



EUROPEAN PARLIAMENT

2009 - 2014

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*Plenary sitting*

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13.12.2011

B7-0713/2011

## MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on the situation of women in Afganistan and Pakistan

**Norica Nicolai, Niccolò Rinaldi, Marietje Schaake, Elizabeth Lynne, Alexandra Thein, Robert Rochefort, Kristiina Ojuland, Marielle De Sarnez, Louis Michel, Annemie Neyts-Uyttebroeck, Edward McMillan-Scott, Ramon Tremosa i Balcells, Sonia Alfano, Frédérique Ries, Izaskun Bilbao Barandica, Johannes Cornelis van Baalen, Anneli Jäätteenmäki, Graham Watson**  
on behalf of the ALDE Group

**European Parliament resolution on the situation of women in Afghanistan and Pakistan**

*The European Parliament,*

- having regard to its previous resolutions on human rights and democracy in Pakistan, in particular of 20 January 2011 as well as those of 20 May 2010 and of 12 July, 5 October and 15 November 2007,
- having regard to its previous resolutions on Afghanistan, in particular its resolutions of 8 July 2008 on the stabilisation of Afghanistan, of 24 April 2009 on women's rights in Afghanistan and of 16 December 2010 on a new strategy for Afghanistan,
- having regard to the United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW) of 18 December 1979 and to the United Nations Declaration on the Elimination of Violence against Women of 20 December 1993,
- having regard to the Rome Statute of the International Criminal Court, adopted in 1998, and particularly Articles 7 and 8 thereof, which define rape, sexual slavery, enforced prostitution, forced pregnancy and forced sterilisation or any form of sexual violence as crimes against humanity and war crimes and equate them with a form of torture and a serious war crime, whether or not such acts are systematically perpetrated during international or internal conflicts,
- having regard to the EU guidelines on violence and discrimination against women and girls and the EU guidelines on children and armed conflict,
- having regard to the Afghanistan Mortality Survey of 2010 and to the UN Human development index,
- having regard to the Council conclusions adopted on 16 November 2009 and on 21 February 2011 regarding freedom of religion, intolerance, discrimination and violence on the basis of religion or belief,
- having regard to the EU-Pakistan Joint Statements on 17 June 2009 and on 4 June 2010, in which both sides underlined the importance of an integrated long-term strategy including social and economic development and the rule of law and have reaffirmed to promote respect for human rights, and to cooperate to further strengthen Pakistan's democratic government and institutions,
- having regard to the Council conclusions on Afghanistan and Pakistan, adopted on 18 July 2011,

- having regard to the Bonn II conference and its conclusions "Afghanistan and the international Community: from transition to the transformation decade", adopted on 5 December 2011,
  - having regard to Article 18 of the 1948 Universal Declaration of Human Rights (UDHR),
  - having regard to the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief,
  - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas both physical and moral violence against women remain among the major human rights violations reported in Afghanistan and Pakistan;
  - B. whereas, in most cases, the perpetrators of the violence against women remain unpunished;
  - C. whereas both the letter of the law and the application of laws, notably family laws, leads to the violation of human rights of women;
  - D. whereas the situation in Afghanistan and Pakistan are different and of independent relevance, while the security situation in both countries is a major source of violence and abuse against women;
  - E. whereas Asia Human Rights Commission (AHRC) NGO highlights an alarming increase in Pakistan, especially in its Punjab province, in the numbers of Christian women being raped in order to force them to convert to Islam and multiple cases of young Christian girls kidnapped, raped, and murdered are reported from Pakistan;
  - F. whereas in 2002 in Pakistan the shocking case of violence against Ms Mukhtar Mai was brought to light when she revealed that she had suffered a gang rape on the orders of a village council to avenge her brother's supposed misconduct, leading to widespread Pakistani popular attention for her case and for her becoming an international figure, praised worldwide for her courage to talk against the crime and her legal struggle to bring the culprits to justice;
  - G. whereas Ms. Mukhtar, successfully challenged her attackers in court, proving that Pakistani courts are ready to tackle these cases and winning international renown for her bravery, despite the fact that in April 2011, the Pakistani Supreme Court announced that it would uphold the acquittals of five of the six of her aggressors;
  - H. whereas Asia Bibi is a Pakistani Christian woman who was convicted of blasphemy by a Pakistani court, receiving a sentence of death by hanging. If executed, she would be the first woman in Pakistan to be lawfully killed for blasphemy;

- I. whereas Uzma Ayub was kidnapped one year ago, held captive and repeatedly raped by several persons, including policemen, had miraculously escaped from her captors on 19 September this year , had now promised to seek justice;
- J. whereas minister Shahbaz Bhatti and Pakistani government politician Salmaan Taseer were both killed for opposing the blasphemy laws;
- K. whereas women from Pakistani religious minorities are the most frequent victims of violence, particularly sexual violence, based on the abuse of the blasphemy laws;
- L. whereas especially domestic violence against women is still seen in Pakistan as condoned by social customs and considered as private family matter, thus making public debate or the adoption of laws against such practices difficult;
- M. whereas rape victims in Pakistan face the ordeal of tremendous social stigma, often leading to their suicide;
- N. whereas the blasphemy law has been controversial for quite some time, with human rights activists and liberals in Pakistan arguing that it is being misused to target religious minorities, such as Christians, and to hamper free expression, including on the internet;
- O. whereas EU assistance in trade and development are conditional upon respect for human rights and minority rights;
- P. whereas the European Union is one of the major donor of development and humanitarian aid to Afghanistan and Pakistan;
- Q. whereas Article 260 of the Pakistani Constitution differentiates between Muslims and non-Muslims, thereby allowing discrimination on the basis of religion;
- R. whereas Afghanistan is part to the 1979 UN Convention on the elimination of all forms of discrimination against women as well as to the 1989 UN Convention on the rights of the child;
- S. whereas the Constitution of Afghanistan states in its article 22 that "the citizens of Afghanistan, men and women, have equal rights and duties before the law";
- T. whereas the Government of Afghanistan enacted the Law on the elimination of violence against women in August 2009 and the Afghanistan's Council of Ministers approved a regulation on Women's Protection Centers on 5 September 2011;
- U. whereas the improvement of education and health standards of the Afghan population, respect for human rights and a good governance are key factors of a successful reconstruction, reconciliation and peace-process in Afghanistan; the improvement of women's conditions, the protection of their rights, the recognition of their role in the society as well as access to education for all, with particular emphasis on literacy skills, are of particular importance in this matter;

- V. whereas the impending withdrawal of Western forces from Afghanistan risks to endanger the progress made in the emancipation of women, as the Taliban would re-take control over territories where women are freely exercising their new rights;
1. Is extremely concerned about the ongoing discrimination and violence against women and girls in Afghanistan and Pakistan; Strongly condemns the continued use of violence against women in Afghanistan and Pakistan, in the form of murder, rape, abuse, forced marriage and honour killings, unjust and excessive punishments among many other;

Pakistan

2. Expresses its deep concern about the handling of the court cases of Asia Bibi, Mukhtar Mai and Uzma Ayub;
3. Calls for the abolition or reform of the blasphemy law, and to specifically prevent misuse of blasphemy laws to curb women rights;
4. Calls on the Government of Pakistan to guarantee the women rights including those belonging to religious minorities;
5. Calls on the Member States and the Commission to continue with financial support for women rights organisations and defenders, and to outline practical measures to support the growing civil society movement in Pakistan against the blasphemy laws and other discriminatory legislation;
6. Calls on the Commission and Council to propose and implement education programs aimed at increasing the literate and educated women in Pakistan, an important skill in their development and defence;
7. Calls on the Council and the Commission to insist that the Government of Pakistan uphold the democracy and women rights clause enshrined in the Cooperation Agreement between the European Union and the Islamic Republic of Pakistan; calls on the Commission to dramatically increase the financing of promoting women rights and protecting them for any form of violence;
8. Calls for stronger cooperation with local women's organisations in order to establish an early-warning system and possibly to enable them to prevent the abuses or reduce their occurrence themselves;
9. Calls for the EU and the Member States to effectively develop witness protection programmes in order to protect victims and to encourage them, under the guarantee of protection, to come forward and testify against their aggressors;
10. Calls on Pakistani government to support the increase of number of women exercising public and administrative responsibilities;
11. Calls on the Commission to provide its support for requesting WTO for a waiver to grant Pakistan the time-limited reduction of duties as stated in the July 2011 Council

conclusions on Pakistan , on the condition of enforcing application of women rights and those belonging to religious minorities including Christians;

#### Afghanistan

12. Acknowledges that, since the fall of the Taliban regime, significant progress has been achieved as regards the situation of women in Afghanistan; Notes the resurgence of the fear of a possible deterioration of women's conditions and rights in Afghanistan after the departure of allied forces announced for 2014;
13. Reiterates the importance of achieving the Millennium development Goals and the commitments taken by the European Union and its Member States and remains concerned that Afghanistan is ranking 172 out of 187 countries as regards the UN Human development index;
14. Welcomes the positive development as regards women appointed in high ranking political or administrative positions in Afghanistan, such as, for instance, Mrs Sarabi as Governor of Bamyan; Encourages the Afghan government to pursue its efforts in order to increase the number of women exercising public and responsibilities, in particular in the provincial administration;
15. Underlines that the maternal mortality rate in Afghanistan remains among the highest in the world. but notes with satisfaction a positive trend shown by the recent Afghanistan Mortality Survey (2010) carried out by the Afghan Ministry of Health, sponsored and funded by international organisations such as Unicef, the World Health Organisation and USAID , according to which the Afghanistan maternal mortality rate dropped below 500 deaths per 100 000 live births, which correspond to a reduction by two third over the last decade; Invites the European Commission, Member States, international partners and NGOs to maintain a particular highlight to maternal and child health when implementing projects in Afghanistan;
16. Welcomes the reiterated commitment made by Afghanistan, in the conclusions of the Bonn II conference, to "continue to build a stable, democratic society, based on the rule of law, where the human rights and fundamental freedoms of its citizens, including the equality of men and women, are guaranteed under the Constitution" as well as to "upholding all of its human rights obligations", and the commitment of the international community to "supporting Afghanistan's progress in that direction";
17. Calls on the European Commission and the Council, in relation with the commitment taken in Bonn II together with the international community, to continue to raise the issues of human rights, fundamental rights and non-discrimination and to encourage progress in these fields in their bilateral relations with the Afghan government, and asks the Commission to give a particular highlight to these issues when deciding on EU development projects in Afghanistan;
18. Calls on the Commission, Council and Member States to prepare contingency plans for the continuation of all assistance programmes aimed at helping Afghan women, in

the context of a deteriorating security situation following the withdrawal of Western forces;

19. Takes note of the amendments brought to the law on "Personal Affairs of the Followers of Shia Jurisprudence", but remains concerned as this law establishes a discrimination and contradicts with the principles set in the Afghanistan constitution as well as with the UN conventions on the elimination of all forms of discrimination against women and on the rights of the child;
20. Calls on the Afghanistan government to take all necessary measures to ensure the non-discrimination towards women and their protection against all form of violence, for instance by repealing existing laws which establishes or may give rise to discrimination between men and women and by continuing to improve law enforcement and prevalence of justice throughout Afghanistan;
21. Counts on both Afghanistan and Pakistan to react to EU concerns, in particular in the field of human rights, including the protection of women, minorities and freedom of religion and speech;
22. Instructs its President to forward this resolution to the Council, the European Commission, the High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, and the Government and Parliament of Afghanistan and Pakistan.