

Afghanistan

Afghanistan has suffered from chronic instability and conflict in its modern history from the Cold War to the civil wars between the Mujahedeen and the Taliban. Most recently, Afghanistan has been the stage of the Afghan War (2001-2014) - fought between a coalition of US, NATO and Afghan troops against the Taliban. International actors had maintained a peacekeeping force in Afghanistan until August 2021 when all troops were formally withdrawn following a peace deal brokered between the US and the Taliban. The withdrawal of all troops saw the Taliban violate the peace agreement, swiftly moving in to take control of the country and re-establish the Islamic Emirate of Afghanistan, reinstating Sharia Law.
[ref]<https://www.washingtonpost.com/world/2021/08/15/afghanistan-taliban-islamic-emirate/>[/ref]

The predominantly ethnic Pashtun Taliban emerged as a political force in 1996, when they took control of the capital Kabul and changed the name of the country from the Islamic Republic of Afghanistan to the Islamic Emirate of Afghanistan. Their rule was characterised by the near-total exclusion of women from public life and strict application of Islamic law.
[ref][https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/696192/EPRS_ATA\(2021\)696192_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/696192/EPRS_ATA(2021)696192_EN.pdf);
<https://www.cfr.org/background/taliban-afghanistan>
[/ref]

Since the takeover, the Taliban have reportedly summarily executed local government officials and state security personnel, as well as raided the homes of government officials, journalists and human rights defenders. In addition, women's rights have been significantly restricted.
[ref]<https://www.hrw.org/asia/afghanistan>[/ref]

Historically, Afghanistan was religiously diverse, but the vast majority of non-Muslims fled after the Taliban consolidated control of the government in 1996. As a result, current estimates suggest that 99.7% of the country are Muslims - the majority of whom are Sunni.
[ref]<https://www.cia.gov/library/publications/the-world-factbook/fields/401.html>[/ref] A small proportion, estimated to be less than 1%, are followers of other

religions, such as Hindus, Sikhs, Bahá'ís, Christians, Buddhists, and Zoroastrians.[ref]<https://appgfreedomofreligionorbelief.org/afghanistan/>; <https://www.uscirf.gov/sites/default/files/2021-05/Afghanistan%20Chapter%20AR2021.pdf>[/ref] There are no estimates available for the number of non-religious or humanist individuals; those living in the country live in secrecy for fear of direct persecution.

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<p><u>State legislation is largely or entirely derived from religious law or by religious authorities</u></p>	<p><u>Religious or ideological indoctrination is utterly pervasive in schools</u></p>	<p><u>Expression of non-religious views is severely persecuted, or is rendered almost impossible by severe social stigma, or is highly likely to be met with hatred or violence</u> <u>Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious</u> <u>It is illegal to register an explicitly Humanist, atheist, secularist or other non-religious NGO or other human rights organization, or such groups are persecuted by authorities</u></p>	<p><u>Expression of core Humanist principles on democracy, freedom and human rights is brutally repressed</u> <u>'Apostasy' or conversion from a specific religion is outlawed and punishable by death</u> <u>'Blasphemy' or criticism of religion is outlawed and punishable by death</u> <u>It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed</u></p>

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	<p><u>Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</u></p>	<p><u>Systemic religious privilege results in significant social discrimination</u> <u>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</u> <u>Prohibitive interreligious social control (including interreligious marriage bans)</u> <u>Religious control over family law or legislation on moral matters</u></p>	

Legend

Constitution and government

As a newly declared "Islamic Emirate", a religious leader will now serve as the ultimate authority on law and governance of the nation, based on the Taliban's

interpretation of Islam – derived from Deobandi strand of the Hanafi school of Islam.[ref]<https://www.pri.org/stories/2021-09-10/taliban-s-islamic-emirate-afghanistan-based-specific-ideology>;
<https://www.aljazeera.com/news/2021/8/23/hold-the-taliban-and-sharia-law-in-afghanistan>[/ref]

At the time of writing, Afghanistan’s 2004 Constitution remained in place, however, the Taliban are reported to be planning to re-institute the 1964 Constitution.[ref]<https://www.firstpost.com/world/haibatullah-akhunzada-to-head-taliban-govt-in-afghanistan-new-constitution-flag-anthem-in-the-offing-9931721.html>[/ref]

Under the current (2004) Constitution,[ref]https://www.constituteproject.org/constitution/Afghanistan_2004.pdf?lang=en;
https://www.constituteproject.org/constitution/Afghanistan_1964.pdf?lang=en[/ref] State legislation is largely derived from religious law. Article 3 declares that Islam is the state religion and that “no law can be contrary to the beliefs and provisions of the sacred religion of Islam”, effectively meaning that where tensions exist, or where the Constitution or Penal Code are silent, such as is the case with ‘apostasy’ and ‘blasphemy’, the courts must rely on the Hanafi School of Sunni Islamic jurisprudence, even where doing so would breach the country’s international commitments under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The 2004 Constitution also grants that Shia law may be applied in cases dealing with personal matters where all parties are Shiite. But there is also no separate law applying to non-Muslims. Non-Muslims may not provide testimony in matters requiring Hanafi jurisprudence.[ref]<https://www.state.gov/reports/2020-report-on-international-religious-freedom/afghanistan/>[/ref]

Although officially independent from the government, members of the Ulema Council – the highest religious body in the country – receives financial support from the State.[ref]<https://www.state.gov/reports/2020-report-on-international-religious-freedom/afghanistan/>[/ref]

The government's national identity cards indicate an individual's religion as well as nationality, tribe, and ethnicity.[ref]<https://www.state.gov/reports/2020-report-on-international-religious-freedom/afghanistan/>[/ref] In the current political climate, members of religious minority groups fear being targeted as data on their religious affiliation (provided they told the truth) is in the hands of the Taliban government.[ref]<https://wng.org/articles/the-taliban-seizes-power-while-taking-names-1629135433/>[/ref]

According to the 2004 Constitution, the president and vice president must be Muslim. This requirement is not explicitly applied to government ministers or members of Parliament, but each of their oaths includes swearing allegiance and obedience to the principles of Islam.

On 7 September 2021, the Taliban announced an all-male caretaker government including an interior minister wanted by the FBI, as well as the reinstatement of the Ministry for the Enforcement of Virtue and Prevention of Vice (*al-Amr bi al-Ma'ruf wa al-Nahi `an al-Munkir*) - a ministry dedicated to the enforcement of the Taliban's extreme interpretation of Islamic law.[ref]<https://www.theguardian.com/world/2021/sep/07/taliban-name-afghanistans-new-government/>[/ref]

Impunity

According to Human Rights Watch,[ref]<https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held/>[/ref]

“Impunity for grave abuses has long been a problem in Afghanistan, where the current and previous governments have largely failed to hold officials accountable for rights violations or prosecuted pro-government warlords and militias for serious abuses. The Taliban claim that they hold members of their ranks, including commanders, accountable for abuses, but this has meant little in practice since Taliban officials have seldom considered many human rights abuses and violations of international humanitarian law as wrongful acts.”

Education and children's rights

Since the Taliban's takeover in August 2021, girls have once again been banned from obtaining a secondary education.[ref]<https://www.theguardian.com/world/2021/sep/17/taliban-ban-girls-from-secondary-education-in-afghanistan>[/ref]

As a result of conflict and humanitarian crises, the lack of schools and insecurity, many children remain out of school in Afghanistan - the majority of whom are female. Low enrolment of girls is linked to a lack of female teachers, especially in rural areas, and by socio-cultural factors and traditional beliefs.[ref]<https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held>[/ref] Child marriage is a persistent problem, with 17% of girls married before their 15th birthday.[ref][unicef.org/afghanistan/education](https://www.unicef.org/afghanistan/education);

<https://www.unicef.org/rosa/reports/afghanistan-education-equity-profile-adolescent-girls>

[/ref] According to Human Rights Watch,[ref]<https://www.hrw.org/news/2021/09/07/future-afghanistans-schools-and-its-children-stake>;

<https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held>[/ref]

“as Taliban forces advanced in recent years, few among them allowed girls to attend school past puberty; others banned girls' schools entirely.”

At the time of reporting, there remained a lack of clarity as to the direction of education more generally under the Taliban. However, research suggests that the Taliban's stance on education in general may have evolved over the last two decades, it has also been noted that:

“While the Taliban wants more education resources and to be recognised for supporting education, it is increasingly trying to control and shape how education is provided. [...] The Taliban's policies and practices are not black and white, and there is considerable geographic variation.”[ref]https://cdn.odi.org/media/documents/taliban_attitudes_towards_education.pdf[/ref]

Taliban educational policy documents dating to 2019 suggest that:

“The first objective [of education] is to fulfil spiritual needs and development, in so far as education is essential for an Islamic society. Ensuring all forms of education respect and adhere to Islam is a central principle.”

Policy documents suggest that the Taliban also see the value of education to “meet the necessities of life,” including subjects such as Pashto, Dari, sciences, mathematics, and IT, alongside religious instruction. However, global think tank, ODI

notes,[\[ref\]https://cdn.odi.org/media/documents/taliban_attitudes_towards_education.pdf\[/ref\]](https://cdn.odi.org/media/documents/taliban_attitudes_towards_education.pdf)

“in many ways, the Taliban’s vision does not correspond to reports from the ground. Yet the Taliban’s policy and statements matter because they express an aspirational vision for education. The Taliban has had a long tradition of articulating its ambitions via policy long before it has the resources and coherence to bring them into being.”

Article 83 of a Taliban policy document[\[ref\]https://cdn.odi.org/media/documents/taliban_attitudes_towards_education.pdf\[/ref\]](https://cdn.odi.org/media/documents/taliban_attitudes_towards_education.pdf) reportedly reads:

“Teaching inappropriate and inaccurate subjects such as anti-jihad topics, immoral and anti-religion topics related to Muslim women, and subjects derived from the infidel laws, and other similar topics shall not be allowed.”

Religion in schools

Historically, the primary focus of all schooling is instruction in Islam. According to the Constitution, the “state shall devise and implement a unified educational curriculum based on the provisions of the sacred religion of Islam, national culture, and in accordance with academic principles, and develop the curriculum of religious subjects on the basis of the Islamic sects existing in Afghanistan.”

In government-controlled schools, religious education has been taught more than general education – this was particularly the case in areas where the Taliban held

influence.[ref]<https://blogs.lse.ac.uk/southasia/2021/09/27/womens-rights-and-education-under-the-taliban/>[/ref] In privately run madrassas, the schooling has been even more skewed, with the instruction almost entirely religious.[ref]https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held[/ref]

Article 79 of a Taliban education policy document[ref]https://cdn.odi.org/media/documents/taliban_attitudes_towards_education.pdf[/ref] dating to 2019 states that the nation's religious education curriculum is:

“designed for the Muslim boy or/and girl is to teach the beliefs of the holy religion of Islam, the necessary ancillary provisions according to the Qur’an, Sunnah, and the Hanafi sect, to teach the necessary reading and writing skills and also obtaining some historical and geographical knowledge.”

Violence targeting schools

Over the course of the past two decades, schools have regularly been targeted for attack.[ref]<https://www.state.gov/reports/2020-report-on-international-religious-freedom/afghanistan/>;

<https://www.hrw.org/news/2021/09/07/explosive-weapons-attacks-afghanistan-schools-increase>

[/ref] In the first six months of 2021, 40 schools were attacked with explosive weapons, resulting in the deaths of 185 teachers and students, the majority of whom were women and girls.[ref]<https://protectingeducation.org/news/education-under-attack-in-afghanistan/>;

<https://www.hrw.org/news/2021/09/07/explosive-weapons-attacks-afghanistan-schools-increase>

[/ref]

Non-state armed groups - including ISIS-K and the Taliban - used explosive weapons to target girls' education in Afghanistan at least twice a year between 2018 and mid-2021, Non-state armed groups - including ISIS-K and the Taliban - used explosive weapons to target girls' education in Afghanistan at least twice a year between 2018 and mid-2021, reportedly killing or injuring at least 160

female students and education personnel and damaging or destroying at least five girls' schools.

Family, community and society

Political insecurity and violence against religion and belief minorities

Article 2 of the Constitution explicitly states that followers of religions other than Islam are “free to exercise their faith and perform their religious rites within the limits of the provisions of the law” implying that Islam is privileged in some way – even implying a trump on the law. In practise, religion and belief minorities have faced significant barriers to the free exercise of their rights.

In its 2020 Report on Religious Freedom in Afghanistan,[\[ref\]https://www.uscirf.gov/sites/default/files/Afghanistan.pdf\[/ref\]](https://www.uscirf.gov/sites/default/files/Afghanistan.pdf) the United States Commission on International Religious Freedom (USCIRF) stated that:

“Despite [efforts made by the authorities], the small communities of religious minorities – including Hindus, Sikhs, Christians, Ahmadi Muslims and Baha’is, who experienced egregious human rights violations under Taliban rule – remained endangered, without the ability to observe their faith publicly for fear of violent reprisal by terrorist groups or society at large.”

Indeed, attacks perpetrated by Islamist militants in Afghanistan did not cease over the course of the implementation of the peace deal.[\[ref\]https://unama.unmissions.org/sites/default/files/sg_report_on_afghanistan_august_2020.pdf\[/ref\]](https://unama.unmissions.org/sites/default/files/sg_report_on_afghanistan_august_2020.pdf) Several of the attacks were targeted at religious minority groups.[\[ref\]https://un.mfa.ee/un-security-council-press-statement-on-terrorist-attack-in-kabul-afghanistan/\[/ref\]](https://un.mfa.ee/un-security-council-press-statement-on-terrorist-attack-in-kabul-afghanistan/)

Throughout the State Department’s report, the non-religious go unmentioned. From this, one could conclude that it is because holding a religion other than the dominant Sunni Islam is already so dangerous that admitting to holding no religious faith is too dangerous still.

Since the Taliban takeover on 15 August 2021, there have been reports of the Taliban seeking out members of religious or belief minority communities.[ref]<https://www.uscirtf.gov/countries/afghanistan/uscirtf-calls-us-government-include-religious-minority-communities-afghanistan>; <https://www.dw.com/en/afghanistans-repressed-minority-faces-a-hostile-taliban/a-59039636>[/ref] For example, in August 2021, Amnesty International reported the murder of nine ethnic Hazara men.[ref]<https://www.amnesty.org/en/latest/news/2021/08/afghanistan-taliban-responsible-for-brutal-massacre-of-hazara-men-new-investigation/>[/ref] Humanists International has also received, as yet unconfirmed reports, of the murders of at least two atheists, and disappearance of 4 others since the fall of Kabul. Some, as yet unsubstantiated reports, suggest that the Taliban may also be paying groups to attack them on their behalf so that they can claim innocence.

Promotion of Virtue and Elimination of Vice

The ministry for promotion of virtue and prevention of vice – a ministry dedicated to the enforcement of the Taliban’s extreme interpretation of Islamic law – was officially reinstated in September 2021. However, the policing of “vice and virtue” has been an ever-present threat in areas that remained under Taliban control.[ref]<https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held>[/ref]

During the former Taliban government, the ministry was one of the government’s most powerful offices, banning music and television, requiring women and teenage girls to wear a *burqa* and be accompanied by a male member of the family (*mahram*) when outdoors, and requiring men to grow beards. Beatings were a common punishment for failures to comply.[ref]<https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held>[/ref]

So-called “morality” officials have monitored residents’ adherence to Taliban-prescribed social codes regarding dress and behaviour, including policing beard length, men’s attendance at Friday prayers and the use of technology. Punishments for infractions since 2001 have ranged depending on those enforcing the rules in the respective province; while corporal punishment has been rare, the Taliban have been known to imprison residents or subject them to beatings.[ref]<https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/>

education-social-restrictions-and-justice-taliban-held[/ref]

Women's rights

According to the London School of Economics and Political Science (LSE),[ref]<https://blogs.lse.ac.uk/southasia/2021/09/27/womens-rights-and-education-under-the-taliban/>[/ref]

“Since the start of the peace process, the Taliban have made persistent claims guaranteeing women’s security in Afghanistan. In the now-defunct Alemarah website, they claimed to have ‘a clear and universal policy regarding rights of women’, and committed to ‘eradicating all unlawful customs and traditions against women’. Since taking Kabul, the Taliban have publicly stated they will allow women to continue to be active in society, benefit from their rights, and work ‘shoulder to shoulder’ with the Taliban within Islamic sharia.”

The lived reality for women on the ground is reported to include women’s rights activists having gone into hiding, while women who fail the hijab ‘incorrectly’ face beatings.[ref]<https://www.hrw.org/news/2021/09/23/afghanistan-taliban-abuses-cause-widespread-fear>[/ref] Unmarried or widowed women between the ages of 15 and 45 are reported to face the threat of forced marriages and sexual enslavement to Taliban fighters.[ref]<https://blogs.lse.ac.uk/southasia/2021/09/27/womens-rights-and-education-under-the-taliban/>[/ref]

In September 2021, the Taliban announced that women would not be able to attend university or work until it was possible to ensure segregation of the sexes and an “islamic environment.”[ref]<https://text.npr.org/1041102167>;
<https://www.dw.com/en/afghanistan-taliban-announce-new-rules-for-women-and-girls-education/a-59157395>;

<https://www.universityworldnews.com/post.php?story=20210909084220729>

[/ref] The Taliban imposed a similar “temporary measure” when it came to power in 1996, which was not lifted until the US invasion ousted the Taliban government in

2001.[ref]<https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held>[/ref]

Violence against women

UNAMA reports that “violence against women – murder, beating, mutilation, child marriage; giving away girls for dispute resolution (*baad*) and other harmful practices – remain widespread throughout Afghanistan, notwithstanding the Government’s concrete efforts to criminalize these practices and establish measures for accountability.”[ref]unama.unmissions.org/women%27s-rights-reports[/ref]

Since 2009, the Afghan authorities had sought to improve protections for women facing domestic violence,[ref]<https://www.hrw.org/report/2021/08/05/i-thought-our-life-might-get-better/implementing-afghanistans-elimination>[/ref] however, according to research by Human Rights Watch,[ref]<https://www.hrw.org/news/2021/09/24/afghan-women-fleeing-violence-lose-vital-protection>[/ref]

“prosecutors, judges, and lawyers who had tried to provide women with a measure of justice are in hiding themselves, fearing reprisals by the Taliban. And with shelters closing, those who called them home have no choice but to return to their abusive families. Afghanistan’s hard-won progress on women’s rights is abruptly disappearing before their eyes.”

In Taliban-held provinces prior to the 15 August 2021 takeover, women and girls who were victims of domestic violence, faced limited possibilities for justice through Taliban courts. Taliban courts have imposed brutal punishments such as lashing on men and women for so-called moral crimes (such as *zina* – sex outside of marriage). These punishments deter women from fleeing abusive situations in the home.[ref]<https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held>[/ref]

In February 2020, the Taliban shot and killed a pregnant woman in Baghlan Province, who had been accused of adultery.[ref]<https://www.state.gov/reports/2020-report-on-international-religious-freedom/afghanistan/>[/ref]

LGBTI+ Rights

In February 2018, Afghanistan adopted a new Penal Code[ref]<https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=598034855221CE85C12582480054D831&action=op>[/ref] that explicitly criminalizes consensual same-sex relations. The Penal Code punishes musaheqeh (sexual relations between women) with up to one year in prison. It punishes sodomy, defined as “penetration of a male sexual organ into a female or a male anus,” with up to two years in prison.[ref]<https://www.hrw.org/world-report/2021/country-chapters/afghanistan>[/ref]

However, under the Taliban’s strict interpretation of sharia law, members of the LGBTI+ community accused of same-sex sexual relations may face the death penalty or extra-judicial killing.[ref]<https://www.justice.gov/eoir/page/file/1376876/download>[/ref] According to Amnesty International, at least one person is thought to have been beheaded by the Taliban in September 2021.[ref]<https://www.amnesty.org/en/documents/asa11/4727/2021/en/>; <https://www.abc.net.au/news/2021-09-02/afghans-lgbt-community-face-stoning-under-taliban-law/100412330>[/ref]

Freedom of expression, advocacy of humanist values

Freedom of expression is theoretically guaranteed in Afghanistan - unless it acts against national interests or personal privacy - under Article 34 of the Constitution. In practice, however, such freedom has rigid margins and limitations, in particular when it runs up against religion.[ref]<https://pen-international.org/news/afghanistan-campaign-targeted-killings-militant-groups-imperils-vulnerable-civic-space>[/ref]

Article 3 of the 2004 Constitution (“no law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan”) is often invoked both by clerics and government officials to contest the application of any secular regulation, including the two human rights conventions that Afghanistan is a party to, and particularly with respect to non-believers, apostates and women

rights.

The 2009 Mass Media Law prohibits the production, reproduction, printing, and publishing of works and materials contrary to the principles of Islam or offensive to other religions and denominations.[ref]<https://www.refworld.org/docid/5ddce5604.html>[/ref] It also prohibits publicizing and promoting religions other than Islam and bans articles on any topic the authorities deem might harm the physical, spiritual, and moral well-being of persons, especially children and adolescents.

The ambiguity surrounding what constitutes offensive and un-Islamic material offers the potential for restrictions on and abuse of press freedom and intimidation of journalists. These rules also apply to non-Muslims and foreign-owned media outlets.

Throughout the conflict, journalists have been the subject of targeted killings carried out by both state and non-state actors.[ref]nai.org.af/data/tolonews.com/afghanistan/journalist-killed-kandahar-shooting; theguardian.com/media/2018/apr/30/afghanistan-the-10-journalists-who-died-in-deadly-day-for-media; bbc.com/news/world-asia-48249867[/ref] In August 2021, at least two members of Afghan PEN - a journalist and a poet - were killed in targeted attacks.[ref]<https://pen-international.org/news/afghanistan-pen-international-condemns-murder-afghan-pen-member>; <https://pen-international.org/news/afghanistan-outrage-second-murder-afghan-pen-member-taliban>[/ref]

Culture and artistic expression

Bans on technology and the playing of music have been in place in Taliban-controlled areas, such as Helmand or Kunduz provinces, for years; enforced by civilian “police.” Access to technology is also tightly controlled in order to prevent individuals watching videos or listening to music.[ref]<https://www.hrw.org/report/2020/06/30/you-have-no-right-complain/education-social-restrictions-and-justice-taliban-held>[/ref] Enforcement has been gradual, building from warnings for infractions towards beatings for repeated rule-breakers. On 26 August 2021, the Taliban declared that music had once again been banned across the country.

In August 2020, the Taliban reportedly killed a local singer in Takhar Province as he returned home from a wedding.[ref]<https://www.state.gov/reports/2020-report-on-international-religious-freedom/afghanistan/>[/ref] On 28 August 2021, celebrated Afghan folk singer Fawad Andarabi was shot dead at his home in the Andarab Valley in the northern Baghlan province. This incident occurred two days following the announcement by Taliban spokesperson Zabihullah Mujahid that music was ‘forbidden in Islam’.[ref]<https://freemuse.org/news/freemuse-stands-in-solidarity-with-artists-and-cultural-actors-in-afghanistan/>[/ref]

Freedom of assembly

On 7 September 2021, the Taliban announced that protests, in general, are illegal unless approved ahead of time. Journalists covering some protests have said that Taliban officials have told them that reporting on protests is also now illegal.[ref]<https://www.hrw.org/news/2021/09/08/afghanistan-taliban-severely-beat-journalists>[/ref]

Demonstrations against the Taliban’s implementation of restrictions on the rights of women and girls have been broken up, with protesters facing beatings.[ref]<https://www.hrw.org/news/2021/09/07/afghan-women-protest-against-taliban-restrictions>;

<https://www.amnesty.org/en/latest/news/2021/09/afghanistan-taliban-wasting-no-time-in-stamping-out-human-rights-says-new-briefing/>;

<https://www.amnesty.org/en/latest/press-release/2021/09/afghanistan-suppression-of-protests-at-odds-with-talibans-claims-on-human-rights/>[/ref]

Attacks on human rights defenders

Systematic death threats, attacks, and killings of human rights defenders have been rampant across Afghanistan even prior to the withdrawal of US troops. According to a briefing produced by Amnesty International, the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT),[ref]<https://www.amnesty.org/en/latest/news/2021/09/afghanistan-taliban-wasting-no-time-in-stamping-out-human-rights-says-new-briefing/>[/ref]

“Attacks on human rights defenders have been reported on a near-daily basis since 15 August. The Taliban are conducting door-to-door searches for human

rights defenders, forcing many into hiding.”

It is now believed to be almost impossible for human rights defenders to operate on the ground.

Attacks on journalists and media freedom

According to Human Rights Watch,[\[ref\]https://www.hrw.org/news/2021/09/08/afghanistan-taliban-severely-beat-journalists](https://www.hrw.org/news/2021/09/08/afghanistan-taliban-severely-beat-journalists);
<https://www.hrw.org/news/2021/04/01/afghanistan-taliban-target-journalists-women-media>[\[/ref\]](#)

“Taliban commanders and fighters have long engaged in a pattern of threats, intimidation, and violence against members of the media, and have been responsible for targeted killings of journalists.”

Taliban authorities in Afghanistan have been detaining and assaulting journalists and imposing new restrictions on media work.[\[ref\]https://www.hrw.org/news/2021/09/08/afghanistan-taliban-severely-beat-journalists](https://www.hrw.org/news/2021/09/08/afghanistan-taliban-severely-beat-journalists)[\[/ref\]](#)

“Apostasy”

According to the Article 1 of the Penal Code, punishments for *Hudud* and *Qisas* crimes, including apostasy are inflicted in accordance with the Hanafi Jurisprudence of Sharia law, which includes the death penalty for non-believers and apostates.

With regard to non-believers and apostates, very few incidents are recorded, though this probably means that many converts and dissenters from Islam generally are simply too afraid to speak out. Assuming or defending any right to criticize, abandon or renounce Islam is considered a taboo even by many people who adhere to broadly democratic values.

The criminal code makes no specific references to religious conversion. However, in the absence of a provision in the Constitution or other laws, Article 130 of the Constitution instructs that court decisions should be in accordance with

constitutional limits and Hanafi religious jurisprudence to achieve justice.

Under some interpretations of Islamic law, active in practice under Article 130, converting from Islam to another religion is deemed apostasy and considered an egregious crime. Those found guilty may be given three days to recant, or face death.

“Blasphemy”

The Penal Code includes punishments for verbal and physical assaults on a follower of any religion and punishment for insults or distortions directed towards Islam, including in cyberspace.[ref]<https://www.state.gov/reports/2020-report-on-international-religious-freedom/afghanistan/>[/ref]

An article in the Penal Code specifies what constitutes an insult to religion, stating, “A person who intentionally insults a religion or disrupts its rites or destroys its permitted places of worship shall be deemed as a perpetrator of the crime of insulting religions and shall be punished according to provisions of this chapter.” The Penal Code specifies that deliberate insults or distortions directed towards Islamic beliefs or laws carry a prison sentence of one to five years and specifies imprisonment for persons using a computer system, program, or data to insult Islam.[ref]<https://www.state.gov/reports/2020-report-on-international-religious-freedom/afghanistan/>[/ref]

The Penal Code addresses “Crimes against Religions” and states that a person who physically attacks a follower of any religion shall receive a short-term prison sentence of not less than three months and a fine of between 3,000 and 12,000 Afghanis (US\$60 to \$240); physical attacks on non-religious people are, by exclusion from this law, not technically as serious.

The Criminal Code makes no specific references to “blasphemy”; courts therefore rely on Islamic law to address this issue. Blasphemy - which can include anti-Islamic writings or speech - is a capital crime under some interpretations of Islamic law.[ref]<https://www.state.gov/reports/2020-report-on-international-religious-freedom/afghanistan/>[/ref] As a result atheists and freethinkers are forced to hide

their beliefs and the only way they can express their thoughts is anonymously through social media. For males over age 18 and females over age 16 of sound mind, an Islamic judge may impose a death sentence for blasphemy. Similar to apostates, those accused of blasphemy are given three days to recant or face death.

When accusations of blasphemy or defamation of religion are made people can be violently targeted.

Testimonies

“My curious mind has led me to exploring questions about science and Humanist philosophy. Becoming an atheist as a result of my curiosity, and on some occasions, openly discussing scientific issues and evolution even with my closest friends has put me in trouble. In Afghanistan nothing ends without a reference to God. That reference to god always stopped me from further exploring things openly with people. So I had to explore and talk to likeminded people on social media and Facebook, with, of course, a pseudonym, and openly challenge them and openly ask questions to satisfy my curiosity. The problems I will be facing if my atheistic views become apparent will be too grave, not only from authorities but also from my work colleagues and even my family. When my colleagues go to the mosque to pray I have to go with them, to avoid suspicion or I may be brutally murdered.”

— Khalid

“As an atheist I’m facing constant problems with family, friends, and even in dealing with people at the university campus and the community at large. Having any beliefs outside of Islam or that of which is not compatible with Islam and its teachings are considered an unforgivable crime. Such a view is prevalent throughout society, family, friends and even at the university, which is supposed to be a place to question and doubt; Not to mention that such beliefs are systematically reinforced by the constitution and the state’s laws. Thus, I am closet atheist, and my Secular Humanist views are limited to social media and to myself alone. The environment in Afghanistan is suffocating for freethinkers and Humanists. There are two ways available to me and others like me: Either stay quiet for your entire life which in turn is an imposed punishment for a social being like humans, or voice your concern for equality, freedom of thought and

expression publicly. But to what cost?"

— Arash Kargar (pseudonym)