

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 verbal or physical assault of 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 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.

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.

According to a 2020 US State Department [report](#), 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. 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, the Permanent Representative of Afghanistan to the 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."

The humanitarian crisis is exacerbated by the COVID-19 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 also 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.

Hundreds have also [fled](#) to Uzbekistan. 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.

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.

Women are facing challenges in returning to work. In some provinces, such as Helmand, women have been allowed to return to work, but strict adherence to Islamic principles as per Taliban strictures must be observed, while women in Kabul have been told to work from home. Many of the Taliban's new cabinet ministers are on the US sanctions list, and no women were included in the cabinet. There are reports of English being banned as a subject in schools and colleges.

Many families have also reportedly been unable to meet daily living costs, and have been forced into selling [organs](#) and even [children for marriage](#) in order to feed the rest of their families.

The situation for ethnic and religious minorities is grim, with an upsurge in attacks by ISKP (Islamic State in Khorasan Province). In the period between January and June 2021, [United Nations Assistance Mission in Afghanistan](#) (UNAMA) noted a resurgence in sectarian motivated attacks, nearly all claimed by ISKP. During this period UNAMA documented 20 incidents targeting Hazaras/Shi'as, resulting in 500 civilian

casualties (143 killed and 357 injured).

In September and October 2021, [reports](#) emerged of the Taliban “evicting” over 4,000 Hazara people from their homes in Daykundi province, and approximately 2,000 families were expelled from their homes by a local Taliban court in Mazar-e-Sharif. In October 2021, the bombings of Hazara mosques in Kunduz and Kandahar killed more than 100 people, and more than 47 people, respectively.

Recommendations

To the United Nations and Member States:

- Support the work of UNAMA to ensure it has every resource required to fulfill its duties.
- Support the work of the UN Special Rapporteur on Afghanistan, ensuring the mandate has every resource required to fulfil its duties, and urge the Rapporteur and other UN Special Procedures and Treaty Bodies to include the right to FoRB in their monitoring and reporting on Afghanistan, addressing the unique vulnerabilities and violations faced by religious 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.

To the European Union and Member States:

- Establish clear criteria for future diplomatic recognition of the present government, that includes demonstrable commitments to international human rights law, including FoRB.
- Follow the call of the UN High Commissioner for Human Rights to create safe pathways for Afghan refugees and migrants, broaden asylum and resettlement programs and immediately halt the deportation of Afghans who seek protection.
- Consider easing eligibility criteria for refugees in order to facilitate asylum processes for those who lack passports or identity cards.

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