

## **Hazara Research Collective -Written evidence (AFG0008)**

### **International Relations and Defence Committee: The UK and Afghanistan, Call for Evidence**

*Written Submission by the Hazara Research Collective*

6<sup>th</sup> September 2020

The Hazara Research Collective, established in August 2020, is a global network of scholars, journalists, non-governmental organizations, students, researchers, and civil society members interested in collecting, recording and analysing data on the human rights situation of Hazaras worldwide. It is a grassroots, open-source and community-driven project that aims to build the foundations for more effective, collaborative and comprehensive research on the Hazara people within Afghanistan and Hazara refugees around the world.

Our written submission focuses on (i) the relationship between the Afghan state and the Hazara people, (ii) the situation of Hazara refugees in Iran and (iii) the effects of the US-Taliban peace deal on Hazaras and the emergence of ISIS in Afghanistan. We have also included the personal opinion of a young Hazara refugee, residing in the UK. Our written submission begins with an article written by a member of the Hazara Research Collective, Derakhshan Qurban-Ali, titled 'The Persecution of Hazaras in Afghanistan and Implications in International Human Rights Law' to frame the submissions.

Our written submission seeks to address the following questions posed by the International Relations and Defence Committee concerning the UK and Afghanistan:

2. What are the prospects for the implementation of the peace agreement between the US and the Taliban signed in February? To what extent have its provisions been implemented, and what are the principal challenges?

4. Which non-state actors are most active in Afghanistan, and how significant a role are they playing? What is their relationship with foreign and domestic political actors?

7. What is your assessment of the functioning of Afghanistan's constitutional arrangements?

b. Can Afghanistan successfully operate as a multi-ethnic state?

8. What is the current strength and geographic reach of the Taliban? What are its aims and underlying motivation, and how united is it as a group? What are its links to non-state actors such as al Qaeda and to external powers? What are the social and economic conditions in areas under the Taliban's control?

11. What are the prospects for the return of the almost 2.5 million registered refugees from Afghanistan (UNHCR figures)? What is the impact of hosting Afghan refugees on its neighbours?

## **PART I: The Persecution of Hazaras in Afghanistan and Implications in International Human Rights Law**

### **Introduction**

The Shia Hazara minority in Afghanistan are regularly subjected to targeted killings, violence, and discrimination based on their ethnic and religious identity. Increasingly, Hazaras are facing kidnappings from highways, indiscriminate attacks on civilians, and the bombing of their religious and cultural centers. It is increasingly apparent that these attacks

are a deliberate attempt by the Taliban, ISIS and various extremist groups in the region to target and kill Hazaras because of their ethnicity and religious beliefs.

For over a century, the Hazara community has suffered from targeted discrimination, persecution, and massacres because of their ethnicity and religious sect. Identifiable by distinctive Asian facial features, Hazaras cannot hide their ethnicity from aggressors. In the 1890s, sixty percent of the Hazara population was slaughtered during genocidal campaigns and those who survived were dispossessed of their land, displaced from their homes and sold as slaves. Oppression continued throughout the 20<sup>th</sup> century as Hazaras were denied access to education and political rights. Hazara areas in Afghanistan remain the poorest in the country.

This report demonstrates that Hazaras continue to face what amounts to genocide under international law. Over 8,000 Hazaras were systematically killed by the Taliban in the Mazar-i-Sharif massacre of 1998. Today, targeted attacks have increased exponentially since the withdrawal of NATO in 2014 and the Shi'a Hazara minority of Afghanistan are subject to daily violence by both Daesh and the Taliban. Attacks are targeting Hazara villages, places of worship, schools, roads, weddings, gyms and markets to maximize civilian casualties: nowhere is safe. Due to the violence they face, many Hazaras have had to flee Afghanistan as refugees. However they find little respite, as they endure targeted attacks in Pakistan and systemic discrimination in Iran.

The rising influence of the Islamic State in Afghanistan presents emerging risks to Hazaras, as ISIS is notoriously hostile to Shi'ite Muslims. Patricia Gossman, Senior Afghanistan Researcher at Human Rights Watch observes: "[ISIS has stepped up its horrific and unlawful attacks on Shia public gatherings, making no place safe.](#)" Attacks have targeted Hazara villages, places of worship, schools, roads, weddings, gyms and markets to maximize civilian casualties. UNAMA and UN Secretary-General António

Guterres strongly [condemned the IS](#) attacks targeting a maternity hospital run by MSF in Dasht-e-Barchi, a predominantly Hazara-populated district of Kabul. The deliberate targeting of newborn babies, mothers, and nurses is the latest development in a concerning [string of attacks against civilians](#) belonging to this [specific ethnic and religious community](#).

Patterns of gross violations of the human rights of the Hazara in Afghanistan suggest a widespread and systematic attack against the community, amounting to violations of international human rights and genocide. The response from the Afghan government and international community has been largely inadequate or missing altogether. In February 2020, the U.S. and the Taliban signed a peace deal which seeks to withdraw U.S. troops from Afghanistan, an agreement which leaves Hazaras unprotected and vulnerable to genocide. Consequently, the international community and the Afghan government must take immediate and urgent action to protect persecuted minorities in Afghanistan.

This report will provide a brief history of Hazara persecution from the 1800s to the present-day, discuss the legal implications of human rights abuses, and conclude with a set of recommendations to protect the fundamental human rights of the Hazara people.

## **Background: The Persecution of Hazaras**

### **I. A brief history of persecution, discrimination and genocide**

The Hazaras are a distinct ethno-religious group living in Afghanistan, Iran and Pakistan who have been systematically oppressed, persecuted and subject to ethnic cleansing campaigns since the 1800s. Exact numbers are unknown but they are estimated to be between 10-12 million people. There has been no accurate census of the Hazara population, but they are usually estimated to be between 10-15% of the population of Afghanistan. This number is disputed by the Hazara community, who argue that their numbers

are under-represented in order to deny adequate funding and representation politically. Hazaras estimate their population to be closer to 25% of the Afghan population.

Historical records show that Hazaras have lived in this region for over 2000 years but dominant ethnic groups claim that the Hazaras are foreigners to the land and merely the descendants of Genghis Khan's army<sup>1</sup> in order to delegitimize their claims to the land. Distinguished by their Mongolian features and their Shiite Muslim faith in a predominantly Sunni Muslim country, they have been historically targeted on both ethnic and religious grounds. Persecution first began in the 1890s during the brutal state-building campaigns of Emir Abdur Rahman of Afghanistan.<sup>2</sup> Prior to this invasion, Hazarajat (the land of the Hazaras) was completely independent. Emir Rahman ordered the Hazara population to either convert to Sunni Islam or leave the country.

The Emir sought political and financial control of the region, but when Hazaras resisted, he quickly turned to violence and oppression. Thousands were massacred and half the population was displaced both internally and externally as Hazaras were uprooted from their homelands. As a result of the ethnic cleansing campaigns of the 1800s, over sixty percent of the Hazara population was killed and survivors were dispossessed of their land, sold as slaves, or fled as refugees. The remaining Hazaras were pushed to the infertile and inhospitable mountains of central Afghanistan to live a precarious existence.

Sunni clerics were sent to every Shia mosque and Emir Rahman issued an edict that granted rights over the Hazara's fertile pasture lands to the Kochis, Pashtun nomadic tribes who helped him conquer the area. In a letter addressed to Sunni clerics and preachers in 1892, he stated: "*the infidels, namely the Shiites, are also living in Afghanistan [...] if they persist in their false faith then they should be all be put to death and their property*

*confiscated in accordance with the divine doctrine and the precepts of the Prophet.*"<sup>3</sup> Thus began a dark and bloody chapter in the history of the Hazaras. The Emir occupied Hazarajat and incorporated it into the Afghan state in 1883, replacing Hazara leaders with Pashtun administrators who set up a system of oppressive taxes on Hazaras.<sup>4</sup>

Hazaras were enslaved and the government levied taxes on their sales, indicating their complicity with the practice. For years following, Hazaras were systematically deprived of their fundamental human rights, including the right to life, the right to freedom of religion, the right to education, and the right to work in government agencies. As historian Qaseem Akhgar notes: "The present day situation of the Hazara is a direct consequence of those events. An entire human community just disintegrated."<sup>5</sup>

Moving forward to the 1990s, the Hazaras were persecuted on similar grounds by the Taliban. In a religious edict that mirrored Emir Rahman's, the Taliban declared: "*Shias are infidels. There is no doubt in their infidelity... We demand that the Shia shall be declared a non-Muslim minority on the basis of their non-Muslim beliefs.*"<sup>6</sup> In 1998, the local population of Mazar-e-Sharif fought back against the Taliban invasion, resulting in many Taliban casualties. In retribution, the Taliban slaughtered eight thousand civilians, who were massacred systematically in a 6-day campaign in Mazar-e-Sharif, targeting primarily Hazaras.<sup>7</sup> Similar killings occurred throughout Afghanistan such as Yakawlang in Bamiyan and Rabatak in Samangan provinces. Other than massacres, the Taliban also destroyed and targeted the cultural identity of the Hazara. They detonated the ancient Buddha statues in Bamiyan and destroyed hundreds of historically significant artifacts and cultural sites, such as the mausoleum built in the memory of Ali Mazari, a political figure considered as the spiritual father of the Hazaras.<sup>8</sup>

## **II. The situation of Hazaras following the withdrawal of NATO post-2014**

After the fall of the Taliban, Hazaras enthusiastically supported the peace process and were the first group to surrender their arms to the government. They collaborated with the international community and embraced democracy. As a result, the Taliban perceived the Hazaras as both infidels and traitors for helping foreigners occupy the land. This belief was shared by the Taliban, Al Qaeda, and ISIS, and comprises part of the reason why Hazaras have been increasingly targeted, kidnapped, killed and used as bargaining political tools for negotiations with the government since the withdrawal of international forces. In 2015 alone, more than 150 Hazaras were abducted from highways throughout Afghanistan by the Taliban or ISIS. Among the victims was a nine-year-old girl, sparking outrage across the country when she was beheaded.<sup>9</sup>

With the rise of ISIS's presence in Afghanistan, the Hazaras have been systematically targeted by suicide bombers across the country, including in the capital of Kabul. Notably, suicide bombers targeted a peaceful Hazara demonstration on 23 July 2016 and a Shia Ashura religious festival later that year, killing and injuring hundreds.<sup>10</sup> The attack on peaceful protesters was the deadliest in Kabul since 2011 and highlighted the precarious security of Hazaras even in major cities.<sup>11</sup> Further, on August 4, 2017, over 800 militants (including both ISIS and the Taliban) attacked Mirza Walang, a Hazara village in the mountains of north-central Afghanistan,<sup>12</sup> killing and dismembering more than 50 civilians including women and children. Despite pleas from locals, the Afghan government did not send reinforcement to the region and have not provided adequate security in Hazara-populated areas.

There have been dozens of similar attacks with insufficient responses from the government. These patterns of gross violations of the human rights of the Hazara point towards a widespread and systematic attack against the

community; thus it is essential to assess the legal implications of these actions in the context of international law.

## **Violations of Human Rights under International Law**

### **GENOCIDE**

The definition of the crime of genocide is given in Article II of the 1948 *Genocide Convention*, which Afghanistan acceded to the *Genocide Convention* on March 22, 1956.<sup>13</sup> Genocide was defined as committing any of five acts "with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group."<sup>14</sup> The five acts included: 1) killing members of the group; 2) causing serious bodily or mental harm to members of the group; 3) deliberately inflicting conditions of life calculated to bring about the group's physical destruction; 4) imposing measures intended to prevent births within the group; 5) forcibly transferring children of the group to another group.<sup>15</sup> The elements of genocide will be assessed and deconstructed with the facts available in order to demonstrate the blatant violation of this international norm.

#### **a. Mental Element**

To constitute genocide, there must be a proven intent on the part of perpetrators to physically destroy a national, ethnical, racial or religious group.<sup>16</sup> The publicly declared intent of ISIS and the Taliban are what constitutes the mental element for this crime and their actions clearly constitute the physical element. Following the 1998 massacre of Hazaras in Mazar-e-Sharif, the commander of the attack, Mullah Niazi, incited violence against Hazaras and declared: "Hazaras are not Muslim, they are Shi'a. They are *kofr* [infidels]. The Hazaras killed our force here, and now we have to kill Hazaras."<sup>17</sup> He continued in another speech, "You either accept to be

Muslims or leave Afghanistan. Wherever you go we will catch you. If you go up we will pull you down by your feet; if you hide below, we will pull you up by your hair."<sup>18</sup>

Both the Taliban and ISIS have made similar statements in more recent years, making it clear that there is intent to destroy the ethnic and religious minority. Rohullah Yakubi, a fellow at UK-based Human Security Center, explains the multi-faceted motivations of ISIS's attacks on Hazaras: "First, ISIS refers to the Shiites as the Rafidah (the rejecters) and views them as heretics worthy of death. Hence, Hazaras are legitimate targets. Second, ISIS seeks to ignite sectarian violence in the country."<sup>19</sup> Most recently in 2020, Mullah Niazi once again incited violence against Hazaras and remains influential in the Taliban.

#### b. Physical Element

Of the 5 acts that comprise genocide, the first three are the most relevant to the situation of the Hazaras. The third criteria (inflicting conditions of life calculated to bring about the group's physical destruction) could be argued but is more difficult to prove compared to the first two criteria which are widely documented. Thus this section will focus on illustrating examples of ISIS and the Taliban killing and causing serious bodily or mental harm to Hazaras. There are hundreds of attacks that cannot be covered within this brief, but a handful of examples from 2017-8 illustrate the breadth and severity of the persecution of Hazaras:

1. On 15 June 2017 an attack at a Shia mosque (al-Zahra) in western Kabul killed four people and wounded eight.<sup>20</sup>
2. On 2 August 2017, two suicide bombers entered a Shia mosque in the western city of Herat, killing at least 50 people and injuring scores of others.<sup>21</sup>

3. On 25 August 2017, gunmen attacked Imam Zaman, a Shia mosque in Kabul, killing at least 20 and injuring dozens more.<sup>22</sup>
4. On 20 October 2017, a suicide attack took place in a Shia mosque in western Kabul killing at least 58 people and injuring more than 64. Among those killed were 6 children under the age of 12 and four women.
5. On 09 March 2018, a suicide bomber (ISIS) detonated his explosives near a ceremony marking the death anniversary of Abdul Ali Mazari, the slain leader of the Hazara minority in Afghanistan.<sup>23</sup> The explosion was in the Hazara-populated area of Kabul, which in the past few years has seen escalating violence and attacks targeting the Hazara.

By targeting and killing Hazaras because of their ethnicity and Shia Muslim faith and deliberately inflicting harm aimed to bring about the physical destruction of the group, it is clear that ISIS and the Taliban have committed the crime of genocide. Thus, it is of the utmost importance that the international community act in response to the violation of a *jus cogens* norm in order to preserve the integrity of the international human rights regime.

### c. Complicity and/or Involvement of the Afghan Government

In addition to genocide, direct and public incitement to commit genocide, attempted genocide, and complicity in genocide are also punishable.<sup>24</sup> Thus it is important to examine whether the Government of Afghanistan is complicit in genocide by failing to take reasonable measures to prevent or punish it. For example, in 2015 the Afghan Government failed in its duty to protect Hazaras from being abducted and killed on a stretch of highway between two government check posts that according to the families of victims, "were so close that the security forces must have seen what was

happening to the bus passengers.”<sup>25</sup> The abductors separated Hazaras from Pashtuns according to witnesses who were allowed to leave. Murtaza Farjad, a Hazara activist in Kabul commented on the government's response: “They said they couldn’t do anything to intervene because it was not their responsibility.”<sup>26</sup>

Further, the Taliban has publicly stated its intent to target and kill Hazaras and has historically committed atrocities and ethnic cleansing campaigns against Hazaras. Yet, the Government of Afghanistan has begun to open negotiations with the Taliban<sup>27</sup>, which could grant them significant control over certain areas that would further place minorities at risk of violence. In addition to this, it is widely known that members of the Taliban have infiltrated the military and government<sup>28</sup>; thus the complicity of the Afghan Government with the actions of the Taliban is a complex issue that must be further analyzed.

## **ANALYSIS AND RECOMMENDATIONS**

### **The Protection of Minorities Under International Law**

There are six key international human rights treaties, each dealing respectively with civil and political rights; economic, social, and cultural rights; racial discrimination; children's rights; women's rights; and torture.<sup>29</sup>

### **International Covenant on Civil and Political Rights**

The *International Covenant on Civil and Political Rights* (ICCPR) is the only global treaty that includes a provision specifically pertaining to the rights of minorities, although Article 18 of the UDHR is also essential to minorities and similarly protects freedom of thought, conscience, and religion. Further, Article 2.1 guarantees that the rights protected by the *Covenant* apply to all individuals, “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or

social origin, property, birth or other status.”<sup>30</sup> However it is clear that the civil and political rights of Hazaras are being infringed upon on the basis of their ethnic and religious affiliation:

1. Article 27 of the *International Covenant on Civil and Political Rights* declares that minorities should be able to “enjoy their own culture, to profess and practice their own religion, or to use their own language”<sup>31</sup> However Hazaras are unable to openly practice their religion in public centres without fear of being bombed and are thus denied the right to enjoy their own culture.
2. Article 12 of the ICCPR guarantees free movement and choice of residence for everyone lawfully within the territory of a State, as well as the right to leave any country and to enter one's own country. However, Hazaras are denied this right because they fear persecution, kidnappings and beheadings whenever they travel from one city to another.
3. In addition, the regular attacks on peaceful demonstrators constitute an affront to the right to freedom of association and peaceful assembly, as guaranteed by Articles 21 and 22 of the ICCPR.

#### Recommendations to the Committee:

1. Put pressure on the Afghan government to protect the rights guaranteed by the ICCPR

### **The UN Human Rights Council**

#### **a. Universal Periodic Review**

Article 27 of the ICCPR is not a collective right however and thus minority rights are often excluded from the ambit of the UN treaty body

monitoring system.<sup>32</sup> However this is where the UN Human Rights Council's Universal Periodic Review, a review of the human rights records of all UN Member States, may prove useful to protect the rights of minorities. In the first Universal Periodic Review Cycle, 833 recommendations were made on the topic of minorities.<sup>33</sup> Since Afghanistan is a new member of the UN Human Rights Council and subject to a Universal Period Review, member states at the HRC have the ability and responsibility to bring attention to the plight of minorities through this mechanism and push for protection from discrimination and domestic legal recognition of the rights of minorities.<sup>34</sup> It is essential to ensure that Hazaras and their NGOs are represented at the Human Rights Council and issued accreditation, in order to inform the discussions and bring up relevant issues.

## **b. Special Procedures**

The UN Human Rights Council's Special Procedures can also be an effective tool in protecting victims on the ground and in persuading governments to adopt reforms. With support from the United Nations High Commissioner for Human Rights, special procedures "undertake country visits; act on individual cases and concerns of a broader, structural nature by sending communications to States and others in which they bring alleged violations or abuses to their attention; conduct thematic studies and convene expert consultations, contribute to the development of international human rights standards, engage in advocacy, raise public awareness, and provide advice for technical cooperation."<sup>35</sup>

In 2004, the Special Procedures were effective in securing the release of detained prisoners in Afghanistan,<sup>36</sup> so it is evident that the Government of Afghanistan is receptive to the mechanism. In conjunction with treaty bodies and the Universal Periodic Review, long-term sustained impact is possible through a "direct, positive but uneven role in influencing

government behaviour”<sup>37</sup> However, in order to ensure an expedient response proportionate to the urgency of the situation on the ground, the Afghan government must cooperate with the Special Procedures and allow access to its Special Rapporteurs.

### **c. Recommendations for the UK to promote at the UN Human Rights Council**

1. Request the Special Rapporteur on Minority Rights undertake a Country Visit to Afghanistan in order to assess the condition of minorities
2. Deploy a Fact-Finding Mission to Afghanistan through the UN Human Rights Council’s Special Procedures in order to investigate the ongoing persecution of Hazaras
3. Bring attention to the plight of minorities in Afghanistan during its Universal Periodic Review
4. Support the presence and accreditation of Hazara NGOs who wish to contribute and engage at the Human Rights Council
5. Pressure the Afghan government through the Human Rights Council to protect the rights of minorities and include Hazaras at the negotiating table if they are to proceed with negotiations with the Taliban

### **International Convention on the Elimination of All Forms of Racial Discrimination**

According to the *International Convention on the Elimination of All Forms of Racial Discrimination*, “racial discrimination” is defined as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political,

economic, social, cultural or any other field of public life”<sup>38</sup> Because it is clear that this right is being denied to Hazaras, it would be useful for the Committee to implement its mechanisms towards preventing serious violations of the Convention.

#### Recommendations for the Committee:

1. Implement early warning measures designed to prevent existing problems from escalating into conflicts
2. Implement and encourage urgent action procedures, intended to address problems requiring immediate attention
3. Release a statement (similar to one released in 1999 on the human rights of the Kurdish people) on the rights of the Hazaras in Afghanistan

#### **The United Nations High Commissioner for Refugees (UNHCR)**

The situation of the Hazaras in Afghanistan should be of importance to the UNHCR because violations of the human rights of minorities are often a key cause of massive displacement. The UNHCR is mandated to oversee the implementation of the 1951 *Convention relating to the Status of Refugees*<sup>39</sup> and acknowledges that “many of the world’s refugees are members of minority groups who can no longer rely on their own State for protection.”<sup>40</sup> The 1951 *Convention* recognizes the connection between minorities and persecution in its definition of a refugee, which includes people who flee persecution not just for their political opinion but also because of their “race, religion, nationality, or membership in a particular social group.”<sup>41</sup> National, ethnic, and religious minorities are usually among the most vulnerable groups during conflicts and Hazaras are no exception. In recognizing the targeted persecution of the Hazaras, the UNHCR must implement measures to recognize their unique vulnerability and protect their rights.

## Recommendations to the UK in collaboration with the UN High Commissioner for Refugees

1. Publicly acknowledge the unique vulnerability and precarious security conditions that Hazaras face in Afghanistan and ask countries to factor this into their applications for asylum
2. Encourage parties to the 1951 *Refugee Convention* to protect Hazara asylum seekers and grant them asylum and increase resettlement commitments
3. Encourage parties to the 1951 *Refugee Convention* to immediately cease all forced deportations of Hazaras back to Afghanistan

## **Recommendations to the UK and International Community**

1. Apply diplomatic pressure on the Afghan government to immediately cease acts of discrimination against the Hazara and to stop supporting groups who commit violent acts against them
2. Appeal to international media to investigate and report on activities against the Hazara, particularly in Afghanistan
3. Ensure that all international aid and assistance is being distributed equitably in Afghanistan
4. Ensure that peacemaking agreements between the Taliban and the Afghan Government take into account the interests of minorities and meaningfully include them in all negotiations
5. Take immediate action to prevent genocide and provide support to victims on the ground

## **Recommendations regarding the Afghan Government**

Although the substantive content of human rights law is just, "its territorial limitation effectively leaves an individual to the mercy of his or her

own state.”<sup>42</sup> Thus the Afghan Government must actively participate in protecting minority rights and consistently strive for the peaceful co-existence of ethnic groups and tribes without discrimination against any races and nationalities. Inequality is the stem of many human rights violations, as “social, economic, and political inequality is a feeding ground for mistrust, anger, hatred, exclusion, and violence that cultivates prejudice, separation, and stigma among close communities”<sup>43</sup> Thus the protection of minority rights is in Afghanistan’s interest and inequalities must be addressed for long-term sustainable peace.

The UK must pressure and support the Afghan government to better protect its ethnic and religious minorities. Although minorities can seek protection through the existing UN treaty bodies and their respective Conventions, it seldom translates into the enforcement of their rights. Part of the issue is that States (including Afghanistan) have not recognized many procedures and don’t accept the jurisdiction of the Committee to conduct inquiries or supervise compliance.<sup>44</sup> Lest it be perceived as complicit in the persecution of Hazaras, the Afghan Government must take immediate and urgent action to protect persecuted minorities in Afghanistan by acting on the following recommendations:

1. Take steps to ratify the main international human rights instruments to which it is not yet a State Party
2. Allocate greater resources to ensure the security of Hazaras and make a greater effort to include diverse ethnic and religious groups in the life of Afghan society
3. Secure highways between Hazara provinces and major cities to support the free movement of Hazaras
4. Prevent the destruction of places of worship and provide security for Shia worshippers attending

5. Ensure independent investigations of all cases of violence and discrimination against ethnic and religious minorities
6. Include Hazara political representation at every negotiation between the Taliban and the Afghan Government
7. Extend an open and permanent invitation to the United Nations human rights special procedures mandate-holders
8. Extend a standing invitation to special procedures, respond positively to their requests to visit the country and cooperate fully, promptly and substantively with all mandate holders
9. Strengthen efforts to preserve national, cultural and religious diversity so as to promote harmony among ethnic groups and religions
10. Strengthen efforts to promote tolerance, harmony and respect of human rights among all communities in Afghanistan, including through possible review of legal frameworks, human rights education, interfaith dialogues and cooperation involving all segments in the society
11. Further ensure that those who legitimately exercise their rights to freedom of expression and peaceful assembly are not subject to reprisals
12. Ensure the protection of the human rights of all Hazaras and address discrimination against them by combating incitement to hatred and publicly condemning such acts as well as taking all the necessary measures to ensure accountability for violations of human rights

## Conclusion

Minority rights affect all regions of the world and the protection of minority rights are inextricably linked to sustainable security and development.<sup>45</sup> It is estimated that between 10 and 20 percent of the world's population are part of minority groups; almost every State worldwide

has minorities within their territory. Subjected to discrimination, violence and sometimes genocide, they are often among the most vulnerable and disadvantaged groups in society.

The protection of minority rights have long been neglected in international legal instruments, from the birth of the UDHR to present-day treaty bodies, there are limited legal avenues available to minority groups like Hazaras.<sup>46</sup> A large part of the problem lies in the fact that the international human rights mechanisms designed to protect minorities are “state-driven”<sup>47</sup> because minorities often face great difficulty being represented by their governments. Governments often have no interest to protect minority rights, so there must be active engagement on the part of the international community and international human rights mechanisms<sup>48</sup> in order to ensure minorities do not remain neglected.

The persecution of minorities violates the core of the right to human dignity<sup>49</sup> and for this reason, the violation of the rights of Hazaras affects every nation around the world. This report illustrates that Hazaras have historically faced persecution, genocide, and slavery and continue to face targeted attacks today from both ISIS and the Taliban, with little response from the Government. It is beyond a doubt that these attacks are a deliberate attempt to target and kill Hazaras because of their ethnicity and religious beliefs. Further, it has been demonstrated that these patterns of gross violations of the human rights of Hazaras in Afghanistan comprise a widespread and systematic attack against the community, amounting to genocide and gross violations of international human rights norms.

Afghanistan is a multi-ethnic, multi-cultural and multi-religious country and minorities must be protected in order to ensure the sanctity of human rights and stability for the region. All actors, from the Afghan government to the international community, have an important role to play towards this goal and must take immediate and urgent action in order to protect

persecuted minorities in Afghanistan. In understanding these deep-rooted inequalities, the UK has a responsibility to ensure aid is allocated equitably and is directed towards the long-neglected Hazara regions that lack basic infrastructure, electricity and running water. It must also take these factors into account within its domestic refugee and asylum policy, and recognize the unique vulnerability of Hazara refugees seeking asylum in the UK.

The UK has a responsibility to protect minorities at risk of genocide under the international legal obligations and UN Conventions it is a party to. Moreover, the UK has the capacity to be a global leader on this urgent issue and promote the rights of persecuted minorities through its economic, aid, military and diplomatic policies in Afghanistan. The Hazara Research Collective encourages the Committee to reach out if they would like more information or evidence supporting any of the aforementioned points and welcomes a more interactive and comprehensive dialogue in the coming months.

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## **PART II: The Relationship Between Hazaras and the Afghan State and its Effect on the Equitable Distribution of International Aid**

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The targeted persecution of the Hazara population in Afghanistan continues to be prevalent in the 21st century. The persecution of the Hazara population, and the means of doing so, are becoming increasingly more violent and systematic, and propelled by foreign states funding extremists and non-state actors in Afghanistan. Despite this increase of violence toward the Hazara people, the Afghan state is doing little to protect them. Due to their religious beliefs and their distinct facial features, the Hazara population are facing persecution from the Taliban and Islamic State, as well as structural violence, neglect and complicity from the Afghan State, which further exacerbates their situation.

For over a century, the Hazara population in Afghanistan has faced persecution by both the Afghan state and non-state actors, to the extent that it can be effectively categorised as genocide in discourse. The cause of persecution stems from Hazara's ethnicity and religious beliefs. Where the majority of the Afghan population follow Sunni Islam, the Hazaras, who make up around 20-25% of their population<sup>[1]</sup> are Shia. There has not been an accurate census in Afghanistan since 1978 and [Hazaras have protested the inaccurate estimation of their numbers](#) in reports published by the US embassy. The Hazara people's ethnic origin (of which their facial features are a marker of) and their Shi'a faith is the main cause of their persecution. This historic persecution has been politically described as 'genocide' since the acts of killing, enslavement and dispossession committed by the Pashtun King, Abdur Rahman Khan in the 1890s.<sup>[2]</sup>

While there are many acts of discrimination and persecution, the position of Hazaras temporarily improved due to foreign engagement and involvement in Afghanistan since 2001, as they were granted social and political rights in the 2004 Constitution. However, this progress has rapidly deteriorated since NATO-withdrawal in 2014. Their population is a recognised minority according to the 2004 Afghan Constitution<sup>[3]</sup> which means that their citizenship cannot be denied. The purpose of this Constitution was to address the position of minorities in Afghanistan, and to address the ways in which Islam can work alongside democracy within the state<sup>[4]</sup> and it seems, prima facie, that these issues were resolved within the Constitution of 2004. This recognition by the state of the Hazara people has been extended to give them the capacity to hold ministerial positions and

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elect representatives to their assembly, showing clear progress of their status within the state.

The newfound rights of Hazaras and their recognition by the Constitution are all indicators of the ability of the state to understand the importance of recognising the position of equality expected by, and rightfully exacted by, the Hazara population. That being said, the practice of such equality is not honoured on the ground and in reality. Many Hazaras point out that their representatives are threatened with violence and/or assassination if they effectively promote the rights and interests of Hazaras and are thus effectively silenced in order to maintain their positions. There is a profound need for meaningful Hazara representation, especially within the peace negotiations, given their marginalized position in society and their history of persecution by both the Taliban and the Afghan state.

Despite the on-paper equality of the Hazara population, the ongoing acts of persecution do not reflect those of a state which is protecting minority groups from discrimination. According to an article by Dr Melissa Kerr<sup>[6]</sup>, there is even a lack of basic resources available to the Hazara people; there is significant evidence to suggest that aid has been intentionally directed away from predominantly Hazara areas. In areas where their population is dense, such as Daikundi, there is minimal access to electricity, essential services, running water or even basic infrastructure; in winter, much of the population of Daikundi is trapped in the mountainous region and many die simply from the lack of food, cold, and other effects of their abject poverty.

Such a deprivation could be seen to reflect a physical embodiment of the deep-rooted racism against the Hazara population; without electricity, their nights are dark, their university students have less resources and some trades are prevented entirely from functioning. This is a key consideration for the UK in its foreign policy regarding the provision of international aid. In addition to these indirect instances or prejudice resource allocation, violent attacks are frequent.<sup>[7]</sup> The Afghan state is failing in its duty to protect its population, especially ethnic minorities. The 2016 attack which killed 80 people<sup>[8]</sup> wiped out a large number of Hazara activist leaders.<sup>[9]</sup> These individuals were killed while demonstrating for 'better services and infrastructure for Hazara areas of Afghanistan.'<sup>[10]</sup> The UK government can

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assist this situation by ensuring that aid is allocated equitably to marginalized Hazara regions.

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### **PART III: Situation of Afghan refugees in Iran**

Afghan refugees in Iran, mainly from ethnic Hazaras (an ethnic and religious minority in Afghanistan), face racism and discrimination. There are two layers of racism at work; systematic racism by states and community racism by citizens (Nader, 2020; Christensen, 2016). Being home to an estimated 3 million Afghan refugees (2 million undocumented), "Iran continuously treats the Afghans as disposable, second-rate human beings" (Christensen, 2016, p. 6). Afghan refugees in Iran have been exploited in employment without access to the justice system, and access to education, employment and housing remains a challenge (Zamaneh Media, 2019).

Moreover, Iranian government has recruited Afghan refugees, including children (Human Rights Watch, 2017), as "foot soldiers" for the war in Syria (Christensen, 2016). Further, Iran uses Afghan refugees as a "geopolitical tool" to pressure the Afghanistan government and the international community (Christensen, 2016). However, in recent years, the Afghan refugees' situation in Iran has deteriorated (Human Rights Watch, 2013). In the first half of 2020 alone, two incidents of police brutality were reported by the media: Iranian border guards have pushed Afghan refugees to a river, causing 23 Afghan refugees to drown (Aljazeera, 2020). In another incident, Iranian police fired shots at a vehicle carrying Afghan refugees in Yazd province, which resulted in the death of three Afghan refugees (BBC, 2020).

These incidents should not be looked in isolation; since 2012, Hazaras (the main Shia population in Afghanistan) have been directly targeted by ISIS and the Taliban groups, forcing them to seek refuge in Iran, a Shia majority country. Further, when Hazara refugees return from Iran, they are further marginalized and discriminated against by other Afghans and the Taliban; despite being abused and exploited by the Iranian state, the Hazaras are unfairly perceived by Afghans as affiliated with Iran due to their

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Shi'a faith, which further exacerbates their persecution.

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#### **PART IV: The Effects of the US-Taliban Peace Deal on Hazaras and the Emergence of ISIS in Afghanistan**

Distinguished by their appearance and religious sect, the Hazara people of Afghanistan have been singled out and persecuted for decades. Historically persecuted by the Taliban, they fear for the future of their community in the

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wake of the US-Taliban peace deal. Today, the Shi'a Hazara minority are subject to daily violence and genocidal massacres at the hands of Daesh and the Taliban. Since the withdrawal of international forces in 2014, the targeted persecution of Hazaras has reached crisis levels. Attacks are targeting Shia places of worship, schools, roads, and markets to maximize casualties.

Nowhere is off limits: in August 2019, an ISIS suicide bomber targeted a Hazara wedding in Kabul, killing 63 and injuring 182. In May 2020, ISIS militants targeted a maternity hospital run by MSF in Dasht-e-Barchi, a predominantly Hazara-populated district of Kabul. The deliberate targeting of newborn babies, mothers, and nurses is the latest development in a concerning string of attacks against civilians belonging to this specific ethnic and religious community.

The emergence of ISIS in Afghanistan has only added gasoline to the flames of ethnic divisions as the Sunni extremists of the Islamic State target Shi'ite areas to incite sectarian violence. When ISIS began operations in Afghanistan in 2015, UNAMA reported a "sharp increase in the abduction and killing of civilians of Hazara ethnicity by Anti-Government Elements," documenting the abductions of 146 Hazaras in 20 separate incidents. In one incident, 7 Hazaras were abducted from a bus in Zabul and brutally beheaded, including two women and a 9-year old girl.

The Taliban and ISIS have notoriously bloody histories of persecuting religious minorities, with Hazaras being their primary targets in Afghanistan. Despite their conflict with one another, the Taliban and ISIS launched a joint attack on 150 families in a Hazara village called Mirza Olang in 2017, killing over 60 people. Hazaras protest the violence but this endangers them further: in July 2016, two Islamic State suicide bombers detonated themselves at a peaceful Hazara protest in Kabul, killing 160 and wounding hundreds. Hazaras are facing genocide: targeted, systematic attacks and persecution against an ethnic and religious minority with a history of oppression dating back to the 19<sup>th</sup> century.

With ISIS and the Taliban gaining power, many Hazaras are fleeing the country as refugees, but leaving Afghanistan seldom offers them security. In Pakistan, Hazaras have been systematically targeted and killed in sectarian

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attacks from Sunni extremist groups: thousands of Hazaras have been killed and over 3,500 wounded in a series of over 200 attacks across Pakistan over 15 years. Iran also offers no respite, as Hazara refugees are often coerced by the Iranian government to fight in Syria and are denied access to basic rights. From Indonesia to Turkey to Australia and across the EU, Hazara refugees around the world are struggling to gain recognition of their plight and are often deported back to the violence.

The data is clear: Hazaras are being systematically targeted and killed. Canada and the international community must offer immediate protection and urgent assistance to this persecuted community.

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- The author extensively discusses the human rights violation inflicted against Hazaras in Afghanistan. This will provide information on what Hazaras faced post the National Unity Agreement which was formed in 2014.

## **PART V: Personal Testimony from a Hazara refugee living in the UK**

The following is a personal response to some of the questions posed, informed by lived experience:

*"I am Shukria Rezaei from Ghazni, Afghanistan. My family and I left Afghanistan for Pakistan when I was one year old. We settled in Quetta Pakistan and lived there for a few years until my father took the risky journey by boat to Europe. This journey took him a few difficult years until he reached the UK and then he was able to bring my mother and I to live with him here in the UK. My family has been through difficult time both in Afghanistan and Pakistan. Due to our ethnicity and religious sect, we have been targeted and killed by the extremist groups. Similarly, we have been discriminated against both in Afghanistan and Quetta, and my father in Iran. In Quetta, I as a child have witnessed a shooting in the cemetery which was close to my house. Sometime later after this, the sectarian violence against Hazara refugees in Quetta increased significantly. It was then that my mother and I luckily left Quetta and joined my father here in the UK."*

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**2. What are the prospects for the implementation of the peace agreement between the US and the Taliban signed in February? To what extent have its provisions been implemented, and what are the principal challenges?**

*"The prospect of implementing the peace deal have already proven to be very low. Since the deal in February, the Taliban have had all that could be gained from the deal first and foremost almost all of their imprisoned members have been released. And 80% of those released have returned to battle and are now active member of this extremist group. Meanwhile, the violence has not stopped. Since the deal in February, there has been many targeted attacks on civilians, children and women as well female politicians. The deal has been signed but at the expense of people's suffering.*

*The fear for women and ethnic/religious minorities rights remain the principal challenge of this deal. Historically, the Taliban have persecuted minorities for their ethnicity and their religious sect as well their extreme violence towards women. Since the deal, both women and ethnic minorities have been attacked for instance, the attack on maternity ward in West Kabul where many Hazara women with their new-born babies were killed. Therefore, a deal with a group whose essence is primarily violence and terrorism are a not a peace deal."*

**4. Which non-state actors are most active in Afghanistan, and how significant a role are they playing? What is their relationship with foreign and domestic political actors?**

*"Afghanistan is a multi-ethnic group as well strictly religious. There are many religious and ethnic group leaders whose role are significant in both influencing their respective groups and followers. Each group is usually associated with particular regional foreign powers. Such as Hazaras are associated to be influenced by the neighbouring country, Iran. Perhaps, this influence from Iran has some significant role in Afghanistan's domestic politics."*

**7. What is your assessment of the functioning of Afghanistan's constitutional arrangements?**

**b. Can Afghanistan successfully operate as a multi-ethnic state?**

*"A constitution that enshrines the fair and equal representation of each ethnic group would be essential. But whether this is actually implemented in*

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*parliament, judiciary and other official governmental positions is crucial."*

**11. What are the prospects for the return of the almost 2.5 million registered refugees from Afghanistan (UNHCR figures)? What is the impact of hosting Afghan refugees on its neighbours?"**

*"As long as the Taliban controls the motion of this deal and continue with their discriminatory and violent politics then the return of these many refugees back to Afghanistan would be bleak. Afghanistan cannot thrive with the existence of this terrorist group and these refugees cannot be returned."*

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