



Plenary sitting

B9-0245/2019

17.12.2019

MOTION FOR A RESOLUTION

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

pursuant to Rule 144 of the Rules of Procedure

on Afghanistan, notably the allegations of sexual abuse on boys in the Logar Province
(2019/2981(RSP))

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on behalf of the GUE/NGL Group

B9-0245/2019

European Parliament resolution on Afghanistan, notably the allegations of sexual abuse on boys in the Logar Province (2019/2981(RSP))

The European Parliament,

- having regard to its previous reports and resolutions relating to Afghanistan,
 - having regard to the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Convention On The Rights Of The Child, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the United Nations Declaration on Human Rights Defenders of 1998,
 - having regard to the UN News, “Wednesday’s Daily Brief: Afghan child abuse, DR Congo measles deaths, Palestinian solidarity”, 27 November 2019,
 - having regard to the UNAMA report on 2019 Protection of Civilians Midyear Report, covering the period 1 January to 30 June 2019,
 - having regard to the Report of the UN Secretary-General on Conflict-Related Sexual Violence, 29 March 2019,
 - having regard to the “Statement from the Group of Friends of Children and Armed Conflict (CAAC) regarding allegations of sexual abuse of boys in Logar province and subsequent actions against human rights defenders”, 3 December 2019,
 - having regard to the Council conclusions of 8 April 2019,
 - having regard to Rule 144 of its Rules of Procedure,
- A. whereas in November, the NGO The Logar Youth, Social and Civil Institution, denounced the existence of a paedophile network in the Logar region; whereas at least 546 children were victims of sexual abuse and assault committed by teachers and figures of local authorities; whereas other secondary schools in the region are being investigated, believing that thousands more children may have been abused; whereas several authorities, including the governor of the region and the local police, have denied the truth of the facts; whereas several of the victims have been killed after being identified;
- B. whereas children are one of the most vulnerable groups when it comes to violence, torture and other ill-treatment; whereas Afghanistan has a long history of sexual abuse of children – termed Bacha Bazi - by powerful private individuals as well as state

officials amounting to torture and other ill-treatment which has rapidly increased in the last 15 years.

- C. whereas the Bachas, typically boys between 10 and 18 years old are bought or kidnapped from impoverished families by influential members of the elite in rural areas, including politicians and commanders; whereas the boys dress as women and perform as dancers at private parties and are sexually abused by multiple men;
- D. whereas although Bachabazi as well as pederasty are prohibited in the criminal code, violations are not prosecuted; whereas the perpetrators are governmental officials or are connected to the security organs and use their power to get exempted from punishment;
- E. whereas Musa Mahmudi and Ehsanullah Hamidi, human rights defenders of The Logar Youth, Social and Civil Institution, who reported the alleged exploitation and violence, were arbitrarily detained by the National Security Directorate (NDS) on November 21, 2019 when they were going to meet with the ambassador of the European Union in Kabul; whereas they were kept incommunicado for several days without their families knowing their whereabouts; whereas the defenders were forced to make an apology on camera for their research being “incorrect” and “incomplete”; whereas after several days in arbitrary detention, on November 27, the two defenders were handed over to the Afghanistan Independent National Human Rights Commission;
- F. whereas the two human rights defenders had previously received threats on Facebook, some coming from public officials; whereas the provincial governor further threatened to punish them for spreading false information;
- G. whereas according to Amnesty International, attacks against human rights defenders in Afghanistan have been intensified but these attacks are not being investigated and the Human Rights Defenders are sometimes accused of inventing their complaints;
- H. whereas an estimated 87 % of Afghan women suffer from gender-related violence; whereas Afghanistan ranks 153rd out of 160 countries on the 2017 UN Gender Inequality Index; whereas impunity for perpetrators of gender-based violence continued; whereas the UN Assistance Mission in Afghanistan (UNAMA) reported that even murder and rape cases often never go to court;
- I. whereas despite President Ashraf Ghani's 2016 promise to end the imprisonment of women accused of fleeing their families, in 2018 the Afghan police and prosecutors continued to imprison women and girls for "moral crimes" that include run away from home and commit or attempt to commit zina (sex outside marriage); whereas the police and prosecutors continued to subject girls and women to invasive vaginal and anal exams supposedly to determine if a woman or girl is a virgin;
- J. whereas according to UNAMA, in 2018 more civilians died in the Afghan conflict than at any other time since there are records; whereas 3,804 civilian deaths were documented (including 927 children) and 7,189 people injured; whereas in the first half of 2019, 1,366 people died and 2,446 were injured and the UN reported a 42% increase in civilian deaths between July and September compared to the same period of 2018;

- K. whereas there are more than 2 million internally displaced persons in Afghanistan, more than 300 000 of whom were displaced in 2018; whereas many of these individuals suffer from food insecurity, inadequate shelter, insufficient access to sanitation and health facilities and a lack of protection, and whereas many are children classified as particularly vulnerable to the risk of child labour, sexual abuse or potential recruitment to criminal and terrorist groups;
- L. whereas The Washington Post published the results of an investigation in which political and military leaders of the US governments recognize that they knew they could not win the war in Afghanistan, while in public it was claimed that victory was possible; who claimed that "constant progress" was being made in the war, sometimes with the intention of justifying the sending of more troops and that they were very aware of the failure of the occupation;
- M. whereas the United States maintains a contingent within the framework of the new allied mission of advising Afghan troops and another in "anti-terrorist" tasks; whereas, currently, 13,000 American soldiers remain in Afghanistan; whereas since 2018, the US has increased air and drone attacks responsible for hundreds of civilian victims;
- N. Whereas since 2001, the Central Intelligence Agency of the United States (CIA) has maintained an anti-terrorism operation in Afghanistan; whereas the CIA has recruited, equipped, trained and deployed Afghan paramilitary forces to combat Al Qaeda and Taliban forces and since 2014 militants affiliated with the Islamic State; whereas Human Rights Watch has denounced the human rights violations committed by these CIA-backed paramilitary groups; whereas these groups have killed, detained and disappeared civilians during night raids and attacked health facilities for allegedly treating insurgent fighters; whereas at parallel to these operatives, air and drone attacks have been held
- O. whereas a BBC investigation indicates that the British Ministry of Defence and some elements within the Armed Forces have repeatedly covered up evidence of war crimes in Iraq and Afghanistan;
- P. whereas the Taliban forces and other armed groups have frequently committed war crimes and human rights abuses, including indiscriminate attacks that have killed and injured numerous civilians; whereas, however, this can never justify violations of the Afghan or US government;
- Q. whereas the peace talks between the Taliban and USA restarted on December 7 in Doha (Qatar), after being suspended in September; whereas the Afghan government is not involved or invited to these peace talks; whereas although the dialogue is important, any agreement between the United States and the Taliban would not end the armed conflict between the Afghan government and the Taliban, nor resolve a series of conflicts that have fuelled the struggle between several Afghan factions during more than four decades; whereas in the construction of a country in peace it is necessary to strengthen an independent judiciary, safeguard women's and children's rights, protect the freedom of the media and determine how to disarm irregular militias;

- R. whereas despite the fact that since 2001 the US has invested 9,000 million dollars in eradicating opium cultivation, Afghanistan was the origin in 2018 of 82% of global opium production, according to UN data; whereas the cultivated extension is four times higher than in 2002; whereas illicit trafficking of opiates further fuels instability and insurgency and increases funding to terrorist groups in Afghanistan;
- S. whereas in November 2017, the Prosecutor of the International Criminal Court (ICC) had requested permission from the judges of the court to open an investigation into possible war crimes and crimes against humanity committed by the Taliban, Afghan government forces and US forces since May 1, 2003; whereas the US threatened to punish the people who cooperated with the ICC in that possible investigation; whereas in April 2019, the ICC judges rejected the request of the Prosecutor to open an investigation; whereas ICC Appeals Chamber held hearings from December 4-6, 2019 on the rejection of the prosecutor's request to open an investigation;
- T. whereas the EU-Afghanistan JWF was introduced as a means of making aid conditional on the readmission of Afghan nationals in the EU, and was passed without the European Parliament's consent given the absence of a formal EU readmission agreement; whereas Afghans remain the second largest group of asylum seekers in the EU; whereas Member states have put thousands of Afghan asylum seekers, including unaccompanied minors, in harm's way by forcibly returning them to a country where they are at serious risk of torture, kidnapping, death and other human rights abuses; whereas according to the Global Peace Index for 2019, Afghanistan is the "least peaceful" country in the world, replacing Syria;
1. Points out that after 18 years of US- and NATO-led intervention, with numerous casualties, the self-sustainability and sovereignty of the Afghan state are still not guaranteed and its security has further deteriorated; stresses that this military presence, and especially its offensive operations, have further fuelled part of the conflict; therefore calls for the withdrawal of all EU, NATO and US troops, as there is no military solution for this conflict;
 2. Strongly condemns the sexual violence suffered by the children in Logar and in any other places in Afghanistan; expresses grave concern that limited action has been taken by the authorities to combat widespread sexual abuse and exploitation of children, and that perpetrators of such abuse enjoy impunity;
 3. Calls on Afghanistan to protect all children within its jurisdiction from all forms of abuse, including sexual abuse and to hold perpetrators into account in line with international children's rights standards as set in the UN Convention on the Rights of the Child, ratified by Afghanistan in 1994; urges the Afghan authorities to fully enforce the UN-Afghan action plan signed in Kabul on 30 January 2011 regarding the practice of 'bacha bazi' and enabling the rehabilitation of child victims of sexual abuse;
 4. Calls on the authorities to promptly enforce its criminal code prohibiting child abuse and eradicate its practice; and to ensure that all cases of sexual violence against boys, including cases involving officials, are promptly and impartially investigated and that

perpetrators be held accountable; believes that the general impunity of child abuse could be considered torture and ill-treatment

5. Affirms sensitising school children, parents as well as society, about and against child abusers is a must – particularly in the curriculum – to tackle the issue head-on;
6. Urges the Afghan government to start a nationwide campaign to educate the society on the prohibition of ‘bacha bazi’ and the rights of minor to be protected from such physical abuse;
7. Urges the authorities to guarantee, in all circumstances, the physical integrity and psychological well-being of all human rights defenders; specially calls to ensure the security of Musa Mahmudi and Ehsanullah Hamidi, as they have received threats, including death threats;
8. Denounces the attacks against human rights defenders, activists and NGOs and expresses its grave concern at the judicial harassment and smear campaigns targeting prominent human rights defenders and their organizations; urges the authorities to ensure they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment;
9. Calls for the EU to support the Afghan Government in its pursuit of a comprehensive and inclusive, Afghan-led and Afghan-owned peace and reconciliation process, actively including the whole range of civil society and all parties to the conflict, including – following a ceasefire – combatant, insurgent and militia groups, since no lasting solution to the conflict can otherwise be achieved;
10. Stands with the people of Afghanistan and insists that all parties involved in the conflict adhere to international humanitarian law and respect the rights of all members of society, in particular minorities, women and children, who are disproportionately affected by the situation;
11. calls for the EU to actively support an Afghan-led disarmament, demobilisation and reintegration programme for former insurgents; calls also to support the Afghan government to immediately dissolve and disarm all paramilitary forces operating outside the ordinary military chain of command and cooperate with independent investigations of all allegations of war crimes and other abuses against human rights; especially calls for prompt and impartial investigation into existing allegations of secret detentions and enforced disappearances, that those detained are located and released illegally and those responsible are prosecuted, including as responsibility for command;
12. Requires the EU, its Member States and the US, that the alleged war crimes involving the participation of military or civil servants of their countries are subject to an adequate and effective investigation by a totally independent body and, where appropriate, be prosecuted political interference of any member of the government; demands that all those responsible be held accountable, including all those in the direct and indirect chain of command, such as senior officers and ministers responsible for the Armed Forces;

13. Insists on the fact that the fight against terrorists groups could be efficient only if we address the causes and specifically problems related to inequality, unemployment and poverty; highlights the fact that the terrorist attacks shouldn't be a pretext to derogate from the rules of the rule of law and restrict human rights and fundamental freedoms, they must not be used to combat any form of opposition or to commit crimes especially extra judiciaries;
14. Condemns threats by the US towards those who cooperate with the ICC investigations; in this regard, condemns the decision of the ICC judges rejecting the Prosecutor's request to open an investigation into war crimes and human rights violations committed in Afghanistan, alleging the lack of full state cooperation and budgetary constraints; regrets that this decision can further weaken its credibility;
15. Believes there should be an independent investigation under UN auspices, including into extrajudicial killings by drones, with a view to ending the culture of impunity as a key element for a stabilisation process in Afghanistan, and to creating public trust;
16. Calls on the Member States to immediately stop deportations back to Afghanistan and to regularise Afghan asylum seekers, as the situation clearly shows that Afghanistan is not a safe country; calls on the EU and the Member States to cease making aid conditional on returns and externalisation of EU border controls;
17. Stresses the need for inclusive regional cooperation with the objective of promoting long-term peace, stability and security in the wider region; favours a new approach to the security situation in Afghanistan and its neighbours, in the form of a multilateral forum for dialogue and negotiation between the countries and regions concerned, covering commitments relating to political, security, social, economic, environmental and human rights issues; stresses that such a forum could signal a new and constructive approach based on ownership, self-determination and the responsibilities of states towards their citizens and to each other; emphasises that this forum should be initiated in cooperation with the Organisation of Islamic Cooperation and the UN;
18. Notes the lack of substantial progress on human and fundamental rights, in particular with regard to women and girls in Afghanistan; is alarmed by the increasing resurgence of violence against women and the obliteration of women's rights; is deeply concerned that Afghan women continue to be victims of discrimination, violence, sexual abuse and rape under Sharia law; repeats its call on the Afghan Parliament and the Afghan Government to revoke all laws that contain elements of discrimination against women, which are in breach of the international treaties signed by Afghanistan; calls on the government to further implement the NAPWA with adequate financial means, as well as the law on the elimination of violence against women (EVAW) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); fully supports full implementation of UN Security Council resolution 1325 (2000) on women, peace and security, and other domestic measures to promote gender equality and the empowerment of women and girls in Afghanistan, as well as to tackle violence against women;
19. Encourages the Afghan Government to engage in establishing an independent judiciary and to guarantee freedom of the press;

20. Calls on the Afghan authorities to commute all death sentences and to reintroduce a moratorium on executions with a view to achieving the permanent abolition of the death penalty; also calls on the Afghan Government to put an end to all forms of torture and abuse, especially in prisons;
21. Is concerned at the high rate of unemployment, especially among Afghan young people, the lack of access to medical care and primary education, the poor state of the health system, and the fact that more than half of the population is living in poverty; underlines the need for the EU strategy for Afghanistan to focus primarily on development policy, in particular in rural areas, where the majority of the population lives, and on poverty alleviation, and to tie development aid to public infrastructure development in Afghanistan, in order to create urgently needed jobs and thus wean the country off dependence on foreign donors;
22. Remains concerned at the scant success so far of the measures to phase out opium cultivation in Afghanistan; calls for the creation of viable alternative livelihoods and for measures to help improve living conditions for populations in rural areas in general;
23. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign and Security Policy, the governments and parliaments of the Member States, the Government and Parliament of Afghanistan, the Council of Europe, the Organisation for Security and Cooperation in Europe, the UN and NATO.