarian crisis is exacerbated by the Covid pandemic, and tribal fighting and rivalry have also increased. Healthcare services are extremely fragile and the banking system is suspended, with access to cash and money restricted. The trade border with Pakistan is open but due to limited movement, prices of goods are rising. Currently very few international flights are operating in and out of Afghanistan.

Refugees

Land borders with Afghanistan are mostly sealed, apart from that with Iran. Very few people can leave Afghanistan. Smaller numbers are fleeing to Pakistan through the Chaman border with Baluchistan and continue to face challenging circumstances. 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 face difficulty in fleeing the country.

1 US Department of State, '2020 Report on International Religious Freedom: Afghanistan', <https://www.state.gov/reports/2020-report-on-international-religious-freedom/afghanistan/>

2 The Guardian, 'Taliban seek no 'revenge' and all Afghans will be 'forgiven'', 17 August 2021 <https://www.theguardian.com/world/2021/aug/17/taliban-seek-no-revenge-and-all-afghans-will-be-forgiven>

3 United Nations, 'Afghanistan: Permanent Representative of Afghanistan addresses the Security Council', 16 August 2021 <https://www.youtube.com/watch?v=wQEaOclZkIs>

4 United Nations, 'We Cannot, Must Not Abandon People of Afghanistan, Secretary-General Tells Security Council Meeting, Stressing 'the World Is Watching'', 16 August 2021 <https://press.un.org/en/2021/sgsm20853.doc.htm>

Hundreds have also fled to Uzbekistan.⁵ 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. Pakistan has also threatened to deport Afghans caught illegally entering the country.

Beyond the voluntary return of some Hindu and Sikh individuals to Afghanistan, recent efforts by the Pakistani government to forcibly return significant numbers of Afghan refugees risks further exacerbating concerns on the right to FoRB. 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 to June, an estimated 600,000 Afghans were forcibly returned. The second phase of this plan went into effect in June 2024 as authorities began the next part of the deportation plan, aiming to send 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.

Concerns for FoRB and women's rights under the Taliban

The Taliban seem likely to erase the small steps Afghanistan had taken on human rights since 2001.

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.

As per the latest report from the United States Commission on International Religious Freedom (USCIRF),⁶ during the first half of 2024, the number of attacks and targeting of Hazara Shi'a communities increased in particular. Hazaras make up the majority of Afghanistan's Shi'a population and have been labelled 'infidels' and 'unbelievers' by top Taliban officials and the Islamic State in Khorasan Province (ISIS-K). Such rhetoric has been used to justify violent attacks against the community. In January, for example, an explosion occurred near the Abu Muslim Khorasani mosque in Kabul. ISIS-K claimed responsibility for a 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 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, for example, 15 Ismailis were detained in the northeastern province of Badakhshan and reportedly were falsely accused of being affiliated with armed opposition groups against the Taliban.

During the first half of 2024, de facto Taliban authorities cracked down on Afghan women for failing to observe what authorities deem 'proper hijab.' 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 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, 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. In March, UN experts released a statement calling for schools to reopen for girls across Afghanistan and for the lifting of restrictions on female educators, stating that the Taliban has 'no justification to deny the right to education, on any grounds, including religion or tradition' Secondary schools for girls remained closed. However, in August, the Taliban barred 100 Afghan girls from leaving for the United Arab Emirates to complete their university education. In October, the Kandahar religious police mandated to women's madrassas that the only acceptable form of hijab is the burqa. These edicts have had severe impacts on women in Afghanistan. In March 2023, the Taliban announced that under its interpretation of Shari'a, women's divorces were invalid. This decree, coupled with the elimination of domestic violence shelters throughout the country, leaves Afghan women susceptible to abusive or harmful marriages.

5 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>

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

Recommendations

To the government of the United Kingdom:

- Support international efforts to monitor and document human rights abuses and hold the Taliban accountable, particularly for violations against women, ethnic, and religious minorities.
- Broaden resettlement programs and create safe pathways for Afghan refugees, especially women and minorities, while halting deportations of those seeking protection.
- Pressure the Taliban to lift restrictions on women's rights, including access to education and public life, and end gender-based violence such as forced marriages.
- 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.

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