Resolution on women's rights in Afghanistan

2009/2579(RSP) - 24/04/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 388 votes to 4, with 7 abstentions, a resolution on women’s rights in Afghanistan. It notes that 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. This draft law, which would affect between 15 and 20% of the Afghan population, has yet to come into force, although it has already been signed by the President of Afghanistan, Hamid Karzai. 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.

Parliament 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. It 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. It is essential for the democratic development of the country that Afghanistan should commit itself to safeguarding human rights and women's rights in particular, given that women play a crucial role in the development of the country.

Members point out that the EU'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. They salute the courage of and express support for the Afghan women who demonstrated in Kabul against the new draft law. They condemn the acts of violence perpetrated against them during those demonstrations, and calls on the Afghan authorities to guarantee their protection.

Parliament goes on to condemn 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. It 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. It calls on the Afghan 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. 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. Parliament encourages women to stand in the presidential election to be held on 20 August 2009.

It calls on the Council, the Commission and Member States, as appropriate:

- 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;
- 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.