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Harassment of Sikhs in Afghanistan

The plight of Afghanistan's Sikh community is often ignored. Since the coming to power of the Mujahedeen in 1992, the Sikh community has been fleeing Afghanistan. The bulk of the estimated 200,000 Afghan Sikhs appear to have fled between 1991 and 1994.[1] By 2010, the numbers were an estimated three thousand.[2] The primary cause of the Sikh exodus has been religious intolerance. The Mujahedeen and later the Taliban elevated ordinary Afghans' intolerance of non-Muslims to the level of official state policy". There had been some resurgence in the Afghan Sikh community in 2003, following the US led war that removed the Taliban from power, as Kabul's Sikh population increased from approximately 100 families to 360. [3] Unfortunately, the optimism of better treatment of Sikh Afghans has not been borne out. As one Afghan Sikh described in 2010, "eight years on we still have security problems, and are subjected to discrimination and inappropriate treatment".[4]

A Recent History of Religious Intolerance

Prior to the rise of the Mujahedeen in 1992, Afghanistan's Sikh community, overall, were able to establish themselves successfully as traders with contacts outside of Afghanistan. Historically they were able to use their business acumen with whoever was in power in Afghanistan, making them wealthy before the Taliban came to power.[5] This made the Sikh community prominent within the Afghan economy, acting as informal bankers in Afghan society. It is reported that this went as far as funding wars waged by Afghan Kings.[6]

After the fall of the pro Soviet regime, the Sikh community recognised as rich bankers, were targeted by the Mujahedeen and later by the Taliban. This was due in part to the fact that money lending with interest is strictly forbidden under Islamic law.[7] Many Sikh businesses were shut down, those who remained risked impoverishment.[8] Despite this, Afghan Sikhs, easily recognizable in a predominantly Islamic society, became targeted by gangs

who issued kidnap ransoms under the widespread belief that, “all Sikhs and Hindus are rich”.^[9] According to reports one Sikh family lost six members during Taliban rule, after failing to pay a stipulated ransom figure.^[10]

The Taliban’s religious intolerance also led to what some have termed cultural genocide; sixty five Sikh and Hindu temples and gurdwaras were razed to the ground in order to intimidate “undesirables”.^[11] Furthermore Sikhs were refused the right to cremate their dead according to their religious faith.^[12] Even today, attacks on funeral pyre processions are not uncommon.^[13] In a recent visit to Kabul by Mr. Manmohan Singh, the Prime Minister of India, members of the Sikh community stated that there had been “constant attacks by Islamic extremists” while trying to complete funeral rites.^[14]

In 2001 Sikh minorities were ordered to wear yellow patches so they would not be arrested by religious police (Vice and Virtue Squads) over strict Taliban laws regarding beard length. The Taliban propagandized this action under a protective banner for Hindu’s and Sikhs, not as part of the discriminatory ideology it represented.^[15] Many felt alienated by their forced public identification.^[16] Additionally, Sikh women were forced to cover the heads according to Muslim religious rules.^[17] Any deviation of this could result in severe punishment as a women who lived under the Taliban regime, now residing in India, provides testament to, “We had to wear a *burqa* to cover ourselves. We could not even keep our hands outside the *burqa*....A woman’s hands were amputated simply because she took them out to receive goods from a shopkeeper.”^[18]

Post-Taliban Afghanistan, Sikhs as Outsiders.

Since the Taliban was pushed out of much of Afghanistan, little has improved for Afghanistan’s Sikhs. The present day scenario unfortunately represents a natural progression from the documented harassment above. This natural progression is manifested in the makeup of the constitution which implicitly discriminates against religious minorities. While Article 2 would suggest a constitutional guarantee on religious freedom stating, “Followers of other religions are free to exercise their faith and perform their religious rights within the limits of the provision of the law”^[19], such “limits and provisions” it has been argued, actually sanction discrimination.^[20] The discriminatory nature of the constitution is never more apparent than in Article 62 stipulating that the head of any state must be Muslim.^[21] The uncategorized “good reputation”^[22] stipulations of Article 72 and 118 in the employment of government ministers are used as “a discriminatory legal tool against anyone whose political or religious views are disfavored by the establishment.”^[23]

Afghan Sikhs are “effectively barred from most government jobs, and face

societal hostility and harassment”. [24] Due to this position in society, the Sikh community now see themselves as completely marginalized to the point of cultural disengagement, “For many years, Sikhs were a prominent part of Kabul’s commercial scene, occupying prominent positions as traders, entrepreneurs, and, later, currency exchange specialists. But in today’s Afghanistan, many Sikhs find themselves marginalized and struggling to maintain their distinct cultural profile in Kabul.”[25]

Prospects for the future do not look bright either as the marginalization extends down to children of the Sikh community. Bullying targeting the Sikh has forced children to change or withdraw from schools.[26] There have been reports of children’s Turbans being ripped off.[27] The Ministry of Education’s initial reaction was to offer to build a private school for Hindu and Sikh children in Kabul, although it said it intended to address the bullying problem.[28] In Kandahar the request for a separate school for the children of the Sikh community was turned down.[29] Solving bullying by providing Sikh children with segregated schools suggests the government is unable or unwilling to address the problem at its roots. Further segregation of the Sikh children from the society in which they live will only serve to perpetuate their problems by creating an environment of further marginalization.

Senator Avtar Singh, the only Sikh in Afghanistan’s parliament, says that trying to raise awareness about the problems facing the country’s Sikh community is difficult, “Maintaining cultural traditions has grown increasingly problematic. For example, how to ensure the dead are cremated, as mandated by Sikhism, remains an unresolved issue. Muslims now live on the land where Kabul’s Sikhs previously performed their cremations. ‘That land belonged to us [sic] for 120 years, and now we are forbidden to use it’[30]

The problems that stem from being viewed as an “alien minority”[31] in the country where one resides are exacerbated by a judicial system too weak to uphold the religious freedom and equality of minority groups. The judicial system has been quoted as being in a “catastrophic state of disrepair” where Afghans still have “little or no access to judicial institutions”. [32] This dysfunction, particularly at provincial levels of the justice system has led to the blurring of the relationship between formal and informal systems of justice. Traditional systems of justice are decided by the *Shura* and *Jirga*, products of Afghanistan’s patriarchal tribal way of life.[33] This system reaches decisions by consensus, settling disputes with compromise. The traditional systems offer little protection for individual rights, including, most importantly for Sikhs, the rights to practice their religion and to be free from discrimination.[34] After years of conflict and “erosion of social order” the positive influence of a formal justice system has waned.[35]

The ill defined relationship between the informal and formal legal

systems makes life particularly precarious for Sikh minorities as access to justice has become a matter of political persuasion rather than law as summed up by a 2011 report;

Those who can establish a connection, most usually on a tribal basis, with the most powerful local political big hitter can normally expect to find disputes settled to their own advantage. Given Afghanistan's small and steadily shrinking Sikh minority stand outside the tribal structure, the prospect of them recruiting any significant indigenous big-hitters to their cause is, in the light of all the available evidence, remote. In other words members of this section of the population have excellent reasons to fear that their prospect of being able to mobilise any significant degree of protection from the properly constituted authorities should they find themselves subject to the aggressive attentions of neo-fundamentalist non-state actors is close to zero [36]

For example, although mechanisms are technically in place regarding Sikh land rights via the Special Land and Property court, in practice it proves "overburdened, politicized and subject to intimidation and widespread corruption." [37] This has left the Sikh community feeling unprotected. [38]

Conclusion

The plight of Sikh Afghans is too often ignored. The Afghanistan government claims there is no official religious discrimination due to the constitutionally guaranteed freedom of religion. [39] The Constitution of Afghanistan does little to protect religious minorities from discriminatory government practices however, while at local level harassment and abuse is still widespread. With little or no access to justice, their children lacking an education due to bullying and the historical inability to practice their faith safely, Sikhs in Afghanistan are becoming more and more detached from the society in which they live.

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