



**ADF INTERNATIONAL**

*ECOSOC Special Consultative Status (2010)*

**UNIVERSAL PERIODIC REVIEW – FOURTH CYCLE**

**Submission to the 46<sup>th</sup> Session of the Human Rights Council's  
Universal Periodic Review Working Group**

**October 2023**

**Geneva, Switzerland**

**AFGHANISTAN**

**Submission by:**

ADF International  
Rue Pré-de-la-Bichette 1  
1202 Geneva, Switzerland

Web: [www.ADFinternational.org](http://www.ADFinternational.org)  
Email: [UN@ADFinternational.org](mailto:UN@ADFinternational.org)

## Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report explains the severe human rights violations suffered by persons belonging to religious minorities in Afghanistan, including Christians, Sikhs, Hindus and certain minority sects within Islam.

### (a) Freedom of Religion or Belief

#### *Background*

3. The population of Afghanistan is overwhelmingly comprised of Muslims. It is estimated that 99% of people living in Afghans are Muslim, with only 10% adhering to non-Sunni denominations, Shi'a being the most popular at 9.7%. The principal ethnic group, the Pashtun, practices Sunni Islam, while the Hazara mainly follows Shiite Islam.<sup>1</sup>
4. Afghanistan de facto authorities have recently declared that 'there are no Christians living in the country'.<sup>2</sup> However, independent estimates from 2021 suggest the presence of approximately 10-12 thousand Christian converts.<sup>3</sup>
5. Following the fall of Kabul in August 2021, Afghanistan's 2004 Constitution has been abolished by the de facto authorities. Its Article 2 explicitly designated Islam as the official state religion, further stipulating that '[n]o law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan'.<sup>4</sup> While the Constitution did permit followers of other religions to practice their religion 'within the limits of the provisions of the law',<sup>5</sup> it mandated that the President must be Muslim and swear to obey and defend the provisions of Islam.<sup>6</sup>
6. In its place, the de facto authorities had initially sought to reinstate the monarchic 1964 Constitution, under the guidance of Sharia law.<sup>7</sup> However, this constitution was also quickly set aside in favour of direct adherence to the 'Sharia system', as interpreted by the Taliban.<sup>8</sup>
7. In the wake of the takeover, the 'Supreme Leader' of the Taliban established a council of Islamic religious scholars (Ulema) to administer the city of Kandahar, which serves as his base of governance.<sup>9</sup> Similar councils have been established in thirteen other

---

<sup>1</sup>'Afghanistan: Full country Dossier', *Open Doors International* (December 2022) 11.

<sup>2</sup>'Taliban Say No Christians Live in Afghanistan; US Groups Concerned', *Voice of America News* (16 May 2022), <https://www.voanews.com/a/taliban-say-no-christians-live-in-afghanistan-us-groups-concerned/6575680.html>.

<sup>3</sup>'Fear and Uncertainty Dominate Thoughts of Afghanistan's Christians Living Under Taliban Rule', *International Christian Concern* (17 Aug. 2021), <https://www.persecution.org/2021/08/17/fear-uncertainty-dominate-thoughts-afghanistans-christians-living-taliban-rule/>.

<sup>4</sup>Afghanistan 2004 Constitution, Art. 2(1).

<sup>5</sup>Ibid., Art. 2(2).

<sup>6</sup>Ibid., Arts. 62-63.

<sup>7</sup>Mahir Hazim, 'Going Back to Zero: How the Afghan Legal and Judicial System is Collapsing under the Taliban Regime', *Jurist* (7 Mar. 2022), <https://www.jurist.org/commentary/2022/03/mahir-hazim-afghan-legal-judicial-system-collapsing-taliban-regime/>.

<sup>8</sup>Abdul Ghafoor Saboori, 'Parwan Governor, Citing Supreme Leader, Says Previous Constitution Invalid', *TOLOnews* (4 Aug. 2022), <https://tolonews.com/afghanistan-179259>.

<sup>9</sup>منبع: رهبر طالبان دستور داده تا شورای علما در کندهار ایجاد شود [Taliban Supreme Leader has ordered establishment of Council of Scholars in Kandahar], *Radio Azadi* [Radio Azadi] (8 Sept. 2023), <https://da.azadiradio.com/a/31648812.html>.

provinces.<sup>10</sup> In October 2021, a 'caretaker government' was established. The cabinet is almost exclusively Pashtun, featuring only three members from different ethnic backgrounds and excluding Hazara members.<sup>11</sup>

8. On November 14, 2022, the 'Supreme Leader' mandated judges to enforce rigorous punishments in accordance with the Taliban's interpretation of Sharia law.<sup>12</sup> Shortly thereafter, the de facto authorities began administering corporal punishments, including public flogging. In December, the Taliban performed the first public execution in the presence of senior officials, including the chief justice.<sup>13</sup>

#### *Cases of Religious Persecution*

9. The targeting of persons belonging to religious minorities was evident in Afghanistan even before the Taliban takeover.
10. In a particularly chilling incident in August 2021, three days before the fall of Kabul, the leader of a Christian house church network, encompassing 500 members, received a signed letter from Taliban militants, overtly threatening him and his family. On the day of the takeover, the militants visited the leader's home, which was empty at the time.<sup>14</sup>
11. Also in August 2021, the Taliban kidnapped a fourteen-year-old daughter of a Christian family who were subsequently forced to flee the country. Her whereabouts remain unknown.<sup>15</sup>
12. In the aftermath of the takeover, thousands of Afghans sought refuge by fleeing to Pakistan. Among these were at least 60 Christian families.<sup>16</sup> Sixteen of these, comprising 64 individuals in total, ultimately obtained asylum in Brazil. Shortly after seizing power, the Taliban issued a declaration asserting that Christians were to make the choice of either converting to Islam, leaving the country, or facing execution.<sup>17</sup>
13. Taliban militants have reportedly conducted door-to-door searches to identify Christians (labelled 'apostates') in an effort to enforce Sharia law, which states that leaving the Islamic faith is a crime punishable by death. A Christian believer, known only by the pseudonym 'Gulshan', summarized the fears within the Afghan Christians community, stating, 'If they find us, they kill believers on the spot'.<sup>18</sup>
14. Ali, another Christian believer who converted from Islam at the age of fifteen, became the target of a manhunt by the Taliban after reports of his conversion circulated

---

<sup>10</sup> Fatima Adib, 'Clerics Council Formed in 13 Provinces', *TOLONews* (11 Jan. 2023), <https://tolonews.com/afghanistan-181570>.

<sup>11</sup> 'Afghanistan: Full country Dossier', 9-10.

<sup>12</sup> 'Afghanistan: Taliban leader orders Sharia law punishments', *BBC* (14 Nov. 2022), <https://www.bbc.com/news/world-asia-63624400>.

<sup>13</sup> 'Afghanistan 2022', *Amnesty International*, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/> accessed 13 Sept. 2023.

<sup>14</sup> Mindy Belz, 'The Taliban seizes power while taking names', *WORLD* (16 Aug. 2021), <https://wng.org/articles/the-taliban-seizes-power-while-taking-names-1629135433>.

<sup>15</sup> *Ibid.*

<sup>16</sup> International Christian Concern 'The Flight of Afghan Christians to Pakistan' (2 August 2023) <https://www.persecution.org/2023/02/09/the-flight-of-afghan-christians-to-pakistan/>.

<sup>17</sup> 'Thank You so Much for Helping Save My Family', *Barnabas Aid*, <https://www.barnabasaid.org/us/magazine/thank-you-so-much-for-helping-to-save-my-family/>.

<sup>18</sup> 'Afghanistan', *Open Doors*, <https://www.opendoors.org/en-US/persecution/countries/afghanistan/> accessed 15 Sept. 2023.

publicly. Despite the ongoing persecution, Ali has opted to remain in Afghanistan and go into hiding.<sup>19</sup>

15. The official spokesperson for the de facto authorities has claimed that '[a]ll our Sunnis, Shiites, Sikhs, and Hindus practice their religion freely'.<sup>20</sup> When the Taliban seized power, it had made initial steps seemingly aimed at protecting, at minimum, certain Shia mosques. However, these actions were quickly retracted within a few months.<sup>21</sup>
16. As early as September 2021, the Taliban evicted around 700 Shi'ite Hazara Afghans from the central province of Daikundi.<sup>22</sup> Furthermore, in February 2023, the Taliban formally prohibited marriages between Sunni and Shia Muslims in the Nusay district of Badakhshan.<sup>23</sup> In May 2023, the Taliban prohibited teaching a specific school of Shia jurisprudence at one of Afghanistan's most prominent universities.<sup>24</sup> In July 2023, several Shi'ite communities were denied the right to celebrate a special ceremony in Kabul.<sup>25</sup>
17. Under the Taliban rule, Sikhs and Hindus have not only been barred from publicly celebrating religious holidays but also forced to dress like Muslims.<sup>26</sup> In June 2022, a bombing of a Sikh temple in Kabul claimed two Sikh lives.<sup>27</sup> At the time of the attack, only 140 Sikhs and Hindus were thought to remain in Afghanistan.<sup>28</sup>
18. Even segments of Sunni society are suffering religious persecution under the Taliban. In May 2022, a violent attack on a Sufi monastery in the middle of a service was followed by a stringent ban on music at weddings in Kabul and a broader ban on music in all public spaces.<sup>29 30</sup>

---

<sup>19</sup> 'In Hiding from the Taliban', *Voice of the Martyrs* (3 Nov. 2022)

<https://www.icommittoprav.com/request/2419/ali/>.

<sup>20</sup> Moohita Kaur Garg, 'Taliban claims religious and civil rights of all minorities in Afghanistan are protected', WIO News (6 Jun. 2022) <https://www.wionews.com/south-asia/taliban-claims-religious-and-civil-rights-of-all-minorities-in-afghanistan-are-protected-485704>.

<sup>21</sup> Abubakar Siddique & Mansor Khosrow, 'Afghanistan's Shi'ite Minority Suffers "Systematic Discrimination" Under Taliban Rule', *Radio Free Europe Radio Liberty* (17 July 2023), <https://www.rferl.org/a/afghanistan-taliban-shiite-persecution-discrimination/32507042.html>.

<sup>22</sup> Gulamaiz Sharifi and Abudakar Siddique, 'Afghan Hazaras Fear the Worst After Forced Taliban Evictions', *Radio Free Europe Radio Liberty* (6 Oct. 2021), <https://www.rferl.org/a/afghanistan-hazaras-taliban/31496224.html>.

<sup>23</sup> Sakhi Khalid, 'Taliban Ban Shia-Sunni Marriages in Badakhshan's Nusay District', *Hasht-e Stub Daily* (2 Feb. 2023), <https://8am.media/eng/taliban-ban-shia-sunni-marriages-in-badakhshans-nusay-district/>.

<sup>24</sup> « ممنوعیت تدریس « فقه جعفری » در پوهنتون بامیان با واکنش های مواجهه شده است » at Bamyān University has sparked reactions], *Radio Azadī*, (4 May 2023), <https://da.azadiradio.com/a/32394944.html>.

<sup>25</sup> Siddique & Khosrow (n 30).

<sup>26</sup> Freshta Negah & Abubakar Siddique, "Forced to Dress Like a Muslim": Taliban Imposes Restrictions on Afghanistan's Sikh, Hindu Minorities', *Radio Free Europe Radio Liberty* (Aug. 22, 2023), <https://www.rferl.org/a/32559175.html>.

<sup>27</sup> Ruchi Kumar 'Deadly attack on Sikh temple in Kabul leaves community in fear', *Aljazeera* (18 Jun. 2022), <https://www.aljazeera.com/news/2022/6/18/deadly-attack-on-sikh-temple-in-kabul-leaves-community-in-fear>.

<sup>28</sup> *Ibid.*

<sup>29</sup> Abubakar Siddique, 'Fear Grips Afghanistan's Sufi Community Following Deadly Attacks', *Radio Free Europe Radio Liberty* (16 May 2022), <https://www.rferl.org/a/afghanistan-sufis-attacks-is-k/31853526.html>.

<sup>30</sup> "Wedding or a funeral?" Taliban bans music at Kabul wedding halls', *Aljazeera* (12 Jun. 2023), <https://www.aljazeera.com/news/2023/6/12/wedding-or-a-funeral-taliban-bans-music-at-kabul-wedding-halls>.

19. Before the fall of Kabul, militants regularly seized phones and assaulted individuals possessing photos of Afghan servicemembers.<sup>31</sup> Subsequent to the takeover, the Taliban have taken further steps towards establishing Afghanistan as a surveillance state. Sixty-two thousand security cameras were installed in Kabul in August of 2023.<sup>32</sup> Christians have reported that the Taliban seize phones and kill individuals who are found with the Bible App.<sup>33</sup>
20. In addition to the persecution faced at the hands of the Taliban, religious minorities in Afghanistan have also been subjected to violent attacks by other militant extremist groups, including the Islamic State of Khorasan Province (ISKP). In October 2021, at least fifty people were killed in a bombing of a Shia Mosque in Kunduz, an atrocity for which ISKP claimed responsibility.<sup>34</sup> Only six days later, an additional 50 individuals were killed in an ISKP bombing of a Shia Mosque in Kandahar.<sup>35</sup> 2022 saw at least two separate ISKP attacks on Shia educational institutions, including a boys' high school.<sup>36</sup> A recent report from the United Nations Assistance Mission in Afghanistan (UNAMA) estimates that over 1218 civilian casualties have resulted from improvised explosive device (IED) attacks targeting places of worship.<sup>37</sup>

#### *Freedom of Religion or Belief in International Law*

21. Afghanistan is a State Party to the International Covenant on Civil and Political Rights (ICCPR). According to its Article 18, 'No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice', and that 'freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others'.<sup>38</sup>
22. Furthermore, Article 26 of the ICCPR mandates States to 'prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination', including on the basis of religion.<sup>39</sup> Article 27 of the ICCPR also guarantees that '[i]n those States in which religious minorities exist, persons belonging to such minorities

---

<sup>31</sup> Habibur Rahman Taseer & Abubakar Siddique, 'Taliban Mines Afghan Phone Data in Bid for Control', *Radio Free Europe Radio Liberty* (30 Oct. 2020), <https://www.rferl.org/a/taliban-mines-afghan-phone-data-in-bid-for-control/30919738.html>.

<sup>32</sup> Abubakar Siddique, 'The Azadi Briefing: Is the Taliban Creating a Surveillance State in Afghanistan?', *Radio Free Europe Radio Liberty* (1 Sept. 2023), <https://www.rferl.org/a/azadi-briefing-taliban-surveillance-state-afghanistan/32574507.html>.

<sup>33</sup> 'Media ministry offers "lifeline" to fearful Afghans as Taliban kill Christians', *Religious News Service* (17 Aug. 2021), <https://religionnews.com/2021/08/17/media-ministry-offers-lifeline-to-fearful-afghans-as-taliban-kill-christians/>.

<sup>34</sup> 'Afghanistan: Deadly attack hits Kunduz mosque during Friday prayers', *BBC* (9 Oct. 2021), <https://www.bbc.com/news/world-asia-58842793>.

<sup>35</sup> 'Suicide attack on Shia mosque in Kandahar after Friday prayers', *CSW* (18 Oct. 2021), <https://www.csw.org.uk/2021/10/18/press/5454/article.htm>.

<sup>36</sup> 'Kabul blasts kill six and wound 20 at boys' school', *BBC* (19 Apr. 2022), <https://www.bbc.com/news/world-asia-61148248>; 'Suicide attack targets predominantly Shia Muslim neighbourhood', *CSW* (30 Sept. 2022), <https://www.csw.org.uk/2022/09/30/press/5831/article.html>.

<sup>37</sup> UNAMA 'Impact of Improvised Explosive Devices on Civilians in Afghanistan (June 2023) <https://unama.unmissions.org/impact-improvised-explosive-devices-civilians-afghanistan>, 8.

<sup>38</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 3 January 1976) 999 UNTS 171 (ICCPR), art.18.

<sup>39</sup> *Ibid.*, art. 26.

shall not be denied the right, in community, with the other members of their own group [...] to profess and practise their own religion'.<sup>40</sup>

23. The grave human rights violations perpetrated against religious minorities by the Taliban and other militant groups in Afghanistan command international attention.

**(b) Conclusion**

24. The de facto authorities must be urged to restore the rule of law and guarantee to everyone, including persons belonging to religious or belief minorities, the full and equal enjoyment of all human rights, including the right to freedom of religion, without fear of persecution, violence, or discrimination.

---

<sup>40</sup> Ibid., art. 27.



**VIENNA**

HEADQUARTERS

**BRUSSELS**

**GENEVA**

**STRASBOURG**

**LONDON**

**NEW YORK**

**WASHINGTON, DC**



**ADF INTERNATIONAL**

© 2023

[ADFIinternational.org](https://www.ADFinternational.org)

 [facebook.com/ADFIinternational](https://facebook.com/ADFIinternational)

 [@ADFIintl](https://twitter.com/ADFIintl)