



# LANDINFO

Utlendingsforvaltningens fagenhet for landinformasjon

**Report**

**Afghanistan**

**The situation of Christian converts**

7 April 2021



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- The Netherlands, Office for Country Information and Language Analysis, Ministry of Justice
- Poland, Office for Foreigners, Department for Refugee Procedures
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It must be noted that the review carried out by the mentioned departments, experts or organisations contributes to the overall quality of the report, it but does not necessarily imply their formal endorsement of the final report, which is the full responsibility of Landinfo.

## Summary

The situation of Afghan converts must be understood in light of Islam's all-encompassing influence in the country. Islam binds the Afghan nation together. In contrast to identities based on ethnicity, tribe and clan, virtually the entire population has a shared Muslim identity.

There is a small Christian minority in Afghanistan, all of whom are converts. There is great uncertainty about the number of Christian converts, and estimates range from a few dozen to several thousand. Christian converts practise their faith in secret, mainly in private house churches. Information about Christianity is more accessible than before through increased use of digital platforms and social media. Christian material, including the Bible in Dari and Pashto, is available online.

Conversion is punishable by death unless the convert expresses remorse. There is little evidence from case law; only one case has been brought before Afghan courts after the fall of the Taliban regime in 2001. No verdict was handed down in the case, however. Converts risk sanctions and pressure from their families.

## Sammendrag

Situasjonen til afghanske konvertitter må forstås i lys av islams altomfattende innflytelse i landet. Islam binder den afghanske nasjonen sammen. I motsetning til identitet basert på etnisitet, stamme og klan, har så godt som hele befolkningen en felles muslimsk identitet.

Det finnes en liten kristen minoritet i Afghanistan, som alle er konvertitter. Det er knyttet stor usikkerhet til antallet, og anslagene spriker fra noen titalls til flere tusen. Kristne konvertitter utøver sin tro i skjul, hovedsakelig i private husmenigheter. Informasjon om kristendommen er mer tilgjengelig enn tidligere gjennom økt bruk av digitale plattformer og sosiale medier. Kristent materiell, blant annet Bibelen på dari og pashto, er tilgjengelig online.

Konvertering kan straffes med døden med mindre konvertitten gir uttrykk for anger. Det finnes lite rettspraksis; kun én sak har vært reist for afghanske domstoler etter Taliban-regimets fall i 2001, men det ble ikke avsagt dom i saken. Konvertitter risikerer sanksjoner og press fra egen familie.

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# 1 Introduction

The topic of this report is Afghan nationals who have converted from Islam to Christianity. Leaving Islam is a serious matter and can lead to strong penal and social sanctions. In addition to leaving Islam, converts have converted to another religion. Conversion means adopting the traditions of a congregation and performing religious rituals and confessions. Renouncing or doubting the existence of God, on the other hand, does not entail any expectations of or requirements for behaviour in everyday life.

The situation of Afghans who leave Islam in favour of Christianity must be understood in light of Islam's all-encompassing influence in Afghanistan. Islam, Sharia, traditional law and family culture are closely intertwined. Religiosity cannot be understood within a Western secular framework, where people's beliefs are in most cases an individual and private matter and individuals are free to decide whether, where and how to express their faith. For example, leaving Islam in Afghanistan cannot be compared with leaving the Church of Norway. In Afghanistan, religious beliefs and statements about religion are a collective and public concern: affiliation to Islam is a fundamental precondition for a group's status and position and for an individual's position within a collective group, primarily the extended family.

For some time, the Norwegian immigration administration has received applications for protection (asylum) from Afghan nationals who claim to have converted from Islam to Christianity. This report has been prepared on the basis of questions submitted to Landinfo in recent years in connection with this case portfolio.

The main focus of the report is circumstances of relevance to Afghan converts staying in Afghanistan. The report does not specifically cover circumstances along the smuggling route to Europe or other asylum countries.

## 1.1 Sources

Not much information is available about the situation of Christian converts in Afghanistan. Landinfo is not familiar with any reliable independent sources in or outside Afghanistan that systematically collect and compare information about this topic. Sources in Afghanistan are generally reluctant to offer information about religious minorities and how they practise their faith.

The report is based on the written material that is available: UN sources, diplomatic sources, reports from the U.S. Department of State, news articles and

reports prepared by the immigration authorities of other countries.<sup>1</sup> In addition, the report is based on information obtained by Landinfo during fact-finding mission to Afghanistan from 2007 up until today. Even with such a considerable time span, the information presented from several years back is neither irrelevant nor outdated. The traditions and legal rules in this area are of a structural nature and therefore change very slowly. The report is also based on Norwegian sources that we consider to be reliable and knowledgeable.<sup>2</sup>

Renunciation of Islam and conversion are highly sensitive issues in Afghanistan, and obtaining reliable information that can be substantiated by sources is therefore very demanding. There is very limited access to primary sources. Landinfo has not succeeded in establishing direct contact with Afghan Christian converts staying in Afghanistan. However, Landinfo has had conversations with Western aid workers, pastors and academics who state that they are in contact with underground Christian communities. These are devout Christians who in many cases have lived in Afghanistan for a long time. All the sources have good knowledge of language and culture. Some of the sources probably engage in some form of missionary work targeting Afghan communities in and outside of Afghanistan. This means that information they provide is not necessarily completely objective, and that it also cannot be verified.

Landinfo's impression is that most Afghans do not wish to talk about this issue, nor does the majority have any specific knowledge about it. The statements of the oral sources of Afghan origin are not based on their own experience, empirical evidence or research, but they have a deep understanding of the role of Islam in Afghan society.

Due to the sensitivity of the topics elucidated here, most of the oral sources have been anonymised; their names and any organisational affiliation are not disclosed.

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<sup>1</sup> Landinfo's Swedish sister organisation Lifos wrote a report on Christians, apostates and atheists in 2017 (Lifos, 2017). The Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD, 2020) published a report on the same topic in 2020.

<sup>2</sup> For many years, Landinfo has sought out sources with experience of Christian religious practice in Afghanistan. Dag Ottar Hansen is a source with specific knowledge of Afghan converts and how they practise their faith. Hansen has lived in Afghanistan for a long time, masters local languages and has lived in both urban and rural areas. Landinfo considers Hansen to be reliable and well-balanced, and regards him as an important source in several areas – especially in relation to issues concerning the everyday lives of converts and their adaptation to daily routines in an Islamic community. For several years, he provided consultancy services through his company Hansen Cultural Coaching. He offered courses and training, including for the Norwegian armed forces in Afghanistan, Norwegian healthcare workers, municipal agencies and refugee consultants, for the purpose of contributing to a better cultural understanding of Afghanistan and the Afghan people.

## 2 The role of Islam role in Afghanistan

Islam plays a crucial role in Afghan society and defines Afghans' view of life, moral and life rhythm. Islam is an all-encompassing social and legal system that regulates the lives of all Afghans from cradle to grave (Barfield 2010, p. 41). The Islamic creed is whispered into the ear of every Muslim child at the time of birth. The same happens at the time of death. Islam shapes and structures people's everyday lives, both in the private and public spheres:

This is the essence of religion, not rules and regulations; it does not interrupt the rhythms of life, it forms them. The five daily prayers, the fasting of the month of Ramadan, structure time (Johnson & Leslie, 2004, p. 29).

By extension, leaving Islam (apostasy) and converting to another religion is to rebel against the social core institutions and the social order.

Although the importance of religion has varied throughout Afghan history and may have been expressed differently in different geographical areas, Islam binds the nation together. As opposed to identity based on ethnicity, clan affiliation, geography, language or occupation, virtually the entire population have a common Muslim identity. The anthropologist Thomas Barfield puts it as follows:

When religion is a way of life, it permeates all aspects of everyday social relations and nothing is separate from it. This is the state of Islam in Afghanistan. Its influence is ever present in people's everyday conversations, business transactions, dispute resolutions and moral judgments (Barfield 2010, p. 41)

The Muslim identity has played a key role in conflicts with external enemies and in internal mobilisation, for example in connection with the uprising against the Soviet-backed PDPA regime<sup>3</sup> and the Soviet invasion (Hassan 2013). The identity is also important for opponents of the nation building process and the current international presence in Afghanistan. The need to protect Islam is frequently mentioned. Many Afghans associate Christianity with the West and Western values, which further stigmatises Christians in certain Muslim communities (Open Doors, 2019, p. 19).

Actions that can be perceived as in violation to Islam have a strong mobilising effect in parts of the Afghan population. For example, thousands of Afghans protested when the remains of a burnt Quran were found on the Bagram airbase<sup>4</sup> in February 2012 (BBC News, 2012). The same thing happened the year before, when the US pastor Terry Jones set fire to the Quran following a 'trial' against the

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<sup>3</sup> People's Democratic Party of Afghanistan.

<sup>4</sup> International military base in Parwan province.

Quran.<sup>5</sup> This led to violent protests all over Afghanistan. Many were killed, including a female Norwegian UN officer (Kvilesjø, Gjestad & Gimse, 2011). In 2015, a young woman called Farkhunda Malikzada was lynched, set on fire and killed by a mob in Kabul because a mullah had falsely accused her of having desecrated the Quran. The killing of Farkhunda sparked large-scale protests. Her name has later been cleared, and a memorial to Farkhunda has been built in Kabul (TOLO News, 2016; Marofi 2015).

The strict penal sanctions and antipathy against apostates and converts can also be regarded in a context other than the national. Historically, leaving the Muslim unity has been compared with high treason or associated with political rebellion or opposition. *Dar al-Islam* is a term used in *Fiqh*, classic Islamic jurisprudence. According to this jurisprudence, the world is divided into two and comprises *Dar al-Islam*, the land of Islam, and *Dar al-Harb*, the land or territory of war (SNL, 2018). Apostasy and conversion are regarded as rebellion against Allah, and withdrawing from the Islamic community, *Ummah*, weakens the unity and solidarity between everyone who professes Islam.

## 2.1 The importance of Islam to everyday and family life

Islam is an integrated part of the traditional family structure. How family members relate to Islam has a fundamental impact on the entire family's standing. In Afghanistan, changing one's religious beliefs has far more wide-reaching implications than in a Western, secular context.

The extended family is the most important cornerstone of the Afghan social structure and takes precedence over the individual and their needs and wishes. Leaving Islam represents a serious break with the fundamental idea that the group is more important than the individual, and jeopardizes the individual's relations with their family. For some people, it may also entail a risk that the family take active steps to repair the loss of face that conversion to another religion entails (read more about this in section 4.3). An Afghan who leaves Islam and joins another faith weakens or loses the connection to his or her own family and to any allied families.

Arranged marriages are an integrated part of a complex of traditions, loyalty ties and authority. The marriage contract is an agreement between two families, and not a confirmation of an emotional relationship between two individuals. Marriages establish alliances between families or strengthen already existing networks. Marriage agreements have strong political and financial aspects (Landinfo, 2019a, p. 7, 8). The stigma and loss of honour that conversion entails

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<sup>5</sup> In March 2011, the pastor and his followers held a 'mock trial' of the Quran in which the Muslims' holy book was found guilty of five crimes against humanity and sentenced to burning (Alvarez & Van Natta, 2011).

will result in natural alliance partners distancing themselves, and make it impossible for a man to marry a Muslim Afghan woman.

Dag Ottar Hansen is a Christian and has lived and been involved in development work in Afghanistan for eight years. Hansen claims that many Afghans are not particularly religious and that there are secular communities in Afghanistan (Landinfo seminar, May 2013). At the same time, Islam and Islamic values are an important foundation for the moral and ethics of society and individuals. Traditional and cultural practices are frequently explained through religious references (Barfield, 2010, p. 40, 41). Most Afghans do not distinguish between religion and cultural practice. Local traditional law is always assumed to be in accordance with Islam, although this is not always the case (Landinfo, 2011). This means that Afghans must relate to Islam and act in accordance with local religious standards in their everyday lives. There is no ‘room’ for ignoring, asking critical questions about or joining other religions than Islam.

## 2.2 The demographic backdrop

Estimates indicate that more than 99 per cent of the Afghan population are Muslims. The majority are Sunni, whereas between 10 and 15 per cent are estimated to be Shia. The two groups belong to the Sunni Hanafi and Shia Ja’Fari schools of jurisprudence, respectively, both of which are recognised in the Afghan Constitution. The ethnic group Hazara constitutes around 90 per cent of the Shia population. Ismailis are considered part of the Shia population (U.S. Department of State, 2020, p. 4).

A census has not been conducted in Afghanistan for several decades,<sup>6</sup> and no central overview is available of the Afghan population in the form of a population register (Landinfo, 2020, p. 7). This means that official figures do not exist for the size of the religious minorities. The electronic Afghan ID document *e-tazkera*<sup>7</sup> and most paper tazkeras contain information about the holder’s religion, but not all Afghans have a tazkera. Afghan passports do not contain this type of information (Landinfo, 2020, pp. 13, 17, 18 and 22).

The country’s religious minorities comprise Sikhs, Hindus, Baha’is and Christians (U.S. Department of State, 2020, p. 4).<sup>8</sup> There is allegedly only one remaining Jewish citizen in the country, the carpet trader Zabolon Simintov (BBC, 2019). In

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<sup>6</sup> Afghanistan’s first and so far only census was held in 1979, but it was left incomplete due to the difficult security situation at the time (Landinfo, 2020, p. 7).

<sup>7</sup> The reverse side of the e-tazkera contains information in English. Not all the information has been translated, including information about the holder’s religion (Landinfo, 2020, p. 18).

<sup>8</sup> According to the Constitution, the country comprises different ethnic groups, fourteen of which are mentioned specifically, including Pashtun, Tajik and Hazara (Constitution of Afghanistan, 2004, Art. 4). The Constitution contains no corresponding provision on who is considered a religious minority.

total, religious minorities are said to constitute less than 0.3 per cent of the population, but they probably account for a considerably smaller proportion (U.S. Department of State, 2020, p. 4). The proportion is strongly declining because many non-Muslims have left Afghanistan in recent years, and specially in 2020 (Ariana News 2021).

The biggest minority group is assumed to be Sikhs. Estimates of the number of Sikhs vary, but Landinfo believes that the most reliable estimates were somewhere between 550 and 700 Sikhs and Hindus by 2019 (Landinfo, 2020c, p. 8). Due to security challenges, a large number of Sikhs left the country in 2020. In August 2020, TOLO News reported that some Sikhs had already arrived in India, and that more were on their way (Noorzai, Mohammad & Habibzada, 2020; TOLO News, 2020).

### **3 The small Christian minority**

The number of Afghan Christians in Afghanistan is highly uncertain, and estimates vary from a few dozen to several thousand. According to the most recent report on religious freedom published by the U.S. Department of State (2020, p. 4), there are currently no reliable estimates of the number of Christians, as opposed to in 2012, when the same source stated that the Christian community in the country comprised between 500 and 8,000 Afghans (U.S. Department of State, 2012, p. 2).

In 2007, Guiseppe Moretti, a former priest at the Catholic church affiliated to the Italian embassy in Afghanistan, claimed that he had never met an Afghan Christian person, and that he was not aware of any Christian communities in Afghanistan. He pointed out that, if any such community did exist, it would not involve many people (conversation in Kabul, November 2007). Some years ago, a representative of the Afghan Human Rights Commission (AIHRC) estimated the number of Christian Afghans to be between ten and two hundred people (conversation in Kabul, October 2011).

In 2013, Dag Ottar Hansen believed that the number could be between three and four thousand, but he emphasised that the estimate was highly uncertain (Landinfo seminar, May 2013). A pastor of an independent Norwegian church (phone conversation, June 2020) who has visited house churches in Afghanistan estimates the number of Christians to be between 1,200 and 1,500 people. Another source, an academic (phone conversation, June 2020) with extensive knowledge of Afghanistan and the rest of the region, knows of some Christian converts and family groups, but believes it is impossible to say for certain how many there are in total. He estimated the number to be between 800 and 1,000 people.

Professor of Theology Duane A Miller and evangelist Patrick Johnstone have later estimated the number of Christians in Afghanistan to be 3,300 people (Miller & Johnstone, 2015, p. 16). In a more recent report on the situation for Christians in Afghanistan, the organisation Open Doors (2019, p. 6, 7)<sup>9</sup> claimed that there are a ‘few thousand’ Christians. International Christian Concern, an organisation that focuses on Christians who are persecuted because of their faith, uses very different figures. According to one of their sources, there are at least 10,000 underground believers in the country (ICC, 2019).

These contradictory estimates of the number of Christian converts illustrate how demanding it is to gain access to reliable empirically-based information, and that it is difficult to establish a reliable estimate.

There is also considerably uncertainty attached to the trend for the number of Christians. In 2016, Afghanistan experts Thomas Ruttig and Michael Daxner referred to information indicating that the number of Christians was increasing (as cited in EASO, 2017, p. 26). The Norwegian pastor claimed the same in a conversation with Landinfo (June, 2020). It is difficult to confirm or disprove this information.

### **3.1 ‘All Afghan Christians are converts from Islam’**

There is broad agreement that Christian Afghans are converts who are not born Christians. Open Doors (2019, p. 7) puts it this way: ‘All Afghan Christians are converts from Islam’. Correspondingly, Hansen (Landinfo seminar, May 2013) stated that he knew around 30 Christian Afghans. All were converts and many of them had converted in Pakistan. None were Christians born in Afghanistan. The majority of converts are men, while some women convert because their spouse has converted.

One of the most well-known and prominent Afghan converts is Hussain Andaryas, who lives in the USA and has conveyed the Christian message through various digital and analogue channels since 1996. He was also born a Muslim – he grew up in a Shia family – and converted after nine years of comparative studies of both Christianity and Islam (Kleiveland, 2006; Prabook, n.d.).

A former aid worker is aware of five Christian Afghans, all of them converts (phone conversation, August 2020). The Norwegian free church pastor (phone conversation, June 2020) shares the view that Christian Afghans are converts; however, some children have been born into the convert families. An academic (phone conversation, June 2020) who has stayed in the country for long periods over the past few decades believes that there were virtually no Christians in

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<sup>9</sup> Open Doors is a non-denominational international missionary organisation established in 1955. Their remit is to support persecuted Christians in a number of countries and to spread the Gospel by distributing the Bible and other Christian literature (Wallin Weihe, 2019).

Afghanistan until 1981. According to the academic, most converts profess a Protestant/Evangelical doctrine.

## **4 Christian Afghans practise their faith in secret**

Landinfo's sources agree that Christian Afghans cannot practise their faith openly (U.S. Department of State, 2020, p. 17; academic, phone conversation, June 2020) because of the major implications involved. There is little concrete information about how they actually practise their faith; the only available material describing their situation and challenges is modest and anecdotal. Christian Afghans who profess their faith in public or via digital media are, without exception, Afghans living outside the country.

There are no signs of Christian traditions, Christian presence or church buildings of any kind in Afghanistan. There is currently one official church in the country; the Catholic church in the diplomatic enclave in Kabul. Landinfo met Guiseppe Moretti, the priest at the church at the time, in November 2007. He stated that they held a devotional service every day, but that Afghans were not permitted to attend. Thus, the congregation of this church does not have any experience that can tell us anything about the situation of Christian Afghans.

There is also an evangelical church for foreign nationals in Kabul, the Community Christian Church of Kabul (CCK). Like the Catholic church, CCK is not open to Afghans. The church is still operative, and there was activity on the congregation's Facebook page in August 2020 (former aid worker, email, August 2020).

### **4.1 House churches**

Christian Afghans must practise their faith alone or in small communities in private homes in what are known as house churches. In addition to meeting in private houses, Christians come together in public places such as parks and hotels. Of course, they can only pray, sing songs of praise and read the Bible in private homes. Dag Ottar Hansen (Landinfo seminar, May 2013) has had dealings with Christian Afghans and closed Christian house churches in Afghanistan. These are not churches in the traditional sense, but Christian communities without leaders such as pastors or priests. The pastor at a Norwegian free church (phone conversation, June 2020) told Landinfo that he had visited Christian house churches in Afghanistan.

An academic who is very familiar with the region (phone conversation, June 2020) confirms that Christian Afghans practise their faith in small private house churches in groups consisting of two to four persons. They gather to sing songs of

praise, read the Bible and pray. The U.S. Department of State (2020, p. 17) states that the groups can comprise up to ten persons. They meet at different places at different times to avoid detection. In an email to Landinfo (August 2020), Hansen writes that Christian Afghans meet irregularly to avoid detection. Socialising with persons you are not related to or work with can seem suspicious, and according to Hansen, it can give rise to rumours and suspicions.

According to an academic (email, August 2020), there are several networks of house churches in the country, which have some contact with each other. Landinfo has no concrete information about how these networks are established or actually work. Nor is there any information about whether the house churches actively recruit new members and, if so, how this is done. Hansen (Landinfo seminar, May 2013) has emphasised that, in principle, Christian converts do not inform others of their beliefs because there is always a risk involved – they are exceedingly careful and take extensive precautions before communicating with anyone about Christianity or introducing new persons into the community.

## **4.2 Most converts live in the cities**

According to Hansen (Landinfo seminar, May 2013), the majority of Christian Afghans live in the cities, and people in rural areas are less likely to convert to Christianity. The leader of the Afghan Church of New Delhi has stated that most of the church's members were saved while living in one of the big Afghan cities (Farooquee, 2013).

In 2006 (meeting in Oslo), a representative of a large international organisation stated that a convert would not have any problems hiding their faith in Kabul or other big cities. In the same way as Christians, persons in secular environments, atheists and non-religious Afghans must exercise self-censorship and not express their relationship with or view of Islam, due to the risk of sanctions.<sup>10</sup> Likewise, these groups must also act in conformity with Islam and behave in manner that does not challenge Islam. According to Hansen (conversation, August 2013), many Afghans, and not just Christian converts, follow local religious customs and participate in rituals without this being a reflection of their 'inner' faith and beliefs. Some converts go to the mosque on Fridays to prevent speculation.

Based on the available information, Landinfo believes it is easier not to participate in Islamic rituals in the big cities than in rural areas. Moreover, not everyone goes to the mosque every day, but pray at home, at work or elsewhere. In big cities like Kabul, there is also more variation in how religious people are, less social control and generally a less traditional environment.

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<sup>10</sup> The situation is different for Afghans born into another religion, such as the country's Hindu or Sikh population.

### **4.3 The extended family is the greatest threat to converts**

There is no information to indicate that the authorities or intelligence service focus on the house churches to any particular extent. Landinfo is not aware of any reports of raids, searches or confiscations, nor that any members of these congregations have been brought in for questioning or arrested. However, there is anecdotal, unverified information that some converts have been questioned and held in custody for several days (Iyengar, 2018).

In Afghanistan, the family is the key to the individual's social standing and the most important social institution. A convert is stigmatised in all regards: as a representative of their family, marriage partner, parent/educator, political alliance partner and business partner (U.S. Department of State, 2020, p. 2, 17). Landinfo believes that an Afghan who converts to a faith other than Islam and is open about this, burns all bridges with their family, the local community and their identity as an Afghan.

Dag Ottar Hansen claims that the biggest threat to an Afghan convert is the risk that their extended family will learn about the conversion. If they do, they will try to convince him or her to return to Islam. This pressure often comes from the closest family members such as parents and siblings, but can also involve uncles, grandparents and male cousins. Some converts become depressed and isolate themselves (Hansen, email, August 2020).

If the convert refuses to return to Islam, they risk being excluded from their family, and, in extreme cases, subjected to violence and threats. Some converts have allegedly received death threats from their own family members (U.S. Department of State, 2020, p. 17). In cases where the immediate family learns about and possibly accepts the conversion, it is a condition that the conversion does not become publicly known. This can give rise to arguments, fear and be mentally stressful for the Christian (Hansen, Landinfo seminar, May 2013).

Since the convert is always perceived as a representative of the honour and standards of their family, tribe and clan, Landinfo believes that the convert and their family have a shared interest in ensuring the conversion does not become public knowledge. Dag Ottar Hansen (as cited in Dalehaug Norheim, 2015) puts it as follows: 'Afghans can accept many things, as long as they are kept secret within the family and does not inflict shame on them'.

## **5 Access to information about Christianity in Afghanistan**

The dominating role of Islam limits access to information about other religions for Afghans living in Afghanistan. Landinfo considers the likelihood of Afghans being introduced to Christianity in Afghanistan as relatively small. It is normally

Afghans living abroad, including in Pakistan or Iran, who come into contact with Christianity.

However, in recent years, since the fall of the Taliban regime, the international presence in Afghanistan has been substantial, and some people may come into contact with Christianity through foreign Christian aid workers or other international personnel. Various digital platforms have also contributed to more people being introduced to Christianity.

## **5.1 Attitude to Christianity among Afghans**

According to a former aid worker (phone conversation, August 2020), talking with Afghans about God is unproblematic. Faith is very important to both Muslims and Christians. The aid worker also referred to how Jesus is a well-known figure in Islam. However, it is necessary to proceed with caution when topics arise that are specifically linked to the Christian faith. There is no acceptance or tolerance for proselytising in the Afghan population, either from foreigners or Afghans (UNHCR, 2018, p. 64).

Dag Ottar Hansen (Landinfo seminar, May 2013) has claimed that a small number of Afghans are positive to other religions; they are curious and enter into discussions and conversations about religion, also with Christians. Some even explore Christianity in more detail, but their motives vary:

- They are fascinated with the Western lifestyle and moral standards.
- They reject Islam, which they regard as the cause of the violence and warfare in Afghanistan.
- They have an idea that it can lead to opportunities, for example a job in an international organisation.
- They are sincerely curious.

Hansen's experience of Afghans who explore Christianity is that many of them belong to the first three categories, and that they lose interest when they encounter resistance; they remain Muslims.

## **5.2 Freedom to bear witness to the Christian faith**

Hansen (seminar, May 2013) has pointed out that, although proselytising is prohibited, bearing witness (answering questions and providing information) to one's own religion is allowed. Some foreigners are probably trying to discreetly bear witness to Christianity and to influence Afghans in Afghanistan. There is a high number of belief-based organisations, including Christians, who are involved in development work in the country. The number may have decreased somewhat in recent years following the phasing out of the ISAF operation, but there is still a

large international presence in Afghanistan. Although the organisations are not engaged in any form of religious activity, it varies whether and, if relevant, how international personnel in the organisations communicate their beliefs in the Afghan community.

According to Hansen, Christian aid workers in Afghanistan can be divided into three categories based on their approach to information about their beliefs (Hansen, Landinfo seminar, May 2013):

- Those who neither talk about their faith nor convey information about Christianity.
- Those who respond to questions from Afghans about religion and support Afghan Christians. They have often worked in the country for a long time, are knowledgeable about Afghan culture and respect the integrity of Afghans.
- Those who try to proselytise. They are representatives of evangelical and/or revival movements and have a Western understanding of religion.

In principle, it is representatives of the educated segment of the population who are open to new impulses and capable of engaging in dialogue about Christianity with foreign nationals in Afghanistan. Correspondingly, only persons with a deep and strong relationship with Christian Afghans will be introduced to Christianity by this group (Hansen, Landinfo seminar, May 2013).

It is not necessarily a matter of missionary work in the traditional sense, but personal conversations within a network of persons who know each other. According to Hansen, they are part of a category of Christian aid workers who provide information about and bear witness to Christianity only in cases where an Afghan initiates a dialogue about religion and Christianity (Hansen, conversation with Landinfo, July 2013). Hansen believes that anyone who tries to influence Afghans through more traditional outreach activities quickly loses motivation and leaves the country because of difficult working conditions and poor results (Landinfo seminar, May 2013).

### **5.2.1 The scope of active proselytising**

There is thus no room for open proselytising in Afghanistan. Proselytising for the purpose of convincing Muslims to leave Islam is prohibited under the Hanafi school of jurisprudence (UNHCR, 2018, p. 64). International organisations operating in Afghanistan are subject to the Law on Non-Governmental Organisations, which states that religious proselytising is prohibited (NGO Law, 2005, Art. 8). In addition, many Afghans distrust Western aid organisations:

NGOs reported Muslim residents remained suspicious of development assistance projects, which they often viewed as surreptitious efforts to

advance Christianity or engage in proselytization (U.S. Department of State, 2020, p. 19).

Based on the risk proselytising entails, both for civilian Afghans and foreign nationals, the number of people who risk proselytising Christianity is probably limited. However, there is no reason to think that this does not occur at all. According to estimates from the U.S. Department of State (2020, p. 17), there are around 60 Christian missionaries in the country, more than half of whom are based in the capital. Their goal is to spread the Christian message, but they also make arrangements for Christians to meet and develop a Christian community. According to a convert living in India, a makeshift prayer room has been established in a residential area in Kabul. The convert claims that this was a gift from an NGO (Iyengar, 2018).

A convert from a central part of Afghanistan told a freelance journalist (conversation in Kabul, October 2019) that a religion-based NGO made arrangements for him to be baptised and have access to a Bible. The Norwegian free church pastor (phone conversation, June 2020) believes it is very common for aid workers to proselytise. US nationals have been particularly active in spreading the Christian message. The pastor also claims that some diplomats play an important role in preaching Christianity. A local women's rights activist also said in a conversation with Landinfo (Kabul, October 2019) that she is familiar with proselytising taking place, particularly in Kabul.

Around 250 Afghan converts have allegedly left the country and settled down in New Delhi in India since 2005. They have established their own congregation in New Delhi called the Afghan Church of New Delhi. A reporter from the *New York Times* interviewed the leader and some of the church members in 2013, who explained that they were converted in meetings with international aid workers. The leader claimed that many of them converted after 2001, when the US presence in the country grew. The first converts fled to India in 2005 for fear of being revealed. According to the leader, the situation for converts became even more difficult in 2009 when Noorin TV started broadcasting videos from certain house churches (Farooquee, 2013).

#### **5.2.1.1 Sanctions against foreign nationals accused of proselytising**

All foreign presence in Afghanistan depends on the local population's trust and acceptance, both in order for the international personnel to carry out their jobs and to avoid security-related problems. In the years since the fall of the Taliban regime, there have been reports of a few individual cases where foreign nationals have been accused of proselytising. Proselytising, or incorrect accusations of such activities, entails a risk of serious sanctions:

- In 2007, 21 South Korean missionaries were kidnapped by the Taliban in Ghazni province. Two were killed and the rest were released after being kept in captivity by the Taliban for six weeks (AsiaNews, 2007).
- In autumn 2008, several female aid workers were killed by the Taliban in Kabul, allegedly because they worked for Christian aid organisations (BBC News, 2008).
- In August 2010, ten aid workers – six foreign nationals and four Afghans – were killed in Badakshan province in the northern part of the country. The Taliban claimed responsibility and justified the murders by saying that the victims were spies and missionaries (Nordland, 2010). The organisation behind the field visit and acquaintances of the victims deny this (BBC News, 2010; Clark, 2010). Dag Ottar Hansen (Landinfo seminar, May 2013) knew two of the victims personally and believes the accusations of proselytising were false and solely made to justify the murders.
- In May 2010, employees of two Christian organisations had their work permits suspended after the TV channel Noorin TV broadcast images of Afghans supposedly participating in prayer meetings and letting themselves be baptised. The authorities found no proof of the allegations, and the organisations were allowed to resume their activities shortly afterwards (Nordland & Wafa, 2010; U.S. Department of State, 2011, p. 10). The accusations prompted strong reactions, and protests took place in both Kabul and Mazar-i-Sharif (Radio Free Europe, 2010; The Hindu, 2010).
- In 2014, a South-African pastor and his two teenage children were killed in a Taliban attack. They were running an education charity in Kabul. On Twitter, Taliban spokesman Zabiullah Mujahid said that the background for the attack was that the compound housed a secret Christian missionary group (The Guardian, 2014).

### 5.3 Access to Bibles and Christian material

In 2009, the UN High Commissioner for Refugees (UNHCR) pointed out that, while importing religious texts from other religions is not prohibited by law in Afghanistan, the reality indicates that such literature should not be distributed:

While there are no formal restrictions on the import of religious texts, the commonly held view is that the import of religious texts related to other religions is prohibited since the Government considers all citizens as Muslim (UNHCR, 2009, p. 15).

The Bible has been translated into both Dari and Pashto. As far as Landinfo knows, the Bible is not for sale or otherwise available through lawful means in Afghanistan. It is, however, available in Pakistan and Iran. Several editions of the Bible have been published by Iranian publishing houses and are, albeit to a limited extent, available in ordinary book shops in Iran (Landinfo, 2017, pp. 19–20).

### 5.3.1 Digital platforms with Christian content targeting Afghans

Digital developments have taken place in Afghanistan in recent years. The first internet café opened as early as in 2002 at the Intercontinental Hotel in Kabul (ITP.net, 2020). Afghans frequently use internet cafés also today (Sardari 2020). In addition, an increasing part of the population, particularly in urban areas, has internet access at home, at work and via smartphones (The Asia Foundation, 2019, p. 97).

Because of this increased use of digital platforms and social media, information about different religions, including Christianity, has become more available than it was in the past. One source (academic, phone conversation, June 2020) has stated that Christian material is available online and is actively used by the house churches and individuals. The Bible can be downloaded free of charge from the internet in both Dari and Pashto. Various organisations operate via satellite TV, the internet and social media. In addition to the Bible, an extensive amount of Christian material is available and can be downloaded free of charge from the internet.

Many Afghans have their own mobile phone. A mobile phone is a private unit and downloaded content can relatively easily be kept concealed – a downloaded Bible is much easier to hide than a physical Bible. A former aid worker (phone conversation, August 2020) pointed out in a conversation with Landinfo that most Afghans have limited digital competence, and that it is unlikely that they would check someone's browsing log, for example.

Christian Afghans and their communities abroad are behind channels that convey and preach the Christian message. The channels targets Muslims in general and Afghans in particular. One such channel is Afghan Christian Media (n.d.). According to their website, they produce a live satellite TV and webcast program three times a week in Dari and Pashto. The program's translated title is Afghan Television Voice of Christ. The leader of the movement is the previously mentioned convert Hussain Andaryas.

There is also a website called Hope4Afghans (n.d.) where Christian Afghans come forward to testify their Christian faith. Pamir Ministries (n.d.) offers material such as films, videos and music to Christian Afghans. The organisation is open about its intent to reach as many Afghans as possible: 'We produce materials for Afghans everywhere, disciple Afghan believers, and train and motivate them to disciple other Afghans' (Pamir Ministries, n.d.).

None of these websites contain much concrete information about who or how many is behind the website or how they operate. As Landinfo understands it, those who are most active are on the American continent – in the USA or Canada. Hope4Afghans and Pamir Ministries give a Canadian address and phone number, whereas Afghan Christian Media's postal address is in the USA.

There is no reliable information about how common it is for Afghans in Afghanistan to seek out such forums. Although it is technically possible to access such websites in Afghanistan, Landinfo assumes that most Afghans do not actively search for them. Landinfo is not aware that the authorities devote resources to monitoring the internet to any great extent. Regardless, there have been no reports on censorship or blocking by the authorities of websites or channels containing Christian or proselytising content (diplomatic source, August 2019).

### 5.3.2 Christian symbols and tattoos

The cross is the most important religious symbol for Christians. According to a local source (email, November 2016), many Afghans are aware that the cross is a Christian symbol. An academic (phone conversation, 2020) also believed that the fact that the cross symbolises Christianity is well known, but that the population is not necessarily familiar with the theological background for this.

Some of those who seek asylum in Norway on the grounds of conversion have tattooed a cross or other religious symbols on their bodies. Whether such tattoos are discovered by others and whether they are perceived as a religious symbol depends on the design and where on the body the tattoo is located. According to Islam and Afghan tradition, everyone, including men, must wear appropriate clothing. Dressing appropriately means not accentuating the shapes of the body and not exposing any skin on the body, arms or legs. Afghans are generally modest and do not normally deviate from the Afghan dress code. Many Afghans wear a local adaptation of the traditional attire *shalwar kameez*, which comprises loose-fitting wide trousers that go down to the ankles, and a long-sleeve wide shirt. It is used for both everyday and festive occasions, but the festive clothes are made of finer fabrics, often with embroideries and different colours. Even men who do not wear a traditional *shalwar kameez* normally do not wear short-sleeve shirts or short trousers, not even during the summer, which can be very hot in Afghanistan (BAAG, 2003, p. 20).

Before praying at the mosque, Muslims undergo a cleansing ritual that entails a symbolic cleansing as well as physical cleaning of the body. The cleansing follows a special procedure: the arms are washed up to the elbow and the feet up to the ankles. In this context, the arm is exposed to 'the public'. It is difficult to hide a tattoo from close family members, for example a spouse. Other situations where the body and skin could be exposed are in contact with doctors or the health service (Mirza, 2004, pp. 9–11).

Tattoos are otherwise not uncommon in Afghanistan. They can be signs and symbols that have no other meaning beyond their aesthetic expression. According to information retrieved by Landinfo's Swedish sister organisation Lifos, tattoos are un-Islamic and in violation of Islamic law, but Lifos does not know of anyone

who has been charged or convicted on these grounds, regardless of whether the tattoo can be perceived as conveying a Christian message or is purely of an aesthetic nature (Lifos, 2017, p. 6).

## 6 Formal and legal framework

The former head of Afghanistan's religious council, Fazelhadi Shinwari,<sup>11</sup> explained to Landinfo that only the Afghan legal system is formally qualified to decide conversion cases. The Supreme Court makes the decision in the final instance (conversation in Kabul, November 2007).

### 6.1 The Constitution, the Penal Code and Sharia

Article 1 of the Afghan Constitution states that Afghanistan is '[...] an Islamic Republic, independent, unitary and indivisible state' (Constitution, 2004). Furthermore, Article 3 of the Constitution states that:

[...] no law can be contrary to the beliefs and provisions of the sacred religion of Islam.

Even though Afghanistan is an Islamic republic and the state religion is Islam (Constitution 2004, Art. 2(1)), the Constitution protects followers of other faiths, who are free to exercise their religion, including to perform religious rituals (Constitution 2004, Art. 2(2)). However, this only applies to those born into a religious minority, and not converts from Islam. As the above information indicates, Afghan Christians are converts, which leads Landinfo to draw the conclusion that Christian Afghans are not protected by this provision of the Constitution.

The Constitution establishes the principle that Islamic law (Sharia) shall apply to issues not regulated by the Constitution or other legislation. The provision reads as follows (Constitution 2004, Art. 130(2)):<sup>12</sup>

When there is no provision in the Constitution or other laws regarding ruling on an issue, the courts' decisions shall be within the limits of this Constitution in accord with the Hanafi jurisprudence and in a way to serve justice in the best possible manner.

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<sup>11</sup> The now deceased Fazelhadi Shinwari, former Chief Justice of the Supreme Court of Afghanistan and head of the Council of Ulama.

<sup>12</sup> Hanafi is the prevailing Islamic Sunni jurisprudence in Afghanistan. Correspondingly, Ja'Fari is the prevailing jurisprudence for the Shia population.

Neither the Afghan Constitution nor the Penal Code discusses apostasy,<sup>13</sup> and apostasy should therefore be punished in line with Sharia. One important condition is that the rejection of Islam and the conversion must be voluntary in order to be considered apostasy.<sup>14</sup> Converting from Islam to another religion is considered apostasy and is prohibited according to both Sunni Hanafi jurisprudence and Shia Ja’Fari jurisprudence. Sharia provides legal authority for imposing the death penalty on adult men of sound mind who voluntarily leave Islam. This interpretation of the law applies within the prevailing jurisprudence in Afghanistan, namely Sunni Hanafi (Peters & De Vries, 1976, p. 5).

Women are punished differently than men under both Hanafi and Ja’Fari jurisprudence. Sunni Hanafi provides for more lenient sanctions than Shia Ja’Fari, which prescribes whipping at prayer time: ‘She shall thereby be whipped daily and whipping shall take place when it is time for prayer’ (Landinfo’s translation) (Tellenbach, 2006, p. 4). Sunni Hanafi prescribes beatings every three days: ‘They shall be beaten every three days in order to effect their return to Islam’ (Peters & De Vries, 1976, p. 5).

The fact that female apostates receive more lenient sentences is probably an indirect consequence of the subordinate position of women. Women are rarely in a position to make genuinely independent decisions in this area. Children, hermaphrodites and Muslims who were not born Muslims are also exempt from the death penalty (Peters & De Vries, 1976, p. 6).

### **6.1.1 Afghanistan maintains the death penalty for conversion – what does case law show?**

As regards Sharia and the penal sanctions prescribed for conversion, the amount of available experience-based material and case law is very limited. After the new Constitution was adopted in 2004, only one conversion case has been heard by the Afghan courts, known as the Abdul Rahman case. The criminal case did not end in a final and enforceable judgment because it was rejected with reference to the defendant’s mental health, and because Rahman was granted a residence permit in Italy (Povoledo, 2006).

Despite the lack of case law, Landinfo believes that the prevailing law is clear; in Afghanistan, converting from Islam to Christianity entails – if the conversion becomes known – a significant risk of a criminal case being brought and the maximum sentence applied. The provisions of the Constitution and the prevailing

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<sup>13</sup> Afghanistan’s new Penal Code (2017) entered into force on 14 February 2018. The new Penal Code contains no provisions regulating apostasy. Chapter 6 of the Act regulates issues relating to ‘Crimes of Insulting Religions’. The Act provides legal authority for sanctions against both verbal and physical attacks. The provisions are not limited to Islam.

<sup>14</sup> More basic conditions apply to what constitutes rejection of Islam, but they are not very relevant to this report.

religious perception(s) of justice in Afghanistan mean that the death penalty will be applied should a conversion case be heard by the courts. At the same time, no one has been sentenced to death for conversion since the fall of the Taliban.

Fazelhadi Shinwari (conversation in Kabul, November 2007) emphasised that the death penalty is prescribed for converting to Christianity, and his statements were categorical with regard to any cases where a judicial body concludes that the defendant is guilty of apostasy. A representative of a local human rights organisation (conversation in Kabul, November 2007) confirmed that apostasy and conversion are highly sensitive topics; if a conversion is confirmed, it can lead to a legal process resulting in the death penalty and execution.

Any criminal cases will most likely not satisfy fundamental principles of due process; among other things, it is reported that Afghan lawyers are reluctant to defend persons accused of conversion (Marshall, 2011). UNHCR (2018, p. 64), on its part, states that lawyers who assist apostates and converts risk being accused of apostasy themselves and may be at risk of serious threats.

## **6.2 Possibility of recanting a conversion**

Fazelhadi Shinwari emphasised that, in criminal cases, the defendant will always be given an opportunity to recant the conversion, thereby avoiding the death penalty (Shinwari, conversation in Kabul, November 2007). Sharia provides for acquittal if the convert expresses regret to the court, apologises for the conversion and substantiates that he remains a good Muslim. Shinwari believed that most people will accept an acquittal if the acquitted person professes being a good Muslim. The deadline stipulated under Sharia for recanting a conversion (three days) is of no practical or decisive importance, according to Shinwari.

A representative of a local human rights organisation (conversation in Kabul, November 2007) confirmed that Sharia allows the accused to – within three days – regret and ‘go back on’ the conversion, but stated that, as of 2007, there had been no examples of judicial reviews or sanctions from society at large. The source did not rule out the possibility that an Afghan who has recanted his conversion risks sanctions from his local community.

In a conversation with Landinfo, a local employee of an international organisation (conversation in Kabul, November 2011) claimed that anyone who chooses to recant their conversion should declare this publicly from the mosque. This way, the whole neighbourhood will be informed. The assurance that the person is a good Muslim will be accepted by both the authorities and the local community. This must probably be seen in light of the fundamental Islamic dogma that only Allah knows and that no one can pass judgement on someone else’s faith.

### 6.2.1 The Hanafi jurisprudence applies to cases of apostasy and conversion

According to Fazelhadi Shinwari (conversation in Kabul, November 2007), apostates shall receive guidance and be encouraged to return to Islam. This corresponds to statements made by Rudolph Peters and Gert De Vries. However, they point out that the possibility of recanting is limited for Shias (Peters & De Vries, 1976, p. 6).

Landinfo assumes that Shinwari's account of the possibility of recanting is correct. Peters and De Vries' distinction between Shias and Sunnis has also been pointed out by others, but is not relevant as far as Afghanistan is concerned, since apostasy cases fall under Hanafi jurisprudence (the Constitution Article 130). This is in line with UNHCR's description of how Afghans' right to recant a conversion is exercised (UNHCR, 2018, pp. 63, 64).

The new Penal Code upholds the principle that when Sharia is applied in Afghan criminal law, Hanafi jurisprudence shall apply to cases of *hudud*.<sup>15</sup> The Penal Code states the following (Penal Code, 2017, Article 2(2)):

Perpetrators of Hudud, Qisas and Diat shall be punished in accordance with the provisions of Hanafi jurisprudence of Islamic Sharia.

UNHCR's guidelines from August 2018 and previous guidelines also do not draw a distinction between Sunnis and Shias as regards the right to recant. UNHCR (2018, p. 63) refers to the Penal Code and states that Hanafi jurisprudence applies to cases concerning apostasy and conversion.

### 6.2.2 The conversion case against Abdul Rahman

Only one conversion case has been brought before the Afghan courts since the fall of the Taliban regime – the Abdul Rahman case. As previously mentioned, no judgment was pronounced in the case. Rahman left the country and was granted asylum in Italy.

In an interview with one of the three judges in the case against Abdul Rahman in March 2006, statements were made that confirmed the genuine right to recant during hearings of conversion cases in Afghanistan:

Trial judge Ansarullah Mawlazezadah told the BBC that Mr Rahman, 41, would be asked to reconsider his conversion, which he made while working for a Christian aid group in Pakistan. 'We will invite him again because the religion of Islam is one of tolerance. We will ask him if he has changed his

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<sup>15</sup> Sanctions against actions that are considered offences against God according to the Quran and under Islamic jurisprudence (*fiqh*), for example extramarital sex (*zina*) and apostasy (there is disagreement whether apostasy is *hudud*).

mind. If so we will forgive him,' the judge told the BBC on Monday (BBC News, 2006).

Several sources (Povoledo, 2006; Munadi, 2006) point out that Rahman was given opportunity and encouraged to recant, but that he refused. In light of Shinwari's emphasis on the three-day deadline being of no practical significance, it is worth noting that Rahman converted to Christianity more than 15 years prior to the court case.

The Rahman case also illustrates the risk situation previously argued by Hansen; a conversion is not necessarily held against a person until a personal conflict arises (Hansen, Landinfo seminar, May 2013). Rahman had been a Christian since the early 1990s, but his conversion did not become a topic of discussion until 2006. The reason the case was brought before the courts was supposedly a conflict about care and parental rights (Munadi, 2006)

### **6.3 Civil law consequences of conversion**

In addition to consequences under criminal law, apostasy and conversion can have extensive and serious consequences under civil law:

Male citizens over age 18 or female citizens over age 16 of sound mind who convert from Islam and who do not recant their conversions within three days risk the invalidation of their marriage, and deprivation of all property and possessions. They may also face rejection from their families and community members, and loss of employment (UNHCR, 2018, pp. 63, 64).

Religious historian Kari Vogt has described the civil rights consequences as follows: 'An apostate can forfeit the right of inheritance and ownership, and his or her marriage is automatically dissolved' (Vogt, 1994, p. 149).

As regards loss of ownership rights due to apostasy and conversion, this is not materialised until the apostate has been given a chance to recant (see section 6.2). However, the apostate loses the right of disposal immediately. Under Hanafi law, this does not apply to women; they are neither deprived of the right of disposal nor the right of ownership. An apostate forfeits the right to raise their own children, and forfeiture of the right of inheritance applies to all relationships (Peters & De Vries, 1976, p. 7).

Hansen believes that Christian converts, or people suspected of being converts, are primarily at risk if they become personally involved in conflicts, because

religious standing and status gives the opponent a significant advantage (Landinfo seminar, May 2013).<sup>16</sup>

It is primarily men who convert, and there are probably very few unmarried Christian women. When it comes to marriages, it is essential that all matters relating to religion have been clarified. A Muslim woman cannot marry a non-Muslim man, including apostates of Islam and converts. A non-Muslim man is *haram*<sup>17</sup> for a Muslim woman, and marriage between them is not possible. A Muslim marriage ceremony, *nikah*, will in such cases assume that the groom's religious beliefs are not known to the bride's family and the imam concluding the marriage ceremony. It is important to emphasise that, had the conversion been known, it would have been impossible to negotiate a marriage agreement. Such a marriage is in violation of both Islam (both Sunni and Shia) and the current perception of legal tradition, and is formally invalid (U.S. Department of State, 2020, p. 7).

In addition to being unlawful, it is completely socially unacceptable to marry an apostate or convert. This type of marriage is not an option for an Afghan family – both because it is in violation of Sharia and because it weakens the involved families' position and reputation. In reality, a male Afghan apostate is cut off from the possibility of finding a Muslim spouse in his home country. Hansen Cultural Coaching (HCC) is aware of cases where Christian men have refrained from disclosing their faith when entering into marriage, and have had a Muslim marriage ceremony with a Muslim woman. Some female spouses have chosen to convert after the marriage (Hansen, Landinfo seminar, May 2013).

The Court can annul a marriage, i.e. declare it invalid, if the basic assumptions on which it was based were not met when the couple got married, or if the assumptions have subsequently changed. One of the basic conditions has been breached if a Muslim woman marries a non-Muslim man. Although there is most likely no case law or administrative practice in this area in Afghanistan, Afghan law, Sharia and those responsible for managing family law in the country appear to be in agreement on the issue (see Landinfo, 2019, pp. 14–16).

A marriage between a Muslim man and a non-Muslim woman belonging to 'the People of the Book' (Christians and Jews) is valid, and their children are legitimate. The children are considered Muslims. The First Lady of Afghanistan, Rula Ghani, is of Lebanese origin, was born into Christianity and has kept her Christian faith. A woman who is not among the 'People of the Book' must

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<sup>16</sup> This corresponds to a pattern found in Pakistan, where religious law is not actively managed by the state, but is sometimes used against representatives of religious minorities when they come into conflict with other civilians (see Landinfo, 2020b, p. 15).

<sup>17</sup> In Islamic jurisprudence, *haram* is a term used to describe that which is forbidden and morally reprehensible (Vogt, 2020).

convert to Islam in order for her marriage to a Muslim man to be valid (Rasmussen, 2014; U.S. Department of State, 2020, p. 7).

The prevailing perception of justice (see section 6.1) in relation to apostasy and the general attitude to Christianity have been emphasised as considerable barriers to conversion. Although there are many indications that this is correct, Landinfo believes that the prospect of breaking ties with the core institutions in all Afghans' lives – the family, the tribe and the clan – is most likely an even greater barrier.

## **7 Experience concerning Christian converts**

According to the U.S. Department of State, there have been no reports from local or national authorities in recent years of any penal sanctions for renunciation of Islam or conversion (U.S. Department of State, 2020). Nor is Landinfo aware that any such cases have been brought before the Afghan courts in the past decade.

### **7.1 Reports from UNHCR and other international organisations on converts**

UNHCR continuously assesses the risk situation for a number of defined groups in Afghanistan. The organisation's assessment of the situation for converts has remained the same for several years. In 2005, it stated that:

The risk of persecution continues to exist for Afghans who have converted, or are suspected or accused of having converted, to Christianity or Judaism (UNHCR, 2005, p. 51).

In all guidelines from 2005 and until today, UNHCR's message remains the same: Afghans who convert from Islam to Christianity risk serious reactions from their family, the local community and society at large. They carry a great stigma, and they bring shame and dishonour upon those closest to them (UNHCR, 2007, p. 68; UNHCR, 2010, p. 18; UNHCR, 2018, pp. 63, 64).

At the same time, UNHCR is clear that the right to recant is genuine. On this basis, converts are subjected to extreme pressure from their surroundings to get them to exercise the right to recant and re-convert. If they refuse, family members may threaten them and, in some cases, inflict potentially life-threatening abuse on the convert. Severe sentences can also be imposed on converts who do not recant their conversion (UNHCR, 2007, pp. 8, 68; UNHCR, 2013, p. 46; UNHCR, 2018, pp. 63, 64).

It is Landinfo's impression that persons belonging to the Christian minority in Afghanistan have either no or very limited contact with independent organisations

working on rights-related issues. As far as Landinfo has been able to ascertain, international organisations in Afghanistan have minimal experience of converts.

A representative of UNHCR (conversation 2006) stated that they had had conversations with Christian Afghans about building schools and churches in Kabul after the fall of the Taliban. However, in 2006, the UNHCR representative was uncertain whether these Christians were still in Kabul or had left the country. In conversations with Landinfo in Kabul in November 2007, however, both representatives of UNHCR and the United Nations Assistance Mission in Afghanistan (UNAMA) claimed to have had dealings with converts.<sup>18</sup> In 2007, representatives of the human rights department of a large international organisation also stated that the organisation was aware of several cases of conversion and that the organisation referred the converts in question to UNHCR.<sup>19</sup> The organisation took a very serious view of conversion to Christianity due to the risk of the death penalty and other serious sanctions, and advised any Afghans who had converted to leave Afghanistan.

On later visits, Landinfo has submitted questions about converts to a number of well-informed sources. None of them have reported having met or assisted Afghan converts in recent years. In conversations with international aid and human rights organisations in Afghanistan from 2010 and until the present, no one has stated to have assisted Christian converts.

In 2014, the *New York Times* published an article about an Afghan convert who was living in hiding in Kabul. ‘Josef’ converted while living in Europe as an asylum seeker. He feared serious reactions from his own family-in-law after they learned about the conversion (Ahmed, 2014).

## 7.2 Accusations of conversion – in and outside the court system

In the period since the Abdul Rahman case, there have been reports of two cases where someone has been remanded in custody for a long time due to accusations of conversion. Following the Noorin TV story in 2010 about organisations allegedly engaged in proselytising, more than 20 people were arrested. With the exception of two persons, everyone was released after a short period of time (AsiaNews, 2010; USCIRF, 2012, p. 7).

- According to the US authorities, one of the two, Shoaib Assadullah Musawi, was released in 2010 after denying accusations of having converted (U.S. Department of State, 2011, p. 12). Musawi was arrested in Balkh in November

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<sup>18</sup> The total number of cases referred to was less than ten. None of the cases referred to had been heard by a court, but concerned converts who had been victims of stigmatisation, threats, serious pressure and/or harassment. In August 2006, a convert was allegedly killed by a mullah in a prison in Panjshir.

<sup>19</sup> The number was not specified any further than ‘several’.

2010 after being accused of giving the New Testament to a friend (Abi-Habib, 2011).

- The other, Said Musa, was the subject of news articles in early 2011. He was said to have been released in February 2011 after much pressure from the USA and other Western countries. The case was not brought before the courts (Rivera, 2011).

Landinfo is not aware of any cases of imprisonment, legal procedures or other serious sanctions against presumed converts having been reported in recent years (U.S. Department of State, 2020).

It is nevertheless noted that, in its report on Afghanistan, Open Doors (2019, p. 7) claimed that several Christians had been killed during the period from November 2018 to October 2019, but '[...] for security reasons no details can be published'. Landinfo finds it difficult to rely on such undocumented claims, but finds that no other organisations have reported serious abuse targeting Christian Afghans during the period in question.

### **7.2.1 Converts' willingness to migrate**

If it becomes known that an Afghan has converted, a natural solution would be for him to leave the country. Some converts have moved to India, Pakistan or China. The family, who are still Muslims, usually remain in Afghanistan. According to Hansen (email, August 2020), there are examples of families of converts having problems with the local community and feeling compelled to move to Kabul for that reason.

The Norwegian free church pastor (phone conversations, June and August 2020) has met Afghan Christians living in Afghanistan at conferences abroad. According to the pastor, these are dedicated individuals who return to Afghanistan once the conference is over to continue the work of spreading the Christian message. A former aid worker also knew of converts who did not wish to leave the country. They have a calling to stay in Afghanistan, despite the hardships of life as a convert.

Landinfo is not familiar with the scope of converts' contact with fellow believers abroad, or the extent to which members of house churches wish to leave the country. According to the Norwegian pastor (phone conversation, June 2020), quite a few of the Christians in Afghanistan are in close contact with fellow believers abroad, particularly in Korea, the USA, Canada and the Netherlands. The impression is that most converts who apply for asylum in Europe have established contact with Christian communities since leaving Afghanistan.

In an interview with the newspaper *Dagen*, Dag Ottar Hansen advocates the return of Christian Afghans to Afghanistan; it is desirable for them to go home and contribute to new spirituality and faith in God and for them to live as ambassadors for Jesus in their home country. He encourages Norwegian congregations to start ‘convert schools’ to prepare Christian Afghans for a life as a persecuted minority (Dalehaug Norheim, 2015). Hansen says to Landinfo (email, August 2020) that Christian Afghans occasionally go to Bible schools in India for shorter periods of time.

## **8 Afghans claiming to be converts for strategic reasons**

In a conversation with a representative of a large international organisation in 2007, Afghans claiming to have converted without changing their faith are described as ‘converts of convenience’. Landinfo understands ‘converts of convenience’ to mean the following:

Information about a change of faith/conviction is provided for strategic reasons to achieve a special objective, without being based on a genuine change of religious views. The purpose is to help the person providing the information into a position that they consider beneficial.

In the following, the term ‘converts of convenience’ is used to refer to people who provide incorrect information about their religious beliefs to achieve advantages under immigration law, usually to be deemed to be in need of international protection.

The background to the phenomenon is a population with a high willingness to migrate; nearly four out of ten Afghans wish to leave the country because of the difficult security situation, as well as political and financial instability (The Asia Foundation, 2019, pp. 235–238). Many have lost hope of a future in their home country. Former asylum seekers who have been forcibly returned to their country of origin seem to have a particularly strong willingness to migrate. An organisation that assists asylum seekers writes the following in an internal memo that Landinfo has gained access to: ‘Usually Afghans returning to Afghanistan have one thing in mind: how to get out of Afghanistan’ (international organisation, email, June 2020).

In the period from 2006 to August 2020, Landinfo spoke to a large number of sources both in and outside Afghanistan about apostates, converts and so-called converts of convenience. The sources cover a wide range of society, including employees of international organisations, religious leaders, pastors, human rights activists, politicians, teachers, aid workers, diplomats and researchers.

Several of the sources, including representatives of reputable organisations with a presence in Afghanistan, have had dealings with Afghans who have stated that they have renounced Islam and converted to Christianity (conversations, November 2007). The organisations believe that some of these Afghans have not had a genuine Christian faith, but claim to have converted for strategic reasons. There is no information to indicate that the organisations have taken any steps to assist Afghans claiming to have converted for strategic reasons in or outside the country.

Dag Ottar Hansen knows of several cases, both in Norway and Afghanistan, where Afghans have stated that they have converted to Christianity, which has later proven to be incorrect. Hansen believes that an important motivation for providing incorrect information about one's faith is an assumption that it will lead to certain opportunities, for example work in an international organisation or a residence permit in a Western country (Hansen, Landinfo seminar, May 2013). In an interview with *Dagen* in 2015, he put it as follows:

There are so many advantages of being considered a Christian and thereby being granted residence in Norway that it is difficult to ascertain who is really genuine about their beliefs. It is only after the residence status has been decided that you can really know whether an Afghan is a Christian or not (Dalehaug Norheim, 2015).

A representative of the Afghan Human Rights Commission has also previously stated that some converts are genuine, while others claim to be converts 'to seek asylum abroad' (Landinfo's translation) (conversation in Kabul, October 2011).

In a memo from a reliable source in Kabul (diplomatic source, internal memo, 2007) about different issues relating to converts and so-called converts of convenience, the following is referred from a meeting with a large international organisation:

[international organisation] has been contacted by persons claiming to have become Christians; 3–4 cases in Kabul and 3 in Herat. B advises persons who claim that they are being persecuted to leave their home country and contact B in a third country. [...] As regards those who had contacted B with such claims, it was stated that B asked questions about Christianity etc., and I got the impression that there were credibility issues in these cases.

In an article in the newspaper *Dagbladet* from June 2007, former priest in the Catholic Church Guiseppe Moretti claims that conversion very rarely happens in Afghanistan:

Moretti has never met an Afghan whom he has perceived as a credible convert.

‘Some people have contacted me and said that they have converted. But they have only wanted my help in obtaining a visa for another country, or asked for money,’ Moretti says.

He believes that Afghans applying for visas in other countries as converts quickly become Muslim again if they are granted a residence permit (Hammer, 2007).

Landinfo met Moretti in Kabul in November 2007. By then, he had spent three periods in Afghanistan, covering a total of almost ten years. Moretti informed us that he had been contacted by a few Afghans claiming to have converted, but he stated that they had said so ‘to get a visa’.

A credible source with an central position in a representative Islamic organisation has disclosed information to Landinfo during a previous conversation that can indicate that Afghans claiming to have converted for strategic reasons have also been granted residence in Norway. The source had been in contact with several Afghans in different mosques in Norway who had been granted asylum on the grounds of conversion to Christianity. The source claims that they returned to the mosque after having been granted a residence permit (conversation in Oslo, June 2013).

We can therefore conclude that several competent and reliable sources in Afghanistan and Norway know of persons claiming to have converted to Christianity, and that these sources consider the conversion claims to have been made for strategic reasons. Landinfo is not aware that human rights organisations or others have presented information about special circumstances relating to human rights or security for Afghans claiming to have converted for strategic reasons in Afghanistan.

In 2007, UNHCR became aware that a considerable number of Afghans claimed to have converted from Islam to Christianity, both in Norway and in other European countries. Prior to this, UNHCR had not discussed the group’s potential need for protection, nor has it highlighted converts of convenience as a group in need of international protection in subsequent reports. See, among other things, the most recent recommendations from UNHCR, which make no mention of ‘converts of convenience’ (UNHCR, 2018).

## **8.1 Security for Afghans claiming to have converted for strategic reasons**

Based on multiple conversations with competent sources in recent years, in and outside of Afghanistan and a review of the limited documentation available there seem to be diverging assessments relating to circumstances for Afghans claiming

to have converted for strategic reasons and the risk of different sanctions from their family, the local community and the authorities in Afghanistan.

### **8.1.1 Access to information about Afghan asylum seekers' grounds for applying for asylum**

In Landinfo's view, there is, in principle, little to indicate that information provided in connection with asylum applications in Norway becomes known in Afghanistan, unless the asylum seeker contributes to making it known. The information in asylum cases is confidential,<sup>20</sup> and both the applicant and their family will be interested in keeping this information secret to avoid exposing the family to problems. Experience of so-called converts of convenience and other asylum applicants whose applications have been rejected and who have returned to Afghanistan shows that they do not reveal their grounds for applying for asylum in the West (Afghan private lawyer, October 2019).

### **8.1.2 Possible reactions if claims of conversion become known**

A private lawyer stated in a conversation with Landinfo (October 2019) that Afghans understand that certain situations where there is no choice can warrant engaging in deviant behaviour. Receiving a rejection to an asylum application and being forced to return to Afghanistan can be considered such a situation. Afghans will understand that fellow citizens will try 'anything' to obtain a residence permit in Europe (international organisation, email, June 2020). In a conversation with Landinfo in 2013, a key representative of an Islamic organisation also expressed the view that providing incorrect information in an application would not entail a risk of sanctions from someone's family or immediate social circle (conversation in Oslo, July 2013).

The decisive factor is what the individual tells their family and network. The easiest solution is to not tell anyone that they claimed to have converted to Christianity for strategic reasons. The family's reaction depends on the nature of that particular family – whether it is very traditional or a more modern family (conversation with a private lawyer, October 2019).

A women's rights activist (conversation in Kabul, October 2010) was of the opinion that the family was often involved and had accepted the choice of strategy. Dag Ottar Hansen believes it is unlikely to trigger any reactions if and when person has claimed to have converted in order to be granted a visa or residence permit in Norway. To the newspaper *Dagen*, he put it as follows:

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<sup>20</sup> One uncertainty factor is the interpreters, who often come from the asylum seeker's home country. However, interpreters are subject to stringent guidelines for good interpreting practice. Section 5 of the guidelines for interpreters states that interpreters are bound by a duty of secrecy. Government-authorized interpreters can lose their authorisation if they act in violation of these guidelines (IMDI, n.d.).

‘Those who haven’t really converted can just sit down on the sofa and say “I tried everything to be allowed to stay”’ (Dalehaug Norheim, 2015). One exception could be if he belonged to a well-known religious family with a high profile in Afghanistan (Hansen, phone conversation, 30 July 2013).

The same applies to the local community; some local communities understand the choice of claiming – for strategic reasons – to have converted to Christianity. While many seem to understand the necessity of taking such steps, others consider it going too far. A women’s rights activist pointed to what she referred to as ‘a breakdown of the values of many Afghans’, combined with a strong willingness to migrate. She also claimed that there are most likely considerable ethnic differences. The woman, who is herself Pashtun, claimed that it would take a lot for a Pashtun to play ‘the convert card’. A leading Norwegian Afghanistan expert pointed out in 2007 that one should be cautious about drawing distinctions based on ethnicity.

Landinfo’s sources indicate that an Afghan claiming to have converted for strategic reasons is not at risk of prosecution if he states publicly that he has not really converted and makes known to the community that he has not converted to Christianity (see section 6.2). At the same time, some sources have pointed out that having been baptised is – in itself – enough to risk sanctions if it becomes known. The Catholic priest in Kabul, Guiseppe Moretti, has stated the following:

Even if Afghans in Norway lie about their conversion, they could face serious problems in Afghanistan because they could nevertheless be perceived as Christians [...]. Their family will disown them and they risk being prosecuted and sentenced to death (Hammer, 2007).

Others have pointed out that the possibility of recanting depends on the individual’s family and local community. However, Landinfo is not aware of any cases where an Afghan who has recanted and gone back on their conversion has been faced with serious sanctions from their family or local community.

A leading Norwegian Afghanistan expert (conversation, June 2007) has pointed out that, in many secular environments, it is unproblematic to provide incorrect information about a conversion. The background to the comment was that the source believed that some Afghans applying for asylum in Norway on the grounds of conversion seemingly come from relatively secular environments in Afghanistan. It is thereby not likely that a general suspicion of conversion would constitute a problem in their (extended) family or local community. The source found it unlikely that someone would be subjected to violence solely on the basis of a general suspicion of conversion. The source also pointed out that persons from deeply religious families could face problems and risk becoming outcasts and thereby losing their network.

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