



Home Office

# **Country Information and Guidance**

## **Afghanistan: Hindus and Sikhs**

**Version 2.0**

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# Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Guidance

Updated: 28 January 2016

## 1. Introduction

### 1.1 Basis of Claim

- 1.1.1 Fear of mistreatment or serious harm by state or non-state actors because the person is of the Sikh or Hindu religion.

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## 2. Consideration of Issues

### 2.1 Is the person's account credible?

- 2.1.1 For further information on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview. See the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing. See the [Asylum Instruction on Language Analysis](#).

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### 2.2 Is the person at risk of persecution or serious harm?

- 2.2.1 Sikhs and Hindus living in Afghanistan are a very small minority of 4000-5000 people (out of a total population of some 30 million) and live in small tight-knit communities throughout Afghanistan but mostly in Kabul (see [Sikh and Hindu communities in Afghanistan](#)).

#### Fear of mistreatment by the State

- 2.2.2 The constitution expressly protects freedom of religion for non-Muslims within the limits of the law. The Penal Code provides for those convicted of attacking a follower of any religion to be punished by a prison sentence of not less than three months and a fine (see [Legal position](#)).
- 2.2.3 Sikhs and Hindus are represented in the parliament through Presidential appointments, however in December 2013 Parliament rejected then President Karzai's request to create one reserved seat for both Hindus and Sikhs in the lower house. The government has taken steps to introduce awareness programmes across mosques to promote religious tolerance with Sikhs and other minority groups which have been effective and welcomed by the Sikh and Hindu communities. In November 2014 President Ghani promised to address the Sikh and Hindu communities' concerns and reiterated that they are entitled to the same rights as other Afghans. He also undertook to allocate funds for the building of a temple in a district in the volatile eastern province of Nangarhar (see [Attitude of the state](#)).
- 2.2.4 The Afghan government has provided a large area for Hindus and Sikhs at Police District 21 area of Kabul city where they can build residential units

and their Shamshan [cremation ground]. District 21 is freshly annexed to the Kabul Municipality though is not developed yet. The new area will take a long time to be developed into a proper residential area as it lacks basic infrastructure such as electricity, water, sanitation, roads, etc. (see [District 21](#)).

### Fear of mistreatment by non-state actors

- 2.2.5 There are reports that the Sikh and Hindu communities face societal intolerance, which some commentators have attributed to “extremist elements” who have moved from the provinces to Kabul and other cities. The Hindu population, visibly distinguishable than the Sikh population (whose men wear a distinctive headdress), face less difficulties. Both communities, although allowed to practice their religion publicly, reportedly continue to face discrimination (see [Societal discrimination](#)).
- 2.2.6 Some Sikhs and Hindus have reportedly been victims of illegal occupation and seizure of their land and they have been unable to regain access to land and property seized during the Mujahideen era. They have stated that they do not pursue restitution through the courts due to fear of retaliation. Some Sikh families in several provinces currently live in Gurdwaras as they lack housing (see [Housing and land](#)).
- 2.2.7 Some Sikhs and Hindus are reported to face discrimination in the labour market and lack of access to it (see [Housing and Land](#)). Although there are government-sponsored elementary schools for Sikh and Hindu children, Sikh and Hindu children may be subjected to abuse, harassment and bullying at school, and this can prevent their attendance at non-Sikh schools. Many private Hindu and Sikh schools have closed down given the communities’ shrinking population and deteriorating economic circumstances (see [Education](#)). Additionally there is evidence that some Sikhs suffer societal harassment when cremating their dead (see [Cremation](#)).
- 2.2.8 In the country guidance case of [TG and others \(Afghan Sikhs persecuted\) \(CG\) \[2015\] UKUT 595 \(IAC\) \(3 November 2015\)](#) the Upper Tribunal found (at para 119) that:
- (i) Some members of the Sikh and Hindu communities in Afghanistan continue to suffer harassment at the hands of Muslim zealots.
  - (ii) Members of the Sikh and Hindu communities in Afghanistan do not face a real risk of persecution or ill-treatment such as to entitle them to a grant of international protection on the basis of their ethnic or religious identity, per se. Neither can it be said that the cumulative impact of discrimination suffered by the Sikh and Hindu communities in general reaches the threshold of persecution.
  - (iii) A consideration of whether an individual member of the Sikh and Hindu communities is at risk real of persecution upon return to Afghanistan is fact-sensitive. All the relevant circumstances must be considered but careful attention should be paid to the following:
    - a. women are particularly vulnerable in the absence of appropriate protection from a male member of the family;

- b. likely financial circumstances and ability to access basic accommodation bearing in mind
  - Muslims are generally unlikely to employ a member of the Sikh and Hindu communities
  - such individuals may face difficulties (including threats, extortion, seizure of land and acts of violence) in retaining property and / or pursuing their remaining traditional pursuit, that of a shopkeeper / trader
  - the traditional source of support for such individuals, the Gurdwara is much less able to provide adequate support;
- c. the level of religious devotion and the practical accessibility to a suitable place of religious worship in light of declining numbers and the evidence that some have been subjected to harm and threats to harm whilst accessing the Gurdwara;
- d. access to appropriate education for children in light of discrimination against Sikh and Hindu children and the shortage of adequate education facilities for them.

2.2.9 Decision makers must pay particular attention to the findings in [TG and Others](#) with regards to access to employment, accommodation (paragraphs 109 to 111) and a child's access to education (paragraphs 94 to 95) to establish whether the threshold of Article 3 ECHR will be breached.

2.2.10 For further information on assessing risk, see section 6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.2.11 See also the country information and guidance on [Afghanistan: persons supporting or perceived to support the government and/or international forces](#).

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### 2.3 [Are those at risk able to seek effective protection?](#)

2.3.1 In areas controlled by anti-government elements, no effective state protection will be available. In Kabul and other cities and towns controlled by the government, in general, although the authorities may be willing to offer protection, they may be unable to provide effective protection given the structural weaknesses in the security forces, including a lack of resources, training and adequate equipment, poor vetting of recruits, weak command and control structures together with corruption and official impunity for serious abuses.

2.3.2 It is reported that the government often does not provide effective protection for minorities from societal harassment or societal violence which is suffered in some cases. On the other hand there are reports of incidences where the police have provided appropriate protection, for example, providing security for cremations and Sikh religious processions (see [Cremation](#)).

2.3.3 In the country guidance case of [TG and others](#) the Upper Tribunal found that "Although it appears there is a willingness at governmental level to provide protection, it is not established on the evidence that at a local level the police are willing, even if able, to provide the necessary level of protection required

in Refugee Convention/Qualification Directive terms, to those members of the Sikh and Hindu communities who experience serious harm or harassment amounting to persecution” (para 119 iv).

- 2.3.4 Where there is a real risk of persecution or serious harm, decision makers must carefully assess whether effective protection is available in relation to the particular circumstances and profile of the person. Any past persecution and past lack of effective protection may indicate that effective protection would not be available in the future.
- 2.3.5 For further information about state protection see the country information and guidance on [Afghanistan: persons supporting or perceived to support the government and/or international forces](#).
- 2.3.6 For further information on assessing the availability or not of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.4 [Are those at risk able to internally relocate?](#)

- 2.4.1 The country guidance case of [TG and others](#) found that whether it is reasonable to expect a member of the Sikh or Hindu communities to relocate is a fact sensitive assessment. The relevant factors to be considered include those set out at para 119 (iii) of the determination (see paragraph 2.2.8 above) Given their particular circumstances and declining number, the practicability of settling elsewhere for members of the Sikh and Hindu communities must be carefully considered. Those without access to an independent income are unlikely to be able to reasonably relocate because of depleted support mechanisms (para 119v).
- 2.4.2 Returnees to Afghanistan from the UK who have taken advantage of the [Assisted Voluntary Return \(AVR\) scheme](#) will have reintegration assistance, which can be used for any of the following: business set-up; education; vocational training; job placement; housing (temporary accommodation or for repair work); childcare fees; or medical and psychosocial support.
- 2.4.3 However, in all cases careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis taking full account of the individual circumstances of the particular person.
- 2.4.4 For factors to be taken into account and further information on considering internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 [If refused, is the claim likely to be certifiable as ‘clearly unfounded’?](#)

- 2.5.1 Where a claim falls to be refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further information on certification, see the [Appeals Guidance: Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#)

### **3. Policy summary**

- 3.1.1 **Caselaw has established that, in general, members of the Sikh and Hindu communities in Afghanistan do not face a real risk of persecution or ill-treatment such as to entitle them to a grant of international protection on the basis of their ethnic or religious identity, per se. Neither can it be said that the cumulative impact of discrimination suffered by the Sikh and Hindu communities in general reaches the threshold of persecution.**
- 3.1.2 **Personal circumstances may however put an individual member of the Sikh and Hindu communities is at risk real of persecution upon return to Afghanistan.**
- 3.1.3 **Although there is a willingness at governmental level to provide protection, at a local level the police are not always willing, even if able, to provide effective protection to those members of the Sikh and Hindu communities who experience serious harm or harassment amounting to persecution.**
- 3.1.4 **Whether it is reasonable to expect a member of the Sikh or Hindu communities to internally relocate to escape any risk will depend on the persons particular circumstances.**



# Country Information

Updated: 20 November 2015

## 4. Sources

- 4.1.1 For a list of source materials before the Upper Tribunal in the country guidance case of TG and others (Afghan Sikhs persecuted) (CG) [2015] UKUT 595 (IAC) (3 November 2015), see Appendix A and B to that determination.

## 5. Background

### 5.1 Sikh and Hindu communities in Afghanistan

- 5.1.1 The US Department of State's International Religious Freedom Report 2015, published 1 May 2015, noted:

'Afghanistan's population of around 30 million is comprised of numerous ethnic groups. According to U.S. government figures, Afghanistan is 42 percent Pashtun, 27 percent Tajik, nine percent Hazara, nine percent Uzbek, three percent Turkmen, two percent Baloch, and eight percent other groups. Regarding religious breakdown, 80 percent of the population identifies as Sunni Muslim, 19 percent as Shi'a, and 1 percent as other, including tiny Sikh, Hindu, and Christian communities.'<sup>1</sup>

- 5.1.2 Information obtained by the British Embassy in Kabul in December 2013 stated:

'Sikhs and Hindus living in Afghanistan are originally from this country and are not migrants from India as generally perceived. The number of Sikh and Hindus in Afghanistan reached a number of 100k before the Russian invasion and civil war. During the lengthy 35 year war, a large number of Sikhs and Hindus migrated to different countries, particularly India... Currently the number of Sikhs and Hindus in Afghanistan could reach approximately 7000. Out of whom 5000 are permanently living in Afghanistan and 2000 are Sikhs who are living here to do business and their families are living elsewhere.'<sup>2</sup>

- 5.1.3 An article published by Radio Free Europe/Radio Liberty in August 2014 stated that, 'There are now only around 4,000 Sikhs and Hindus living in the country of more than 30 million.'<sup>3</sup>
- 5.1.4 The Institute for War and Peace Reporting (IWPR) published the following in an article dated July 2013:

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<sup>1</sup> US Department of State, 'International Religious Freedom Report for 2014,' Published 1 May 2015. <http://www.uscirf.gov/sites/default/files/Afghanistan%202015.pdf> Date accessed: 11 May 2015

<sup>2</sup> Letter from British Embassy, Kabul, dated 29 December 2013. Available at Annex B

<sup>3</sup> Radio Free Europe/Radio Liberty 'When are you going back?' Afghanistan's Sikhs, strangers in their own land, 19 August 2014. <http://www.rferl.org/content/afghanistan-sikh-minority/26539541.html> Date accessed: 11 February 2015

'Hindus and Sikhs form a miniscule community in today's Afghanistan. Historically playing an important role as traders and entrepreneurs, they lived in Afghanistan in relative harmony for hundreds of years, mostly in the capital Kabul and in the southeastern Khost province.

'According to Avtar Singh, chairman of the national council of Hindus and Sikhs, the community now numbers only 395 families. Before the collapse of the pro-Soviet regime in 1992, he said, there were around 200,000 people from the two communities.

'During the civil war that followed, many sought refuge in other countries, India in particular. For those who remained, things got worse under the Taliban government of 1996-2001. Their freedom to practice their religion was restricted...'<sup>4</sup>

5.1.5 A report produced by Dr. Antonio Giustozzi in February 2015 stated:

'Sikh community sources estimated the number of families living in Kabul in 2010 to be down to 130, mostly living in the Karte Parwan area. Even some of those left say that they remained only because they were too poor to flee. According to the Department of State, the Sikh community in Afghanistan estimated its size in 2009 at 531 families or 3,000 individuals, compared to from up to 200,000 before the war. Another estimate, provided by the Deputy of the Hindu and Sikh Council of Afghanistan, was of 5,000 Sikhs and 2,000 Hindus. More recently the head of the community, Awtar Singh, estimated the size at 372-395 families nationwide, which would indicate a further decline... Sources in the community estimate that another 400 Sikhs left Afghanistan between spring 2014 and December 2014...'<sup>5</sup>

5.1.6 The Wall Street Journal noted the following in an article dated January 2015:

'Afghanistan's Sikhs and Hindus stay in small, tight-knit communities and participate in many of the same religious rituals held in a temple both faiths use. At home they speak mainly Punjabi, the language of Sikhism's religious texts that is native to the Indian subcontinent... These days, they [Sikhs and Hindus] are known for the medicinal herb shops that many of them own.'<sup>6</sup>

5.1.7 Dr. Giustozzi stated the following in his report of February 2015:

'Up to October 2004, only about a hundred Sikh families had returned to Afghanistan, according to sources gathered by the Indian press. There has been after 2004 a continuing but unquantifiable flow of returning Sikhs, mostly members of families who left Afghanistan in the 1990s and are returning because they failed to settle successfully in their countries of immigration (India, Europe and Russia). These returnees are coming back to try and recover the properties which were expropriated in the 1990s, but

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<sup>4</sup> Institute for War and Peace Reporting, Tough times for Afghan Hindus and Sikhs, dated 11 July 2013. <https://iwpr.net/global-voices/tough-times-afghan-hindus-and-sikhs> Date accessed: 20 January 2015

<sup>5</sup> Report produced by Dr Antonio Giustozzi, dated 28 February 2015. Hard copy available on request.

<sup>6</sup> The Wall Street Journal Facing Intolerance, many Sikhs and Hindus leave Afghanistan, dated 12 January 2015. <http://www.wsj.com/articles/facing-intolerance-many-sikhs-and-hindus-leave-afghanistan-1421124144> Date accessed: 20 January 2015.

without success and are often forced to leave again because they do not have a source of livelihood.’<sup>7</sup>

## 5.2 Location of Communities

- 5.2.1 A Congressional Research Service report of November 2014 stated that Sikhs and Hindus were ‘concentrated in the area of Jalalabad in Nangarhar Province.’<sup>8</sup> The US Department of State’s International Religious Freedom Report for 2013 stated that an estimated one-quarter of Afghanistan’s Sikh population lived in Jalalabad.<sup>9</sup> According to an August 2014 Radio Free Europe/Radio Liberty article, Jalalabad is home to a nearly 700-strong Sikh community.<sup>10</sup>
- 5.2.2 An article published by Sikh24.com in August 2014 stated that, ‘There was a sizable number of Sikhs in Ghazni but many of them had migrated to Pakistan or India.’<sup>11</sup>
- 5.2.3 However in an article dated January 2015, The Wall Street Journal stated that most Sikhs and Hindus live in Kabul. The same article mentioned that many of the 35 Sikh families remaining in Helmand were thinking of leaving.<sup>12</sup>
- 5.2.4 Information obtained by the British Embassy in Kabul, following an interview with an Afghan Senator, dated December 2013, stated ‘Throughout Afghanistan, Sikhs and Hindus live in small communities in Kabul, Kandahar, Helmand, Khost, Nangarhar, Ghazni, Kunduz, Parwan, Herat and Mazar-e-Sharif provinces.’<sup>13</sup>
- 5.2.5 An article published by Afghan Analysts Network in September 2013 stated ‘They [Hindus and Sikhs] are to be found in almost all towns and cities of Afghanistan, with the exception of its northwestern corner. In Kabul, they reside in different areas, most notably in the Old Town and in Karte Parwan, where two of their main temples are located.’<sup>14</sup>

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<sup>7</sup> Report by Dr. Antonio Giustozzi, dated 28 February 2015. Hard copy available on request.

<sup>8</sup> Congressional Research Service, Afghanistan: Politics, Elections and Government Performance, by Kenneth Katzman, Other Minorities p.4 dated 4 November 2014.

<http://fas.org/sqp/crs/row/RS21922.pdf> Date accessed: 20 January 2014.

<sup>9</sup> US Department of State, ‘International Religious Freedom Report for 2013,’ Afghanistan, Section II. Legal/policy framework. 28 July 2014.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Date accessed: 19 January 2015

<sup>10</sup> Radio Free Europe/Radio Liberty ‘When are you going back?’ Afghanistan’s Sikhs, strangers in their own land, 19 August 2014. <http://www.rferl.org/content/afghanistan-sikh-minority/26539541.html> Date accessed: 11 May 2015

<sup>11</sup> Sikh24.com Sikh volunteers ready to perform sewa in Afghan gurdwaras, dated 26 August 2014. <http://www.sikh24.com/2014/08/26/sikh-volunteers-ready-to-perform-sewa-in-afghan-gurdwaras/#.VAYDyPldXRE> Date accessed: 20 January 2015.

<sup>12</sup> The Wall Street Journal, Facing Intolerance, many Sikhs and Hindus leave Afghanistan, dated 12 January 2015. <http://www.wsj.com/articles/facing-intolerance-many-sikhs-and-hindus-leave-afghanistan-1421124144> Date accessed: 20 January 2015

<sup>13</sup> Letter from British Embassy, Kabul, dated 29 December 2013. Available at Annex B

<sup>14</sup> Afghanistan Analysts Network The other fold of the turban: Afghanistan’s Hindus and Sikhs, dated 23 September 2013. <https://www.afghanistan-analysts.org/the-other-fold-of-the-turban-afghanistsans->

### 5.3 Gurdwaras and Mandirs

- 5.3.1 The US Department of State's International Religious Freedom Report for 2013, dated July 2014, stated that 'There are no explicit restrictions on religious minority groups to establish places of worship or to train clergy; however, very few public places of worship exist for minorities. Due to their small size and lack of financial resources, the Sikh and Hindu communities have a limited number of places of worship.'<sup>15</sup>
- 5.3.2 The US Department of State's subsequent International Religious Freedom Report for 2014 reported 'The communities have declined over the past 30 years, due to instability and fighting; only one of the eight Sikh gurdwaras in Kabul is operating.'<sup>16</sup>
- 5.3.3 However, information obtained by the British Embassy in Kabul in February 2015 stated that there were currently seven Sikh Gurdwaras open in Kabul and four Hindu Mandirs open in Kabul. The names and further details of these temples, including whether people may be housed within the temples, can be found at [Annex A](#).

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## 6. Legal Position

- 6.1.1 According to the US Department of State's International Religious Freedom Report for 2013, published in July 2014:

'...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." Article 7 specifically obligates the state to abide by the Universal Declaration of Human Rights, which includes commitments to religious freedom and the right to change one's religion. Article 3, however, also declares that Islam is the official "religion of the state," that "no law can be contrary to the beliefs and provisions of the sacred religion of Islam," and that "the provisions of adherence to the fundamentals of the sacred religion of Islam and the regime of the Islamic Republic cannot be amended."

'The constitution expressly protects free exercise of faith for non-Muslims within the limits of the law. In situations where the constitution and penal code are silent, the constitution instructs courts to rely on constitutional limits and the Hanafi School of Sunni Islamic jurisprudence in a way that best serves justice. The Office of Fatwa and Accounts within the Supreme Court interprets Hanafi jurisprudence when a judge needs assistance in understanding its application. Courts continue to rely on Hanafi

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[hindus-and-sikhs/](#) Date accessed: 11 February 2015

<sup>15</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Legal/policy framework. 28 July 2014  
<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dclid=222323> Date accessed: 19 January 2015

<sup>16</sup> US Department of State, 'International Religious Freedom Report for 2014,' Published 1 May 2015.  
<http://www.uscirf.gov/sites/default/files/Afghanistan%202015.pdf> Date accessed: 11 May 2015

interpretations of Islamic law, even in cases that conflict with the country's international commitments to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The constitution also grants that Shia law may be applied in cases dealing with personal matters where all parties are Shia. The law provides that in family legal matters involving the Shia minority, courts should rely on Jafari Shia jurisprudence. There is no separate law applying to non-Muslims.<sup>17</sup>

'The penal code addresses "Crimes against Religions" and states that a person who 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 (\$54 to \$214) [approx £35 - £140], although it does not specifically address blasphemous remarks. The penal code also states persons who forcibly stop the conduct of rituals of any religion, and those who destroy or damage permitted places of worship where religious rituals are conducted, or who destroy or damage any sign or symbol of any religion, shall be subject to a medium-term prison sentence. This is defined in the criminal code as confinement in a jail for not less than one nor more than five years and/or a fine of between 12,000 and 60,000 afghanis (\$214 to \$1,071) [approx £140 - £710].<sup>18</sup>

6.1.2 The US Department of State's International Religious Freedom Report 2015 noted:

'Afghanistan's legal system remains deeply flawed, as the constitution explicitly fails to protect the individual right to freedom of religion or belief, and it and other laws have been applied in ways that violate international human rights standards. Based on these concerns, in 2015 USCIRF again places Afghanistan on Tier 2 [which includes countries where the violations engaged in or tolerated by the government are serious and are characterized by at least one of the elements of the "systematic, ongoing, and egregious" standard, but do not fully meet the CPC ('countries of particular concern') standard], where it has been since 2006.'

'President Ghani and CEO Abdullah oversee a constitutional and legal system that restricts religious freedom. The Afghan constitution fails to protect the individual right to freedom of religion or belief, allows ordinary laws to supersede other fundamental rights, and contains a repugnancy clause stating that no law can be contrary to the tenets of Islam. Governments have interpreted narrowly the repugnancy clause, which limits freedom of religion or belief. The penal code permits the courts to defer to Shari'ah law in cases involving matters that neither the penal code nor constitution explicitly address, such as apostasy and conversion, resulting in

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<sup>17</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Legal/policy framework.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Dated 28 July 2014. Date accessed: 19 January 2015

<sup>18</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Legal/policy framework.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Dated 28 July 2014. Date accessed: 19 January 2015

those charges being punishable by death. State-backed religious leaders and the judicial system are empowered to interpret and enforce Islamic principles and Shari'ah law, leading at times to arbitrary and abusive interpretations of religious orthodoxy.<sup>19</sup>

## 6.2 Apostasy

6.2.1 The US Department of State's International Religious Freedom Report 2015 stated, 'The penal code permits the courts to defer to Shari'ah law in cases involving matters that neither the penal code nor constitution explicitly address, such as apostasy and conversion, resulting in those charges being punishable by death.'<sup>20</sup>

6.2.2 According to the US Department of State's International Religious Freedom Report published in July 2014:

'Neither the constitution nor the criminal code makes specific references to religious conversion. Under some interpretations of Islamic law, converting from Islam to another religion is deemed apostasy and considered an egregious crime. Male citizens over 18 years of age or female citizens over 16 and of sound mind who convert from Islam have three days to recant their conversions or possibly face death by stoning, deprivation of all property and possessions, and/or the invalidation of their marriage.'<sup>21</sup>

## 6.3 Blasphemy

6.3.1 The July 2014 US Department of State's International Religious Freedom Report stated:

'The constitution protects freedom of expression and the press and the criminal code makes no specific references to spoken or written utterance of insults or profanity against deities, religions, sacred symbols, or religious books. Courts, however, rely on Islamic law to address this issue. Blasphemy – which can include anti-Islamic writings or speech – is a capital crime under the courts' interpretations of Islamic law. 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.'<sup>22</sup>

6.3.2 The US Department of State's International Religious Freedom Report 2015 stated:

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<sup>19</sup> US Department of State, 'International Religious Freedom Report for 2014,' Published 1 May 2015. <http://www.uscirtf.gov/sites/default/files/Afghanistan%202015.pdf> Date accessed: 11 May 2015

<sup>20</sup> US Department of State, 'International Religious Freedom Report for 2014,' Published 1 May 2015. <http://www.uscirtf.gov/sites/default/files/Afghanistan%202015.pdf> Date accessed: 11 May 2015

<sup>21</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Legal/policy framework. 28 July 2014. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Date accessed: 19 January 2015

<sup>22</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Legal/policy framework. 28 July 2014. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Date accessed: 19 January 2015

'One month after coming into office, the Council of Ministers chaired by CEO Abdullah tasked the Ministry of Interior and the Ministry of Culture to charge the English-language newspaper Afghan Express with blasphemy for publishing an article that reportedly questioned the existence of God. The Council's statement also declared that the new government would take strict actions against other articles deemed blasphemous. The newspaper issued an apology, citing a technical error. However, its owner and chief editor were arrested. It is unknown whether they remain in jail. This decision seems to be a continuation from former President Karzai's Council, which would periodically issue decrees directing action against activities deemed "un-Islamic."<sup>23</sup>

## 6.4 Citizenship, Marriage and Faith

### 6.4.1 The July 2014 US Department of State's International Religious Freedom Report stated:

'The government does not designate religion on national identity cards and does not require individuals to declare belief in Islam to receive citizenship; however, the state, including the courts, traditionally considers all citizens to be Muslim. As a result, some basic citizenship rights of non-Muslims are not explicitly codified, and non-Muslims can be tried under Hanafi jurisprudence. In practice courts do not always accord Muslims and non-Muslims the same rights. Non-Muslims can be married to each other as long as they do not publicly acknowledge their non-Muslim beliefs. A Muslim man may marry a non-Muslim woman, but the woman must first convert if she is not an adherent of one of the other two Abrahamic faiths (Christianity or Judaism). Moreover, a Muslim woman is not allowed to marry a non-Muslim man.'<sup>24</sup>

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## 7. Attitude of the state

### 7.1.1 A report produced by Minority Rights Group International in July 2014 stated:

'While Afghanistan's ongoing insecurity exposes civilians from all groups to the threat of indiscriminate violence, religious minorities remain vulnerable to targeted attacks...

'The apparent failure of the state to curb incitement and violence against minorities has troubling implications for the future stability of the country as a whole, given their potential to provoke wider sectarian tensions. While conflict resolution efforts are focused on peace negotiations between the government and insurgents, there is also a need to examine the status of minorities within the country and to promote positive measures such as

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<sup>23</sup> US Department of State, 'International Religious Freedom Report for 2014,' Published 1 May 2015. <http://www.uscifr.gov/sites/default/files/Afghanistan%202015.pdf> Date accessed: 11 May 2015.

<sup>24</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Legal/policy framework. 28 July 2014. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323r> Date accessed: 19 January 2015

community reconciliation to create the foundation for a sustainable peace in Afghanistan.<sup>25</sup>

- 7.1.2 The 2014 US Department of State's International Religious Freedom Report noted 'The lack of government responsiveness to the needs of or protection for minority religious groups and individuals contributed to abuses of religious freedom.'<sup>26</sup> The same report added, 'Members of minority religious groups continued to suffer discrimination, and the government often did not protect minorities from societal harassment. The government enforced existing legal restrictions on religious freedom selectively and in a discriminatory manner.'<sup>27</sup>
- 7.1.3 In a report of February 2015, Dr. Antonio Giustozzi stated, 'The defencelessness of Sikhs and Hindus remains true even today as they do not enjoy protection from any of Afghanistan's various factions. They are too small numerically to matter politically.'<sup>28</sup>
- 7.1.4 The 2014 US Department of State's International Religious Freedom Report added:  
  
'There were no known reports of government discrimination against Hindus or Sikhs; however, government officials continued to target converts from Islam in public statements...  
  
'The government provided free electricity to mosques. The Hindu and Sikh communities did not receive free electricity for their mandirs and gurdwaras, which were charged as business entities and paid higher rates. The government did not address repeated requests from the two communities to receive the same treatment as mosques.'<sup>29</sup>
- 7.1.5 Information obtained by the British Embassy, Kabul, following an interview with an Afghan senator and dated December 2013 stated, 'The Ministry of Hajj and Religious Affairs has taken steps and introduced awareness programmes across mosques to promote religious tolerance with Sikhs and other minority groups which have been effective and welcomed by the Sikhs and Hindus.'<sup>30</sup>

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<sup>25</sup> Minority Rights Group International, State of the World's Minorities and Indigenous Peoples 2014: Asia and Oceania, Afghanistan p 116, dated 3 July 2014.  
[http://www.ecoi.net/file\\_upload/4232\\_1404983162\\_mrg-state-of-the-worlds-minorities-2014-asia-oceania.pdf](http://www.ecoi.net/file_upload/4232_1404983162_mrg-state-of-the-worlds-minorities-2014-asia-oceania.pdf) Date accessed: 20 January 2015

<sup>26</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Executive summary. 28 July 2014  
<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Date accessed: 19 January 2015

<sup>27</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Government 28 July 2014  
Practices <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323>. Date accessed: 19 January 2015

<sup>28</sup> Report by Dr. Antonio Giustozzi, dated 28 February 2015. Hard copy available on request.

<sup>29</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Government Practices <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Dated 28 July 2014. Date accessed: 19 January 2015

<sup>30</sup> Letter from British Embassy, Kabul, dated 29 December 2013. Available at [Annex B](#)



7.1.6 The Wall Street Journal published the following in January 2015:

'In a meeting with representatives of the Sikh and Hindu community in November [2014], Mr. Ghani [President of Afghanistan] promised to address their concerns and reiterated that they're entitled to the same rights as other Afghans, according to a statement from his office. He also vowed to allocate funds for the building of a temple in a district in the volatile eastern province of Nangarhar.

'Members of the community say they hope Mr. Ghani's stated commitment to defend their rights may slow the departure [of Sikhs and Hindus from Afghanistan]. Since last spring [2014], around 400 more Sikhs and Hindus have left, according to community leaders. Most joined the swelling Afghan community in India, their spiritual home, while some turned to people-smugglers in a bid to reach the West.'<sup>31</sup>

## 7.2 Government and Politics

7.2.1 The US Department of State's Country Report on Human Rights Practices for 2014 in Afghanistan stated:

'The constitution provides seats for women and minorities in both houses of parliament. The constitution provides for at least 68 female members in the 249-member lower house of parliament, while 10 seats are provided for the Kuchi minority. According to the constitution, the president should appoint one-third of the 102 members of the upper house, including two members with physical disabilities and two Kuchis. Women must compose 50 percent of the president's appointees to the upper house. One seat in the upper house is reserved for the appointment of a Sikh or Hindu representative. In September 2013, then president Karzai issued a presidential decree reserving a seat in the lower house for a Sikh or Hindu in the 2015 parliamentary elections. Although the lower house voted to reject the decree in December 2013, the upper house voted to approve it. The decree was sent to a joint committee; final resolution remained pending...'<sup>32</sup>

7.2.2 The US Department of State's International Religious Freedom Report published in July 2014 said that, 'Sikh leaders complained they lacked political representation, stating that most Afghans fail to distinguish between Hindus and Sikhs despite significant religious differences...'<sup>33</sup> Minority Rights

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<sup>31</sup> The Wall Street Journal Facing Intolerance, many Sikhs and Hindus leave Afghanistan, dated 12 January 2015 <http://www.wsj.com/articles/facing-intolerance-many-sikhs-and-hindus-leave-afghanistan-1421124144> Date accessed: 20 January 2015.

<sup>32</sup> United States Department of State, 2014 Country Reports on Human Rights Practices - Afghanistan, 25 June 2015, Section 3.Elections and Political Participation. Participation of Women and Minorities <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236632> [Date accessed 6 August 2015]

<sup>33</sup> US Department of State 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Government Practices. 28 July 2014. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dclid=222323> Date accessed: 19 January 2015

Group International's report of July 2014 stated, 'Political marginalization ...remains an ongoing challenge.'<sup>34</sup>

- 7.2.3 The 2014 United States' Commission on International Religious Freedom Report stated, 'They [Hindus and Sikhs] are represented in the parliament through Presidential appointments, but Parliament rejected Karzai's request to create one reserved seat for both Hindus and Sikhs in the lower house.'<sup>35</sup>
- 7.2.4 A report by the United States Congressional Research Service, dated January 2015, noted that, 'Members of minority religions, including Christians, Sikhs, Hindus, and Baha'i's, often face discrimination, but members of these communities sometimes serve at high levels. Karzai has had a Hindu as an economic advisor and one member of the Sikh community serves in the Meshrano Jirga [Upper House].'<sup>36</sup>
- 7.2.5 The British and Irish Agencies Afghanistan Group published a monthly update for May 2014, which noted, 'Sham Lall Bathija made history on the 8<sup>th</sup> [May 2014] when he was sworn in as Afghanistan's first Hindu special envoy, taking his position as Ambassador to Canada.'<sup>37</sup>

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## 8. Societal Discrimination

### 8.1 Violence and discrimination

- 8.1.1 Foreign and Commonwealth Office's Human Rights and Democracy Report 2014-15 published on 15 March 2015 noted that although Article 2 of the Afghan constitution allows citizens the right to follow their own religion, religious minorities face violence and discrimination.<sup>38</sup>
- 8.1.2 The US International Religious Freedom Report 2015, published 1 May 2015, similarly stated that, 'Hindus and Sikhs face discrimination, harassment and at times violence, despite being allowed to practice their faith in places of public worship.'<sup>39</sup>
- 8.1.3 The same report further stated:

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<sup>35</sup> United States Commission on International Religious Freedom, USCIRF Annual Report 2014 - Tier 2: Afghanistan, 30 April 2014, available at: <http://www.refworld.org/docid/5369e5b310.html>  
Date accessed: 11 February 2015.

<sup>36</sup> United States Congressional Research Service, 'Afghanistan: Politics, Elections, and Government Performance,' 12 January 2015 [Religious Freedom p.48](http://fas.org/sgp/crs/row/RS21922.pdf) <http://fas.org/sgp/crs/row/RS21922.pdf>  
Date accessed: 11 February 2015

<sup>37</sup> British and Irish Agencies Afghanistan Group, Monthly Report: Afghanistan in May 2014 (available at [ecoi.net](http://www.ecoi.net/file_upload/1226_1401785592_afghanistan-20in-20may-202014.pdf)) [http://www.ecoi.net/file\\_upload/1226\\_1401785592\\_afghanistan-20in-20may-202014.pdf](http://www.ecoi.net/file_upload/1226_1401785592_afghanistan-20in-20may-202014.pdf)  
Date accessed: 11 February 2015

<sup>38</sup> Foreign and Commonwealth Office. Human Rights and Democracy Report 2014-15, Afghanistan: Country of Concern. 15 March 2015. Freedom of Religion or Belief.  
<https://www.gov.uk/government/publications/afghanistan-country-of-concern--2/afghanistan-country-of-concern#freedom-of-religion-or-belief>. Date accessed 22 April 2015.

<sup>39</sup> US Department of State, 'International Religious Freedom Report for 2015,' Published 1 May 2015.  
<http://www.uscifr.gov/sites/default/files/Afghanistan%202015.pdf> Date accessed: 11 May 2015

'The Hindu population, which was less visibly distinguishable than the Sikh population (whose men wear a distinctive headdress), faced less harassment, although both groups reported being harassed by neighbours in their communities. Both communities, although allowed to practice their religion publicly, reportedly continued to face discrimination, including intimidation.'<sup>40</sup>

8.1.4 The Los Angeles Times published an article in June 2013 which stated:

'Sikhs, Jews and other minorities enjoyed tolerance and relative prosperity until the late 1970s when decades of war, oppression and infighting set in. Although many Muslim families have also suffered hugely, Sikhs say they've faced worse pressures as a minority subject to forced religious conversions and frequent kidnapping, given their limited political protection and reputation for being prosperous.'<sup>41</sup>

8.1.5 According to the 2014 US Department of State Country Report on Human Rights Practices , 'Sikhs and Hindus continued to face... verbal and physical abuse in public places. 42

8.1.6 The US Department of State's 2014 International Religious Freedom Report stated 'Non-Muslim minority groups, particularly Christians, Hindus, and Sikhs, continued to be targets of persecution and discrimination. Members of minority religious groups continued to suffer discrimination, and the government often did not protect minorities from societal harassment. 43

8.1.7 According to Anarkali Honaryar, a Sikh lawmaker and activist cited in an August 2014 article, 'there have been incidents where people threw stones at Sikh funeral processions and verbally attacked them.'<sup>44</sup> The Los Angeles Times reports in a June 2013 article 'Sikhs say, Afghan President Hamid Karzai's weak and embattled government rarely counters prejudice by the majority population, which emboldens attackers. Hooligans rob, insult and spit at them on the street, they say, order them to remove their turbans and try to steal their land.'<sup>45</sup>

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<sup>40</sup> US Department of State, International Religious Freedom Report for 2013,' Afghanistan, Section III. Status of Societal Respect for Religious Freedom. 28 July 2014.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Date accessed: 19 January 2015

<sup>41</sup> Los Angeles Times, Sikhs, already marginalised, are pushed to the brink, dated 10 June 2013 <http://articles.latimes.com/2013/jun/10/world/la-fg-afghanistan-sikhs-20130611> Date accessed: 11 February 2015

<sup>42</sup> United States Department of State, 2014 Country Reports on Human Rights Practices - Afghanistan, 25 June 2015, Section 6 National/Racial/Ethnic Minorities.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236632> [Date accessed 6 August 2015]

<sup>43</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Executive summary and II. Government Practices 28 July 2014

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Date accessed: 19 January 2015

<sup>44</sup> Radio Free Europe/Radio Liberty 'When are you going back?' Afghanistan's Sikhs, strangers in their own land, 19 August 2014. <http://www.rferl.org/content/afghanistan-sikh-minority/26539541.html>

Date accessed: 11 May 2015

<sup>45</sup> Los Angeles Times, Afghan Sikhs, already marginalised, are pushed to the brink, dated 10 June

8.1.8 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, dated 6 August 2013, stated:

‘Non-Muslim minority groups are reported to continue to suffer societal harassment and in some cases violence; the government reportedly did not protect religious minorities from such ill-treatment.

‘Although reliable data about the size of the Sikh and Hindu communities in Afghanistan are not available, large numbers of Sikhs and Hindus are believed to have left Afghanistan as a result of the severe difficulties they faced. The small number of Sikhs and Hindus who remain in Afghanistan have reportedly been left even more vulnerable to abuse.’<sup>46</sup>

8.1.9 The United States’ Commission on International Religious Freedom Report for 2014, published in May 2015, stated that ‘Hindus and Sikhs face discrimination, harassment and at times violence, despite being allowed to practice their faith in places of public worship. Reports regularly arise of Afghan authorities and local residents preventing Sikhs from performing cremation ceremonies for their deceased.’<sup>47</sup>

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## 8.2 Urban/Regional Differences

8.2.1 Radio Free Europe/Radio Liberty published an article dated August 2014 which noted ‘Some blame the increasing intolerance toward Sikhs and Hindus on “extremist elements” who have moved from the provinces to Kabul and other cities in recent years. Ahmad Saeedi, a former professor of political science at Kabul University, says the original city dwellers have always been tolerant as they grew up in an ethnically diverse place.’<sup>48</sup>

8.2.2 The Wall Street Journal stated the following in January 2015:

‘Most [Sikhs] live in Kabul. Sikhs living elsewhere in the country say the intolerance they face is particularly open. “We can’t live our life with people telling us: ‘Hindu, Hindu! You are an infidel!’ said Wisak Singh, an Afghan Sikh who lives in the city of Lashkar Gah, in the southern province of Helmand. “It doesn’t just happen occasionally. It happens to us every day.” Of the 35 Sikh families who still live in Helmand, many are thinking of leaving, he said.’<sup>49</sup>

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2013 <http://articles.latimes.com/2013/jun/10/world/la-fg-afghanistan-sikhs-20130611>

Date accessed: 11 May 2015

<sup>46</sup> UN High Commissioner for Refugees (UNHCR). UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, A. Potential Risk Profiles, 5. a) Minority Religious Groups pages 45-46, dated 6 August 2013, HCR/EG/AFG/13/01, available at: <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 11 May 2015

<sup>47</sup> United States Commission on International Religious Freedom, USCIRF Annual Report 2015 - Tier 2: Afghanistan, 1 May 2015, available at: <http://www.refworld.org/docid/554b355e20.html> date accessed: 11 May 2015

<sup>48</sup> Radio Free Europe/Radio Liberty 'When Are You Going Back?' Afghanistan's Sikhs, Strangers In Their Own Land, dated 19 August 2014 <http://www.rferl.org/content/afghanistan-sikh-minority/26539541.html> Date accessed: 11 February 2015

<sup>49</sup> The Wall Street Journal, Facing Intolerance, many Sikhs and Hindus leave Afghanistan, dated 12

### 8.3 Cremation

- 8.3.1 The US International Religious Freedom Report 2014, stated, 'Local Hindu and Sikh populations, although allowed to practice publicly, continued to encounter problems obtaining land for cremation and harassment during major religious celebrations.'<sup>50</sup>
- 8.3.2 The same source added, 'As in previous years, Hindus and Sikhs complained of not being able to cremate the remains of their dead in accordance with their customs due to interference by those who lived near the cremation sites.'<sup>51</sup> The International Religious Freedom Report 2015 stated, 'Reports regularly arise of Afghan authorities and local residents preventing Sikhs from performing cremation ceremonies for their deceased.'<sup>52</sup>
- 8.3.3 Information obtained by the Foreign and Commonwealth Office in an interview with an Afghan senator in December 2013, stated:  
'Sikhs and Hindus have had problems regarding their cremation venue (Shamshan) in Kabul and Ghazni provinces. Although the Ghazni issue has been resolved, problems persist in Kabul. A cremation venue has been allotted for Hindus and Sikhs (at Qalacha area) who have been using it for the past 120 years. However, due to the expansion of residential areas and urbanisation, residential buildings have been built around the Shamshan, no longer letting Hindus and Sikhs use that particular venue as the smell of the burnt bodies contaminates their environment. As a result the residents around the Shamshan stone their dead bodies and don't let them observe their funerals. They have had to ask Police to protect them during many funerals, the Police have obliged and held security for their processions. Kabul Municipality has allotted a large area for Hindus and Sikhs at Police District 21 area of Kabul city where they can build residential units and their Shamshan. District 21 is freshly annexed to the Kabul Municipality though is not developed yet.'<sup>53</sup>
- 8.3.4 The same FCO letter added, 'The Ministry of Hajj and Religious Affairs has resolved the problems with the residents around the Shamshan at Qalacha and the residents will let Sikhs undertake cremations for the next 2-3 years until the Shamshan at PD 21 [Police District 21] is developed.'<sup>54</sup>

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January 2015. <http://www.wsj.com/articles/facing-intolerance-many-sikhs-and-hindus-leave-afghanistan-1421124144> Date accessed: 20 January 2015.

<sup>50</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Executive summary. 28 July 2014  
<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> . Date accessed: 19 January 2015

<sup>51</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Executive summary. 28 July 2014  
<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Date accessed: 19 January 2015

<sup>52</sup> US Department of State, 'International Religious Freedom Report for 2014,' Published 1 May 2015.  
<http://www.uscirtf.gov/sites/default/files/Afghanistan%202015.pdf> Date accessed: 11 May 2015

<sup>53</sup> Letter from British Embassy, Kabul, dated 29 December 2013. Available at [Annex B](#).

<sup>54</sup> Letter from British Embassy, Kabul, dated 29 December 2013. Available at [Annex B](#)

### 8.3.5 IWPR published the following in July 2013:

'... Avtar Singh [Chairman of the National Council of Hindus and Sikhs] said funeral rites remained a major issue, noting public opposition to the use of the 120-year-old crematorium in Qalacha, southeast of Kabul. "When we take our dead bodies to the crematorium, we take the police with us. Even so, local people throw stones at us. They disrespect our dead," he said, adding that despite appeals to the Afghan parliament, the Independent Human Rights Commission, the United Nations mission and the United States embassy, his community had received little help.

'Daud Amin, deputy police chief in Kabul city, said that his forces were doing their best to protect the minority. "We have always worked with them," he said. "We have accompanied them and we haven't allowed anyone to insult them. Members of the public threw stones at them only once, and we stopped it. We have helped them whenever they've asked us for help."

'Residents of Qalacha insisted they had no problems with Hindus and Sikhs, only with the cremations. Gholam Habib Fawad, deputy chairman of the community council in Qalacha, said the crematorium used to be located far from residential areas, but that had changed as more homes were built in its vicinity. "When they burn bodies there, the smell goes into the houses," he said. "Many people react and fall sick. The children are scared. Some families need to leave their houses for several days and go and live with relatives."

'Avtar Singh denied that the cremations had any impact on the environment...

'Anarkali Kaur Honaryar, a Sikh member of the upper house of parliament, says she has raised the cremation issue at the highest levels. "I have pursued [the Qalacha] issue with government officials myself," said Honaryar, who has been the Senate's only non-Muslim member since 2010. "They have been cooperative. I believe that certain political elements and foreign meddling are creating problems for the Hindus and Sikhs, since we didn't use to have problems with our Muslim brothers."

'Many Hindus and Sikhs, however, say they face threats, insults and even physical violence from their neighbours. "Our women can't go out," said Bajan Singh, who has a grocery shop in Kabul. "When our children go to school, they are insulted by their classmates for being Hindu. A number of our Hindu brothers have been beaten and their money stolen. All of our rights have been trampled on. I wish [the government] would move us to some other country."

'Honaryar acknowledged that Sikhs and Hindus faced some problems, which she attributed to ignorance in the wider community. She said she had asked the media and the Ministry of Hajj and Religious Affairs to launch a public education campaign. "In my opinion, the low level of public literacy, immigration [of returning Afghan refugees], and lack of information about the Hindu minority are the causes of this problem," she said. "But not everyone

is like that. It's just some ignorant people who do these things. I have contacted the police in such cases and they have been wholly cooperative and have punished the individuals involved."<sup>55</sup>

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## 8.4 Employment

- 8.4.1 The 2014 US International Religious Freedom Report stated that Sikhs and Hindus faced discrimination in the labour market and a lack of access to it.<sup>56</sup> The same source also noted that Sikhs and Hindus had reported unequal access to government jobs.<sup>57</sup>
- 8.4.2 In his report of February 2015, Dr. Antonio Giustozzi stated: 'Nobody apart from a Sikh trader or craftsman would employ any of them [i.e. members of the Sikh community] and even that would be difficult as Sikhs would prioritise their own relatives for hiring.'<sup>58</sup>
- 8.4.3 Information obtained from the FCO's British Embassy in Kabul, following an interview with an Afghan senator and dated December 2013, noted:  
'Before the war, Sikhs and Hindus had a prominent contribution to society and held key positions, such as Dr. Barmokhandas who was the pioneer of forensic medicine in Afghanistan. Before the war era, they were engaged in businesses such as gold selling, herbal medicine homeopathy and cloth selling... Sikhs and Hindus are not as wealthy as they used to be before the war and they live based on a daily wage or are engaged in small scale businesses such as herbal medicine, homeopathy and cloth selling. The tradition of gold selling is no longer seen among Sikhs and Hindus which is due to their lower economic social status.'<sup>59</sup>
- 8.4.4 An article published by Afghanistan Today in August 2013 stated:  
"Different people come to my shop and take money from me under many different pretexts," says Singh [Amit Singh, a Sikh shopowner], who owns a herbal medicine store in the Kotay Sangee area of Kabul.  
"One day, they introduce themselves as officials from the municipality. Another day, someone comes from the Ministry of Finance and asks me if I have a license. Another day, from another governmental institution. I don't

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<sup>55</sup> Institute for War and Peace Reporting, Tough times for Afghan Hindus and Sikhs, dated 11 July 2013. <https://iwpr.net/global-voices/tough-times-afghan-hindus-and-sikhs> Date accessed: 20 January 2015

<sup>56</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Executive summary. 28 July 2014.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323>

Date accessed: 19 January 2015

<sup>57</sup> US Department of State, '2013 Country Report on Human Rights Practices' Afghanistan, Section 6. National/Racial/Ethnic minorities. 27 February 2014

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386>

Date accessed: 19 January 2015

<sup>58</sup> Report by Dr. Antonio Giustozzi, ated 28 February 2015. Hard copy available on request.

<sup>59</sup> Letter from British Embassy, Kabul, dated 29 December 2013. Available at [Annex B](#)

know if they are real officials or ordinary people who go around, harass people and take money from them,” says Singh.

‘With such exorbitant and nebulous fees being levied on him, Singh struggles to feed his seven-member family. But there is little he can do. He is the only Sikh storeowner on his street - in a society where ethnicity often has a strong say. “There is no way we can raise our voice and there is no one who would hear our voice,” he says somewhat resigned, adding: “If I make 50 Afghanis (\$10) a day, I end up giving at least 20 per cent away.”’<sup>60</sup>

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## 8.5 Housing and Land

### 8.5.1 The 2014 US Department of State’s International Religious Freedom Report stated:

‘Although community representatives expressed concerns over land disputes, they often chose not to pursue restitution through the courts for fear of retaliation, particularly when powerful local leaders occupied their property... Although Hindus and Sikhs had recourse to dispute resolution mechanisms such as the Special Land and Property Court, members of the two communities reportedly felt unprotected.’<sup>61</sup>

### 8.5.2 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, dated 6 August 2013, stated, ‘Sikhs and Hindus have reportedly been victims of illegal occupation and seizure of their land, and have also reportedly been unable to regain access to property lost during the mujahideen era.’<sup>62</sup>

### 8.5.3 Information obtained by the British Embassy in Kabul following an interview with an Afghan senator, and dated December 2013, stated:

‘Some Sikhs face land grabbing problems. Sikhs and Hindus left their property and fled the country as a result of war. The properties are usually grabbed either by some fellow Sikh community members or other people from the surrounding area. Most of them get the issues resolved through relevant legal systems and regain their land, however, some don’t claim their property fearing the party grabbing their land would harm them. Currently there is lack of shelter for some Sikhs who have been living in Gurdwaras (worshiping places) across the country. There are families living in Gurdwaras in Kabul, Jalalabad, Kandahar, Helmand, Ghazni and Kunduz.

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<sup>60</sup> Afghanistan Today, Minority Report, dated 16 August 2013 <http://www.afghanistan-today.org/article/?id=534> Date accessed: 11 February 2015

<sup>61</sup> US Department of State, ‘International Religious Freedom Report for 2013,’ Afghanistan, Section II. Government Practices. 28 July 2014. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Date accessed: 19 January 2015

<sup>62</sup> UN High Commissioner for Refugees (UNHCR). UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, A. Potential Risk Profiles, 5. a) Minority Religious Groups p 45, dated 6 August 2013, HCR/EG/AFG/13/01, available at: <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 20 January 2015.



These families have made rooms inside the premises of the Gurdwara and are living there due to lack of housing.<sup>63</sup>

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## 8.6 District 21, Kabul

### 8.6.1 IWPR published the following in July 2013:

'Honaryar [Anarkali Kaur Honaryar, a Sikh member of the upper house of parliament] said she was behind an initiative to build a purpose-built settlement in eastern Kabul complete with schools, a crematorium and other facilities for the Sikhs and Hindus in the city. But so far, the response had not been enthusiastic. "Now that we've launched the town, no one is prepared to go there," she said. "The municipality calls me every day and says construction work needs to get started there."

'Hindus and Sikhs living in Kabul said moving to new homes would not solve their problems, and they would face more security threats if they were outside the capital. "We aren't safe in the heart of Kabul even with all its police and laws," resident Manpal Singh said. "How are we going to be able to live in a desert 20 kilometres outside from the city? What will the people in [other] villages do to us? Was there nowhere else in Kabul, so that they had to send us to deserts and mountains?"<sup>64</sup>

### 8.6.2 Information obtained by the British Embassy in Kabul in December 2013, stated:

'Kabul Municipality has allotted a large area for Hindus and Sikhs at Police District 21 area of Kabul city where they can build residential units and their Shamshan [cremation ground]. District 21 is freshly annexed to the Kabul Municipality though is not developed yet. The new area will take long time to be developed into a proper residential area as it lacks basic infrastructure such as electricity, water, sanitation, roads etc.<sup>65</sup>

### 8.6.3 The US Department of State's International Religious Freedom Report for 2013 added:

'While the government provided land after the intervention of a Sikh senator, some Sikhs complained that the land was far from any major urban area and in an insecure region, thus rendering it unusable. A member of parliament allegedly usurped the land bestowed to the Sikh community in Lut-o Band, outside of Kabul, and reportedly threatened to kill anyone who attempted to cremate a body there...<sup>66</sup>

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<sup>63</sup> Letter from British Embassy, Kabul, dated 29 December 2013. Available at Annex B.

<sup>64</sup> Institute for War and Peace Reporting, Tough times for Afghan Hindus and Sikhs, dated 11 July 2013. <https://iwpr.net/global-voices/tough-times-afghan-hindus-and-sikhs> Date accessed: 20 January 2015

<sup>65</sup> Letter from British Embassy, Kabul, dated 29 December 2013. Available at [Annex B](#)

<sup>66</sup> US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Government Practices. 28 July 2014. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Date accessed: 19 January 2015

- 8.6.4 For further information about protection issues see the country information and guidance on [Afghanistan: persons supporting or perceived to support the government and/or international forces.](#)

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## 8.7 Women and Children

- 8.7.1 Afghanistan Today published a report dated August 2013, which stated, ‘Torlok Singh, a Hindu resident in Kabul, says women and children in his community face the brunt of discrimination. “Our women cannot walk around in the city without being threatened...”<sup>67</sup>
- 8.7.2 In a report of February 2015, Dr. Antonio Giustozzi stated, ‘They [the Sikh community] fear that a woman dressed as a Sikh could be harassed because of not meeting Islamic strictures concerning the dress code. It would be unthinkable today for a Sikh man to let a female member of his family travel outside the family home alone.’<sup>68</sup>

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## 8.8 Education

- 8.8.1 The US Department of State’s Country Report on Human Rights Practices for 2014 stated that Sikhs and Hindus were harassed in schools.<sup>69</sup>
- 8.8.2 The 2014 US International Religious Freedom Report stated:
- ‘Many in the Sikh and Hindu communities did not send their children to public school because of reported abuse, harassment, and bullying by other students. In previous years, Hindus and Sikhs sent their children to private Hindu and Sikh schools, but many of those schools closed given the community’s shrinking population and deteriorating economic circumstances, which made private schooling unaffordable for most families.
- ‘There is no restriction on parental religious teaching, and non-Muslims are not required to study Islam in public schools. There are government-sponsored schools for Sikh children in Kabul and Nangarhar. There are no Sikh schools in Jalalabad, despite estimates that nearly one-quarter of the Sikh population lives there. The government provides limited funding for Sikh schools, including for teachers for the basic curriculum. A few Sikh children attend private international schools... Hindus do not have separate schools but sometimes send their children to Sikh schools.’<sup>70</sup>

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<sup>67</sup> Afghanistan Today, Minority Report, dated 16 August 2013 <http://www.afghanistan-today.org/article/?id=534> Date accessed: 11 February 2015

<sup>68</sup> Report by Dr. Antonio Giustozzi, dated 28 February 2015.

<sup>69</sup> United States Department of State, 2014 Country Reports on Human Rights Practices - Afghanistan, 25 June 2015, Section 6 National/Racial/Ethnic Minorities. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236632> [Date accessed 6 August 2015]

<sup>70</sup> US Department of State, ‘International Religious Freedom Report for 2013,’ Afghanistan, Section II. Legal/policy framework. 28 July 2014. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dclid=222323> Date accessed: 19 January 2015

8.8.3 Information obtained by the British Embassy in Kabul, following an interview with an Afghan senator, dated December 2013 stated ‘There are very few Sikhs or Hindus educated and they can't send their children to schools as bullying is high against Sikh/Hindu children. However two schools have been built by the Government of Afghanistan specifically for Sikh and Hindu children in Kabul and Nangarhar provinces, where they can get elementary education.’<sup>71</sup>

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<sup>71</sup> Letter from British Embassy, Kabul, dated 29 December 2013. Available at [Annex B](#).

# Annex A: FCO Letter dated 8 February 2015



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08 Feb 2015

To Whom It May Concern,

We consulted an Afghan Sikh at the Guru Har Rai Gordowara on 15 Nov 2014 to obtain information if it was possible for a family to live in the temple between Sep 2013 and April 2014. The following information was provided by a Sikh teacher named Arwinder Singh, permanently living in the temple.

- The Sikh temple of Guru Har Rai Gordowara was completely destroyed during the decade long civil war and Taliban rule (1991-2001). It was partially rebuilt around 2001 and families were living there.
- It was completely renovated and new quarters built around a year and half ago which expanded the capacity of families living in the Gordowara. It now serves as a big guest house for those Sikh families and individuals visiting Kabul from other provinces.
- Mr. Arwinder Singh said there were many families who lived during Sep 2013 – Apr 2014 and it has been possible to accommodate many families and individuals since it has been renovated a year and half ago.
- The Temple can accommodate temporarily up to 50 individuals at a single time and there are currently around 15 families living permanently in the compound of the Temple, including Mr. Arwinder Singh's family.

We had a visit to Gordowara Singh Sabha in Karte Parwan area of Kabul where we met Mr. Taranjit Singh who is a member of Sikh Community Council in Kabul. He provided the following information regarding Sikh and Hindu Temples in Kabul.

There are 11 Sikh/Hindu worshipping temples in Kabul which are listed below.

### **Hindu Temples**

- 1- **Baba Har Sri Nath Mandir** in Mandawi area of downtown Kabul currently accommodates a watchman and his family and has the capacity to accommodate 2-3 families at a time.
- 2- **Asmaii Dargaa**, on Asmaii Avenue in Kabul accommodates one family permanently and has the capacity to accommodate 13-14 families at a time.
- 3- **Bhairo Mandir**, in Shor Bazar area of old Kabul city currently accommodates 2 Hindu families and has the capacity to accommodate 12-13 families temporarily.
- 4- **Baba Jothi Sorup Mandir**, in Shor Bazar area of Old Kabul City currently accommodates two families permanently and has the capacity to accommodate 10 families at a time on temporary basis.

### **Sikh Temples**

- 1- **Gordowara Singh Sabha**, in Karte Parwan area of Kabul is the largest Sikh Temple in Kabul and serves the largest Sikh population of Kabul living in Karte Parwan area. It currently accommodates four families on permanent basis including a watchman's family and has the capacity to accommodate additional 10-12 families. The temple has a big hall and a yard where in emergency or needs situations, can set up tents with capacity to accommodate 30-40 families.
- 2- **Baba Sri Chand Gordowara** is situated in Shor Bazar area of Old Kabul City. It currently houses 5 families on permanent basis and has no capacity to house more families. However, it can accommodate up to 10 individuals for temporary night stays.
- 3- **Guru Har Rai Gordowara**, in Shor Bazar area of Old Kabul City can accommodate temporarily up to 50 individuals at a single time and there are currently around 15 families living permanently in the compound of the Temple. There is a big hall in the temple which can accommodate 30 more individuals; however, the Temple administration has no capacity to serve basic amenities for night stayers.
- 4- **Baba Nanak Gordowara**, on Maiwand Avenue is not fully functional and is not being used since the fall of Taliban as a worshipping temple. However, some families lived temporarily when they couldn't find shelter in other Gordowaras of the city.
- 5- **Khalsa Gordowara**, also situated in Shor Bazar area on Hazrat Haa Street served as Sikh school in the past and now accommodates around 10 families and has further capacity to house up to 5 more families.

- 6- **Mansa Singh Gordowara**, is situated near the Khalsa Gordowara and around 10 families are currently living in the Temple. It has capacity to house 4-5 more families.
- 7- **Pandit Gordowara**, situated in Shor Bazar area of Old Kabul City can accommodate around 10 families at a time.

### Pictures of Gordowara Singh Sabha, Karte Parwan



Following is a picture of Guru Har Rai temple taken from outside with permission of the teacher, Mr. Arwinder Singh, who is also in charge of the temple. There is still some renovation going on the fourth floor.



**This letter has been compiled by staff of the British Embassy Kabul entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author(s) nor any policy of the Foreign and Commonwealth Office. The author(s) have compiled this letter in response to a request from the Home Office and any further enquiries regarding its contents should be directed to the Home Office.**

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## Annex B: FCO Letter dated 29 Dec 2013



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To Whom It May Concern,

We consulted an Afghan Senator at the Afghanistan National Parliament on 10<sup>th</sup> November 2013 in order to gather information on the Sikh Community living in Afghanistan. The following information is based on the knowledge of this individual who requested not to be named.

- Sikhs and Hindus living in Afghanistan are originally from this country and are not migrants from India as generally perceived. The number of Sikh and Hindus in Afghanistan reached a number of 100k before the Russian invasion and civil war. During the lengthy 35 year war, a large number of Sikhs and Hindus migrated to different countries, particularly India. Before the war, Sikhs and Hindus had a prominent contribution to society and held key positions, such as Dr. Barmokhandas who was the pioneer of forensic medicine in Afghanistan. Before the war era, they were engaged in businesses such as gold selling, herbal medicine homeopathy and cloth selling.
- Currently the number of Sikhs and Hindus in Afghanistan could reach approximately **7000**. Out of whom **5000** are permanently living in Afghanistan and **2000** are Sikhs who are living here to do business and their families are living elsewhere. Sikhs and Hindus are not as wealthy as they used to be before the war and they live based on a daily wage or are engaged in small scale businesses such as herbal medicine, homeopathy and cloth selling. The tradition of gold selling is no longer seen among Sikhs and Hindus which is due to their lower economic social status.
- There are very few Sikhs or Hindus educated and they can't send their children to schools as bullying is high against Sikh/Hindu children. However two schools have been built by the Government of Afghanistan specifically for Sikh and Hindu children in Kabul and Nangarhar provinces, where they can get



elementary education. They have worshiping places (Gurdwaras/Dharamshalas) and there are no restrictions on worshipping or their religious ceremonies. They have a good relationship with Muslims and they attend inter-faith ceremonies.

- Throughout Afghanistan, Sikhs and Hindus live in small communities in Kabul, Kandahar, Helmand, Khost, Nangarhar, Ghazni, Kunduz, Parwan, Herat and Mazar-e-Sharif provinces. Currently there are 64 worshiping places across the country with 9 in Kabul and the remainder in the provinces mentioned above, with each community having their own worshiping place. There are no Sikh/Hindu media publications in Afghanistan.
- Sikhs and Hindus have had problems regarding their cremation venue (Shamshan) in Kabul and Ghazni provinces. Although the Ghazni issue has been resolved, problems persist in Kabul. A cremation venue has been allotted for Hindus and Sikhs (at Qalacha area) who have been using it for the past 120 years. However, due to the expansion of residential areas and urbanisation, residential buildings have been built around the Shamshan, no longer letting Hindus and Sikhs use that particular venue as the smell of the burnt bodies contaminates their environment. As a result the residents around the Shamshan stone their dead bodies and don't let them observe their funerals. They have had to ask Police to protect them during many funerals, the Police have obliged and held security for their processions. Kabul Municipality has allotted a large area for Hindus and Sikhs at Police District 21 area of Kabul city where they can build residential units and their Shamshan. District 21 is freshly annexed to the Kabul Municipality though is not developed yet.
- The new area will take long time to be developed into a proper residential area as it lacks basic infrastructure such as electricity, water, sanitation, roads etc. Some Sikhs face land grabbing problems. Sikhs and Hindus left their property and fled the country as a result of war. The properties are usually grabbed either by some fellow Sikh community members or other people from the surrounding area. Most of them get the issues resolved through relevant legal systems and regain their land, however, some don't claim their property fearing the party grabbing their land would harm them. Currently there is lack of shelter for some Sikhs who have been living in Gurdwaras (worshiping places) across the country. There are families living in Gurdwaras in Kabul, Jalalabad, Kandahar, Helmand, Ghazni and Kunduz. These families have made rooms inside the premises of the Gurdwara and are living there due to lack of housing.
- The Ministry of Hajj and Religious Affairs has resolved the problems with the residents around the Shamshan at Qalacha and the residents will let Sikhs undertake cremations for the next 2-3 years until the Shamshan at PD 21 is developed. The Ministry of Hajj and Religious Affairs has taken steps and introduced awareness programmes across mosques to promote religious tolerance with Sikhs and other minority groups which have been effective and welcomed by the Sikhs and Hindus.
- Sikhs don't have any complaints against the system and they are happy with what the Government is doing. However, some of the issues they face are common amongst the Sikh community. Sikhs and Hindus are not the target of any particular persecution or discrimination in any particular part of the country.

They have a good relationship with Muslims and attend inter-faith ceremonies. They are not the subject of discrimination by the public. They can set up their businesses as everybody else in the country can do. Hindus and Sikhs return back in small numbers. Lately three families returned back from India. Hindus and Sikhs can participate equally in political processes and the Afghan President has recently issued a decree (#59) through which Sikhs and Hindus are reserved a seat at the Lower House. The decree is currently in the Upper House and is awaiting passage.

- Currently Sikhs and Hindus have to participate in Parliamentary elections through open competition. There are very few prominent Sikhs or Hindus. Though another Sikh ran for parliamentary elections in 2010 but lost. There are opportunities to engage in local and national politics.

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# Version Control and Contacts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

Below is information on when this version of the guidance was cleared:

- version **2.0**
- valid from **28 January 2016**
- this version approved by **Sally Weston, Head of Legal Strategy Team, Immigration and Border Policy Directorate**
- approved on: **27 January 2016**

## Changes from last version of this guidance

Inclusion of new paragraph 2.2.9

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