

STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION

PLIGHT OF AFGHAN SIKHS AND HINDUS IN
AFGHANISTAN

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OVERVIEW OF THE CURRENT STATE OF SIKHS AND HINDUS IN AFGHANISTAN

Background

Sikh and Hindu Afghans currently face a difficult if not unliveable situation in many parts of Afghanistan. The Sikh and Hindu communities have lived in Afghanistan for centuries but now make up less than one percent of Afghanistan's population of around 30 million.¹ Prior to the collapse of the pro-Soviet regime in 1992, there were approximately 200,000 members of the two communities.² The number is now estimated at approximately 395 families, as many Sikh and Hindu families sought refuge in other countries during the civil war due to restrictions on the practice of their faiths. Conditions have not improved with time and religious persecution in the form of the jizya (religious tax on non-Muslims), harassment and even the ongoing threat of abduction have made living conditions in Afghanistan unbearable for many in the Sikh and Hindu communities. Those remaining are often unable to move due to lack of financial resources and as conditions worsen, travel for Afghan Sikhs, who are very visible due to their articles of faith, has become increasingly difficult.

Currently there are Sikh and Hindu communities centred in three main areas: Kabul, Jalalabad and Ghazni. There are also some businesses operated by members of these communities in other places like Kandahar. Sikhs and Hindus who lived in more isolated areas or in smaller communities such as Helmand have now largely either moved to other cities or left Afghanistan. Some particularly vulnerable remaining families consist of lone female caregivers and their juvenile children, whose male family members have been lost or killed in conflicts. Other families consist of fragmented extended family units. The community also includes elders who have been stranded by children who have fled abroad during previous conflicts.

Religious Persecution

Although the Afghan constitution allows citizens the right to follow their own religion, Sikhs and Hindus face discrimination, intimidation, harassment and violence. Due to the verbal and physical abuse in public places, Sikhs and Hindus are hesitant to leave their homes. The government has been ineffective in protecting minorities from harassment.

Religious practices of Sikhs and Hindus such as cremation of the dead are limited or restricted by local authorities and the public. Sikhs in particular have had their hair forcefully cut as a specific act of religious violence.

Extremists in Afghanistan have made it extremely untenable for everyday citizens to interact with the minorities. Sikh and Hindu communities and particularly businesses are often also forced to pay a tax on non-Muslims called the Jizya under threat of death and ongoing

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

² Institute for War and Peace Reporting, July 11, 2013, Tough times for Afghan Hindus and Sikhs, dated <https://iwpr.net/global-voices/tough-times-afghan-hindus-and-sikhs>

pressure to convert to Islam³. Sikhs in Helmand have reported public boycotts of Sikh and Hindu businesses that were announced through the local radio.

Lack of Education: Sikh and Hindu students are formally permitted to attend state-run schools, but in most cases have been functionally prevented from doing so for at least the past several years. Sikh and Hindu students face systematic discrimination from educators and students of the majority communities, including mocking and shaming, exclusion from school activities and pressure to convert to Islam⁴. Of consequence, in many cases the only education available is informally at Gurdwaras and Hindu temples where such individuals are functionally confined. Most parents are afraid to send their children to school in fear that they will be verbally and physically assaulted. These are not isolated incidents but daily occurrences.⁵

Fear & Threats: Sikh and Hindu Afghans, particularly women, are afraid to leave their homes alone. In the words of a recent Sikh refugee from Helmand, "our women have to wear burqa (veil) to go to marketplaces. We can't visit our gurdwara and often, locals spit on our faces. They humiliate us for our joora (hair bun), taunt us by saying kafir (infidel)"⁶.

According to the Institute for War and Peace Reporting, "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."⁷

Physical Attacks: According to Anarkali Honaryar, a Sikh lawmaker and activist, "there have been incidents where people threw stones at Sikh funeral processions and verbally attacked them."⁸

Sikh and Hindu populations continue to encounter problems obtaining land for cremations and suffer harassment during major religious celebrations. When taking dead bodies to the crematorium, a police escort is necessary. Even with the police escort, locals continue to throw stones.⁹

³Yudhvir Rana, October 3, 2015, Times of India, "*Oppressed by Taliban Afghan Sikh families seek help from DSGMC*" <http://timesofindia.indiatimes.com/city/amritsar/Oppressed-by-Taliban-Afghan-Sikh-families-seek-help-from-DSGMC/articleshow/49203242.cms>

⁴ Danielle Moylan, January 9, 2016, Al Jazeera, *Inside the Little Known Kitchen of Afghanistan's Sikhs* <http://www.aljazeera.com/programmes/ajeats/2016/01/afghanistan-sikhs-160104170656660.html>

⁵ Institute for War & Peace Reporting *Supra*.

⁶ Yudhvir Rana, *Supra*.

⁷ *Ibid*.

⁸ Radio Free Europe/Radio Liberty, 19 August 2014 'When are you going back?' Afghanistan's Sikhs, strangers in their own land,. <http://www.rferl.org/content/afghanistan-sikh-minority/26539541.html>

⁹ Institute for War and Peace Reporting, *supra*.

According to a June 2016 report, even in downtown Kabul, "Jagtar Singh Laghmani was in his traditional herb shop when a man turned up, drew a knife and told him to convert to Islam or he would cut his throat."¹⁰

The Los Angeles Times reports "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."¹¹

Discrimination in Employment: With respect to employment, Sikhs and Hindus face discrimination in the labour market and a lack of access to it. This is not restricted to the private sector but also extends to government jobs. The UK Home Office's report titled *Country Information and Guidance Afghanistan: Hindus and Sikhs* cites a report from February 2015, noting "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 prioritize their own relatives for hiring."¹² Even those that once hired Sikhs and Hindus have been forced to stop due to extortion, resulting in further marginalization of the communities.¹³

Occupation of Land: Sikh and Hindu communities continue to be stripped of their housing and land, housing and land that they have occupied for centuries.¹⁴ Although they are entitled to pursue restitution through the courts, they often refuse to do so in fear of retaliation. Members of the two communities feel unprotected, especially when powerful local leaders are the ones occupying their land.¹⁵ Large numbers of Sikh and Hindu families currently live in Gurdwaras and temples as their properties have been illegally occupied.

Legal Position of Afghan Sikhs and Hindus in Afghanistan

The legal system in Afghanistan is rooted in Islam and thus, disadvantages those whom practice the Sikh faith or Hinduism. The US Department of State's International Religious Freedom Report 2015 noted:

"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 tenants of Islam. Governments have interpreted narrowly the

¹⁰ Hamid Shlizi, June 22, 2016, Reuters, *Afghanistan's dwindling Sikh, Hindu communities flee new abuses*, <http://www.reuters.com/article/us-afghanistan-minority-idUSKCN0Z82SL>

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

¹² UK Home Office, February 2016, *Country information and guidance report: Hindus and Sikhs, Afghanistan*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/495865/CIG_-_Afghanistan_-_Sikhs_and_Hindus_v2_0.pdf at 8.4.2

¹³ Ibid.

¹⁴ US Department of State, July 28, 2014, 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Government Practices.

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

¹⁵ Ibid.

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 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."¹⁶

Attitude of the State

Religious minorities remain vulnerable to targeted attacks. The state of Afghanistan continues to fail at curbing incitement and violence against Sikh and Hindu communities.

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." The report went on to add that "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."¹⁷

Even the Afghan government has acknowledged the serious issues the country faces in protecting religious minorities. In a Radio Free Europe interview in November 2014, the Deputy Minister for Frontier Nations and Tribal Affairs stated: "We are putting pressure on local authorities in one area to give them [Sikhs and Hindus] a township. God willing, they will be placed there as time goes by. The area will be made safe for them, places for their ceremonies, and also for cremating their dead will all be provided for them in this township."¹⁸

This proposed 'solution' would present extreme security risks for the Sikh and Hindu populations. Moving these individuals from across Afghanistan to a single location would present multiple opportunities for attack. Furthermore, if this plan were to be successful, having an entire group of religious minorities in a single township would create a singular target for motivated militant extremists.

Due to the decreasing size of the Sikh and Hindu communities, they cannot demand the same protections that others enjoy because they are too small numerically to matter politically. This is exemplified in the distribution of resources within Afghanistan. The government provides free electricity to mosques while Sikh and Hindu communities must pay commercial rates for the electricity used to power Mandirs and Gurdwaras.¹⁹ The government is unwilling to address this concern.

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

¹⁷ US Department of State, 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Government Practices *Supra*.

¹⁸ Radio Free Europe/Radio Liberty, November 27, 2014, *Sikhs and Hindus Flee Afghanistan As NATO Pulls Back* <https://www.youtube.com/watch?v=5XFpFn8j8XQ>

¹⁹ US Department of State, Religious Freedom Report for 2013,' Afghanistan, Section II. Government

In terms of political representation, only one seat in the upper house, out of 249, is reserved for the appointment of a Sikh or Hindu representative. There is no representation of Sikhs or Hindus in the lower house and Parliament continues to reject recommendations to create on reserved seat for both Sikhs and Hindus in the lower house.²⁰

The US Department of State's International Religious Freedom Report stated "Sikh leaders complained they lacked political representation, stating that most Afghans fail to distinguish between Hindus and Sikhs despite significant religious differences..."²¹ This continues to be an issue as the Sikh and Hindu communities continue to shrink, further reducing the potential to gain political representation.

CHALLENGES IN EXTRACTING SIKHS AND HINDUS IN AFGHANISTAN

As extremist elements, including the Taliban and ISIS, are gaining influence and territory in areas of Afghanistan, Sikh and Hindu Afghans face increased hostility, persecution and danger.

Gauging the true situation of Sikhs and Hindus in Afghanistan poses challenges in of itself, as members of the community are distrustful of outsiders and therefore reluctant to speak openly about their circumstances. Afghan Sikhs who leave Afghanistan are often reluctant to even provide their names as they fear family members remaining behind may be targeted for kidnap and extortion.

The story of Kulraj Singh, a 22-year-old Afghan Sikh, demonstrates the risks involved with attempting to escape from Afghanistan. Kulraj remained in captivity for 40 days, 17 of which were spent in solitary confinement and three days in water.²²

In Kulraj's words, "they used to torture me, cut my hair and kept me without food for days. For 17 days, I couldn't see sun and for three days they kept me in neck-deep water demanding money and forcing me to convert to Islam."²³

Kulraj Singh alleges that kidnapping of Sikhs and Hindus in Afghanistan is common. After freeing himself from the Taliban, he went to Delhi to seek help for the Sikh and Hindu population left in Afghanistan. "Rest of my relatives are there in Afghanistan. Their life is in danger. We are called 'kafir' [infidel]; we are not allowed to even cremate our dead relatives as they have wrestled control on our crematoriums."²⁴

Practices *Supra*.

²⁰ 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&dld=236632>

²¹ US Department of State 'International Religious Freedom Report for 2013,' Afghanistan, Section II. Government Practices. 28 July 2014. *Supra*.

²² Yudhvir Rana, September 23, 2015, The Times of India 'Tortured Afghan Sikh Came to India for Help' <http://timesofindia.indiatimes.com/city/amritsar/TorturedAfghan-Sikhs-came-to-India-for-help/articleshow/49070485.cms?from=mdr>

²³ Ibid.

²⁴ Ibid.

In addition to the threat of kidnap and torture, one of the challenges in extracting Sikhs and Hindus in Afghanistan is the potential for extortion. At the individual level, the Taliban will often demand a significant amount of money from the family and friends of the hostage in exchange for his/her release. In the case of Kulraj Singh, the Taliban demanded a ransom of 10,000,000 Rupees but was released when local Afghan Sikhs pooled a payment of 500,000 Rupees.

There is potential for extremist elements to increasingly target Sikhs and Hindus and demand larger ransoms if there is a belief the global community is willing to pay and there are attempts to extract Sikhs and Hindus out of Afghanistan. According to one report, a Hindu man begged an Anadolu Agency reporter to interview him so that he could seek asylum in another country but immediately changed his mind, fearing the consequences of his name being published and retaliation from the Taliban.²⁵

RECOMMENDATIONS

Relocation of Sikhs and Hindus within Afghanistan is not a viable option. No area in Afghanistan is hospitable to these communities or allows for them to freely practice their faiths. Furthermore, as visible targets due to their articles of faith, Afghan Sikhs face significant travel risks to any internal flight options in the form of IEDs, roadside attacks, kidnapping, summary execution, and other insurgent or paramilitary action.

Fleeing to neighbouring states is also not an option for Sikh and Hindu religious minorities. Afghan Sikh and Hindu refugees who have fled to neighboring Pakistan and India have for decades face discrimination as minorities, and have been systematically denied access to health care, education for their children and long-term legal status. Specifically in India, Afghan Sikhs and Hindus continue to lack legal status and face serious challenges in accessing social services and employment. The long-term prospects of Afghan Sikhs and Hindus in India lack promise and are grim. In Pakistan, even long-term Afghan refugees in general are facing forced return to an increasingly hostile Afghanistan²⁶. Afghan Sikh and Hindu refugees in particular continue to face systematic discrimination exclusion from education, employment, and legal status due to their religious minority status in a Muslim country.

Without the possibility of meaningful local integration, or the prospect of voluntary return to a decreasingly stable country, permanent resettlement of Afghan minority asylum seekers into third countries is the only viable long-term durable solution.

Hindu and Sikh communities in Afghanistan must be surveyed by agents (NGOs) who they can establish trust with in order to determine if supports (material, security, political or otherwise) can be provided which may allow them to remain in the country they have called home for centuries.

²⁵ Zabihulla Tmanna, October 9, 2015, Anadolu Agency, *Afghan Sikhs, Hindus fear violence but long for home* <http://aa.com.tr/en/life/afghan-sikhs-hindus-fear-violence-but-long-for-home/436821>

²⁶ United States Institute for Peace, January 13, 2016, *The Forced Return of Afghan Refugees and Implications for Stability*, <http://www.usip.org/publications/2016/01/13/the-forced-return-of-afghan-refugees-and-implications-stability>

Where these communities demonstrate an inability to exercise their basic human rights or face overwhelming persecution and threat, Canada has a formal humanitarian obligation to assist in their evacuation and resettlement.

Canada has previously directly admitted persons in refugee-like situations without recognition as Convention refugees under the Source Country Class from areas of the world including Columbia, Guatemala, El Salvador, Sudan, Sierra Leone, and the Democratic Republic of Congo. Other countries recognizing the severity of human rights crises have also accepted and protected asylum seekers directly from their home countries. In 2015, Canada temporarily waived refugee status recognition document requirements for sponsored refugees from Syria and Iraq²⁷.

Given the serious challenges and threats Afghan Sikhs face with respect to mobility and travel to countries of temporary asylum, similar expedited or waived procedures should be established for Afghan Sikhs and Hindu refugees.

ABOUT THE WORLD SIKH ORGANIZATION OF CANADA (WSO)

The World Sikh Organization of Canada (WSO) is a non-profit organization with a mandate to promote and protect the interests of Canadian Sikhs as well as to promote and advocate for the protection of human rights for all individuals, irrespective of race, religion, gender, ethnicity, and social and economic status.

The WSO has the following primary national objectives:

- To foster understanding and good will towards all nations, creeds, persuasions and faiths;
- To act as a representative body and spokes-body of the Sikhs of Canada and help resolve differences amongst members and member organizations;
- To liaise with government and non-government agencies and to apprise them of the interests of the Sikhs;
- To encourage, develop and maintain close relationships with similar and like-minded organizations throughout Canada;
- To do all such things not inconsistent with the doctrines and ethics of Sikhism and the law of the land as are conducive to the attainment of the objectives of the World Sikh Organization of Canada.

The WSO has a 31 member national executive representing regions and provinces from across Canada.

²⁷ Refugee Sponsorship Training Program, September 19, 2015 'Refugees from Syria & Iraq: Changes to documentation needed for Groups of Five & Community Sponsors' <http://www.rstp.ca/en/refugee-sponsorship/latest-policy-program-update/changes-for-sponsoring-syrian-iraqi-refugees/>