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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 115 of the Rules of Procedure

by Cristiana Muscardini, Roberta Angelilli, Hanna Foltyn-Kubicka, Adam Bielan, Konrad Szymański

on behalf of the UEN Group

on women's rights in Afghanistan

European Parliament resolution on women's rights in Afghanistan

The European Parliament,

- having regard to its previous resolutions on Afghanistan, and in particular those of 15 January 2009 and 8 July 2008,
- having regard to the result of the International Conference on Afghanistan, held in The Hague on 31 March 2009,
- having regard to the Joint Declaration on 3rd Interparliamentary meeting of the European Parliament and Delegation of the Afghan Parliament (Wolesi Jirga) held in Brussels on 10-12 February 2009,
- having regard to the Council declaration of 6 April 2009 on ‘‘Shi’ite Personal Status’’law proposed in Afghanistan,
- having regard to the UN Universal Declaration of Human Rights, the international Covenant on Civil and Political Rights, the international Covenant on Economic, Social and Cultural Rights, the international Convention on the elimination of all forms of Racial Discrimination and the Convention on the Rights of the Child,
- having regard to Rule 115(5) of its Rules of Procedure,
 - A. whereas the Afghan Shi’ite populations is allowed to have separate law on marriage, divorce, inheritance, sexual relations, based on traditional Shia rules;
 - B. whereas the Afghan Parliament has promulgated a ‘‘Shi’ite Personal Status’’Law, while the Afghan Constitution guarantees equal rights for women;
 - C. whereas hundreds of women have demonstrated in the streets of Kabul denouncing the ‘‘Taliban Law’’ that humiliates the dignity of women;
 - D. whereas Afghan Minister of Justice stated that the law was going to be reviewed and confirmed that the law will not be promulgated until the end of the review ordered by the President Karzai;
 - E. whereas women in Afghanistan with children still represent the component of common society most at risk being 85% of them illiterate as well as with 70% exposed to dangers of violence and to mortality during childbirth reaching the second highest percentage in the world,
 - F. whereas the general human rights situation in Afghanistan especially for women and children has continued to deteriorate since 2005, and has resulted in dramatic acts of violence against women of common society and defenders of human rights such as Safia Amajan, female politician murdered in 2006; Shikeba Sanga Amai and Zakia Zaki, journalists murdered in 2007, Malalai Kadar, police officer murdered in 2008,

Sitara Achakzai, female politician and defender of human rights, murdered in Kandahar on 12 April 2009;

1. Strongly condemns the “Shi’ite personal Status” law , which humiliates women's dignity and which subjugates women within society and family; which formally legalizes rape within marriage; which stipulates that a woman cannot refuse sex with her husband; which bans women from stepping outside of their homes without permission from their husbands; which gives to fathers and grandfathers custody of children and tacitly approves child marriages;
2. Calls on President Karzai to overrule the "Shi'ite personal Status" law;
3. Reiterates its strong condemnation for the violent dispute against hundreds of women demonstrators in Kabul against the law; expresses its solidarity with all women in the country who are struggling to defend and promote their rights;
4. Reaffirms that the support of international community to Afghanistan is linked to respect of human rights and the guarantee of fundamental freedom;
5. Reiterates that respect for human dignity and rule of law are not negotiable, but are the foundation for social development and stabilisation of common society;
6. Condemns any legal, cultural or religious practice that discriminates against women, excluding them from public, political and social life and segregating them in their daily lives; urges the Commission to combat these practices in all its development actions in the country;
7. Believes that the aid priority must be in line with the needs of Afghan society, ensuring respect for human rights, particularly those of women and children, and the fight against poverty;
8. Remains concerned about the injustice induced by cultural practices suffered by women and girls, both in the denial by family members and communities of access for women to basic services such as health care and education and in the lack of employment opportunities, as well as about high levels of domestic violence and discrimination; calls on the Council and the Commission to lend active support for measures aimed at protecting the rights of women to be built into legal and political reform;
9. Calls on the Council and the Commission to monitor closely the human rights situation in Afghanistan, and to submit to Parliament in the second half of 2009 a comprehensive report on the matter;

10. Instructs its President to forward this resolution to the Council, the Commission, the Government and Parliament of the Members State and the Government and Parliament of the Islamic Republic of Afghanistan.