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Plenary sitting

14.12.2011

B7-0702/2011 }
B7-0704/2011 }
B7-0707/2011 }
B7-0708/2011 }
B7-0711/2011 }
B7-0713/2011 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 122(5) of the Rules of Procedure

replacing the motions by the following groups:

EFD (B7-0702/2011)
ECR (B7-0704/2011)
S&D (B7-0707/2011)
Verts/ALE (B7-0708/2011)
PPE (B7-0711/2011)
ALDE (B7-0713/2011)

on the situation of women in Afghanistan and Pakistan

Elmar Brok, José Ignacio Salafranca Sánchez-Neyra, Mario Mauro, Cristian Dan Preda, Roberta Angelilli, Bernd Posselt, Tunne Kelam, Monica Luisa Macovei, Elena Băsescu, Sari Essayah, Eija-Riitta Korhola, Zuzana Roithová, Róza Gräfin von Thun und Hohenstein, Sergio Paolo Francesco Silvestris, Eduard Kukan, Giovanni La Via, Laima Liucija Andrikienė, Lena Kolarska-Bobińska, Filip Kaczmarek
on behalf of the PPE Group
Véronique De Keyser, Thijs Berman, Lidia Joanna Geringer de Oedenberg, Rovana Plumb, Antigoni Papadopolou, Silvia Costa

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on behalf of the S&D Group

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

Nicole Kiil-Nielsen, Raül Romeva i Rueda, Jean Lambert, Franziska Katharina Brantner, Keith Taylor, Rui Tavares, Marije Cornelissen, Ulrike Lunacek, Jill Evans, Barbara Lochbihler

on behalf of the Verts/ALE Group

Charles Tannock, Geoffrey Van Orden, Marina Yannakoudakis, Ryszard Antoni Legutko, Julie Girling, Tadeusz Cymański, Andrea Češková

on behalf of the ECR Group

Fiorello Provera, Jaroslav Paška

on behalf of the EFD 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 that of 20 January 2011 and those of 20 May 2010 and 12 July, 5 October and 15 November 2007,
- having regard to its previous resolutions on Afghanistan, in particular those of 24 April 2009 on women's rights in Afghanistan and 16 December 2010 on a new strategy for Afghanistan,
- having regard to its resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter (2010/2202(INI)),
- having regard to its resolution of 26 November 2009 on the elimination of violence against women,
- having regard to the Council's conclusions adopted on 16 November 2009 on freedom of religion or belief, in which it underlined the strategic importance of this freedom and of countering religious intolerance,
- having regard to the Council conclusions on intolerance, discrimination and violence on the basis of religion or belief, adopted on 21 February 2011,
- having regard to the EU-Pakistan Joint Statement of 4 June 2010, in which both sides reaffirmed their determination to jointly address regional and global security issues, 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 Pakistan and on Afghanistan of 18 July 2011 and 14 November 2011,
- having regard to the statements by the EU High Representative on the proposed legislation on women's shelters in Afghanistan of 5 December 2011, 20 February 2011 and 15 December 2010,
- having regard to the conclusions of the International Conference of 5 December 2011 in Bonn,
- having regard to Article 18 of the 1948 Universal Declaration of Human Rights (UDHR),
- 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 UN International Covenant on Civil and Political Rights (ICCPR),

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PE479.406v01-00 }
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PE479.412v01-00 } RC1

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- 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 UN Security Council Resolutions 1325 (2000) and 1820 (2008) on women, peace and security, and to UN Security Council Resolution 1888 (2009) on sexual violence against women and children in situations of armed conflict, which emphasises the responsibility of all states to put an end to impunity and to prosecute those responsible for crimes against humanity and war crimes, including those relating to sexual and other violence against women and girls,
 - having regard to the position Paper of the Afghan Women’s Network of 6 October 2011 in preparation for the Bonn Conference,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas, although the situations in Afghanistan and Pakistan are different and of independent relevance, both physical and moral violence against women remain among the major human rights violations reported in Afghanistan and Pakistan, particularly in certain regions;
 - B. whereas women and girls often continue to face acid attacks and domestic violence, trafficking, forced marriages, including child marriages, and being traded in settlement of disputes; whereas the police, courts and other justice-sector officials seldom address women’s complaints of abuse, including beating, rape and other forms of sexual violence, and those fleeing those hardships may even find themselves in prison;
 - C. whereas, in most cases, the perpetrators of violence against women remain unpunished;
 - D. whereas the application of some laws, notably family laws, leads to women’s human rights being violated;
 - E. whereas the Government of Afghanistan enacted the law on the elimination of violence against women in August 2009 and the Afghanistan Council of Ministers approved a regulation on women’s protection centres on 5 September 2011;
 - F. whereas progress has been achieved since 2001 as regards the situation of women in Afghanistan in various fields such as health, education and the role of women in politics at national and regional levels and in civil society;
 - G. whereas Afghanistan is a party to several international conventions, particularly the Convention on the Elimination of all Forms of Discrimination against Women, and whereas Article 22 of the Afghan Constitution stipulates that men and women have equal rights and duties before the law;
 - H. whereas, however, the situation of Afghan women remains worrying, with the rate of maternal mortality during pregnancy and childbirth and the infant mortality rate in Afghanistan being among the highest in the world;

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 PE479.406v01-00 }
 PE479.407v01-00 }
 PE479.410v01-00 }
 PE479.412v01-00 } RC1

- I. whereas in some areas of Afghanistan under the control of insurgent formations even executions by stoning occur under the pretext of ‘Sharia Law’, as happened to a woman and her daughter in Ghazni on 12 November 2011;
- J. whereas the practice of ‘baad’ – the sale of a woman or a girl in reparation for a crime or as a punishment decided by a local Jirga – is still in use, although considered a criminal offence under Article 517 of the Afghan penal code;
- K. whereas the impending withdrawal of Western forces from Afghanistan risks endangering the progress made in the emancipation of women, as the Taliban could regain control over territories where women are freely exercising their new rights;
- L. whereas in government-controlled areas women have greater access to education, health care and work opportunities, but in areas heavily affected by insurgent groups women face significant discrimination in terms of access to education, health care and economic and cultural opportunities;
- M. whereas, particularly in certain regions, the Pakistani authorities also show a worrisome failure to provide protection for minorities and women against social injustice, as has been underlined by court rulings such as the Pakistani Supreme Court decision of 21 April 2011, which acquitted all but one of the six men accused of gang-raping Mukhtar Mai;
- N. whereas in 2002 the public both in Pakistan and abroad was shocked by the case of Mukhtar Mai, who was gang-raped on the order of a village council to avenge her brother’s supposed misconduct and who went on to successfully challenge her attackers in the lower courts;
- O. whereas the 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 being kidnapped, raped, and murdered;
- P. whereas the tragic example of Uzma Ayub, who was kidnapped a year ago, held captive and repeatedly raped by several members of the police force, shows a worrying disregard for the rule of law, since family members of the arrested officers killed the brother of the victim when Ayub rejected an out-of-court deal;
- Q. whereas after the 1977 military coup in Pakistan, the fundamental right to be free of discrimination on the basis of sex as guaranteed in the 1973 Constitution was suspended;
- R. whereas a series of laws has been introduced in Pakistan that codify women’s status as subordinate in law and in some cases give their testimony half the weight of a man’s, including the Hudood Ordinances and the Law of Evidence, which violate the status and rights of women;
- S. whereas a number of other discriminatory laws against women exist in Pakistan, including the Muslim Family Law Ordinance, the West Pakistan Family Court Act, the Child Marriage Restraint Act, the West Pakistan Dowry (Prohibition on Display) Act and the Dowry and

Bridal (Restriction) Act,

- T. whereas the EU has reaffirmed its commitment to building a strong long-term partnership based on mutual interests and shared values with Pakistan, supporting Pakistan's democratic institutions and civilian government, as well as civil society;
 - U. whereas the EU, while ready to pursue cooperation, counts on Pakistan to respect its international commitments, in particular in the field of security and human rights, including women's rights;
 - V. whereas Article 3(5) of the Treaty on European Union states that the promotion of democracy and respect for human rights and civil liberties are fundamental principles and aims of the European Union and constitute common ground for its relations with third countries; whereas EU assistance in trade and development is conditional upon respect for human rights and minority rights;
1. Is deeply concerned about the situation of women and girls and the repeated reports of brutal violations of women's rights in Afghanistan and Pakistan; stresses that closer international attention must be paid as a matter of urgency to the situation of women and girls in those countries;
 2. Urges the European Commission and the Council, as well as the international community, to significantly increase funds aimed at efforts to protect women from rape, abuse and domestic violence and to outline practical measures to support civil society movements against discriminatory legislation;
 3. Insists that women's rights be explicitly addressed in all human rights dialogues, and in particular the issue of combating and eliminating all forms of discrimination and violence against women and girls, including all forms of harmful traditional or customary practices, early or forced marriage, domestic violence and femicide, and likewise insists that the invocation of any custom, tradition or religious consideration of any kind in order to evade the duty to eliminate such brutality be rejected;

Afghanistan

4. Pays tribute to the Afghan women who are playing a crucial role in the development and growth of the nation; takes the view that the advances made in recent years in the area of equality between men and women are essential to building the future of the country;
5. Welcomes positive developments in the form of appointments of women to high-ranking political and administrative positions in Afghanistan, such as that of Mrs Sarabi as Governor of Bamyan; encourages the Afghan Government to pursue its efforts to increase the number of women exercising public responsibilities, in particular in provincial administration;
6. Welcomes the recent decision of President Karzai to pardon Gulnaz, a rape victim who had been jailed for adultery; calls on the government to end the practice of incarcerating women

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PE479.407v01-00 }
PE479.410v01-00 }
PE479.412v01-00 } RC1

for seeking to evade abusive situations and instead to increase the number of shelters for women and children in the country, and urges the EU to grant permanent support for such facilities;

7. 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 in women's conditions and rights in Afghanistan after the departure of allied forces announced for 2014;
8. Underlines the fact 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 and funded and supported by several international organisations, according to which Afghanistan's maternal mortality rate dropped to fewer than 500 deaths per 100 000 live births; invites the European Commission, the Member States, international partners and NGOs to maintain a particular focus on maternal and child health when implementing projects in Afghanistan;
9. Welcomes the reiterated commitment 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 uphold 'all of its human rights obligations'; also welcomes the commitment of the international community to 'supporting Afghanistan's progress in that direction';
10. Calls on the Afghan Parliament and the Afghan Ministry of Justice to repeal all laws that give rise to, or contain elements of, discrimination against women, which are in breach of the International Treaties signed by Afghanistan;
11. Believes that commitment to, and respect for human rights, particularly women's rights, are essential to the democratic development of Afghanistan;
12. Is deeply concerned that, despite all the progress made, Afghan women and girls continue to be victims of domestic violence, trafficking, forced marriages, including child marriages, and being traded in settlement of disputes; urges the Afghan authorities to ensure that the police, courts and other justice-sector officials follow up on women's complaints of abuse, including beating, rape and other forms of sexual violence;
13. Is particularly worried that women in areas controlled by the Taliban or other insurgent groups continue to face punishment by stoning or physical disfigurement when accused of violating the repressive Taliban social codes;
14. Recognises that equality for women is a principle that has been enshrined in Afghanistan's new Constitution; calls for the revision of the law concerning the personal status of Shiite women in Afghanistan, which, despite some amendments, contradicts the principles of the International Covenant on Civil and Political rights, the Convention on the Elimination of all Forms of Discrimination and the Convention on the Rights of the Child;

15. Reiterates that the support of the European Union and its Member States for the reconstruction of Afghanistan must include concrete measures to eradicate discrimination against women in order to strengthen respect for human rights and the rule of law;
16. Calls on the Afghan authorities to eradicate the inhuman practice of 'baad' and to take urgent measures to implement fully the law of 2009, which provides for penal sentences of up to ten years for offenders;
17. Calls on the Afghan Government, in order to better protect women's rights and to avoid discriminatory conditions, to amend the existing legislation and the penal code; stresses that the peace talks must not under any circumstances result in a loss of the rights acquired by women in recent years;
18. Insists that women's essential contribution to household and community conflict resolution should be used to good effect, and that the number of the seats for women on the High Peace Council and Provincial Peace Councils should be considerably increased;

Pakistan

19. Expresses its deep concern about the handling of the court cases against Asia Bibi, Mukhtar Mai and Uzma Ayub, which could further erode faith in Pakistan's justice system and embolden those who seek to violate the rights of women and other at-risk groups;
20. Urges the Pakistani Government to put into place mechanisms which would allow local and regional administrations to monitor the conduct of informal village and tribal councils and to intervene in instances where they have acted beyond their authority;
21. Calls on the Pakistani Government to re-establish the fundamental rights enshrined in the 1973 Constitution, including the right to be free from discrimination on the basis of sex;
22. Urges the government to review the legislation on women's rights that was introduced after the military coup, in particular the Hudood Ordinances and the Law of Evidence, which violate the status and rights of women, making them subordinate in law;
23. Welcomes the recent introduction of a bill in the National Assembly to turn the National Commission on the Status of Women into an autonomous body for the empowerment of women and the elimination of all forms of discrimination against them, and supports efforts to ensure passage of the bill for the establishment of a National Commission on Human Rights;
24. Warmly welcomes the recent approval, by both the Senate and the National Assembly, of two key bills to protect women, namely the Acid Control and Acid Crime Prevention Bill 2010 and the Prevention of Anti-Women Practices (Criminal Law Amendment) Bill 2008 , and would support the setting up of an implementation commission to oversee the rapid application of these bills;

25. Regards it as regrettable, nonetheless, that the Senate has let the Domestic Violence Bill lapse although the National Assembly passed it in 2009; believes that it is necessary, and in the spirit of the pro-women legislation recently passed, to reintroduce and speedily adopt the Bill in order to fight domestic violence;
26. Calls on the government to review a number of other discriminatory laws against women, namely the Muslim Family Law Ordinance, the West Pakistan Family Court Act, the Child Marriage Restraint Act, the West Pakistan Dowry (Prohibition on Display) Act, the Dowry and Bridal (Restriction) Act, the Hudood Ordinances, the 1951 Citizenship Act and the 1984 Law of Evidence;
27. Reiterates its call upon the government to carry out a thoroughgoing review of the blasphemy laws and their current application, as well as – inter alia – of Section 295 C of the Penal Code, which prescribes a mandatory death penalty for anyone found guilty of blasphemy, and in the meantime to implement amendments already suggested;
28. Urges the government to prosecute those inciting violence, in particular those calling for and, in some cases, offering rewards for the deaths of individuals and groups with whom they disagree, and to take further measure to facilitate debate on the issue;
29. Urges the Pakistani authorities to take decisive action to eliminate ‘honour’ killings; states that Pakistan’s judicial system must punish those found guilty of such acts;
30. Calls on the Commission and Council to propose and implement education programmes aimed at improving the literacy and education of women in Pakistan;
31. Calls on the competent EU institutions to include the issue of religious tolerance in society in its political dialogue with Pakistan, this matter being of central importance to the long-term fight against religious extremism;
32. Urges the competent EU institutions to insist that the Government of Pakistan uphold the democracy and human rights clause enshrined in the Cooperation Agreement between the European Union and the Islamic Republic of Pakistan; reiterates its call on the European External Action Service to present a report on the implementation of the Cooperation Agreement and the democracy and human rights clause;
33. Instructs its President to forward this resolution to the Council, the European External Action Service, the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission, the governments and parliaments of the Member States, and the Governments and Parliaments of Afghanistan and Pakistan.