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Women's rights in Afghanistan

European Parliament resolution on 24 April 2009 on women's rights in Afghanistan

The European Parliament,

- having regard to its previous resolutions on Afghanistan, in particular that of 15 January 2009 on the budgetary control of EU funds in Afghanistan,
 - having regard to the joint declaration issued by its Delegation for relations with Afghanistan and the Wolesi Jirga (the lower house of the Afghan Parliament) on 12 February 2009,
 - having regard to the Final Declaration of the International Conference on Afghanistan held in The Hague on 31 March 2009,
 - having regard to the NATO Summit Declaration on Afghanistan made by the Heads of State and Government participating in the meeting of the North Atlantic Council held in Strasbourg/Kehl on 4 April 2009,
 - having regard to the Joint Statement on legislation in Afghanistan issued by the Foreign Ministers of the EU Member States and the United States on 6 April 2009,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas Afghanistan is a party to a number of international agreements on human rights and fundamental freedoms, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Rights of the Child,
- B. having regard to the Afghan Constitution of 4 January 2004, in particular Article 22 thereof, which stipulates that ‘the citizens of Afghanistan, men and women, have equal rights and duties before the law’, and whereas that article is consistent with the international treaties ratified by Afghanistan,
- C. having regard to the Afghan Family Code, which, since the late 1970s, has contained a number of provisions which grant women rights in the areas of health and education, and whereas the Code is currently being revised in order to bring it into line with the 2004 Constitution,
- D. whereas an Independent Human Rights Commission was set up in June 2002, on the basis of the Bonn agreement of 5 December 2001, and whereas the Commission, under the chairmanship of Sima Samar, plays a key role in defending human rights,
- E. whereas the new draft law on the personal status of Shiite women, which was recently approved by both chambers of the Afghan Parliament, places severe restrictions on women's freedom of movement, denying them the right to leave their homes except for a ‘legitimate purpose’, requires women to submit to the sexual desires of their husbands, thus legitimising ‘marital rape’, and promotes forms of discrimination against women in the areas of marriage, divorce, inheritance and access to education which are not consistent with international human rights standards, in particularly standards regarding women's

rights,

- F. whereas this draft law, which would affect between 15 and 20% of the Afghan population, has yet to come into force, since it has not yet been published in the Government Official Journal, although it has already been signed by the President of Afghanistan, Hamid Karzai,
- G. whereas, following the criticism it prompted both in Afghanistan and abroad, this draft law has been referred back to the Afghan Ministry of Justice so that the conformity of the text with the undertakings given by the Afghan Government in international agreements on women's rights and human rights in general and in the Constitution can be verified,
- H. whereas violence against activists, particularly those defending women's rights, continues to this day, and whereas many activists have been the victims of militants and radical groups, these victims include Sitara Achakzai, an Afghan women's rights defender and member of the Kandahar provincial council, who was killed outside her home; Gul Pecha and Abdul Aziz, who were killed after being accused of immoral acts and condemned to death by a council of conservative clerics; and Malai Kakar, the first woman police officer in Kandahar, who ran the police department responsible for investigating crimes against women in that city,
- I. whereas the 23 year-old Afghan journalist Perwiz Kambakhsh was sentenced to death for circulating an article about women's rights under Islam, and whereas, after strong international protests, that sentence was commuted to 20 years' imprisonment,
- J. whereas threats and intimidation against women who are active in public life or who work outside the home continue to be reported and confirmed by the UN; and whereas there have been recent reports about the difficulties in increasing the participation of girls in the education system, which is opposed by militants and radicals,
- K. whereas a number of cases have been reported in recent years of young women who have deliberately set themselves on fire in order to escape forced marriages or conjugal violence,
 - 1. Calls for the revision of the draft law concerning the personal status of Shiite women in Afghanistan, since it is clear that the substance of that draft law is not consistent with the principle of equality between men and women, as laid down in the Afghan Constitution and in international agreements;
 - 2. Underlines the dangers of adopting legislation which applies only to certain sections of the population and which, by definition, promotes discrimination and injustice;
 - 3. Urges the Afghan Ministry of Justice to repeal all laws which give rise to discrimination against women and which breach the international treaties to which Afghanistan is a party;
 - 4. Regards it as essential for the democratic development of the country that Afghanistan should commit itself to safeguarding human rights in general, and women's rights in particular, given that women play a crucial role in the development of the country and must be able to enjoy their fundamental and democratic rights to the full; reiterates its support for the fight against all forms of discrimination, including on grounds of belief and gender;

5. Points out that the European Union's strategy document on Afghanistan for the period 2007-2013 identifies gender equality and women's rights as key aspects of Afghanistan's national development strategy;
6. Salutes the courage of and expresses its support for the Afghan women who demonstrated in Kabul against the new draft law; condemns the acts of violence perpetrated against them during those demonstrations, and calls on the Afghan authorities to guarantee their protection;
7. Condemns the murders of activists working to promote human rights and the emancipation of Afghan women, in particular the recent assassination of the regional parliamentarian Sitara Achikzai;
8. Is appalled to learn that the Afghan Supreme Court has upheld the 20-year prison sentence which Perwiz Kambakhsh received on a blasphemy charge and calls on President Karzai to pardon Mr Kambakhsh and authorise his release from prison;
9. Calls on the Afghan authorities, including local authorities, to take all possible steps to protect women against sexual violence and other forms of gender-related violence and to bring the perpetrators of such acts to justice;
10. Considers that the advances in the field of equality between men and women achieved as a result of the great efforts made in recent years should on no account be sacrificed to pre-electoral bargaining between parties;
11. Encourages women to stand in the presidential election to be held on 20 August 2009 and insists that Afghan women should be able to participate fully in the decision-making process and that they should also have the right to be elected and to be appointed to senior state positions;
12. Calls on the the Council, the Commission and the Member States to continue to raise the issue of the law on the personal status of Shiite women and any discrimination against women and children, emphasising that they are unacceptable and incompatible with the long-term commitment made by the international community to assisting Afghanistan in its rehabilitation and reconstruction efforts;
13. Calls on the Commission to provide funding and programming assistance directly to the Afghan Ministry of Women's Affairs and to promote gender mainstreaming in all its development policies in Afghanistan;
14. Calls on the United Nations Development Fund for Women (Unifem) to be especially vigilant;
15. Instructs its President to forward this resolution to the Council, the Commission, the Government and Parliament of the Islamic Republic of Afghanistan and to the President of the Independent Human Rights Commission.