

## **Chapter 1** **Afghanistan**

# **The Vulnerabilities of Minorities**

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### **Introduction**

Afghanistan has had outstanding achievements as far as the promotion and protection of human rights is concerned in its new phase of life after the Bonn agreement in 2001. After experiencing the worst forms of human rights violations, Afghanistan entered a new democratic life with a firm commitment to observing human rights.

However, despite these achievements, minorities have remained vulnerable to different aspects. The assimilationist policies of the nation-state have systematically attempted to integrate minorities into the dominant identity and culture thus homogenizing the country. The centralized structure of the state has marginalized the minorities from the decision-making process, and the representation of minorities in the government has remained low.

Minorities in the country were the main targets/victims of the recent inter-factional war in Afghanistan. They have faced rampant violations of fundamental and group rights as a result their existence as a community has been threatened. Religious, ethnic and linguistic minorities have faced targeted killings and massacres. They were prosecuted and were forced to convert their beliefs, languages, cultures and customs. Under threat to life and fear of death, they emigrated; their properties were confiscated or occupied.

This chapter analyses the condition of minorities characterized by their own national, ethnic, linguistic or religious identity in Afghanistan. It

focuses on the status of minorities with regard to recognition of their identity and cultural rights, political participation and representation, economic opportunities and security.

The chapter draws on available primary and secondary sources to describe more broadly the working of the national legal system, specifically the position of minorities under the constitutional law. It also explains how deficiencies in a pervasive definition of minorities and lack of recognition of group rights have challenged the promotion and protection of minority rights, and how not imposing effective sanctions through a defined procedure has caused insouciance of the state. After discussing the challenges of defining minorities, it looks at the condition of minorities from four different aspects – culture and identity, political participation and representation, non-discrimination and equality and life and security.

## **Relevance and challenges of research**

It should be acknowledged right in the beginning that there is no comprehensive report on the status of minorities in Afghanistan. Finding data on different political, social and economic indicators related to minorities in Afghanistan is a challenging task. The government and international agencies' data, statistics and reports are not disaggregated in terms of ethnic and religious groups. This makes the task of analysing the conditions and status of minorities tough. The current chapter relied on available reports by governmental and international organizations to the extent available; it also draws on media reports and newsletters and secondary sources to fill the gaps in primary documents.

During the civil war (1992-96) and the national resistance against religious fundamentalist—the Taliban movement (1996-2001) – Amnesty International and Human Rights Watch published some reports on the status of minorities in Afghanistan (Amnesty International, 1999; Human Rights Watch, 2001).

The status of minorities has been covered by the annual reports of the US government and think tanks. The US Department of State publishes regular reports on human rights practices. The US Commission on International Religious Freedom publishes annual reports on religious freedom in which it discusses the religious minorities of Afghanistan. However, these reports do not give a comprehensive picture of minorities in Afghanistan. There is exclusive emphasis on religious freedom, particularly Christianity.

At the national level, there have been few human rights or civil society organizations in Afghanistan which have been consistently active on the issue of minority rights. The Afghan Professional Alliance for Minority Rights (APAMR) is a civil society organization which is advocating for minority rights since 2001 when it was established in-exile in Pakistan. The organization represented Afghanistan at the 10th session of the United Nations Working Group on Minorities, the Sub-commission on the Promotion and Protection of Human Rights and the Commission on Human Rights, United Nations (United Nations Human Rights. nd).

The Afghanistan Independent Human Rights Commission (AIHRC) is a national body for the protection and promotion of human rights. The commission is composed of nine commissioners, each of whom covers a particular human rights area. The commission has distinct units for women's rights, children's rights and the rights of persons with disabilities, but it does not have a particular unit or commissioner on minority rights. While the commission is praised by international agencies, there have been systemic lacunae which affect human rights in general and minority rights in particular. Between January 2011 and June 2013 five commissioners' posts were vacant as President Karzai delayed filling the posts (Human Rights Watch, 2014; Kouvo, 2012). Besides, President Karzai did not release the 800-page AIHRC report on mapping war crimes and crimes against humanity in Afghanistan from the communist administration (1978) to 2001 (Human Rights Watch, 2015). Postponing the release of the report has reinforced a climate of impunity that affects minorities.

Minorities have two types of rights: One is collective rights that protect minority groups vis-à-vis the dominant population. Minorities deserve these rights as a group. These include right to language, recognition of identity, cultural codes and customs, right to self-determination and right to political participation. Second are the rights that a minority may exercise not as a group but as an individual. Right to work, right to property, right to vote and many more come under this category. However, it is an open secret that minorities are facing consistent discrimination based on linguistic, ethnic or religious affiliations at both individual and group levels and they are deprived of their fundamental human rights in Afghanistan. AIHRC's annual reports on human rights in Afghanistan do not cover minorities' conditions as a separate category as they cover those for women and children. These

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1. Hamida Barmaki, one of AIHRC's commissioners was killed in a suicide attack in January 2011, three other commissioners were dismissed by President Karzai in December 2011 and one was removed by the AIHRC board in October 2012.

reports provide a perspective on different social, economic and political rights with respect to an individual but not for groups. While the reports provide an analysis of human rights based on age and gender they do not say anything about religious and ethnic minorities. The reports underestimate the minorities when it comes to fundamental human rights. Beyond fundamental human rights the reports blindly ignore the group rights of minorities in the country. There have only been three cases where the 2014 AIHRC report touched upon the group rights of minorities. However, these were also approached not as collective rights but as individual rights. The first case is the collective deprivation of Jugi people from citizenship rights. The report does not discuss who the Jugi people are, why they are deprived of their rights or whether they have any right to citizenship or right to self-determination. The second case is targeted killing of 14 Hazara passengers in the Ghor province by Taliban. The report discusses this case when it talks about right to free movement and passage. The third case is about the strike by Hazara students of the Faculty of Social Science in Kabul University against their administration and the education law. The students claimed that they were discriminated against based on ethnicity by the faculty and administration of the Faculty of Social Science (AIHRC, 2014). The report analyses the case from the individual rights' perspective as the right to strike and protest. It fails to take the case further and see it from the minorities' perspective.

The Government of Afghanistan does not produce regular annual reports on the status and condition of minorities. The Ministry of Justice prepared a report on the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in Afghanistan in 2012. The report provides an overview of laws, policies and achievements of Afghanistan with respect to minorities. However, it is not comprehensive enough to cover multiple dimensions of the status of minorities in the country. As the report states, it is based on an unrepresentative sampling of Uzbeks and Hindus.

Overall, there is no comprehensive literature on most of the minorities in Afghanistan. While some minorities such as Hazaras have been able to catch international media attention, many others have remained unknown and undiscovered. No substantial attention is paid to mini-minorities such

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2. The Jugi or Ja't, minority group lives in northern Afghanistan and is ethnically Tajik. Apparently due to several interventions by AIHRC the issue of citizenship for Jugis has been solved. They can now apply for citizenship and hence benefit from all entitlements stated under the Constitution (Moin, 2015).

as Balochs, Pashais, Nuristanis, Turkmens, Qizilbashs and Kyrgyzs in Afghanistan.

Lack of comprehensive and all-encompassing research and literature on minorities highlights the necessity and relevance of research on the topic. This chapter serves to shed light on the different aspects and dimensions of minorities in Afghanistan and bring forth the conditions and challenges that people face as minorities.

## **Mapping of minorities**

Muhammad Tahir Badakhshi was the first person in Afghanistan to raise his voice for minority rights in the 1960s. Badakhshi claimed that being a multinational country, the main national problem in Afghanistan was the systematic discrimination of minority ethnic groups by the ruling group. The oppression and discrimination kept the minority ethnic groups in a disadvantaged position and the ruling group systematically exploited them. This led to what he called 'National Oppression'. Contradicting his fellow leftist colleagues in the 1960s when the anxiety for leftist ideas was high, he said that the problem in Afghanistan was not class exploitation of the poor by the rich but was the dominance of one ethnic group over the other which led to national exploitation and oppression and consequently to a national clash. The national clash was intensified by the ruling ethnic group through a 'divide and rule policy'.

The ruling group mobilized its fellow ethnic group by indoctrinating it with a supremacist chauvinistic ideology. This supremacist chauvinistic ideology created a narrow nationalism that went on to define the nation based on the ruling ethnic group's identity and culture. Badakhshi called for a 'Just and Democratic Solution of National Question'. According to him a 'Just and Democratic Solution of National Question' contained affirmation of national oppression on oppressed ethnic groups and recognition of equal rights for all ethnic groups. Each ethnic group shall have right to self-determination. Accordingly, no identity, language and culture shall be subjected to an assimilationist policy (Ghairat, 1990; Maihan, 1990; Zohori, 1989).

The question of who is a minority and who is a majority has been controversial in Afghanistan. With no national-wide official census (Balland, 2015; Karimi, 2014), the issue of majority and minority has become politicized. The claim of 'majority status' was to downgrade the other communities' political and economic gains. It was also the source of legitimacy for ruling

the country and monopolizing power. The ruling ethnic group marginalized minorities from political participation and national politics and justified the framing of national identity based on racial and ethnic characteristics. Basically, 'minority' as a category was created and manufactured by the ruling elite to justify its authority.

Since the ruling elite was linked to the Pashtu speaking community, the concept of majority-minority was developed around the notion of ethnicity. Pashtun nationalists claimed that they were an absolute majority in Afghanistan. However, statistics provided by different Pashtun nationalists differed in numbers and percentages from 40 per cent to 60 per cent of the population. Anwar-ul-Haq Ahady (1995) claimed that Pashtuns were 50-55 per cent while Rostar Taraki (2011) argued that they were more than 60 per cent.

This perception of Pashtun nationalists and the ruling elite does not reflect the quality of population in Afghanistan. They are false and flawed. Moreover, Pashtuns' assumed majority status becomes incorrect if we look at linguistic and religious categories. From a linguistic perspective, Persian (Dari) is a widely spoken language, spoken by around 50 to 55 per cent of the population. It has not only been the native language of many ethnic groups such as Tajiks, Hazaras and Qizilbashs, but it has also been functioning as the lingua franca of the country for many centuries. The CIA Factbook indicates Persian (50 per cent), Pashto (35 per cent), Turk (Uzbeki and Turkmeni) (11 per cent) and 30 minor languages (Balochi and Pashai) (4 per cent) (Central Intelligence Agency [CIA], 2015). From a religious perspective 84-89 per cent of the population is Sunni Muslims, 10-15 per cent is Shia Muslims and 0.3 per cent is small religious groups (Hindus, Sikhs and a few Christians) (CIA, 2015).

Looking from the ethnic perspective, all the ethnic groups in Afghanistan are less than 50 per cent of the entire population. The Asia Foundation (2012) survey showed Pashtuns at 40 per cent, Tajiks at 33 per cent, Hazaras at 11 per cent, Uzbeks at 9 per cent, Turkmens at 2 per cent and Balochs, Nuristanis, Aimaq and Pashais at 1 per cent each (the Asia Foundation, 2012) and the 2014 survey showed Pashtuns at 40 per cent, Tajiks at 36 per cent, Hazaras at 10 per cent, Uzbeks at 8 per cent, Turkmens at 2 per cent, Balochs, Nuristanis, Aimaqs and Pashais at 1 per cent each, Qizilbashs at < 0.5 per cent and Safis at < 0.5 per cent (the Asia Foundation, 2014).

As the oppressed ethno-linguistic groups understand the majority-minority politics, none of them accept the inferior position drawn for them

by the ruling ethnic group. A counter-argument by the subjugated ethnic groups has been that Afghanistan is numerically a country of minorities. Each ethnic group in Afghanistan is less than 50 per cent of the total population.

Majority-minority politics brings us to the point where majority and minority do not remain just numbers and quantitative strengths or weaknesses and become an issue of socio-political subjugation and oppression. Defining a minority as a community with a small number of people is misleading and incomprehensive. It was because of such circumstances that Francesco Capotorti, the UN Special Rapporteur on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities defined minorities based on both their numerical quality and socio-political condition in his study for the UN Sub-commission on the Prevention of Discrimination and Protection of Minorities:

A group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members being nationals of the states – possess ethnic, religious, or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed toward preserving their culture, traditions, religion or language (Capotorti, 1991: 98).

The term ‘non-dominance’ in this definition indicates the socio-political condition of a group. Based on this understanding scholars consider the situation of a group in terms of its power relations to the rest of the population. K.N. Panikkar argues that numerical inferiority is not a sufficient condition for being a minority, rather it is the consciousness of being discriminated by other groups and the existence of actual disadvantaged positions vis-à-vis the other groups. He argues ‘the constitution of a minority is primarily contingent upon two factors. First, the self perception of the group as a minority in relation to other groups in society on the basis of certain experienced disadvantages and second, discriminatory or hostile treatment meted out by the majority’ (Panikkar, 2005: para 4).

Consequently, this chapter does not discuss Pashtuns, the dominant group, despite being numerically less than 50 per cent of the population. However, it considers Persian language because despite being numerically the majority language, sociologically it is a non-dominant and discriminated language. Similarly, the chapter considers Tajiks, Hazaras, Uzbeks, Turkmens, Balochs, Nuristanis, Brahuis, Aimaqs, Pashais, Qizilbashs, Kyrgyzs and Shias as they are discriminated and disadvantaged ethnic and religious communities.

## A Survey of Constitutional Law

Afghanistan is committed to international human rights norms based on Article 7 of the 2004 Constitution: '[t]he state shall observe the United Nations Charter, inter-state agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights.' The Constitution obliges the state to establish a society based on the preservation of human rights, equality among all the ethnic groups and balanced development of all the regions of the country (Article 6). To monitor, foster and protect human rights at the national level the state is mandated to establish the Independent Human Rights Commission of Afghanistan. The commission is supposed to receive complaints, monitor human rights conditions and inform the authorities about the status of human rights in the country (Article 58).

Although the Constitution does not define the minorities in Afghanistan, it does refer to 14 ethnic groups, which according to it, constitute the nation of Afghanistan: Balochs, Tajiks, Hazaras, Uzbeks, Pashtuns, Turkmens, Pachais, Nuristanis, Aimaqs, Arabs, Qirghizs, Qizilbashes, Gujurs and Brahwuis (Article 6). The Constitution draws rights based on the liberal principle of citizenship. It states that all those who have citizenship of Afghanistan are called nationals of Afghanistan. It further stipulates that no member of the nation will be deprived of citizenship (Article 4), all the citizens have equal rights and duties and discrimination under the law is prohibited (Article 22).

Chapter 2 of the Constitution mentions the Fundamental Rights of citizens which can be categorized in three clusters of political, economic and civil and social rights. Right to national sovereignty (Article 4), right to vote and the right to (nominate) be elected (Article 33), right to establish and be a member of a political party (Article 35) and right to demonstration (Article 36) are citizens' political rights. Yet, the Constitution deprives Sikh and Hindu citizens of Afghanistan of the right to be elected as president. The Constitution sets the condition of 'being Muslim' as a criterion for nominating oneself as the President of the country (Article 62). However, this condition is not there in case of ministers and members of the national Shura (the issue of representation is discussed in detail in a separate section).

A citizen's economic rights are right to property (Article 40), right to work and employment (Article 48), right to free preventive healthcare and treatment (Article 52) and right to pension for retirees and financial aid to

survivors of martyrs, missing persons, elders, women without caretakers and disabled and handicapped persons (Article 53). A number of rights can be categorized as civil rights. These are right to express thoughts or freedom of expression (Article 34), right to form associations (Article 35), right to communication (Article 37), right to education (Articles 43, 44, 45, 46) and right to access to information (Article 5).

The Constitution does not refer to any group rights/collective rights or minority rights as a separate category. Group rights are those rights that are meant for cultural communities in order to protect their culture and identity and ensure their presence and participation in public affairs. These are exempt from existing laws, symbolic claims, right to representation, assistance for minorities and marginalized groups and recognition (Kymlicka, 1995; Mahajan, 2002; Parekh, 2000).

There are certain provisions with regard to assistance in three cases: language, education and nomads' livelihoods. The Constitution treats nomads as a disadvantaged group and hence obliges the state to provide them assistance. It says, '[t]he state...shall design and implement effective programs to develop the nomads' livelihood' (Article 14) and their education (Article 44). Similarly, in the case of languages, it says that the state shall design policies and programmes to develop all the languages of the country (Article 16) and prepare teaching material in the native/mother tongue of all the communities (Article 43).

The Constitution recognizes two cultural practices. First, language: the Constitution recognizes six regional minor languages (Uzbeki, Turkmani, Pachaï, Nuristani, Balochi and Pamiri besides Persian and Pashtu at the national level) as the third official language in their respective regions (Article 16), and second, Shia jurisprudence: '[t]he courts shall apply the Shia jurisprudence in cases involving personal matters of followers of the Shia sect in accordance with the provisions of the law. In other cases, if there is no clarification in this Constitution and other existing laws, the courts shall rule according to laws of this sect' (Article 131). With regard to other religious minorities, the Constitution does not say anything. The criminal code discriminates against religious minorities by exclusively applying Hanafi jurisprudence in matters for which the criminal law does not have provisions.

Shia Muslims and non-Muslim Sikhs and Hindus are not exempt from those provisions of law that are based on Hanafi jurisprudence.

The Constitution has some repugnancy clauses. While it recognizes Islam as the religion of the state, it allows the followers of other faiths to practice their religions within the bounds of law (Article 2). A number of provisions and articles of the Constitution contradict Article 2 that provides freedom for other believers to exercise their faith. For instance, Article 3 states that no law can be in contradiction to Islam and Article 130 allows the court system to apply Hanafi jurisprudence in matters on which the law is silent or for which there is no provision and Article 149 prohibits amendments to principles related to Islam in the Constitution.

Lastly, the Constitution does not consider minorities as far as the issue of symbolic claims and representation are concerned. Inclusion and exclusion of minorities in cultural and political symbols of the state such as the national anthem, national holidays, national language and the name of the state and the flag is an important point. The national anthem is exclusively in Pashtu language (Article 20), though the Constitution recognizes Persian and six regional languages. Islam is represented in the national anthem, in the coat of arms and the national insignia in the national flag (Article 19) and the name of the state. Despite having so many lacunae, the current Constitution of Afghanistan is much more progressive as compared to its earlier constitutions.

One of the huge challenges in implementing the provisions of the Constitution has been violation of the Constitution by the state apparatus itself. Afghanistan Freedom House has declared that the state violated the Constitution 92 times in the last few years. The report, which also covers President Karzai's term, states that the President took the Constitution hostage as he violated it so many times (BBC, 2016).

## **Cultural rights**

### **The question of identity**

Dominant literature about national identity in Afghanistan has taken the term 'Afghan' as a solid, natural and uncontested identity. It is assumed that Afghan as an identity has long historical roots and it is uniformly adopted by all the people of Afghanistan. The point, which has been repeatedly raised, is that there has not been any secessionist movement in Afghanistan. This has been taken for granted to prove the homogeneity of the country under one common identity. Besides, people's struggle against the British colonial invasion in the 19th century and the jihad against the Soviet are seen as

consolidating points in the nation building process in Afghanistan. Common knowledge in Afghanistan also maintains that all foreign invasions unified different people against a common enemy.

While these arguments are true to some extent, the truth is much more complicated. The point whether historically and objectively the people of Afghanistan have a shared identity has been contested by many scholars. Social and political conditions and circumstances have shaped in a manner that the people do not feel as though they have the same identity. The sense of being discriminated against intensifies the crisis of identity.

To understand the nature of identity politics in Afghanistan two things should be distinguished at the beginning: a sense of belonging to the land/country and a feeling of shared identity. There is a strong sense of attachment to the country when it comes to the patriotism of the people of Afghanistan. The roots of this claim go to two points. First, different ethnic groups have lived over a long period of time in the country. Different dynasties have made empires and built cultures based on a common Persian-Islamic civilization. The Persian-Islamic civilization provided a common platform for all diverse groups to form their polity. Richard Eaton calls it Persian Cosmopolis and Frederic Starr calls it the Persianate world. This common background provided a context for peaceful coexistence of different ethno-linguistic groups. The current ethnic groups in Afghanistan draw their lineages to different ancient and middle age empires in medieval Khurasan, Sistan, Bactria and Kabulistan.<sup>3</sup> These lineages strengthen the feeling of belonging to a common history. Tajiks claim the Bactrian civilization, Safarid, Samanid, Ghorid and Kurt dynasties. Turks claim Gaznavid, Seljuks and Timorid dynasties. And Pashtuns claim the recent Durrani and Barakzai dynasties. Each ethnic group considers itself a barrier to the old heritage of current Afghanistan.

Second, geographically the two major ethnic groups, Pashtuns and Tajiks are dispersed across the whole country. While Tajiks are mainly concentrated in the north, northeast and west, there are pockets of Tajiks in the south and southeast as well. Pashtuns' traditional homeland was south and southeast Afghanistan, however, different Pashtun tribes settled in the west, southwest and the north under Safavid, Durrani and Barakzai dynasties. The most systematic settlement of Pashtuns started under Amir Abdur

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3. Before modern Afghanistan was established in the late-19th century as a modern state, the region was called by different names such as Bactria, Khurasan, Sistan and Kabul.

Rahman (1880-1901) and continued under Shah Amanullah (1919-29) and Prime Minister Mohammad Hashim (1929-46) (Bleuer, 2012). Dispersion of the two large ethnicities has blocked attempts at secessionism by all other minor ethnic groups.

While all the people of Afghanistan have a sense of attachment to the land, there is contention over the acceptance of a common identity. The identity 'Afghan' was recently adopted for all the citizens of Afghanistan. The 1923 Constitution referred to the people of Afghanistan as 'Afghans' (Kingdom of Afghanistan, 1923: Article 8). Historically 'Afghan' was a synonym of Pashtun or Pathan. For instance, Henry Walter Bellew in his piece 'Introductory Remarks to An Inquiry into The Ethnography of Afghanistan' refers to Afghans as Pashtuns (Bellew, 1891). He uses Tajik, Uzbek and Hazara parallel to Afghan. Throughout his ethnographic study he does not find any historical reference to Afghans. The same is with Elphinston (1819) in his book *An Account of The Kingdom of Cabul*.

With the decline of the Durrani dynasty after Zaman Shah Durrani in 1800, the vast territory of the empire was divided among different vassals, khans and sardars into fiefdoms. The northern region Balkh and Badakhshan, the western region Herat and the central region were out of the control of Darul Saltana-e Kabul after Zaman Shah. It was at this time that the British empire came in contact with the eastern borders of the last Durrani empire. The political disintegration of the region on the one hand and lack of the British empire's contact with non-Pashtuns on the other made British diplomatic emissaries, political agents and travellers generalize 'Afghan' and 'Afghanistan' to all the people of Khurasan, Sistan and Kabul.

The issue of national identity, the name of the country and the name of the currency was raised in the constitutional assembly in 2003. The term 'Afghan' as national identity, 'Afghanistan' as the name of the country and 'Afghani' as the currency have been contested by minorities as they refer exclusively to Pashtuns and do not represent the ancient and historical identity of the country (Rubin, 2004:17). It was argued that the names Aryana or Khurasan were not only inclusive but also connected the country with its past.

The approved Constitution mentions 14 ethnic groups but calls every citizen of the country Afghan (Article 4). Unlike the previous governments' practices and unlike the 2004 Constitution, the post-Bonn government issued national IDs without mentioning the ethnic groups' identities. In 2011,

### Profile of a vulnerable minority: The Kyrgyz community

The Kyrgyz community of Afghanistan frequented the Pamir region for at least two centuries. However, by the beginning of the 20th century they had transformed this high-lying region into their permanent abode because of political developments. The ancestors of today's Kyrgyz community fled their winter quarters in Central Asia (particularly Kyrgyzstan and Tajikistan) and China (mainly Xinjiang) in the aftermath of the 1917 Bolshevik and 1949 Chinese revolutions. Subsequently they took refuge in the Wakhan corridor. Many commentators have concluded that the Kyrgyz community primarily escaped communist-enforced collectivization to safeguard their nomadic and traditional way of life (Kazemi, 2012: 2). In 1978, fearing the new communist regime in Afghanistan, many Pamir Kyrgyzs took refuge in Pakistan and later in eastern Turkey. After the Soviet invasion, many Kyrgyz people, who had taken shelter in the Pamir region of Afghanistan could not relocate either to the lower part of the country or to Kirghizstan. Thus, they were left in a peculiar situation, to say the least, in which they found themselves to be stateless.

The life of the Kyrgyz community was very difficult and they had to face all odds to sustain their lives in Afghanistan. The community, lives at an altitude as high as 4,000 metres in the Big and Little Pamir mountains of Afghanistan's Wakhan district in Badakhshan province. The Kyrgyzs living in the Wakhan Corridor of Afghanistan live in one of the most challenging environments in the contemporary world. Most of the Wakhan-Pamir area (approximately 82.9 per cent according to one estimate) is spread at high altitudes between 3,000 and 4,000 metres and this has been the home of around 2,000 Kyrgyzs. The exceptional cold and rough winter weather stretches for long periods, sometimes even for eight-nine months. The temperature sometimes goes down to -50°C. Because of its high altitude and the hardships that living here brings, the area is known as *bam-e donya* in the local language, meaning 'the roof of the world'. The Kyrgyzs inhabiting the Pamir region are known as 'vertical nomads'. Owing to the difficult cold climate, they annually move from low-lying winter quarters (*qeshlaq*) to higher summer pastures (*ailaq*). When commenting on the migration patterns of the Kyrgyzs, Ted Callahan notes the following:

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the government announced a plan for issuing national electronic ID cards. The cards were designed exclusively in Pashtu language, despite Persian and Pashtu both having the status of official languages. This issue became controversial in the national Shura while discussing the Population Registration Act. Besides, the issue of nationality was also a point of contention. While a majority of the Pashtuns favoured specifying the term Afghan for all the citizens, other ethnic groups such as Hazaras, Uzbeks and Tajiks argued specifying each particular ethnicity on the card. For the proponents of Afghan identity, the term Afghan is a matter of national unity and prevention of the state's disintegration. For Hazaras, Uzbeks and Tajiks other minor ethnic groups, Afghan does not capture their sense of identity, as it is another word for Pashtun. They also assume that not mentioning a particular ethnic identity is an effort by Pashtun nationalists to obscure the non-dominance of Pashtuns (Bezhan, 2013; Stern, 2014).

The debate over this issue reached a stalemate in the national Shura between the pros and cons of 'Afghan' in December 2013. Society became polarized on this issue around two opposing poles. Pashtun nationalists insulted all Hazaras, Uzbeks and Tajiks other minor groups and claimed that they did not accept Afghan as their national identity. In a political debate on Zwandon television, Abdul Wahid Taqat, a retired military officer said all non-Pashtun ethnic groups would be 'bastards' if they did not accept Afghan and said they should be kicked out of the country (Zhwaleedona, 2013). This incident intensified the crisis of identity in Afghanistan. People from both sides staged demonstrations.

Finally, the national Shura approved the bill by specifying a particular ethnicity on identity cards. The law went to President Karzai for ratification. However, under pressure from Pashtun nationalists he did not sign the law till the end of his term. Although President Ashraf Ghani initially made a commitment to ratify the law he later delayed the ratification of the Population Registration Act till 1 December 2014. While the act mandates the government to issue national IDs for citizens mentioning their ethnic identity, it has not taken practical steps to start the process because of opposition by nationalists. In April 2016, the Law Committee of the Cabinet changed the controversial article of the act and added both nationality and ethnicity on the ID cards. The proposal for this change should go for ratification by the national Shura (Southasiamedia, 2016).

... Profile of a vulnerable minority continued ...

The Kyrgyz follow a short (usually less than 20 km), pendular migration cycle, moving from their summer camps (*jailoo*) on north-facing slopes (*terskey*) to winter camps (*keshtow*) on south-facing slopes (*kongey*). The migrations typically occur in October (*jailoo* to *keshtow*) and June (*keshtow* to *jailoo*).

However, data on the total number of the people in this community is debatable. In the absence of any concrete data on the number of Kyrgyzs, on the basis of his observations Callahan has calculated that their total number is 1,500 individuals living in 250 households. In terms of their religious practices, the community could be considered as Sunni Muslims. The community does not engage in agricultural production, partially due to the nomadic nature of their habitation and also to some extent owing to the higher level of their ecological surroundings. But the lush pasturage of the Wakhan district has been the home of the nomadic Kyrgyz community for many years. In a striking passage, Marco Polo noted that 'when you have got to this height you find a fine river running through a plain clothed with the finest pasture in the world' (Callahan: 1). The case of green and rich pastures also finds a mention in more recent travellers' accounts. In the absence of agricultural production, the Kyrgyz community depends exclusively on livestock. The community's primary economic activity is semi-nomadic pastoralism. They derive most of their subsistence from secondary pastoral products (dung fuel, milk products, wool). The nomadic Kyrgyz community tends sheep, goats and yaks. Sorting wool from the animals constitutes one of the primary sources of income for the community. The members engage in trading wool, meat and milk with customers from Afghanistan's lowlands. A class difference within community members is also noticeable. It is usually the poorer families that tend the sheep and goats owned by the richer tribe members. In the absence of any modern storage facilities, various milk products produced from livestock farming like cheese and curd are usually stored in yurts (round felt tents). The Kyrgyz nomads can, however, afford some luxury items like radios, watches and sewing machines as they trade in animal products in lower Afghanistan. Their closest neighbours, the Ismaili Shia Muslim Wakhis community is concentrated one level below them in the Wakhan Corridor, at 2,000–3,000 metres; this community engages in agriculture. The Wakhis and the Kyrgyzs are engaged in economic

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## Education of minorities

Education is mentioned as one of the fundamental rights of citizens in Afghanistan in the chapter that deals with the fundamental rights and duties of citizen in the 2004 Constitution. The state is obliged to provide free education to all citizens up to the bachelor level. To protect minorities' identity and culture, it is stipulated in Article 43 that the state is responsible for providing education based on the native language and mother tongue of citizens. The Constitution also emphasizes education for nomadic communities (Article 44). However, Article 45 underlines a monolithic and unified education syllabi and curricula for all the people of Afghanistan. Article 45 states, 'the state shall devise and implement a unified educational curricula based on the tenets of the sacred religion of Islam, national culture as well as academic principles, and develop religious subjects curricula for schools on the basis of existing Islamic sects in Afghanistan.'

While Afghanistan is a multi-ethnic and multi-religion country, establishing curricula based on a unified national culture and one particular religion for all citizens is against the principles of cultural diversity, multiculturalism and minority rights. This point does not suggest that education curricula should not be based on religious teachings of Islam for Muslims who constitute an absolute majority in the country, but since Hindus and Sikhs are also the citizens of Afghanistan they too should have the opportunity to have curricula based on their own religious teachings. While the Government of Afghanistan claims that it 'has established four school (two in Kabul, one in Ghazni and one in Jalalabad), one new school will be built in Kunduz province for the Hindu minority (Ministry of Justice, 2012). Hindus and Sikhs state that two primary private schools were established on their own initiative in Kabul and Jalalabad in 2012 (Nim-Rukh, 2014). They also complain about societal discrimination in public schools because of their religious beliefs.

History textbooks in schools are not without prejudices and cultural biases. These prejudices are evident in three cases. The first case is the depiction of Amir Habibullah Kalakani. Kalakani, a Tajik Amir in the modern history of Afghanistan, is defamed and projected in a humiliating way. Instead of calling him Amir/Shah (king), the textbook calls him Bacha-e Saqau (son of a water carrier) in an insulting manner. The 12th Grade history textbook does not talk about his reign but it considers his revolt against Amanullah and calls him an outlaw and rebellious (Ministry of Education, 2011). Kalakani's portrayal as an outlaw is rooted in ethnocentric Afghan

... Profile of a vulnerable minority continued ...

ties based mainly on bartering (of livestock and agricultural products). Apart from milk products, some manufactured goods are in great demand in the lowland. Women are usually engaged in weaving carpets in the Pamir region. Carpets woven here are sold to traders in the city of Van. The nomadic population in the lower Pamir region also trades with bordering countries like Pakistan. They engage in barter and prices for goods are determined in terms of sheep. Usually traders from Afghanistan's lowland come to the Kyrgyz community (Callahan: 5-6). But there are also many instances of Kyrgyzs transcending the boundaries to trade at either Goz Khan (road head for Big Pamir) or Sarhad-e Boroghil (road head for Little Pamir). There is evidence that some Afghan Kyrgyzs in the Pamir mountains sell livestock in places like Kabul and lower Afghanistan.

### **Social life of the Kyrgyz community**

In the recent documentary film, *Ancient Nomads* by Ayanfilm, Osmon Ajy (an elderly man living in High Pamir) comments: 'We came here hundred years ago, but we don't know where we come from. We have all customs of our fathers.' These Kyrgyzs do not indulge in social relationships with other people in the region – the Tajiks of Badakhshan. For instance, there are no inter-marriages between Kyrgyz and Tajiks of Badakhshan. Osmon Ajy notes the strict community custom on the issue of inter-community marriages: 'We do not receive girl from others and we do not give girl to others.' Although the community is connected to others through their economic affairs, the social exclusion of the community, like most other 'backward' nomadic communities, appears to be of much significance. Exclusion from developmental activity can also be witnessed in the apathy of different political and institutional outfits in the country. For instance, there was no school for the community in High Pamir till 2009. It was at the constant insistence of the community that the government established a school for them. The nomadic culture and extreme climatic conditions make it virtually impossible to run the school throughout the year. However, the school teaches children from the community for four and half month in a year in Persian (Dari) medium. At present there are 64 students studying in the school. A look at the school shows the conservative character of the community as girls do not attend the school. The film *Ancient*

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nationalism. While the modern history of Afghanistan, especially 19th century history is full of chaos and inter-familial wars between the Durrani and Barakzai dynasties, the textbook does not characterize any Durrani or Barakzai khans and sardars as outlaws and rebels.

Degradation of a Tajik king in official narrations and textbooks is perceived to be discriminatory and biased for Tajiks. Tajiks see this as their humiliation in general. In recent years there has been a movement for rehabilitating Kalakani's image in official narrations and textbooks. As Amir Kalakani was buried after being hanged in an unknown place, a people-centric commission called the 'Commission for Aggrandizement and Interment of Amir Habibullah Kalakani' was formed to find out the unknown grave of the king and re-burying him with due respect (Mutarif, 2016). The commission advocated the cause for six months among the people and political leaders and asked the government to accomplish this task officially. Finally, on 21 July 2016, the commission provided a 10-day deadline to the President to issue an official decree for aggrandizement and interment of Amir Kalakani. However, Ashraf Ghani refused to issue the decree. After the negative response from the government the commission took on the responsibility of performing the task.

The second case is of abnegation of ethnic massacres and slavery under Amir Abdur Rahman. Amir Abdur Rahman, the Iron Amir, established a centralized state at the expense of the massacres and slavery of ethnic groups. Hazaras, Tajiks, Uzbeks and Ghalzais were massacred and slavery became legalized under his reign. While the textbooks are silent on these dimensions of his reign, they do not acknowledge abolition of slavery under Shah Amanullah as well. Hazaras state that massacres, slavery, suffering and losses of the Hazara ethnic group under Abdur Rahman's discriminatory policies and authoritarian rule should have been acknowledged in textbooks.

There has been progress in the last few years with regard to the right of minorities to education in their mother tongue. However, the progress has been slow. Besides two official languages of the state at the national level, the 2004 Constitution also recognizes six minor languages, Uzbeki, Turkmeni, Pachai, Nuristani, Balochi and Pamiri, as third official languages in their localities. The Education Law states, 'In the areas where spoken language of the majority of the people is the third official language in the country...in addition to teach Pashto and Dari [Persian] languages, opportunities for teaching of the third language as a teaching subject shall be prepared.

... Profile of a vulnerable minority continued ...

*Nomads* features Sapyra, a girl from the community, who says that studying in the school is considered shameful for girls. But a more thorough study is required to see if the community is conservative.

Most of the community members cannot afford modern medical facilities. There is no doctor and no medical centre for the community in the High Pamir region. The government has provided it with a bus that has medical facilities, but lack of oil and a driver mean it is a mere show case. As a consequence of lack of medical facilities at this rough and high altitude, the Wakhan-Pamir area has some of the world's highest rates of maternal and child mortality. In the absence of any official government data, a recent survey indicates that the maternal mortality rate (MMR) among the Kyrgyzs of the Big Pamir was likely to be 'more than 4,000 per 100,000 live births'. A Kyrgyz woman's lifetime risk of maternal death is nearly one in three. Child mortality figures among the Kyrgyzs are also alarmingly high. In the Big Pamir area, more than half the children die before the age of five (Callahan: 7). *Ancient Nomads* shows the lack of medical facilities and rough environmental conditions, which in turn are responsible for high child mortality rates. For instance, the film points out that Rayaullo's four children have died and now he does not have any child. It cannot be denied that the lack of, or in some cases complete absence of, modern developmental projects is because of the remoteness of the Pamir region. In addition, there have been no state sponsored efforts to impart training/skills to the community that is best suited for living a dignified life at that high altitude.

Caught in the Pamir region, this pastoralist ethnic Kyrgyz community which has been living in the harsh environment for centuries is excluded from the larger international political discourse. As part of the national discourse, Kyrgyzstan has periodically voiced the excluded nature of the Kyrgyz community living in the Pamir region of Afghanistan, citing their miserable living conditions. But the post-Soviet Kyrgyzstan has done little to ensure the return of their 'brethren' Kyrgyz community to their homeland. After the collapse of the Soviet Union, discussions between the Afghan Kyrgyzs and the Kyrgyzstani government began in 1996 for their repatriation and in 1999 a formal petition was made to the then President Akaev

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In order to teach the third official languages of the country, the ministry of education in the field of teachers training, textbooks, teaching materials, shall provide and apply effective programs' (Education Law 2008, Article 32[3]).

The Ministry of Education has established the Department of Ethnic Languages to promote and develop syllabi for minority languages. However, full schooling is not available in the mother tongues of all the minorities. A government report claims that it has included minority languages according to their respective population as 'Uzbek language in 11 north provinces where Uzbeki are spoken, Turkmeni in 4 provinces, Nuristani in one province, Pashai in 6 provinces, Balochi in one province, Gujari in 6 provinces and Shegnani in one province in to education curriculum as third languages of the country' (Ministry of Justice, 2012).

School textbooks are not published in many minority languages for all the 12 grades. Lack of teaching staff has also been one of the problems for minorities. Many of the minority languages in Afghanistan do not have a script or written form. Pashai did not have script till July 2003 (Yun, 2003). Textbooks in Pashai have been published up to 12th Grade but teaching has not yet begun (Hanifullah Shahab Pashai, Head of Pashai Youth United Association, personal communication). Teaching in Turkmeni is just up to Grade 2 and in Gujari it is till Grade 5 and in Uzbeki it is up to the Grade 9 (DW, 2011). The first Uzbeki dictionary in Afghanistan's Uzbeki dialect and scripture was published in 2008 by Noorullah Altai, Professor of Uzbeki language at Balkh University (BBC, 2008a). Similarly, for the first time the *Quran* was translated to Uzbeki Afghanistan script in 2015 (MWF, 2015). Nuristani medium textbooks till the 6th Grade are under publication (BBC, 2008b). Textbooks have been written in Balochi up to the 8th Grade by Abdul Sattar Purdely, Professor of Balochi language. There are three Balochi medium schools for Balochs in Nimroz, Afghanistan. A chair of Balochi language has also been established in Kandahar University with the efforts of Hassan Janan and Purdely (Zurutuza, 2014).

## Participation and representation

Since the Bonn agreement, there is a form of unstated and informal power sharing among the ethnic groups in the government. Some of the reports argue that all ethnic groups are represented at different levels of governance (Katzman, 2015: 2). However, this contestation is naïve and baseless. Since the political system is highly centralized, the prime focus of power sharing

*... Profile of a vulnerable minority continued ...*

for the repatriation of the Kyrgyz community living in Afghanistan. However, a lack of funds for the repatriation appears to be an issue in the integration of the Kyrgyz community in Afghanistan. Given this background the future for Afghan Kyrgyzs is not particularly promising. Political leadership in the entire region is weak and this limits the possibility of collective action for the benefit of the Kyrgyz community. Thus, the emergence of a different modern nation-state in the area after the Soviet collapse has not brought about any fundamental change in the life of the Kyrgyz community of Pamir region.

There is general ignorance about the ethnic Kyrgyz community living on the roof of the world in both Afghanistan and Kyrgyzstan. Several Afghanistan Analysts Network (AAN) interlocutors in the Afghan Ministry of Border, Ethnic and Tribal Affairs conceded that they knew or had heard very little about the Kyrgyz community in the Pamir. Thus, for instance, it is striking to note that the six periodicals published by the ministry contain no news or information about the Kyrgyzs in Afghanistan. Moreover, there have been no public textbooks in Kyrgyz language in Afghanistan. It is clear that the community continues to be a subject that needs to be thoroughly explored. In fact, this inadequacy of data/studies on the part of state institutions suggests a general environment of exclusion of the ethnic Kyrgyz community of Afghanistan.

has been in capital Kabul and the political participation at the provincial level has been overlooked. The local people have no role in the election of local governors and administrators. In most of the provinces, the governor does not belong to the province. For instance, while a majority of the residents in Laghman province is Pashia minority, the governor is not Pashai. The same is true for almost all the provinces.

This section looks at the question of political participation in three institutions – the executive, the national Shura and the Afghanistan National Army.

### ***Executive***

The National Unity Government came out of a political agreement between the two leading candidates, Abdullah Abdullallah and Ashraf Ghani

in the 2014 elections. Pashtuns got key security sector ministries such as the Ministry of Defence, Ministry of Interior Affairs<sup>4</sup> and the National Directorate of Security, National Security Council and key economic sector bodies such as the Ministry of Finance and National Bank (Clark, 2015; Rahel, 2014). Overall Pashtuns form around 48 per cent of the ministries and executive bodies. ‘During Karzai’s presidency, [National Security Council] was heavily populated by ethnic Pashtuns’ (Katzman, 2015: 6). Under President Ghani, the National Security Council continues to be dominated by Pashtuns.

There is no census or any statistics on the political participation of citizens in the bureaucracy and civil services and other government positions segregated by ethnic, linguistic and religious identities. However, some reports indicate over-representation of Pashtuns through arbitrary appointments by President Ghani. These appointments have challenged and side-lined the formal bureaucratic functioning of the state such as the Independent Administrative Reform and Civil Service Commission which has the authority to appoint civil servants. Despite the international community’s trust and hope in President Ghani to tackle the issue of corruption and the patronage system, appointments in the President’s Office of Administrative Affairs (OAA) are predominantly Ghilzai Pashtuns.

It is said ‘the ethnic composition of senior appointments made within the OAA betrays a clear favoring of technocratic Pashtuns: 75 per cent (21 appointees) are Pashtun while 14 per cent (four appointees) are Tajik. Ghani’s list of advisors is also made up mostly of people of eastern Pashtun origin: 69 per cent (22 appointees) Pashtun against 19 per cent (six appointees) Tajik. Ethnic-Hazaras and Uzbeks each hold less than 3 per cent of the appointments’ (Sharan and Boss, 2015). Another report also claims that out of 26 high ranking positions in OAA, Pashtuns have absolute majority. There are only two Tajiks and one Hazara and Uzbek each in the lower ranks. The number of positions and bureaucratic offices has increased to a large extent as compared to the previous administration. This could be characterized as bureaucratic inflation. For instance, there are three different offices for policymaking under different names in OAA. The number of directorates has increased from 19 to 27 (Samim, 2015). These unnecessary expansions of the bureaucratic structure were to get in more of Ghani’s co-ethnic Pashtuns.

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4. In April 2016, General Taj Mohammad Jahid, a Tajik was approved as Minister of Interior Affairs (Tolonews, 2016).

**Good practice case study:**

## **The Pashai language development programme**

In this case study we try to understand the initiative taken by the Pashai Community Development Project (CDP) to enhance the possibility of the Pashai language programme becoming a success in Afghanistan. Pashai is spoken by the Pashai ethnic group, located in the north-east corner of Afghanistan. It is interesting to note that the term 'Pashai' is used to refer to a 'specific language, to the speakers of that language, and to the area that some of the Pashai speakers inhabit' (Everyculture, 2016). There are different theories on the origin of the Pashai community in the East pocket of Afghanistan. One theory suggests that the 'Pashai were members of the classic Gandhara culture and that they were pushed out of their original homeland in the lowlands by an invasion of Pashto-speaking Afghans from the Sulaiman Mountains. The Pashai then found refuge in the high mountain valleys of the Hindu Kush, where their descendants live today.' The second school of thought draws its sources from ethnographic research and claims that it is possible that all the groups, living in the mountain areas including the Pashai, share a common historical root that might predate the rise of the Gandharan civilization (Everyculture, 2016).

The Pashai literacy project is an important component of the larger Pashai CDP that aims to bring about change in the life and culture of the Pashai people. In other words, the broad aim of the Pashai CDP, which also includes developing the Pashai language and adult literacy project, is to empower Pashai community members with the fundamental skills and knowledge required to participate in activities that improve their livelihood. Not much data is available on this unique initiative though. The project was started in 1999 by the charity SERVE in response to community members' request for an adult literacy programme. In 2006, with support from the provincial government the project expanded to include Pashai language literacy classes for girls. Simultaneously, the project started the process of creating a Pashai and Pashto bilingual education programme within the formal education system. The project is also known as Eastern Region Literacy Project of SERVE Afghanistan ([http://portal.unesco.org/education/en/ev.php-RL\\_ID=59427&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-RL_ID=59427&URL_DO=DO_TOPIC&URL_SECTION=201.html)).

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Minority groups have been marginalized in President Ghani's appointments which has intensified their grievances (Parsa, 2015). Amrullah Shaleh, former Tajik director of the National Directorate of Security has said that Ghani monopolizes the power in his person and patronage (Azadiradio, 2015). Ismail Khan, a former Tajik governor of Herat, has also claimed that Ghani is making appointments without consulting the people. 'Ghani's moves were distancing him from the people and focusing power in his own ethnic Pashtun community, neglecting other ethnicities' (O'donnell, 2015).

Besides, no ministry is inclusive of Baloch, Pachai, Nuristani, Kyrgyz, Qizilbash, Gujur, Brahwui, Hindu and Sikh ethnic groups. On 28 March 2015, the *Open Society Daily* published a report in which it criticized the under-representation of Hazaras and Uzbeks in the Ministry of Economy. There is no Hazara or Uzbek in the two deputy ministers and 16 directorates, the report indicates. Out of 500 staff members in the ministry, only 18 are Hazaras who are working at the low ranks and do not have any role in either framing policy or in decision making. The role of other minor ethnic groups is completely invisible (Kalili, 2015).

### ***National Army***

In the past there was an informal understanding on the share of ethnic groups in the Afghanistan National Army (ANA). In 2006, the Minister of Defence declared in a decree that appointments in the ministry will be based on ethnic quota – 44 per cent Pashtuns, 25 per cent Tajiks, 10 per cent Hazaras, 8 per cent Uzbeks and 13 per cent other ethnic groups. The order was criticized by Tajik, Hazara, Uzbek and other minor ethnic groups as unjust. They argued that while there was no national-wide census based on ethnicity in Afghanistan, the quota determined by the Minister of Defence under-represented non-Pashtuns (Amaj, 2012). In 2011, as a result of the quota system in ANA and the Ministry of Defence, 'the 26 top positions were occupied by 11 Pashtuns (42 per cent), 9 Tajiks (35 per cent), 4 Hazaras (15 per cent), 1 Nuristani and 1 Uzbek (4 per cent each)' (Guistoizzi and Quentin, 2014: 34). However, ethnic discrimination is rampant in recruitments, appointments, getting leave and many other issues in the army (Alarabiya, 2011).

### ***National Shura (Legislative)***

The electoral system in Afghanistan is based on a single non-transferable vote (SNTV) system. Civil society and people's efforts to ratify the proportional representation electoral system have failed so far. President Hamid

*...Good practice case study continued ...*

To understand the significance of the programme we must take a brief but necessary historical detour. After the establishment of the Khalqi government in 1978, seven national languages were selected: Dari, Pashto, Uzbeki, Turkmani, Nuristani, Balochi and Pashai. From 1986, under Najibullah's rule, Dari and Pashto were given preference in practice. Under the Taliban regime, which started from 1996, there was no official language policy. But Pashto became the de facto official language of the government. Many commentators also opined that the Taliban regime did not encourage and promote speakers of minority languages in Afghanistan's multi-lingual settings (Ju-Hong Yun, 2003). Along with this, apart from religious teachings, any other mode of teaching was discouraged or not allowed. One has to read the significance of the project against this background where different linguistic communities were not encouraged to practice their own language.

Approximately 500,000 people living in eastern Afghanistan speak Pashai language. The Pashai ethnic community lives in extreme misery and is mostly concentrated in the eastern zone of Afghanistan that features isolated, mountainous and heavily populated valleys in Nangarhar, Laghman, Kapisa, Nuristan and Kunar provinces. The altitude is high (between 1,000 and 4,000 metres). They were traditionally agriculturalists by profession. Dealing with animal husbandry and agriculture were the two most important occupations for the community. Twenty years of war destroyed traditional livelihoods, and land was made untenable for vegetable production, a situation compounded by over seven years of drought. Miserable conditions of community members, living in a most distressed situation, were not only confined to their economic affairs and livelihood as the Pashai people could not find any cultural acceptance for their language. The spoken form of the language has been there for roughly 2,000 years, but the written form started only in 2003. More than 80 per cent speakers of the language (which includes about 98 per cent of the women), are illiterate (Ju-Hong Yun, 2003).

On the other hand, Pashto is the language of politics, economics and education in the region. It was in this backdrop that the Pashai programme was initiated. After the Taliban regime ended in 2001, people could again speak and use their own language. New schools were established. But most of the Pashai adults were unable to take advantage of the new educational opportunities offered after the war, partly because it had been so long since they had had any opportuni-

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Karzai adopted the SNTV system without considering the concerns of the people (Suhrke, 2007). Based on this system there is no separate representation right for ethnic and religious groups. The electorate is according to the provinces.

However, the Constitution gives nomads (*Kuchis*) a separate representation right and determines the whole country as their electorate area. Nomads have been allocated 10 seats (seven men, three women) in the Lower House and two seats through a presidential decree in the House of Elders (Constitution of Afghanistan, 2004, Article 84[3]). There are two main problems in separate representation rights for Kuchis. First, allocation of 10 seats for the nomadic community is unjust as it results in over-representation of Pashtu speaking people. While different ethnic groups such as Balochs, Kyrgyzs, Turkmens and Pashtuns have nomadic populations, these seats are exclusively utilized by Pashtun nomads. The report of the United Nations High Commissioner for Human Rights also indicates that this category benefits Pashtuns as it gives them a higher percentage of seats (Human Rights Council, 2009). Second, the nomadic communities have declined sharply in recent years because of two reasons: (1) The government has settled the communities in the plains on the north of the Hindu Kush<sup>5</sup> and around the Helmand Valley (irrigation) project; and (2) the inter-factional war has disturbed migratory patterns of nomads and resulted in a change in their lifestyle (Petrov, 2014). Hence, most of the nomads are settled communities now. A majority of the Kuchi representatives in the national Shura are not nomads, rather they are settlers. The Afghanistan Freedom House has also stated that allocating a separate quota for Kuchis is a kind of prerogative for them which puts them in a privileged position as compared to the rest of the citizens (BBC, 2016).

In 2013, the issue of separate electorate for Hindu and Sikh minorities became controversial. To ensure representation in the national Shura, the Hindu and Sikh communities lobbied for a quota. During deliberations on the electoral law, the Upper House proposed to add a seat particularly for Hindu and Sikh communities in the Lower House that increased the number of seats from 249 to 250 but the Lower House disagreed. A joint commission of both the Lower and Upper Houses was mandated to discuss the issue and solve the disagreement. The commission dropped the proposal from the election law's draft. But on 3 September 2013, one seat was added

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5. In north Afghanistan, the government had given fertile land of Tajiks and Uzbeks to Pashtun nomads. This issue led to communal violence in the region in later years.

*...Good practice case study continued ...*

ty to study in Pashai language as the medium of instruction till then was Pashto. In the post-war period, all the new schools focussed on the children and Pashai adults felt it was inappropriate for them to study alongside children. Specific adult literacy projects for Pashai adults were not available. Pashai adults in some areas had no access to adult education and women and girls were denied formal and non-formal education of any kind. It is in this context that the Pashai language development programme was started in 1999 by the charity SERVE, as part of its response to community members' request for an adult literacy programme. On the request of the local community members in 1999 the project leaders surveyed the area and initiated the project in the post-war period. To meet the challenges, a distinct Pashai language development and literacy programme, a part of the larger Pashai CDP was taken up to encourage those whose mother tongue is Pashai.

## **SERVE**

SERVE Afghanistan was established in 1972 in response to a famine in Ghor province. Till the end of the Soviet invasion, it did not take up different issues on the ground very frequently. It was only in 1991, after the Soviet occupation had ended that SERVE returned to Afghanistan and started the SHIP school for the deaf. Later, SERVE Afghanistan started projects in different regions of Afghanistan, and today it is engaged in various community developmental programmes. The Pashai language development programme is an important part of the larger projects of the organization.

## **The programme's goal**

This community-owned initiative is aimed at delivering literacy and enabling the Pashai people to find means of earning a livelihood. It is not merely a language development programme, but a literacy for livelihood programme. Issues like public health and nutrition and education have occupied centre stage of the entire programme. The programme's target is empowering around 1,000 Pashai men and women every year. The purposes of the project can be divided into three broad themes: 1) to help tribal people maintain their ethnic identity by recording their history and cultures in writing in the Pashai language, 2) to enable community members to participate in activities aimed at improving their material living conditions by imparting them the knowledge/skills needed to foster and build self-reliance, 3) to integrate the Pashai people, excluded politically

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to the Lower House for Hindu and Sikh communities through a presidential decree (Foschini, 2013a). However, the Lower House rejected the presidential decree. The representatives argued that adding a quota for one community and ignoring the others would not be just. As the house had allocated a seat for Hindus and Sikhs, it should do the same for other minorities as well. Further, it was said that the community is so tiny that it could not qualify for a seat in the Lower House considering its electoral constituency (Foschini, 2013b).

## Non-discrimination and equality

### Livelihood, income and employment

There is no report on the income, employment and livelihood status of the people of Afghanistan based on national or ethnic, linguistic or religious communities. The statistics and numbers hide the realities between the majority and the minority. The Government of Afghanistan publishes a nation-wide survey called the National Risk Vulnerability Assessment (NRVA) that covers different aspects such as demography, livelihood, income, employment, labour force, food security, health and agriculture. NRVA (2014) claims that it provides the most comprehensive statistical information on Afghanistan (Central Statistics Organization, 2014). While the report does not give a break-up of ethnic and religious communities, it acknowledges that national statistics conceal the differences within the population.

Further, the Ministry of Economy along with the World Bank has published the Poverty Status of Afghanistan based on NRVA 2007-08. The report provides profiles and magnitude of poverty, employment, labour force and access to social services in Afghanistan (Ministry of Economy, 2010). Like NRVA, the Poverty Status of Afghanistan examines the status of minorities with regard to mentioned indicators. The report provides figures and statistics on different areas disaggregated by gender, geographical region and socioeconomic characteristics. However, it is silent when it comes to minorities. The report of the UN High Commissioner for Human Rights emphasizes the importance of disaggregated data by ethnic and

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5. In 2005, Anarkali Honaryar, a Sikh woman, was elected from Kabul to the Lower House and Ganga Ram, a senior Hindu from Kandahar was appointed from Kandahar to the Upper House. In the next election, none of the Hindus and Sikhs were able to succeed in the elections to the Lower House. The President appointed Honaryar as a member of the Upper House.

*...Good practice case study continued ...*

and socially till the Taliban regime, with the majority population by enabling them with the skills and knowledge that are essential for survival in the modern world and which bring them dignity. Thus, the project is not only confined to the narrower circle of literacy. Instead its aim is to go beyond the typical literacy project and thus make a difference in the larger socio-economic-cultural struggle of an ethnic community whose life and language were on the verge of decay.

## **Activities**

Although the oral form of Pashai language has been in use for about 2,000 years, the language was unwritten until 2003. The project was introduced to elders in the community, who chose members to form a Pashai Language Committee. This committee is responsible for developing and overseeing activities aimed at the development of the Pashai language. The Pashai Language Committee initiated planning for the Pashai literacy and language development programme and is responsible for collecting and updating the written form of Pashai language. Writing and reviewing textbooks for printing have been one of the major concerns of the committee. Hence in July 2003 the project leaders organized a two-day seminar that focussed on developing a Pashai alphabet. Most village elders, who are Pashai language speakers participated in the seminar. The delegates also included literacy teachers and delegates from local schools. Although an expert linguist led the seminar, decisions relating to the development of the alphabet were made by the Language Committee members. From 2006, special emphasis was given to a girls literacy programme (Ju-Hong Yun, 2003).

After the development of Pashai language script, the Language Committee, with help from different teachers started organizing Pashai language classes in 2006. The local government also extended help and in August 2006, the Language Committee obtained permission for Pashai programmes from the local government. The journey then continued and as per 2003 estimates, 58 adult classes had been held in 43 different villages which catered to the needs of 1,450 participants.

Taking the thread of the original Pashai language development programme forward, a recent and encouraging development is now noticed. The Pashai Youth United Association was established in 2013. Initially it was established as an unofficial body in the four provinces of

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tribal groups (Office of the High Commissioner for Human Rights, 2010). It is crucial to highlight that the Government of Afghanistan and research communities should take this point into consideration and provide data and statistics on minorities.

## **Land**

Land and property has been a subject of dispute in Afghanistan as a result of continuous conflict in the country. However, like in the other areas data on this has not been documented according to ethnic, linguistic and religious groups. The Afghanistan Freedom House (2016) report indicates that in the last 13 years most of the public and private properties have been usurped by local chiefs, power brokers, ex-warlords and politicians. The report claims usurpation of almost 2 million acres of land by 15,800 individuals in 18 provinces that made President Karzai use the term ‘the Black Season of Land Grabbing’. The report does not provide a full picture of land disputes and usurpations with regard to minority groups as it only covers the condition of Hindus and Sikhs. The report indicates that more than 90 per cent of Hindu and Sikh properties have been usurped in Kabul, Khost, Nangarhar, Qandahar, Ghazni and Helmand provinces in the last few years. In some of the provinces, their temples and cremation grounds have also been grabbed. As a result 99 per cent of the Hindus and Sikhs have left the country (Roye, 2016).

## **Case studies on land disputes**

### ***Confiscation and Occupation of Tajik Land in Bamyan Province***

Tajiks are native residents of Bamyan as they are of the rest of the country. They mainly live in Bamyan city and its three districts of Sayghan, Kohmard and Shibar. About 100 years ago, Faiz Mohammad Katib named Bamyan as a Tajik residence (Katib, 1994: 138-139). The Tajik population in Bamyan has been under-represented in official documents and in common knowledge because of the lack of a unified census. Tajiks of Bamyan claim that they comprise 40 per cent of Bamyan province (Bamikapress, 2016a).

The civil war in the 1990s led to the weakening of the state and as a consequence the country was divided into fiefdoms. Located in the central region of Afghanistan, Bamyan was controlled by the Hizb-e-wahdat party, which was mainly a Hazara party during the civil war. The war in Bamyan resulted in the displacement of Tajiks and Pashtuns into neighbouring provinces and cities. As a result, the population of Tajiks in Bamyan declined sharply. According

*...Good practice case study continued ...*

Laghman, Kunar, Nengarhar and Nuristan. In 2015, it was registered as an association in the Ministry of Justice and it expanded its activities to Kabul and Kapisa provinces. Since the time of its establishment, the association has been doing advocacy for the Pashai people's rights, political participation and unity. It aims at creating cohesion among and solidarity for Pashai people. It has attempted to connect different segments of the Pashai people and raise awareness on Pashai identity and rights (Personal interview with the head of the Pashai Youth United Association Hanifullah Shahab Pashai, 2016).

Hanifullah Shahab Pashai says that till date no civil society organization has worked for the Pashai people. He adds that the association that he represents is the first one that was established by the Pashai people for advocacy of Pashai rights. According to him the main concern of the association is the fact that there is no institutional support for Pashai language speakers. While a majority of the Laghman province's population is Pashai people they are under threat of assimilation. Governmental affairs are in Pashto and students are trained in Pashto language rather than their mother tongue and there is no department of Pashai language at the university level.

The association organized a six-day workshop for standardization of Pashai language in Lagman province for 60 teachers. On 19 May 2015, the association organized a gathering to bring cohesion and solidarity among Pashai people. The Pashai people are scattered in 10 provinces but they are under-represented in the National Unity government. The association also criticized the National Unity government for not considering the demands and needs of the Pashai people.

## **Project approach**

The project follows a holistic approach for developing the community. The project has started vocational training. It believes that in Afghanistan, adult literacy and education should teach life-skills as well as literacy skills and should help people gain access to and use new information in order to raise their income-earning potential and hence their standard of living. Involvement of the local people is very important for the project and hence it is community-based. Project leaders work together with the Shura, local elders and local authorities who provide the classrooms, select adult students from the community and encourage them to attend classes. Supervisors and teachers are from the villages in which the classes are held. Project leaders use large community meetings to share their ideas and generate inputs and suggestions relating to different aspects of the

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to Mahiudeen Ashu Farahmand, a Tajik civil activist, there are 3,000 internally displaced families in Kabul, 1,500 families in Balkh, 1,000 families in Baghlan and 500 families in Kunduz provinces (Farahmand, Representative of Bamyan Tajiks Movement for Justice, personal communication). In the post-Bonn settlement, Tajiks claim that there has been a systematic and organized omission of Tajiks from the economic, political and geographical space in Bamyan in the last 10 years. Their land has been confiscated by the provincial administration or occupied by local goons affiliated with Karim Khalili, ex-Vice President in Hamid Karzai's administration (Mitranews, 2016). The occupied land in Bamyan city is located in Zahak, Surkhdar, Tupchi, Petab-e Laghman, Tabaq-e Sari, Jagrakhil, Zargaran, Safi town, Pesht-e Khuja khar, Surkh Qul, Qul-e Sayied Kamaluddeen, Sang-e Chaspan, Tap-e Jalal and Bedak, Regshad.

Being victims of ethnic discrimination for a long time, on 1 May 2015 the Tajiks of Bamyan organized a conference in Kabul. The participants protested against systematic and organized discrimination of Tajiks in Bamyan. According to them, Tajiks are facing political marginalization, economic discrimination and deprivation, ethnic cleansing and the occupation of their land in Bamyan. They also raised a question regarding unbalanced development in Tajik areas. To give voice to Tajik victims and do advocacy for them, the conference established a movement called the Bamyan Tajiks Movement for Justice (Farahmand, Representative of Bamyan Tajiks Movement for Justice, personal communication). On 30 November 2015, the movement organized a demonstration in Kabul protesting against ethnic discrimination, marginalization and ethnic cleansing of Tajiks in Bamyan (Mastosaighani, 2015). The major points of the demonstration were:

1. The old Bamyan city (which was mainly inhabited by Tajiks) has been destroyed and the new city is built on the occupied land of Tajiks. However, Tajiks do not have any share in the 2,000 shops and stores of the new market built on their land;
2. In last few years, the local government and the Bamyan municipality have been targeting Tajiks and specifically destroying their houses and have not been allowing new construction for Tajiks under the fake policy of the cultural red and green belts. However, such policies are not applied to non-Tajiks;
3. The protesters said that those who were responsible for occupying Tajik land in different areas from Zahak to Surkhdar in Bamyan city like Tupchi, Petab-e Laghman, Tabaq-e Sari, Jagrakhil, Zargaran, Safi town, Pesht-e Khuja khar, Surkh Qul, Qul-e Sayied Kamaluddeen, Sang-e

*...Good practice case study continued ...*

programme. This on-going process helps promote communication with the community. It also facilitates the involvement of the wider community and increases ownership of the project's activities in general. Regular meetings with community leaders, elders and Shura members are effective in identifying the needs of the target group. As a result of this deep and prolonged engagement, community elders and Shura members encourage the people to provide facilities for women's literacy classes and also to participate in different project activities. Pashai community elders and local village Shuras select literacy teachers and supervisors. Literacy teachers are also selected from among community members, after they go through thorough training. Involvement of local leaders in the process of training a number of local people (men and women) every year to be literacy teachers and supervisors is another important aspect of the programme. The project focuses on building the community's ability to take responsibility for the project and sustaining it. Building the capacity of the community to be self-employed is one major aim of the project. In order to achieve this the project has initiated an animal husbandry programme that till late 2003 had distributed around 350 cows and 130 goats to vulnerable people such as war widows, orphans, disabled people and extremely poor people (Ju-Hong Yun, 2003).

## **Learning from the case study**

Despite the country's current conflict situation, the project has managed to retain its emphasis on education. It is also encouraging to note the project's focus on bringing in women and girls in the education fold. Participants learn to use written material both in their local language and in Pashto. Thus, one can conclude that the project has been trying to empower the community primarily by drawing on the most foundational aspect of life, education.

It is possible to imagine that literate individuals, both men and women will in future make use of print literature in their own language and in Pashto to access and share ideas and information. The imparting of knowledge and skills alongside education might give community members a chance at productive employment.

The programme is community-based. The project leader has good relationships with local political and religious leaders, significant sections of which take on the responsibility for CDP. This bottom-up approach seems to have played the most important role in its success, a process which needs to be a learning lesson for all other civil society organizations.

Chaspan, Tap-e Jalal and Bedak, Regshad should be put on a fair trial for justice;

4. The local administration has avoided major development projects in Tajik cities and districts. This has caused unbalanced development in Bamyan province. Hence, they proposed that Ajar Valley in Kuhmard Shall be declared a national park and a dam be constructed in Syghan district; and
5. The central government should provide just, equitable and inclusive development for all the citizens of Bamyan.

On 15 December 2015, the central government appointed a Fact Finding Commission under Obidullah Barkzai, a member of the Lower House, to investigate the complaints. The commission consisted of representatives from the Ministry of Urban Developing Affairs and Housing, Ministry of Justice, Ministry of Information and Culture, the General Attorney's Office and the Independent Directorate of Local Governance. The commission met 11,000 people, received more than 700 complaints from Tajiks and Pashtuns of Bamyan and collected more than 21 documentary clips. The commission presented its decision on 5 January 2016 to the national Shura. The findings of the commission affirmed discrimination against Tajiks and Pashtuns of Bamyan and affirmed that there had been systemic marginalization and omission of these ethnicities. Tajik and Pashtun land was not expropriated based on law but their land had been confiscated illegally under different excuses such as expansion of a green belt or a red cultural belt. In some cases, official departments of the local administration had been built on the occupied land. There were many cases of illegal occupation of Tajik land by powerful groups who were supported by the Karim Kalili party wherein they built residential towns or hotels (Bamikapress, 2016b; Farsi, 2016).

On 14 March 2016, the Tajiks of Bamyan had another demonstration and claimed that the state had not taken into consideration the reports and findings of the commission. They called on the central government to end ethnic cleansing and the annihilation policy against the Tajiks of Bamyan (Tajikanbamyān, 2016).

### ***Conflict over pastoral land between Kuchis and Hazaras***

The state traditionally favoured Kuchis through expropriation of land and other institutional support for them. This led to a series of conflicts between transhumant pastoralist Pashtun Kuchis and Hazaras in the central provinces over pastureland and water resources. Both sides of the conflict claim ownership over the land. The Kuchis claim that the state has provided

them pastoral rights in the central regions of Afghanistan because as a custom each year they follow a routine coming from the Pakistan border, crossing the central region going to the north. The root of the conflict goes back to the late-19th century when the state pursued a policy of annihilation of Hazara, Tajik and a number of Ghalzai tribes during Amir Abdu Rahman's reign. As a result of the unification and centralization of the state, the king killed, exiled or displaced those Hazaras who revolted against the state and declined to pay taxes. Their land was distributed among government agents or army officers. The king's firmans (royal decrees) granted Kuchis access to summer pastoral land in the central region of the country. During the civil war and the war of resistance in the 1990s, the Hazaras got control of these areas. After the peace settlement in 2001, the Kuchis returned to Behsud in 2002 and claimed that their right to access pastoral land had been violated by Hazara encroachments. On the other side, the Hazaras argued that the firmans were issued by a despotic king that was not acceptable now. Secondly, Kuchis who were coming for pastoralism were no longer real nomads. And lastly, as the population had grown the ecological resources were not enough for the sedentary population.

The conflict became violent as Kuchis armed themselves and came again each year thereafter to the two districts of Behsud and Daymirdad in Wardak province. The conflict has not been documented and mapped systematically as yet. There is no reliable data on the conflicts which occurred each year between both the sides. However, some data collected from different web pages (Heraviyan, 2014; Hazarapress, 2010; Milich, 2009; Ziaee, 2014) gives the following details:

- In July 2002, a conflict between armed Kuchis and sedentary Hazaras in Qulba-Namak, Behsud killed one woman;
- In July 2003, a conflict between armed Kuchis and sedentary Hazaras in Tezak, Behsud killed one man;
- In July 2004, a conflict between armed Kuchis and sedentary Hazaras in Upper Kajab, Behsud killed one man;
- In July 2005, a conflict between armed Kuchis and sedentary Hazaras in Lower Kajab, Behsud killed one man;
- In June 2007, 21 Hazaras were killed in a conflict in Bishud;
- In June 2008, 30 Kuchis and 24 Hazaras were killed in a conflict in Bishud;
- In July 2010, 70 villages were burnt, five Hazaras including children

were killed and over 4,000 families were displaced in Behsud and Daimirdad (Hazara.net, 2011);

- In June 2011, a conflict occurred in Nawor district in Ghazni province which led to the deaths of some people and burning of several houses (Foschini, 2011); and
- In July 2015, an armed conflict between both the sides killed eight people from both the sides (Etilaatroz, 2015).

On 30 March 2008, people participated in a demonstration in Kabul and asked the government not to allow the Kuchis to enter their localities and kill people. Representatives of both the sides signed an agreement in Kabul in May 2011 that denounced all kinds of violence, recognized passage rights for Kuchis and affirmed the safety of sedentary people (Afghanistanalysis, 2011). In June 2015, the National Unity Government formed a 56-member commission with Sebhatullah Mujadidi as its head to explore the issues and solve them (*The Daily Afghanistan*, 2015).

## **Life and security: Violence on minorities**

Although the situation of ethnic, linguistic and religious minorities has improved after the fall of Taliban but they remain insecure in Afghanistan. Article 347 of the Penal Code of Afghanistan provides protection for minorities through implementation of sanctions such as imprisonment and compensation for those who disturb minorities' religious activities and damage or demolish any religion's worship sites such as shrines (Penal Code, 1976). The Penal Code prescribes punishment for a person who attacks—verbally, orally, physically or through any other public means such as in writing—the follower of any religion or someone performing religious rituals (Article 348).

While there has not been any large-scale detention and torture by the government, but the state has continuously failed to provide security to these communities. Some reports indicate lack of security for Christians and Baha'is. There are around 400 Baha'is in Afghanistan (USCIRF, 2009). The community went underground after the General Directorate of Fetwa and Accounts declared Baha'i faith blasphemous and its followers apostates (USCIRF, 2015). Similarly, there are also a few Christian converts who have been under pressure and cannot practice their faith publicly (USCIRF, 2012, 2015).

There is no unified and agreed data on Hindus and Sikhs. The Afghanistan Freedom House (2016) report indicates that there were 200,000 Hindus and Sikhs, comprising 40,000 families living in Afghanistan before 1992. However, currently this number has reduced to 120 families, including 40 families in Nangarhar, six in Helmand and only one family in Qandahar. Usurpation of Hindu and Sikh property by local chiefs and power brokers has made 99 per cent of Afghanistan's Hindus and Sikhs leave the country (Roye, 2016). Another report gives different statistics: Facing a reduction in their population after emigration during the civil war, there are 800 Hindu and Sikh families currently in Afghanistan (Foschini, 2013a). This comes to about 4,900 Sikhs and 1,100 Hindus (USCIRF, 2009). These figures are based on self-estimates by the groups and hence may not be reliable. The communities do have their places of worship and are allowed to practice their religion freely. There are two Sikh gurdwaras in Kabul and six Hindu temples in the country (USCIRF, 2009). However, the communities are insecure and experience discrimination (Nim-Rikh, 2014). They face difficulties in cremating and performing funeral rights for the deceased.

While at the societal level all the communities are living in peace and tolerance with each other, for instance, the Shias organize Ashura public processions every year, terrorist networks and organizations such as the Taliban have remained a primary threat to minorities. They are engaged in political killings, abductions, torture and coercion for social and religious conformity. In December 2011, Taliban targeted a Shia shrine in Kabul as a result of which 56 people were killed (USCIRF, 2012). Since 2014, 11 cases of abduction and killing of people have been reported including Shia Hazaras, Shia Balochs and Tajiks. A report by the Afghanistan Analyst Network (AAN) mentions eight cases of Hazara abductions and indicates that except in a few cases, the media and social activists' reports were incorrect and based on false assumptions. The report also says that there is no systematic targeting of Hazaras. However, the fear that this wave of violence may turn into an 'ethnic motivated targeting' is getting stronger (NPR, 2015; Suruosh, 2015).

- In July 2014, 14 Shi'ite Hazaras were massacred by Taliban (USCIRF, 2015);
- On 24 February 2015, 32 passengers were kidnapped on the Kabul-Kandahar highway. Among them, seven passengers, including a 9-year-old child, were beheaded on 8 November 2015 (BBC, 2015). While media reports stated the deliberate targeting of Hazaras, the motivation, goals

and identities of the kidnappers remained unclear. Furthermore, not all of the abductees were Hazaras. One of the passengers who was beheaded in the early days was a Tajik soldier in the Afghanistan National Army. And there was a Tajik family among the protesters who gathered in Zarnegar park in Kabul, protesting against the government's failure to respond and claiming that their son was a hostage. The kidnappers did not seem to have an ethnic motive behind this incident; rather, they demanded swapping the hostages with prisoners (Suruosh, 2015);

- On 15 March 2015, 10 Hazara passengers were kidnapped on the Jagori-Ghazni highway by the Taliban. They released all of them after one hour of interrogation. They warned the women passengers to observe proper Islamic attire.
- On 17 March 2015, six people were kidnapped on the Herat-Farah highway. The ethnicity of the passengers and the motivation behind the abduction remained unclear in this case as well. Initially, the local media reported that all the abductees were Hazaras but later officials stated that it was army soldiers who were missing. Kidnapping and abduction of army soldiers by Taliban is also a common phenomenon. An AAN report does not verify if the case is one of Hazara targeting (Suruosh, 2015);
- On 25 March 2015, 20 passengers were abducted in Daikundi province. While it was found that the abductees were Shia Balochs instead of Hazaras, the false information increased anxiety among Hazaras;
- On 30 March 2015, five Shia Hazaras were abducted in Balkh. The kidnappers were a group of local militia who abducted the people for economic reasons and not for political or economic motives. They asked for ransom as the abductees were coal merchants;
- On 1 April 2015, 13 Shia Hazaras were abducted in Sar-e Pul. Interestingly, the kidnapper was himself a Hazara and a Taliban shadow governor of Sar-e Pul;
- On 16 April 2015, four passengers were abducted and killed in Ghazni province. While media reports, for instance, *The New York Times* stated that the abductees were beheaded the families of the abductees denied this and said that they were only shot and the bodies had not been harmed. As in the earlier case, the kidnappers demanded swapping of prisoners for the abductees. This nullifies the assumed ethnic motive behind the case;
- On 6-8 November 2015, seven Hazara passengers were beheaded by a group claiming loyalty to Islamic State. These passengers had been

abducted about a month earlier in Arghandab, Zabul province. This led to a mass protest against the government demanding security and justice on 11 November 2016 (Naim, 2015);

- On 1 June 2016, the Taliban kidnapped around 200 Tajik and Uzbek passengers on a highway to the north of the country. Reports differ on the number of passengers killed by Taliban ranging from 10 to 17 people (Ians, 2016). A big rally was organized in Kabul on 18 June 2016 to condemn the failure of the government to protect its citizens; and
- On 23 July 2016, suicide bombers who claimed an affiliation with Islamic state targeted a peaceful demonstration in Kabul (a majority of the participants were Hazaras). As a result, 80 people were killed and around 300 were wounded (Stanglin, 2016). The protesters were demanding re-routing the power transmission line called TUTA through the central provinces of Afghanistan.

This list of cases shows that except for a few the goals and motives of the kidnappers were not ethnic.

## Conclusion

The international intervention and the ouster of Taliban produced a euphoric atmosphere. The people of Afghanistan in general and the minorities in particular welcomed the change and built their hopes that the human rights and status of minorities would improve. However, the minorities remained vulnerable to different aspects. It has become clear that, to a large extent, the promises of the international community and the Government of Afghanistan have remained at the level of rhetoric and have not been translated into actual and tangible outcomes when it comes to minorities' rights and conditions.

## Recommendations

- While the Constitution of Afghanistan is very democratic in terms of Fundamental Rights, it should provide support and recognition to 'group rights' as well. Lack of constitutional mechanisms for recognition and protection of group rights is one of the fundamental challenges for minorities.
- Lack of a demographic census and segregated data based on ethnic, linguistic and religious groups conceals the wide range of problems and challenges with regard to minorities. A census is crucial for understanding the social, cultural, economic and political status of minorities and

designing and drafting relevant policies and programmes. The Government of Afghanistan should conduct a national-wide census without leaving out ethnic, religious and linguistic indicators.

- The Afghanistan Independent Human Rights Commission should establish a particular section for minorities and provide regular reports on the status of minority rights in the country.
- The Government of Afghanistan should provide segregated data based on ethnic, religious and linguistic groups with regard to income, livelihood, employment, land, security threats, education and political participation and representation of citizens.
- President Ashraf Ghani should order the implementation of the 'Population Registration Act' and issuing of electronic national ID cards as per the ratified law. Issuing national ID cards which mention ethnic identity will not only help in preserving the identity of ethnic groups, but also facilitate democratic processes and governance in the country.
- Minorities are under-represented in governmental bodies and the state machinery. The Government of Afghanistan has the responsibility of ensuring proportional representation and political participation of minorities at different levels of the government.
- The rising level of violence is alarming for the security of minorities. The Government of Afghanistan has the responsibility to provide full security to ethnic, linguistic and religious minorities.

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