

United Nations Human Rights Council, 41st Session (24 June-12 July 2019)
Item 6 – Universal Periodic Review: Afghanistan
Speaker: British Humanist Association Representative, Farah Mohammed

We wish to highlight recommendations made by member states that Afghanistan continues its efforts to ensure that all religious and non-religious communities are free to practice their religion or belief, and that this right is adequately protected without contravening the right to freedom of expression.¹

Although we welcome the new penal code which has reduced the number of capital offenses on the statute books, Afghanistan remains one of the thirteen countries where blasphemy or apostasy is punishable by death. Expression of non-religious views is severely persecuted, or rendered almost impossible by severe social stigma, and is highly likely to be met with violence.

In practical terms, the constitution offers no protection or guarantee of the right to freedom of religion or belief for the non-religious, minority religious groups, or for Shiite Muslims. This is due to Islamic law taking precedence over constitutional law in areas where the two may come into conflict.² Critically in situations where the constitution and penal code are silent, including on matters of apostasy and blasphemy, it instructs courts to rely on the Hanafi School of Sunni Islamic jurisprudence, which mandates the death penalty for both of these crimes. These courts privilege Hanafi interpretations of Islamic law over international commitments to the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966).³

We do not believe that progress towards establishing freedom of religion or belief can be achieved until constitutional protections are enforced across the whole of Afghanistan and constitutional precedence over Sharia law is fully established.

We call on Afghanistan to ensure that an independent mechanism is established to assess how religious and non-religious minorities can be protected against violent attacks and to create a moratorium on the death penalty, including for blasphemy and apostasy, by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Thank you.

¹ United Nations General Assembly, Afghanistan (2019), Report of the Working Group on the Universal Periodic Review

http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/41/5

² United Nations General Assembly, Afghanistan (2019), Report of the Working Group on the Universal Periodic Review

http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/41/5

³ Humanists International, Freedom of Thought Report 2018: Afghanistan

<https://fot.humanists.international/countries/asia-southern-asia/afghanistan/>