

Afghan Religious Minorities

Victims of Negligence

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An Introduction to Afghanistan's Minorities

Afghanistan is a mosaic of ethnic groups with diverse cultures, languages, and religions. The 2004 Constitution of Afghanistan lists 14 ethnic groups in the country: Pashtun, Tajik, Hazara, Uzbek, Baloch, Turkmen, Nuristani, Pamiri, Arab, Gujar, Brahui, Qizilbash, Aimaq and Pashai. Other ethnic groups are socially categorised as being part of other ethnicities. These groups not listed in the Constitution have protested 'being annexed' to other ethnic groups¹ and have urged the government to designate them independently. Some minorities not listed are Moghols, Kyrgyzs, Sadats etc. while the Hindu-Sikh is a religious minority also not recognised in the Constitution even though Article 2 grants them freedom to exercise their faith and perform religious rites within the limits of the provision of law.

Afghans² have historically been associated with and identified by their ethnicity. Ethnic identity has played an important role in

¹ 'دوشیم هفاضا نانتسناغفام او ا هب 'ناتاداس' ('Sadat' is added to the Afghan people), *BBC*, March 13, 2019, accessed November 11, 2019, <https://www.bbc.com/persian/afghanistan-47551657>.

² The word 'Afghan' is still controversial. The ethnonym has been widely used in the past to refer to Pashtuns and is still used to refer to ethnic Pashtuns in some places. The word Afghanistan, in that sense, means 'the land of the Pashtuns'. The use of the word 'Afghan' in the new electronic identity card in 2018, stirred heated debate and generated ethnic-based vitriol between Pashtuns and non-Pashtun ethnic groups. As Pashtuns insisted on the use of the word 'Afghan' in the ID card to designate 'Afghan' as the nationality for all Afghan citizens, the members of other ethnic groups protested against it. See: Hamid Shalizi, 'Who is an Afghan? Row over ID cards fuels ethnic tension', *Reuters*, February 8, 2018, accessed Feb 22, 2020, <https://www.reuters.com/article/us-afghanistan-politics/who-is-an-afghan-row-over-id-cards-fuels-ethnic-tension-idUSKBN1FS1Y0>.

shaping their social and political life. The members of the dominant ethnic groups have benefited from this, while it has adversely affected the lives of the marginalised groups. Throughout the volatile political history of the country, the minorities have been stripped of their rights. They have been oppressed, forced out of their homelands and even massacred.³

At present too, ethnicity and religious belief remain contentious in Afghanistan. Many civil society organisations are reluctant to work on, or even discuss ethnic issues. In a group discussion organised by us, a participant warned us to be careful while using the terms ‘majority’ and ‘minority’, as they have become politicised. Furthermore, specific data on the population of ethnicities in Afghanistan continues to be disputed. No national census has been conducted in Afghanistan since a partial count in 1979, and years of war and population dislocation have made an accurate count of the population impossible. Hence, current estimates are just rough approximations.

According to the US Department of State Country Report of 2010, the largest ethnic group in Afghanistan is the Pashtuns, comprising 42 per cent of the Afghans. The Tajiks are the second largest, at 27%, followed by the Hazaras (9%), Uzbeks (9%), Aimaq (4%), Turkmen (3%), Baluch (2%) and other groups that make up the remaining 4%.⁴ Linguistically, Persian (Dari/Farsi)⁵ is widely spoken. It is estimated that 50-55 per cent of Afghans speak Dari, followed by Pashto at 35 per cent. Turkish is spoken by 11 per cent of the population and the remaining 4 per cent speak other languages.⁶

Islam is the official religion of Afghanistan and approximately 99.7 per cent of Afghanistan’s population is Muslim.⁷ Sect-wise,

³ Shahrani, Nazif, ‘Conflict and peace in Afghanistan: A northern, non-Pashtun perspectives’, *Accord* 27, (June 2018).

⁴ US State Department, *Country Reports on Human Rights Practices in 2010*, <https://www.refworld.org/docid/4da56defa3.html>.

⁵ ‘Persian’ is the English term for Farsi or Dari or Tajiki. In Iran, the language is called Farsi and in Afghanistan and Tajikistan, Dari and Tajiki, respectively.

⁶ ‘South Asia: Afghanistan’, *The World Factbook*, Central Intelligence Agency, accessed February 19, 2020, <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>.

⁷ US State Department, *Country Reports on Human Rights Practices 2011*,

too, the Sunnis are the majority at around 80-85 per cent of the population compared to Shias who are considered to be between 15-19 per cent.⁸ However, these numbers are merely estimates and are disputed. Shia leaders estimate the Shia population of the country at around 20-25 per cent while Sunni leaders claim that the Shias constitute only 10 per cent.⁹ The majority of the Shia population are ethnic Hazaras.¹⁰ However, several other ethnic groups are also Shia by religion. There is no statistical information on the number of Christians and Jews in Afghanistan, and the Hindu-Sikh community is generally believed to be less than 0.3 per cent of the entire population.

In Afghanistan, ethnic boundaries are so strong that it has overshadowed the perception of majority and minority in terms of religion and language. In practice, the issue of discrimination against some ethnic minority groups—whose members are also religious minorities—is plethoric. Some ethnic groups are under constant and systematic discrimination and repression such as the Uzbeks, Hazaras, Ismailis, Pamiris, Shughnani, and Baluchis. There is no protection measure in place to safeguard the minorities and their rights.¹¹

This chapter delves into the issue of religious and ethnic minorities in Afghanistan. Although the theme of this year's report is 'refugees, migrants and stateless', including minorities among them, in Afghanistan, there is no data available on the number of refugees, migrants and stateless.

The chapter is based primarily on a review of the literature, supplemented by some group discussions and interviews. Finding data is a challenge in Afghanistan given the absence of any

accessed November 11, 2019, <https://2009-2017.state.gov/j/drl/rls/hrrpt/2011/sca/186457.htm>.

⁸ 'Country Profile: Afghanistan, August 2008' *Library of Congress-Federal Research Division*, accessed February 22, 2020, <https://www.loc.gov/rr/frd/cs/profiles/Afghanistan.pdf>.

⁹ US State Department, *Country Reports on Human Rights Practices 2011*, accessed November 11, 2019, <https://2009-2017.state.gov/j/drl/rls/hrrpt/2011/sca/186457.htm>.

¹⁰ 'Hazara | Definition, Culture, History, & Facts,' *Encyclopedia Britannica*, accessed November 11, 2019, <https://www.britannica.com/topic/Hazara>.

¹¹ Focus Group Discussion. Civil Society and Human Rights Network., October 22 2019.

comprehensive source on the status of minorities in Afghanistan, with data and statistics disaggregated in terms of ethnic and religious groups.

Legal Provisions on Minorities in Afghanistan

The 2004 Afghan Constitution is believed to be a rather progressive document since it protects the rights of all Afghans irrespective of their ethnicity, religion, and language. According to Article 6 of the Constitution, '[T]he state shall be obligated to create a prosperous and progressive society based on social justice, preservation of human dignity, protection of human rights, realisation of democracy, attainment of national unity as well as equality between all peoples and tribes and balanced development of all areas of the country.' Likewise, Article 7 states: 'The state shall observe the United Nations Charter, inter-state agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights.'

At the same time, however, other provisions in the Constitution violate these guarantees. For instance, Article 1 states that Afghanistan 'will be an Islamic state'; Article 2 states that 'the religion of the state will be Islam'; and Article 3 stipulates that 'no law shall contravene the tenets of Islam.' Article 62 limits the position of the president to an adherent of Islam, stating that 'the president of Afghanistan shall be Muslim'. The contradictions in the Constitution are further evidence by the fact that while Article 22 prohibits discrimination, neither the Constitution nor other law defines 'discrimination'. The Constitution further declares that in case the law is unclear, the Hanafi jurisprudence, one of the four schools of thought of religious jurisprudence within Sunni Islam, shall apply.

In terms of its international commitments, the government of Afghanistan lags far behind in implementing the treaties to which it is a state party even though it is party to seven out of the nine core human rights conventions. This includes the International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR) and the International Convention on Elimination of Racial Discrimination (ICERD). Afghanistan has failed to report under

Refugees from Waziristan

In 2014, thousands of civilians fled North Waziristan District of northwest Pakistan to Afghanistan to escape Pakistani military operations in the area. While many of these have since returned to Pakistan, around 72,000 refugees are estimated to be living in Afghanistan, with the majority in Gulistan Refugee Camp.

These refugees are in a limbo as humanitarian international organisations, including UNHCR and WFP, have begun to withdraw or scale down their interventions. The refugees are in no position to return, due to rumours that many families have been detained upon return, and their settlements, too, have been destroyed. They also face difficulties to remain as they have no identification documents and while UNHCR provided the group with prima facie refugee status in 2014, it was never formalised.

This situation is further exacerbated by the fact that due to the border dispute between Pakistan and Afghanistan, the Afghan government prefers to treat the Waziris as internally displaced people although refusing them any identification. Because of this, these refugees find themselves unable to be part of any government programmes or even enrol their children into schools.

Source: 'Left Behind: Waziristan Refugees in Afghanistan risk being forgotten as humanitarian assistance decreases' (Norway: NRC, 2019), accessed February 13, 2020, <https://www.nrc.no/globalassets/pdf/briefing-notes/left-behind-waziristan-refugees-in-afghanistan/left-behind---situation-for-waziristan-refugees.pdf>.

ICERD for the past 36 years. As a result, this important document on minority rights remains unimplemented, which is all the more glaring since the Constitution does not even recognise any ethnic, religious and linguistic group as a minority.

Ethnic and Religious Minorities in Afghanistan

In Afghanistan, the Sunni dominant rulers have historically discriminated against minority Shias. Even among the Shia, the Hazaras have been the most persecuted minority group in the country.¹² From 1890 to 1893, it is estimated that around 60 per cent of the entire Hazara population was massacred by King Abdul Rahman, a Pashtun, in an act of ethnic cleansing.¹³ The persecution

¹² 'Hazaras, the single most persecuted ethnic minority in Islamic Pakistan', *New Delhi Times*, July 15, 2019, accessed February 22, 2020, <https://www.newdelhitimes.com/hazaras-the-single-most-persecuted-ethnic-minority-in-islamic-pakistan>.

¹³ Melissa Kerr Chioyenda, 'Afghanistan: Still Searching for Inter-Ethnic

against Hazaras continues to date. Ismaili Shias have also faced discrimination throughout their history. In particular, they were massacred and forced into exile during the reign of King Abdul Rahman and even later under the Taliban regime.¹⁴

Unlike other religious minorities, the Hindu-Sikhs have been able to live rather harmoniously with other groups. Even during the reign of King Abdul Rahman, which was marked by despotism and repression of minorities, Hindu-Sikhs remained safe. However, discrimination persisted as they were subjected to an annual Jizya, a separate tax for non-Muslims living under Muslim authority. With the takeover of power by the Mujaheddin and the orthodox Taliban, the Hindu-Sikhs joined the rank of persecuted religious minorities in Afghanistan.

Shia Hazara¹⁵

The persecution of Shia Hazara can be traced back to the 1890s, during the reign of King Abdul Rahman, whose crackdown of non-Pashtuns, in particular the Hazaras, is emblematic. The persecution of Hazaras took the form of mass killings, enslavement, and displacement of thousands. As one source puts it: '[T]housands of Hazara men, women, and children were sold as slaves in the markets of Kabul and Kandahar, while numerous towers of human heads were made from the defeated rebels as a warning to others who might challenge the rule of the Amir.'¹⁶

Religion was an important contributing factor toward the crackdown of the Hazaras. The king had ordered the religious leaders of the country to issue a *fatwa*¹⁷ against Hazaras and pronounce them *kafir*.¹⁸ He then ordered that the Hazaras be

Equilibrium', *euroasianet*, October 12, 2012, accessed February 22, 2020, <https://eurasianet.org/afghanistan-still-searching-for-inter-ethnic-equilibrium>.

14 'Afghanistan: The Massacre in Mazar-i Sharif', *Human Rights Watch*, November 01, 1998, accessed February 22, 2020, <https://www.hrw.org/report/1998/11/01/afghanistan-massacre-mazar-i-sharif>.

15 Majority of Hazara ethnic group are Shia (both Imami and Ismaili) Muslim while a large number of Hazaras are Sunni Muslim. However, some of those Sunni Hazaras call themselves Tajik.

16 Sayed Askar Mousavi, *The Hazaras of Afghanistan: A Historical, Cultural, Economic and Political Study* (London: Palgrave Macmillan, 1997), 126.

17 Islamic religious order.

18 Infidels (non-believers).

massacred. Having been able to get religious sanction to declared Hazaras to be ‘infidels’, ‘the army and tribal levies were free to act as they pleased with regard to the Hazaras and their property when their land was occupied.’¹⁹ The king stirred non-Shias, including people from the then British India, to suppress the Hazaras by invoking it as a religious duty.²⁰ While it is unclear if the king did consider Hazaras to be infidels, he was able to ‘manipulate the situation using religion as a means to pursue his desires.’²¹ The successors of King Abdul Rahman used the same grounds for continuing the persecution of the Shias until much later.²² King Mohammad Nader Shah (1929-1933) brutally suppressed several Hazara rebellions, including the Koh Daman revolt in November 1930.²³ However, his reign did not last long as he was assassinated by an ethnic Hazara.

There is a belief that Nader Khan might have been assassinated in retaliation of his treatment of Hazaras, including heavy taxes on them.²⁴ Following the assassination, Hazaras were barred from holding office, enrolling in universities and joining the armed forces.²⁵ The ban remained effective until the 1970s.²⁶

The social, economic and political situation of the Hazaras improved at the time of the communist regime from 1978 to 1992. At the time, Hazaras occupied senior governmental positions and were treated relatively on par to other Afghans.²⁷ However,

19 Jennifer Creasy, ‘The Religious Identity of the Hazaras of Afghanistan and Modern Day Pakistan’ (Mth thesis, University of Glasgow, 2009), 35.

20 Ibid.

21 Ibid.

22 Anonymous Interview: Civil Society and Human Rights Network (CSHRN), October 02 2019, Kabul, Afghanistan.

23 Vladimir Boyko, ‘Kohdaman Uprising of 1930’, Afghanistan Center at Kabul University, accessed February 22, 2020, http://www.afghandata.org:8080/xmlui/bitstream/handle/azu/3166/azu_acku_pamphlet_ds361_b69_2001_w.pdf?sequence=1&isAllowed=y.

24 Round Table Discussion: Civil Society and Human Rights Network (CSHRN), October 2, 2019, Kabul, Afghanistan.

25 ‘Coming up from the Bottom—Afghanistan’s Hazaras,’ *The Economist*, accessed November 11, 2019, <https://www.economist.com/asia/2007/02/15/coming-up-from-the-bottom>; Sarah Hucal, ‘Afghanistan: Who are the Hazaras?’ *Aljazeera News*, accessed February 24, 2020, <https://www.aljazeera.com/indepth/features/2016/06/afghanistan-hazaras-160623093601127.html>.

26 Interview with human rights activist, Kabul, November 2019.

27 Interview with human rights activist, Kabul, November 2019.

after the collapse of the communist regime in 1992, their situation deteriorated again.

When the extreme Sunni militants,²⁸ the Taliban, overtook the control of Kabul in 1996, it was their first encounter with non-Pashtuns on such a scale. Their treatment of other non-Pashtun ethnic groups was marked by suspicion. As they began pushing militarily towards the north, the Taliban faced fierce resistance from non-Pashtun ethnic groups. In 1997, in an attempt to seize control of Mazar-e-Sharif, the capital of the northern region, Abdul Malik, an Uzbek warlord—who had changed allegiance from the Taliban to Hizb-e Wahdat (the Hazara-led party) killed thousands of the Taliban soldiers in street battles.²⁹ When the Taliban gained control of Mazar-e-Sharif in 1998, they massacred Hazaras, apparently due to their religious differences and old blood feuds.³⁰ It is estimated that two to five thousand Hazara civilians were summarily executed at the time.³¹ Hazaras, who escaped the barrage, were forced to either convert to Sunni Islam or leave the country. They were also forced to pay Jizya or face death.³² There have been numerous other instances of widespread killing of the Hazaras, such as the massacre at Yakaolang in January 2001,³³ at Robatak Pass in May 2000,³⁴ at Bamiyan in 1999,³⁵ and at Mazar-e-Sharif in September 1997.³⁶ In 2001, human rights groups unearthed and documented bodies of hundreds of Hazara men, women and

28 Rashid Ahmed, *Taliban: militant Islam, oil and fundamentalism in Central Asia* (New Haven, CT: Yale University Press, 2010).

29 ‘Taliban Massacre based on Ethnicity,’ *The Washington Post*, accessed November 11, 2019, <https://www.washingtonpost.com/archive/politics/1998/11/28/taliban-massacre-based-on-ethnicity/efe15f81-abed-4e57-96f1-046cc59d1d48>.

30 Human Rights Watch, ‘Afghanistan: The Massacre in Mazar-e Sharif’, November 1998, <https://www.hrw.org/legacy/reports98/afghan/Afrep00.htm#TopOfPage>.

31 Ibid.

32 Ibid.

33 Human Rights Watch, ‘Massacre in Yakaolang’, January 2001, accessed November 11, 2019, <https://www.hrw.org/reports/2001/afghanistan/afghan101-03.htm>.

34 Human Rights Watch, ‘Summary’, accessed November 11, 2019, <https://www.hrw.org/reports/2001/afghanistan/afghan101.htm>.

35 Ibid.

36 Ibid.

children³⁷ who had been killed and dumped in the Shahjoi district of Zabul Province in southern Afghanistan.³⁸

Post-Taliban Era

Following the collapse of the Taliban regime in 2001, and until the recent emergence of the ISIS, ethnic Hazaras could breathe a sigh of relief. However, they were still occasionally persecuted by the remnants of the Taliban and never enjoyed the same status as the ruling ethnic group. Taliban militants were also responsible for increasing attacks, ambushes and kidnappings on the road from Kabul to Bamyan, which is the homeland of Hazaras.³⁹

When ISIS was at its peak in Iraq and Syria, the militant group spread out to other countries, including Afghanistan, where the Islamic State in Khorasan Province (IS-KP) faction carried out several attacks on religious minorities, in particular the Shia Hazara community. Suicide bombings targeting public events and places of worship of Hazaras saw an increase. For instance, in 2016, a suicide bomber targeted a peaceful protest conducted by the Hazara community over a development project, killing 80.⁴⁰ It was the deadliest attack on Hazara civilians since the Taliban collapse in 2001. In 2017 and later in 2018, bombings killed and injured close to 300 civilians.⁴¹ In August 2019, IS-KP claimed responsibility of a

37 Niamatullah Ibrahim, *The Hazaras and the Afghan State: Rebellion, Exclusion and the Struggle for Recognition* (London: Hurst & Company, 2017), 204.

38 The Afghanistan Independent Human Rights Commission (AIHRC) has also documented the occurrence. I have witnessed a part of their work when I was working with the organisation.

39 'زور تاع لاطا هم ان زور | ډدوش یم نډا زیر ل ج اړچ ډگر م ی ډر د' (The Valley of Death), accessed November 11, 2019, <https://www.etilaatroz.com/83966/death-valley-why-not-secure-jalrez>.

40 The protest was over the re-routing of a power-line which would cut the Hazara community out of a multi-million dollars' power transmission line project. It is anticipated that the targeting killed some of the most educated members of the community. 'Afghanistan mourns protest blast victims,' *Aljazeera News*, July 23, 2016, accessed November 11, 2019, <https://www.aljazeera.com/news/2016/07/deadly-blast-kills-10-kabul-protest-160723105351090.html>.

41 Tamim Hamid, 'Afghan Shias Targeted In Deadly Attacks in Recent Years: Report', *Tolo News*, May 30, 2018, <https://tolonews.com/afghanistan/afghan-shias-targeted-deadly-attacks-recent-years-report>; Fabrizio Foschini, 'Hitting Gardez: A vicious attack on Paktia's Shias', *Afghan Analyst Network*, August 18, 2018, <https://www.afghanistan-analysts.org/hitting-gardez-a-vicious-attack-on-paktias-shias>.

bloody suicide attack at a wedding hall in Kabul,⁴² stating that the reason for the attack was that Shias are ‘infidels’.⁴³

Ismaili Shia⁴⁴

Shias are divided into two main branches, the Imami and the Ismaili. The majority of Shias are Imamis. In Afghanistan, too, the Imami Shias are a majority. Ethnically, the Ismaili Shias are mainly Hazaras but there are Ismailis among Tajiks and Sadats.

Ismailis are among the most oppressed religious minorities in Afghanistan who have been suppressed by the dominant ethnic groups within the state bureaucracy throughout modern Afghan history. They are generally treated with suspicion by other ethnic groups, even by Imami Shias. They have endured the same level of persecution as Hazaras, but also face a higher degree of religious persecution as they were suppressed by the Sunnis and ignored by the Imami Shias. Even at present, Ismailis are excluded on the basis of their religion and barred from holding positions of political authority.⁴⁵

The emergence of the Taliban resulted in the position of Ismailis becoming even more precarious. The Taliban massacred Ismailis in 2000 and 2001. In May 2000, 31 noncombatant Ismailis were summarily executed near the Robatak Pass in Baghlan after being held captive for four months.⁴⁶ One of the worst periods for Ismailis was in 1998, when the Taliban forces overpowered their frontline resistance militias, entered their settlement and began indiscriminate killing, pillage, and destruction. A local elder claimed that ‘around 400 people in the valley were killed, including refugees who had fled

⁴² ‘Afghanistan: Bomb Kills 63 at Wedding in Kabul’, *BBC*, August 18, 2019, accessed November 11, 2019, <https://www.bbc.com/news/world-asia-49383803>.

⁴³ Ami Kazmin, ‘ISIS Claims Responsibility for Suicide Bombing at Kabul Wedding,’ *Financial Times*, accessed November 11, 2019, <https://www.ft.com/content/8294328e-c1b7-11e9-a8e9-296ca66511c9>.

⁴⁴ Most Ismailis are ethnic Hazara who live in central and northern areas of Afghanistan. Ismailis of Tajik ethnicity live in north-eastern province of Badakhshan.

⁴⁵ ‘Official Reports | U.S. Embassy in Afghanistan,’ accessed November 11, 2019, https://af.usembassy.gov/our-relationship/official-reports/?_ga=2.230763423.1827258046.1573476024-1261957251.1573476024.

⁴⁶ Human Rights Watch, ‘Afghanistan: Massacres of Hazaras—Background,’ accessed November 11, 2019, <https://www.hrw.org/reports/2001/afghanistan/afghan101-02.htm>.

from other parts, all their weapons and grain and some 1,500 vehicles were taken, and only 60 of the 160 houses were left standing'.⁴⁷ The Taliban also set ablaze a library in Pul-e-Khomri, which belonged to Ismailis. It is believed that the library contained 50,000 books.⁴⁸

Post-Taliban

In the post-Taliban era, things have not changed much in favour of the Ismailis. However, like other minorities, they have benefited from the general environment of security owing to the presence of the international community. Their economic situation also improved along with this security as institutions such as the Aga Khan Foundation, the non-profit development agency founded by the hereditary Imam of Shia Ismailis, could operate in areas inhabited by Ismailis.

Systematic discrimination against the Ismailis still prevails and their access to facilities and essential services is very limited. They are barred, in practice, from holding government positions. For instance, in Doshi district of Baghlan province, where majority of the inhabitants are Ismailis, the district governor is the only Ismaili holding a senior position in the province; almost all other government staff are non-Ismailis.⁴⁹

The Ismaili Shias also face severe societal discrimination from other Muslims, both Shia and Sunni. They have little communal interactions and intermarriages occur rarely. Ismailis are considered 'unclean' by ordinary Imami Shias.⁵⁰

Hindu-Sikh

The Hindu-Sikh form a very small percentage of the Afghan population. Though there is no precise data on their population, a report by Reuters details that there are fewer than 300 Hindu-Sikh families in the country at present, while as many as 250,000 Sikhs

⁴⁷ 'Afghanistan: Troubled Ismaili Homecoming—Afghanistan', *ReliefWeb*, accessed November 11, 2019, <https://reliefweb.int/report/afghanistan/afghanistan-troubled-ismaili-homecoming>.

⁴⁸ 'رگى د نازوس باتک' (Batak Nasos is gone), accessed November 11, 2019, <http://www.khorasanameen.net/php/read.php?id=1274>.

⁴⁹ Round Table Discussion: Civil Society and Human Rights Network (CSHRN), 02 October 2019, Kabul, Afghanistan.

⁵⁰ Focus Group Discussion. Civil Society and Human Rights Network, 22 October 2019.

and Hindus were living in Afghanistan before the civil war of the 1990s.⁵¹ Most Hindu- Sikhs primarily dwell in major cities, with the largest numbers living in Jalalabad, Ghazni, Kabul, and to a smaller extent in Kandahar.⁵²

The attitude towards non-Muslims in Afghanistan has been one of tolerance throughout its history. Even at the time of King Abdol Rahman, the Hindu-Sikhs escaped the rough handling of the state apparatus though they had to pay the discriminatory Jizya.⁵³ The Hindu-Sikhs had been living in prosperity and harmony until the civil war of 1992. With the breakout of the civil war, they became prime targets for kidnappings, extortion, and banditry.⁵⁴ They were harassed, their lands were taken by force, and many were even killed for expressing their faith, even in insignificant ways.⁵⁵ Their properties were looted and their houses were occupied by the Mujaheddin during the civil war of 1992-1996. Specifically, with the destruction of the Babri Masjid in India in 1992, the Mujaheddin came down hard on the Hindu-Sikh community. They destroyed their temples and harassed the members of the community.⁵⁶ The situation led to their *en masse* exodus to India and other places.

With the emergence of the Taliban, Hindu-Sikhs had to endure further repression and persecution. As the Taliban took control of Kabul in 1996, they took a more repressive approach towards non-Muslims, even ordering Hindu-Sikhs to wear yellow badges

51 'We Cannot Live Here: Afghanistan's Sikhs Weigh Future after Suicide Bombing', *Reuters*, accessed November 11, 2019, <https://www.reuters.com/article/us-afghanistan-sikhs/we-cannot-live-here-afghanistans-sikhs-weigh-future-after-suicide-bombing-idUSKBN1JS0VZ>.

52 Ibid.

53 Fabrizio Foschini, 'The Other Fold of the Turban: Afghanistan's Hindus and Sikhs' *Afghanistan Analyst Network*, accessed November 19, 2019, <https://www.afghanistan-analysts.org/the-other-fold-of-the-turban-afghanistans-hindus-and-sikhs>.

54 Ruchi Kumar, 'We Belong to Afghanistan', *Foreign Policy*, July 6, 2018, accessed November 11, 2019, <https://foreignpolicy.com/2018/07/06/we-belong-to-afghanistan-said-slain-sikh-leader>.

55 Ruchi Kumar, 'The Decline of Afghanistan's Hindu and Sikh Communities | Afghanistan', *Al Jazeera*, January 01, 2017, accessed November 11, 2019, <https://www.aljazeera.com/indepth/features/2016/12/decline-afghanistan-hindu-sikh-communities-161225082540860.html>.

56 Hafizullah Emadi, 'Repression and endurance anathematized Hindu and Sikh women of Afghanistan', *Nationalities Papers: The Journal of Nationalism and Ethnicity*, 44, no. 4 (July 2016).

so that they could be distinguished from Muslims.⁵⁷

Post-Taliban

A number of Hindu-Sikhs returned to Afghanistan following the collapse of the Taliban regime and took active part in rebuilding the country.⁵⁸ But in recent years, with deteriorating security and the revitalising tempo of Islamic fundamentalism, the prospect of normalcy looks bleak. In July 2018, a suicide bombing in Jalalabad killed at least 19 people, most of them members of the Hindu-Sikh community. The IS-KP claimed responsibility.⁵⁹

The Hindu-Sikhs still face issues in observing their religious rites, such as the cremation of their dead.⁶⁰ They are disenchanted with the government—in particular at the local level—for not protecting their basic rights. Hindu-Sikh children cannot even go to public schools because of pervasive abuse by fellow students on religious grounds.⁶¹ Continued repression has caused them to plead to the UN office in Kabul to facilitate their mass emigration from Afghanistan.

Efforts were even taken to strip them of their right to a seat in the Parliament by removing an article at the electoral law which designates a seat for the Hindu-Sikh religious minority.⁶² Despite the guarantee of equal rights in the Constitution and a reserved seat in the parliament, the Hindu-Sikhs constantly face discrimination, prejudice, and harassment. They have been the constant target

57 Library of Congress, 'H. Rept. 107-798—Report on the activity of the committee on financial services for the 107th Congress, 107–798', accessed November 11, 2019, <https://www.congress.gov/congressional-report/107th-congress/house-report/798/1>.

58 Hafizullah Emadi, 'Repression and endurance anathematized Hindu and Sikh women of Afghanistan', *Nationalities Papers: The Journal of Nationalism and Ethnicity*, 44, no. 4 (July 2016).

59 'Afghanistan Blast: Sikhs among 19 Dead in Jalalabad Suicide Attack' *BBC*, July 01, 2018, accessed November 11, 2019, <https://www.bbc.com/news/world-asia-44677823>.

60 Institute for War and Peace Reporting, *Tough Times for Afghan Hindus and Sikhs*, 11 July 2013, ARR Issue 459.

61 Hejratullah Ekhtiyar, 'Afghan Sikhs and Hindus Face Discrimination at School,' July 28, 2011, accessed November 11, 2019, <https://www.refworld.org/docid/4e37c9eb2.html>.

62 Fabrizio Foschini, 'Afghanistan's Incomplete New Electoral Law: Changes and controversies', *Afghan Analyst Network*, December 16, 2013, accessed February 22, 2020, <https://www.afghanistan-analysts.org/a-lost-occasion-hindus-and-sikhs-do-not-get-a-reserved-seat-in-parliament>.

of violent Islamist groups, prompting many to migrate to India.⁶³

Conclusion

Minority rights in Afghanistan have improved comparatively since the collapse of the Taliban regime in 2001. But there is a long way to go to achieve an equal status for the members of the minority groups. Minorities, who have been historically stripped of their most basic rights, are still systematically excluded from government positions and provision of services. The 2004 Afghan Constitution which recognises equal rights for all ethnic groups, appears to be limited on paper. In practice, things have not changed much.

With security deteriorating, threats to their life is especially rife now. The militant Islamists still attack religious minorities often, targeting Shia mosques and religious ceremonies in particular. Civilian casualties, resulting from deliberate attacks to religious minorities have increased significantly since 2016.⁶⁴ The Shia Hazara population is generally the most common victim of ethno-religious terrorism. Hindu-Sikh communities have also come under attack in recent years with the rise of Islamic militancy.

Recommendations

In order to protect the rights of minorities living in the country, the government of Afghanistan needs to:

- Develop initiatives to combat discrimination based on ethnicity, language and religion;
- Enact the Anti-Discrimination Law as soon as possible;
- Report on the implementation of the Convention on Elimination of all Forms of Racial Discrimination (CERD); and
- Initiate a process to systematically incorporate the provisions of all the international human rights conventions ratified by Afghanistan into the domestic legal system.

⁶³ 'We Cannot Live Here': Afghanistan's Sikhs Weigh Future after Suicide Bombing', *Reuters*, accessed November 11, 2019, <https://www.reuters.com/article/us-afghanistan-sikhs/we-cannot-live-here-afghanistans-sikhs-weigh-future-after-suicide-bombing-idUSKBN1JS0VZ>.

⁶⁴ Mustafa Sarwar, 'Amid IS Attacks, Hazaras Fear Dangerous Sectarian Divide in Afghanistan', *Gandhara*, September 13, 2018, accessed November 11, 2019, <https://gandhara.rferl.org/a/Afghanistan-is-attacks-hazaras-sunni-shia-sectarian-divide/29487602.html>.