

EUROPEAN PARLIAMENT

2004



2009

Session document

22.4.2009

B6-0241/2009

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 André Brie, Vittorio Agnoletto, Luisa Morgantini

on behalf of the GUE/NGL Group

on women's rights in Afghanistan

European Parliament resolution on women's rights in Afghanistan

The European Parliament,

- having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas Afghan Parliament passed the Shiite Personal Status Law that forces women to obey their husbands' sexual demands, keeps women from leaving the house -- even for work or school -- without a husband's permission, automatically grants child custody rights to fathers and grandfathers before mothers, and favours men in inheritance disputes and other legal matters,
- B. whereas a demonstration of Afghan women who protested against the law outside the Kabul mosque was strongly attacked by Afghan men,
- C. whereas on 12 April Sitara Achakzai, an Afghan women's human rights defender and Provincial Council member from Kandahar, Afghanistan, was killed outside her home for daring to prove that women can be leaders for peace, change and equality,
- D. whereas on 13 April the 19-year-old Gul Pecha, and the 21-year-old Abdul Aziz, were killed after being accused by the militants of immoral acts, and condemned to death by a council of conservative clerics,
- E. whereas the 23-year-old Afghan journalist Perwiz Kambakhsh was sentenced to death for circulating an article about women's rights in Islam; whereas after strong international protests this charge was reversed into a 20-years prison sentence,
- F. whereas violence against women such as rape, "honour killings", early and forced marriage, sexual abuse, and slavery remain widespread, is tolerated or condoned within the family and community, within traditional and religious leadership circles as well as the formal and informal justice system; whereas the Afghan Government has failed to adequately protect the rights of women despite constitutional guarantees,
- G. whereas there has been a dramatic increase in threats and intimidation against women in public life or those who work outside the home; whereas women working with government agencies, national and international organisations, as journalists, police officers , and lawyers have all reported death-threat letters and phone calls,
- H. whereas there are a number of other human rights set-backs in Afghanistan that have been undermining efforts to build the rule of law; whereas freedom of expression by media and civil society activists has come under increasing assault; whereas there has been no progress in ensuring justice or accountability for past war crimes and crimes against humanity, which have characterized decades of warfare and lawlessness; whereas impunity is widespread and deeply entrenched in the society; whereas after a moratorium of some years, the Government has recently reactivated the death penalty despite a deeply flawed judicial system,

- I. whereas the number of Afghan civilian casualties in 2008 – at total of 2,118 – is the highest recorded since the ouster of the Taliban in 2000, whereas according to the latest UN report air-strikes of the international military forces were responsible for some 64 per cent of civilian deaths attributed to pro-government forces,
1. Notes with deep concern that the human rights situation in Afghanistan is marked by significant deficits and setbacks which pose serious threats to the country's long-term prospects for peace, stability, democracy, development and the rule of law;
2. Expresses its deep preoccupation about the fact that Shiite Personal Status Law passed the Afghan Parliament and got the signature of the Afghan President Hamid Karzai; underlines that the respect for women's rights – and human rights in general – is of paramount importance to Afghanistan's future security and development; strongly urges the Government and the Parliament of Afghanistan to review the law and make necessary amendments to the provisions that are not compatible with the Constitution and commitments of Afghanistan to international Human Rights Laws;
3. Commends the Afghan women for their courage to protest against the law outside the Kabul mosque; calls on the Afghan authorities to guaranty the security of these women, to investigate the violence of counter-protesters against these women and to bring the perpetrators of the violence to justice;
4. Strongly condemns the vicious and deliberate killing of the female politician Sitara Achakzai; calls on the Afghan authorities to effectively protect women and girls in both the private and public sphere; underlines that this must be translated into policies and concrete programmes;
5. Is appalled to learn that the Afghan supreme court has upheld the 20- year prison sentence which Perwiz Kambakhsh received on a blasphemy charge; calls for Mr Kambakhsh to be released; calls on President Karzai to exercise his power to pardon Mr Kambakhsh;
6. Urges the Afghan government to identify, arrest, and make accountable the murderers of Sitra Achakzai, Gul Pecha and Abdul Aziz;
7. Notes with deep preoccupation that despite the promises the weak, corrupt and dysfunctional judicial system continues to exist, that traditional dispute-resolution mechanisms are applied and justice is effectively denied to the vast majority of Afghans;
8. Expresses its deep concern about the culture of impunity which prevails and is deeply entrenched in Afghanistan; notes with deep concern the lack of political will to change this situation;
9. Urges the Government and the international community to effectively address the issue of impunity, which not only undermines the legitimacy of Afghan law enforcement and judicial institutions but has also eroded people's confidence in Government and public institutions;
10. Stresses the urgent need for the international community to analyse what strategic and conceptual misjudgements have contributed to the current situation in Afghanistan; concludes that a major shift of strategy is necessary and that the prevailing military

solution must be replaced by reinforced civil reconstruction efforts;

11. Considers in particular that "Operation Enduring Freedom" is politically counterproductive because reconciliation and consolidation of peace cannot be imposed militarily from the outside but have to be developed inside Afghanistan; calls therefore for an immediate end of the military operations and the withdrawal of the foreign troops from the country;
12. Instructs its President to forward this resolution to the Council and the Commission, to the UN Secretary-General and the Secretary General of NATO, and to the governments and parliaments of the Member States and of the Islamic Republic of Afghanistan.