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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 Marios Matsakis, Marco Cappato, Toomas Savi

on behalf of the ALDE Group

on women's rights in Afghanistan

**European Parliament resolution on women's rights in Afghanistan**

*The European Parliament,*

- having regard its previous resolutions on Afghanistan and its report on the functioning of Human Rights dialogues and consultations on human rights in third countries,
  - having regard the recently adopted Shia Personal Law in Afghanistan, which is now said to be “under review” by President Hamid Karzai,
  - having regard the recent protests of hundreds of Afghan women against this law legalizing marital rape,
  - having regard to the fact that the women in Afghanistan “would sign their death sentence by bringing before the public their request for more rights” including access to labor market, right of inheritance, justice and even retribution when they were victims of rape, according to UNIFEM assertions,
  - having regard to the Constitution of Afghanistan and the numerous international human rights treaties to which Afghanistan is a party,
  - having regard the unequivocal reactions of many state officials, public and civil organizations from the EU and all over the world, including hundreds of signatures gathered in the Appeal to Ensure Equal Rights for All Afghani Women launched by No Peace Without Justice and the Nonviolent Radical Party, Transnational and Transparty, that affirm that this law, which denies Afghan women equal rights in education, employment, health care and custody matters and in effect, legalizes marital rape and treats women as objects or property, is a “step in the wrong direction”; a “crime against Afghan women”; and in fact it has been recognized as an infringement of international standards of human rights,
  - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas gender discrimination, which reached unprecedented levels under the Taliban regime, remains a heavy social problem for the Afghan people,
- B. whereas it is unacceptable for any man, husband or not, to impose his will on a woman, creating a subservient relationship, nor is it acceptable to legitimate or tolerate rape in any circumstances, including in marital cohabitation,
- C. whereas Mrs Sitara Achakzai, a female member of Kandahar's Provincial Council, has been murdered in a Taliban ambush outside her home in Kandahar city on 13 April 2009,
- D. whereas in addition to her role on the council, Mrs Achakzai was a well-known women's rights activist who was a vocal proponent of women working outside the home,
- E. whereas a UN study indicates that violence against women is prevalent at all levels in Afghan society regardless of a woman's social status, education, profession or property qualifications, that more than half of Afghan women have suffered from violence between

2003 and 2005 and that 82% of those women admit they were victims of domestic violence, where in most cases the oppressor was either a husband, son, father-in-law, or brother,

- F. whereas there still exists the broadened practice of forced and early marriages,
  - G. whereas religious beliefs and misinterpretation of the Koran cannot be used to justify cruel treatment and slavery of women or children,
1. Condemns the multiple discrimination against the women of Afghanistan, insisting that the Afghan society does not need violence but equal gender participation both in social and family life, and in sharing the responsibilities for rearing next generations in respect of peace and human rights;
  2. Recognizes the extremely difficult circumstances the Afghan people have endured after many decades of occupation, conflict, fundamentalist regime and fragmentation of the society; and stresses that throughout these difficult circumstances, women and children have often been targeted as the most vulnerable sector of the society;
  3. Condemns the threats of expulsion or displacement against 3500 Iranian exiles in Camp Ashraf in Iraq made by senior Iraqi officials and particularly the abuse of Ashraf residents ordered by the Iraqi National Security Adviser Mowaffaq al-Rubaie. Forcible displacement of Ashraf residents within Iraq or their extradition or forcible expulsion would violate the Fourth Geneva Convention, International Law and the principle of non-refoulement;
  4. Recalls the discrimination inflicted on women of all ages in Afghanistan under the Taliban regime and since then; condemns all legal, cultural or religious practices that cause or legitimise discrimination against women, which excludes them from political and public life and confines them in their every day life;
  5. Believes that the reconstruction of the country, assisted by the international community, has to be undertaken including appropriate legislative and social reforms, and that women's rights play a crucial element in it;
  6. Condemns any attempt to legalize violence in family life in Afghanistan and express its strong objection to this law concerning women obligations as an attempt to legitimize force in marital relations and to relegate women to second class citizens;
  7. Urges the Afghan authorities to immediately abolish the Shia Personal Law, to not implement any measure that can undermine women rights in the country and to ensure that any law enacted by the Afghan authorities is in full compliance with its Constitution and with international human rights standards;
  8. Withstands against all forms of harmful and degrading traditions and customary practices, including early and forced marriages, domestic violence and feminicide;

9. Calls on the Afghan authorities to adopt and implement across the country effective measures to promote fundamental women's rights and to respect human dignity, including in matrimonial relations;
10. Calls on the Afghan authorities to take all necessary steps to ensure the protection of children and, in particular, to prevent them from being forced into early marriage, which places at risk their ability to enjoy other fundamental human rights, including their right to education;
11. Expresses its condolences to the family of Mrs Achakzai and its full solidarity to all Afghan women and particularly to those actively engaged in advocating women's rights despite daily threats;
12. Calls on the Afghan security forces to implement adequate measures to effectively protect women's rights activists;
13. Calls on the Afghan authorities to investigate and prosecute those responsible for the harassment and killing of women's rights activists;
14. Recalls that gender discrimination can not be used under any circumstances as a campaign tool for the forthcoming elections in Afghanistan in August; doubts that any democratic changes would happen if there are signs, even given by the national legislative body, that the war has not ended but has been extended by other means against the weakest and more vulnerable part of society;
15. Insists on full participation of Afghan women in the decision making process in Afghanistan and takes into consideration among the other rights also the women's right to be elected and nominated for high state positions;
16. Calls on the Commission, the Council and the Member States, particularly those engaged in the coalition operating in the country, to continue to raise the issue of the Shia Family law and any discrimination against women and children as unacceptable and incompatible with the long-term commitment provided by the international community in assisting Afghanistan in its rehabilitation and reconstruction effort;
17. Calls in particular on the Commission to strength its assistance to projects designed to promote and protect the human rights of women and girls;
18. Instructs its President to forward this resolution to the Council, the Commission and to the concerned authorities in Afghanistan.