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3.11. Individuals considered to have committed blasphemy and/or apostasy

COMMON ANALYSIS
Last update: May 2024

This profile covers persons who are considered to have abandoned or renounced the religious belief or principles of Islam (apostasy), as well as persons considered to have spoken sacrilegiously about God or sacred things (blasphemy). It includes individuals who have converted to a new faith, based on their genuine inner belief (e.g. converts to Christianity), as well as those who disbelieve or lack belief in the existence of God (atheists).

It can be noted that, often, the latter grounds would be invoked sur place (Article 5 QD).

COI summary

The Taliban *de facto* government suspended the previous Islamic Republic of Afghanistan's Constitution and declared that *sharia* is to be enforced as the legal system in Afghanistan. The *de facto* government considers itself a guiding body, with the fundamental aim to ensure that people live in accordance with the religious laws. However, various interpretations of *sharia* laws exist, and no formal legal framework has been established, religious freedom conditions have deteriorated and a harsh interpretation of *sharia* has been enforced on all Afghans [Country Focus 2023, 1.1.2., pp. 18-19; 1.2.1., pp. 21-24; 4.5.2., pp. 84-85].

Apostasy is a crime defined by *sharia* and includes conversion to another religion and proselytising to convince individuals to convert from Islam. According to the Taliban's interpretation of *sharia*, apostasy is punishable by death. Reportedly, 'appropriate' punishments for apostates in Sunni Hanafi jurisprudence are beheading for men and life imprisonment for women, unless the individual repents. Property may also be confiscated, and apostates can be prevented from inheriting property. It is reported that there has not been any formal Taliban policy on hunting down converts, as there is a general expectation that converts are killed by their own families rather than by the authorities [Country Focus 2023, 4.5.2., pp. 84-85; Targeting 2022, 1.3.1., p. 42].

The Taliban see those individuals who preach against them or contravene their interpretations of Islam as 'apostates' [Country Focus 2022, 1.4., pp. 25-28; Society-based targeting, 2.7., pp. 29-30; Anti-government elements, 2., pp. 16-19]. According to the ISKP, Muslim allies of the West, but also those individuals who practice forms of 'impure' Islam, which includes non-Sunnis and

Sunnis who practice Sufism or mystical schools of Islam, can be defined as ‘apostates’ [Targeting 2022, 6.6.1., pp. 143-144, 149, Society-based targeting, 2.8., p. 30; Anti-government elements, 3., p. 29].

A few converts to Christianity have been visible in the past decade in Afghanistan [Society-based targeting, 2.3., pp. 25-26]. One source pointed out that Afghans converting to Christianity were considered apostates and faced ostracism and the threat of honour killings by family and village members [Targeting 2022, 1.3.1., pp. 42-43].

There is low societal tolerance in Afghanistan for criticism of Islam. Blasphemy is also considered a capital crime according to Sunni Hanafi jurisprudence and could include ‘anti-Islamic writings or speech’ [Targeting 2022, 1.3.1., p. 42].

Individuals who hold views that can be perceived as having fallen away from Islam, such as converts, atheists and secularists, cannot express their views or relationship to Islam openly, at the risk of sanctions or violence, including by their family. Such individuals must also appear outwardly Muslim and fulfil the behavioural religious and cultural expectations of their local environment, without this being a reflection of their inner conviction [Country Focus 2023, 4.5.2., p. 84; Society-based targeting, 2.3., pp. 25-27; 2.4., pp. 27-28].

Baha’i practitioners and converts to the faith have also been viewed as ‘infidels’ or ‘apostates’ [Targeting 2022, 6.6.2., p. 150; Society-based targeting, 2.5., p. 28].

Conclusions and guidance

Do the acts qualify as persecution under Article 9 QD?

Acts reported to be committed against individuals under this profile are of such severe nature that they amount to persecution (e.g. capital punishment, killing, violent attacks).

What is the level of risk of persecution (well-founded fear)?

For individuals considered to have committed blasphemy and/or apostasy, including converts, well-founded fear of persecution would in general be substantiated.

Are the reasons for persecution falling within Article 10 QD (nexus)?

Available information indicates that persecution of this profile is highly likely to be for reasons of religion.

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