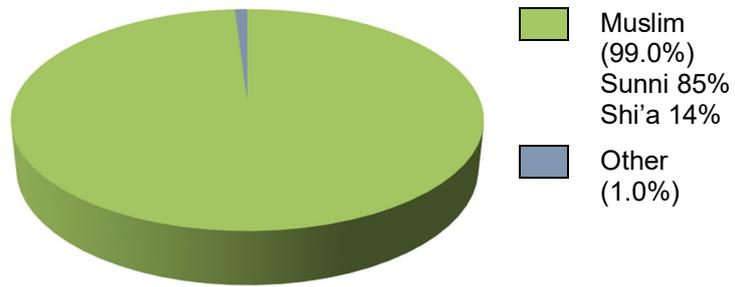


AFGHANISTAN



Area: 652,230 km ²	Population¹: 32.6 million	Political system: Democracy	Major Language(s): Dari, Pashto
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Legal framework on freedom of religion and actual application

No reliable data is available concerning the complex mixture of ethnic groups in Afghanistan. The country's constitution from 2004 officially recognises 14 ethnicities (Pashtun, Tajik, Hazara, Uzbek, Baloch, Turkmen, Nuristani, Pamiri, Arab, Gujar, Brahui, Qizilbash, Aimaq and Pashai).² Pashtuns, living mainly in the south and south-east, make up the largest group (estimated 42 percent of the population), followed by Tajik (estimated 27 percent) who live in the north and north-east of the country.³

Following the defeat of the Taliban regime (1996-2001), a new government was formed under President Hamid Karzai, which built some democratic structures. Following the 2014 presidential election, Ashraf Ghani became President. The U.S. war in Afghanistan officially ended in December 2014, but NATO troops stayed in the country to train government forces. The Taliban still considers itself as the rightful power and remains present in large parts of the country.⁴

During 2015, the number of civilian casualties of the ongoing violence were the highest recorded, according to the United Nations Assistance Mission in Afghanistan (UNAMA), which reported 11,002 civilian casualties (3,545 deaths and 7,457 injured) documented in 2015.⁵ In April 2016, UNAMA and UNICEF warned that children faced an increasing struggle to access healthcare and education as a result of violence and intimidation by all parties involved in the conflict.⁶ Human rights organisations and aid organisations have repeatedly reported increasing threats and attacks on their local staff members.

Sunni Muslims make up the overwhelming majority of the Afghan population, up to 85 percent according to US estimates. Shi'a Muslims, estimated at up to 15 percent, are mostly ethnic Hazaras. The remaining one percent of the population includes around 600 Sikhs and 3,000 Hindus. No reliable estimates of followers of other religions (Christians, Baha'i etc.) were available because they do not openly practise their religion. The small Jewish community emigrated to Israel and the United States by the end of the twentieth century. One Jew reportedly remained in the country.⁷

The constitution of 2004 defines Afghanistan as an Islamic Republic with the country's president and vice-president required to be Muslim. Article 2 grants non-Muslim believers the right to exercise freely their religions within the limits of the existing laws. Article 3 stipulates "the

conformity of all the laws” to the principles and rules of the Islamic religion – thereby rendering *Shari’a*, albeit without naming it, as the primary source of the law. De facto, a number of governmental practices and laws limit the freedom of religion. The country’s courts interpret the Islamic law to the effect that Muslim conversions to other religions are punishable. In another interpretation, the Baha’i faith is seen as blasphemy and its followers as infidels. Blasphemy, which can include anti-Islamic writings or speech, is a capital crime according to the courts’ interpretations of Islamic law, and punishable by the death penalty, if the blasphemer does not recant within three days. According to the US State Department’s Religious Freedom Report, attacks and killings of members of religious minorities carried out by the Taliban are not reported.⁸

Islamic religious education is required for state-run schools as well as for private educational institutes. Other forms of religious education are not provided. There are no explicit restrictions on religious minority groups’s ability to establish places of worship or to train clergy. There are a few places of worship for Sikhs and Hindus. There are no public Christian churches. Coalition military facilities and embassies offer worship places for non-Afghanis.⁹

Christianity is seen as a western religion and alien to Afghanistan. A decade of military control by international forces added to the general mistrust towards Christians. Public opinion concerning Christians proselytising Muslims is openly hostile.¹⁰ Afghan Christians worship alone or in small communities in private homes. According to Christian mission organisations, small underground house churches can be found throughout the country, each one with fewer than 10 members. Despite a constitutional promise of religious tolerance, those who are openly Christian or converting from Islam to Christianity remain vulnerable.¹¹

The Catholic Church is present in Afghanistan in the form of a “Sui iuris mission” based in the Italian embassy in Kabul. Its first Superior, the Italian Barnabite priest Father Giuseppe Moretti, retired in November 2014. His successor, the Italian Barnabite priest Father Giovanni Scalse, was installed in January 2015.¹² As for religious congregations, there are three “Little Sisters of Jesus” engaged in public health service, five Sisters of the Missionaries of Charity founded by Mother Teresa serving orphans and disabled children and three Sisters of the inter-congregational community “Pro Bambini di Kabul” providing education for orphans and disabled children.¹³

Incidents

On 2nd June 2014, Father Alexis Prem Kumar SJ, Jesuit Refugee Service Afghanistan Director, was abducted by a group of unidentified armed men from a JRS-sponsored school for returnee refugees in Sohadat, 34km from the city of Herat, western Afghanistan. He was released in February 2015, after more than eight months in captivity.¹⁴

On 24th July 2014, two Finnish Christian women were shot and killed by two men on a motorbike. Both women, members of the Finnish Lutheran Mission, working in the country for the Christian development organisation the International Assistance Mission (IAM), lived in Afghanistan for several years and spoke the local language Dari. The background to the attack remained unclear. The Finnish Foreign Minister, Erkki Tuomioja condemned the murders as “terror tactics” targeting foreigners, according to Finnish media reports.

Sikh and Hindu communities reported discriminations and land disputes. However, according to the US State Department, the government responded to previous complaints and improved the situation. Amongst others, it approved the provision of free electricity for places of worship of both communities, similar to the provision of free electricity to mosques. During 2014, the government designated a cremation site within the city of Kabul for the Sikh and Hindu communities and provided police protection for both communities while they performed their rituals.

The Shi’a minority was targeted by the Taliban. In July 2014, members of the Taliban shot and killed 14 Hazara Shi’as in western Afghanistan.

The Taliban enforced a parallel judicial system in some parts of the country, based on strict interpretation of *Shari'a* and including punishments of execution or mutilation.¹⁵

Prospects for Religious Freedom

Freedom of religion, theoretically guaranteed by the constitution, is limited in practice. An improvement can be seen over the period in question for some religious minorities. Of key concern is the de facto ban on conversion from Islam and the severe penalties that may follow. Also of concern is the constant rise of violence, with militant groups targeting places of worship and clerics as part of the larger civil conflict.¹⁶ A growing influence of the Taliban and other extremists can be seen, controlling areas in the southern, eastern, and some northern provinces, particularly in remote regions.¹⁷

¹ July 2015 est.

² <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>

³ <http://minorityrights.org/country/afghanistan/>

⁴ <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>

⁵ <https://unama.unmissions.org/civilian-casualties-hit-new-high-2015>

⁶ <https://unama.unmissions.org/education-and-healthcare-risk-children-afghanistan>

⁷ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238488>

⁸ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238488>

⁹ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238488>

¹⁰ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238488>

¹¹ <https://www.presbyterianmission.org/ministries/global/afghanistan/>

¹² http://www.nytimes.com/2014/06/22/world/asia/afghanistan-a-christian-convert-on-the-run.html?_r=0

¹³ <https://kofcknights.org/CouncilSite/roundtable.asp?CNO=11302>

¹⁴ https://en.jrs.net/news_detail?TN=NEWS-20150222084519

¹⁵ <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252957>

¹⁶ <https://freedomhouse.org/report/freedom-world/2015/afghanistan>

¹⁷ <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252957>