**Briefing note**

**The likely consequences for Afghan Christians of Taliban takeover in Afghanistan**

**Author background** Dr Martin Parsons did his PhD on Islam and Christian-Muslim Relations in Afghanistan-Pakistan border region. He worked as an aid worker in Afghanistan both during the time of mujahaddin rule; under the Taliban and after the Taliban had been evicted from power. He currently works as an independent consultant on the global persecution of Christians and has acted as an expert witness both on human rights in Afghanistan and wider global persecution of Christians. He is the author of two major books, a Fellow of the Royal Geographical Society with the Institute for British Geographers (FRGS), a Fellow of the Higher Education Academy (FHEA) and a practising member of the Academy of Experts (MAE).

18 months ago in a [published article](https://www.conservativehome.com/platform/2020/02/martin-parsons-a-us-deal-with-the-taliban-would-be-worse-than-obamas-nuclear-deal.html) he highlighted the risk of the Taliban regaining control in Afghanistan as a result of the US deal with the Taliban.

**Minorities in Afghanistan:** Whilst no accurate numerical data exist on the exact size of religious minorities, estimates have long suggested that Afghanistan consists of 10-20% Shi’a and Ismaili (predominantly ethnic Hazaras who were specifically targeted when the Taliban were last in power); small numbers (less than 1%) of Hindus and Sikhs; and Christians. Christians are predominantly first or second generation converts from Islam. Although there was historically a small Armenian Christian community in Afghanistan, this is thought to have died out at some point in the twentieth century. The present Afghan church grew from a handful of Afghan Christians in the 1970s to possibly 3,000 by the time of the first Taliban takeover in 1995-1996. The number of Afghan Christians may now be significantly more than this. Prior to the Taliban takeover in 1996 there was also small Jewish community, although the synagogue was largely destroyed and by 2005 only a single Jew was thought to remain.

**The vulnerability of Afghan religious minorities**

Jihadist groups threating religious minorities

As well as the Taliban, other jihadist groups exist, those which are believed to have carried out attacks on Christians either in Afghanistan or elsewhere. These include Hezb-i-Islami (Gulbaddin faction), al Qaeda and Islamic State.

Increasing vulnerability

The position of religious in minorities including Christians had been deteriorating in recent years. In its 2019 Annual Report the US Commission for International Religious Freedom reported that

“*2018 was one of the most fatal in Afghanistan for all civilians – and particularly for religious minorities – due to terrorist activity and the government was often unable to protect civilians from attacks. Also, during the reporting period, non-Muslim groups like Hindus, Christians and Sikhs remained endangered minorities – many fled the country and many of their community leaders who remained were killed in a large scale July 2018 terrorist attack*…”

It goes on to state that

“*Sikhs and Hindus have been driven underground without the ability to publicly practice their religious traditions for fear of reprisal by terrorist groups or society at large*.”[[1]](#footnote-1)

Christians are particularly vulnerable as unlike Hindus and Sikhs their existence has never been recognised either in Afghan society, or by the Afghan government. However, since the July 2018 bomb attack which occurred when Hindu and Sikh leaders were awaiting a meeting with President Ashraf Ghani, they too have been forced to keep their faith out of public view in a similar manner to Afghan Christians.

The 2004 Afghanistan constitution

Afghan Christians are particularly vulnerable as the new constitution adopted after the eviction of the Taliban maintained the existing penal code, article 1 of which states

*“This law regulates the Ta’zeri law and penalties. Those committing crimes of Hudud, Qisas or Diyat shall be punished in accordance with the Islamic religious law (The Hanafi religious jurisprudence)*

In other words, the Penal Code only deals with matters which are NOT covered by existing Islamic law (termed *ta’zir*) and so allow discretion as to what penalty should be applied. *Hudud* laws by contrast have a specific penalty set out in the Qur’an or Hadith and include not only murder, theft and sexual offences, but also apostasy i.e. leaving Islam for another religion for which the penalty is execution.[[2]](#footnote-2)

The failure to change the Penal Code after 2001 and embed at least some aspect of religious liberty in the Afghan legal system was clearly a major missed opportunity. That failure left Afghan Christians extremely vulnerable as it meant many only avoided being charged with apostasy through the good will and general ethos of the Afghan government. The replacement of the that government by the Taliban therefore leaves them immediately extremely vulnerable to execution for apostasy.

**Taliban ideology**

The actions of the Taliban are predictable to a greater extent than that of many other actors because they have a clear ideology. That is primarily based on i) Hanafi Sunni Islam as it has been interpreted in Pushtun culture; and ii) *Pushtunwali* – the Pushtun tribal code, as the Taliban are predominantly ethnically Pushtun. At certain points *Pushtunwali* is severer than Hanafi shari’a, as anything deemed to threaten tribal or family honour leads to killing. The madrassas (Islamic schools) affiliated to the Taliban, follow the *Dars-i-Nizami* curriculum, in common with most others in the region. This has remained largely unchanged for more than four centuries and has a set list of books which have to be learnt. These include the *Hedaya* – the main Hanafi manual of Islamic law (Shar’ia). This stipulates

1. Christians who have converted from an Islamic family background
2. Any sane adult male deemed to be a convert from Islam should be killed after being given three days to repent and return to Islam.
3. Any sane adult female deemed to have left Islam is to be imprisoned until she repents
4. Any child deemed to have left Islam is imprisoned until they reach adulthood, when the adult penalty is applied to them.
5. In practice, *Pushtunwali* may lead to even the very limited caveats above being disregarded. For example, in 1996 when the Taliban took over Jalalabad where I then lived they were tipped off that a man in a nearby village was a Christian, ordered him to return to Islam and when he refused immediately hanged him.
6. Jihad against non-Muslims

Shari’a divides the world into *Dar al Islam* (the world which is subject to Islamic government and shari’a enforcement) and *Dar al harb* (the world of war) where jihad must be engaged in to bring about submission to Islamic government and law. This is fundamental to the Taliban worldview.

1. Non-Muslims

Those who are not regarded as monotheists are given the alternative of either forced conversion or, If, they refuse this, they continue to be treated as *harbis* (enemies) for which the penalty is execution for men and enslavement for women and children, although sometimes the alternative of permanent exile may be offered as a concession.

1. Dhimmi status
2. Historic communities of Christians and Jews may be granted *Dhimmi* status. Whilst this is sometimes claimed to be a form of ‘toleration’ it is actually a non citizen status. Christians and Jews are permitted to live subject to certain strict conditions. Bat Ye’or the leading authority in the Western world on *dhimmi*tude observes that:

“*The most important of these conditions is payment of poll tax, which represents the sum given to buy back from the umma [i.e. Muslim community] the non Muslim’s right to life. This poll tax has a compulsory, mandatory value because of its religious origins (Koran 9:29). Refusal to pay it turns the dhimmi into a harbi, subjecting him to the rules of jihad - slavery or death. Certain jurists advocate expulsion from the Islamic community*.”[[3]](#footnote-3)

Crucially *dhimmis* have no rights and any perceived breach of any single condition in the *dhimma* contract leads to them being treated as a *harbis* (i.e. an enemy combatant or outlaw) – who may be killed by any Muslim without consequence. Historically, a number of genocides of Christians in the Middle East have happened precisely because Christians have been perceived to have broken an aspect of the dhimma contract.[[4]](#footnote-4)

1. In September 2015 Islamic State forced Christians in north east Syria to sign a *Dhimma* contract.[[5]](#footnote-5)
2. However, the Afghan Taliban have never granted *dhimmi* status to Afghan Christians – simply treating them all as converts from Islam and therefore subject to the death penalty.
3. Even in Pakistan, which has had a significant Christian church since the nineteenth century, the specific attacks carried out the Pakistani Christian community, such as the attack on All Saints Church, Peshawar in September 2013 killing 127 suggests that even the Pakistani Taliban does not regard Pakistani Christians as *dhimmis*. As such Afghan Christians MUST be deemed to be at serious risk of crimes against humanity.

**Taliban actions against minorities while in power 1995-2001**

The Taliban began taking control of parts of Afghanistan in 1995, taking the capital Kabul in 1996. Their actions included:

1. The religious police (officially the department for the suppression of vice and promotion of virtue) brutally enforced strict sharia on the streets. Even after the Taliban were evicted from power, if someone thought to be a former member of the ‘vice and virtue’ appeared in a public place – everyone would go quiet. People were terrified that they would return.
2. Large public executions of those deemed to be enemies of the regime, often with summary justice.
3. Specific targeting of the Hazara minority as they are Shi’a (as many Afghan Christians were Hazara, they were doubly at risk).
4. The small Hindu and Sikh population, mainly shopkeepers, were forced to wear yellow badges, which drew parallels with the yellow Star of David which the Nazis forced on the Jews.[[6]](#footnote-6)
5. The Taliban would beat people in the streets with plastic hosepipes and sticks to force people to go to the mosque to pray Islamic prayers at the time of prayer. This led to many Afghan Christians becoming ‘secret believers’ hiding their faith in fear of their lives.
6. Those suspected of being Christians were forced to renounce Christianity and return to Islam. Those who refused were either executed on the spot or in some instances forced to act as human minesweepers – walking through minefields to clear them.
7. There was also a significant enforcement of a ‘police state’, with vehicles searched at checkpoints every few miles on major roads to search for any articles, deemed to be ‘unislamic’ such as cassette tapes of music. This made it in practice, much harder for Christians to hide their faith from the Taliban.

**Changes since 1996 likely to influence Taliban actions**

1. When the Taliban were in power in 1995-2001 they showed very little concern for what international bodies or other governments thought of them. Now they clearly wish to present an image to the world which will give them the status of being treated as a legitimate government – whilst at the same time not compromising on their ideology. Withholding international recognition may therefore represent one of the few leverages which western governments have.
2. Crucial to understanding this diplomatic shift is the rise of the internet, which was in its infancy when the Taliban came to power in 1995-96, but now presents an opportunity for them to seek to further their agenda worldwide.
3. Islamic State: The replacement of al Qaeda by Islamic State as the leading global Islamist organisation both a) created a model for the Taliban to follow and b) created a vacuum which the Taliban may now seek to fill – by becoming the ‘model Islamist state’ which others aspire to copy – in the same way that the Iranian revolution did in 1979. In view of this, it should be noted that the Taliban may seek to follow Islamic State in the following respects:
4. Extending their emirate from simply Afghanistan to other areas as well – Pakistan, particularly the Pashtun majority areas in the north west may be particularly vulnerable.[[7]](#footnote-7)
5. Specific targeting of religious minorities.[[8]](#footnote-8)
6. Religious cleansing of whole areas of non-Muslims– as Islamic State did.[[9]](#footnote-9)
7. Reintroduction of slavery for non-Muslims. This is already set out in the main Hanafi main shari’a texts (*hedaya*). It was ‘reintroduced’ by Boko Haram in West Africa in March 2013 and followed a few months later by Islamic State. The latter produced a specific slave price list – for female Christian and Yazidi slaves dependent on their ages.[[10]](#footnote-10) This was a major reversal of the trend when Muslim majority countries had followed Britian’s 1833 lead in abolishing slavery with Afghanistan doing so in 1923, the last countries to do so being Saudi Arabia (1961), Oman (1971) and Mauritania (1981). There is therefore a significant risk that the Taliban could ‘re-activate’ those sections of Hanafi shari’a relating to slavery. This is a particular risk for non-Muslim minorities, such as Hindus and Sikhs, but Christian women particularly may also be vulnerable due to the provisions in Hanafi shar’a allowing for the imprisonment of females apostates.

**Increased risk to Christian minorities in the wider region**

Pakistan

The Afghan Taliban inspired the creation of the Tehrek-i-Taliban-i-Pakistan. Although the two groups have distinct leadership and themselves consist of a range of groups, there is a serious risk of Talban seizure of power in Afghanistan inspiring a similar attempt to seize power in parts of Pakistan, where there are at least 2.6 million Christians. The Pushtun dominated Federally Administered Tribal Areas (est. 12,400 Christians) and Khyber Pakhtunkhwa Province (est. 31,000) in the north west are particularly vulnerable.[[11]](#footnote-11)

Former Soviet Central Asian States (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan)

The rise to power of the Taliban in 1995-2001 came shortly after the collapse of the Soviet Union. Islamist movements exist in each of these countries, whose governments, particularly since 2001 have sought to crack down on with increasingly repressive ‘anti-extremism laws’ which target all religions, including Christians. The regaining of power by the Taliban will almost inevitably empower these Islamist groups as well, which is likely to lead to Christians being targeted both by increasingly aggressive Islamist groups and by an increasingly repressive state.

**The US deal with the Taliban**

Whilst the International Security Assistance Force (ISAF) established in 2011 had as part of its mandate the protection of minorities, the [agreement](https://www.state.gov/wp-content/uploads/2020/02/Agreement-For-Bringing-Peace-to-Afghanistan-02.29.20.pdf) made on 29 February 2020 between the US government and the Taliban makes absolutely no reference to anything even vaguely related to human rights. In exchange for US troop withdrawal and the ending of sanctions it merely committed the Taliban to reduce (but not stop) attacks and not to allow individuals or groups on its soil to threaten the USA or its allies.

**Conclusions**

As the Taliban do not recognise the existence of a Christian church in Afghanistan, they are likely to treat all Afghan Christians, whether first, second or third generation Christians, as those who have abandoned Islam and therefore deserving the shari’a penalty for apostasy i.e. execution. As there are now several thousand Afghan Christians there is therefore a significant risk of crimes against humanity.

Refugee policy

It is really important that the vulnerability of Afghan Christians is specifically recognised in any Afghan refugee scheme establishes.

It is vital that this does NOT make the same mistakes as the former UK Syrian Refugee Resettlement Scheme did. There were huge flaws in the Syrian scheme because it outsourced the selection refugees to the UNHCR whose vulnerability criteria did NOT include anything related to people being targeted because of their faith  - consequently the very groups which were most targeted – Yazidis, Christians and Shi’a (all three groups the US State department officially stated were facing “genocide”) were disproportionately massively underrepresented in UNHCR referrals to the UK. The number of Christan refugees referred to the UK by the UNHCR was consistently less than 0.5 of 1% of all referrals – despite most estimates putting Christians at between 5-10% of the Syrian population and it normally being the case that a specifically targeted population is overrepresented in refugee populations – certainly not under represented.

It is therefore important i) the criteria this time include those vulnerable to specific targeting because of their faith – and ii) the UK should look at undertaking its own initial selection rather than relying on the UNHCR staff.

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1. United States Commission on International Religious Freedom *Annual Report 2019* ‘Afghanistan’ 141-44. [↑](#footnote-ref-1)
2. *Qisas* is a procedure in Islamic law which allows a punishment that is analogous to the offence; *diyat* is compensation (blood money) payable to the victim’s family. [↑](#footnote-ref-2)
3. Bat Ye’or *Islam and Dhimmitude: Where Civiliziations Collide* ET from French by Miriam Kochan and David Littman(Madison:Fairleigh Dickinson University Press,2002):56. [↑](#footnote-ref-3)
4. For example, Robert Blincoe *Ethnic Realities and the Church: Lessons from Kurdistan* (Pasadea:PCMS,1998) 43-45 notes the massacre of 10,000 Nestorian Christians 1843-45 after the British consuls in Van and Mosul encouraged them not to pay *jizya*. [↑](#footnote-ref-4)
5. ‘ISIS issues dhimmi contract for Christians to sign, Order them to pay jizyah; *MEMRI Jihad and Terrorism Threat Monitor* September 3rd 2015 <http://www.memrijttm.org/isis-issues-dhimma-contract-for-christians-to-sign-orders-them-to-pay-jizyah.html> accessed 5th February 2016. Photograph used by kind permission. [↑](#footnote-ref-5)
6. Prior the 9/1 1attacks the US Congress had unanimously passed a [bipartisan resolution](https://www.cnsnews.com/news/article/us-lawmakers-condemn-taliban-treatment-hindus) condemning such blatant human rights abuses. [↑](#footnote-ref-6)
7. In 2004 Abu Musab al-Zarqawi launched al Qaeda in Iraq, which in 2006 rebranded itself as Islamic State in Iraq. In 2013 it spread into Syria and rebranded itself Islamic State of Iraq and Levant (ISIL) and then in declared itself to be a caliphate, a global Islamic institution based on succession to the leadership of Muhammad, which had not existed in any claimed form since the abolition of the Ottoman caliphate in 1923. IS was thereby claiming both the allegiance of and authority over the entire global Islamic community. [↑](#footnote-ref-7)
8. Institute for International Law and Human Rights, Minority Rights Group International, No Peace without Justice and Unrepresented Nations and Peoples Organization *Between the Millstones: The State of Iraq’s Minorities Since the Fall of Mosul* (February 2015):3. [↑](#footnote-ref-8)
9. *Erasing the Legacy of Khabour: Destruction of Assyrian Cultural Heritage in the Khabour Region of Syria* (Assyrian Policy Institute, 2020) details how in February 2015 Islamic State religiously cleansed the entire population of 34 Assyrian Christian villages along the Khabour River in Syria, with an estimated population of 20,000. Those unable to flee were taken hostage and either held for ransom or in a small number of cases executed. [↑](#footnote-ref-9)
10. The price list was originally published in Iraqi News Abdelhak Mamoun ‘Exclusive: ISIS document sets prices of Christian and Yazidi slaves’ *Iraq News* November 3rd 2014 <<http://www.iraqinews.com/features/exclusive-isis-document-sets-prices-christian-yazidi-slaves/>> [accessed 16 August 2021]. In June 2015: Zainab Bangura, the U.N.'s Special Representative of the Secretary-General for Sexual Violence in Conflict confirmed its authenticity. [↑](#footnote-ref-10)
11. Statistics from Pakistan Bureau of Statistics *Salient Features of final results Census-2017* [↑](#footnote-ref-11)