

# AMNESTY INTERNATIONAL PRESS RELEASE

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## Afghanistan: Constitution fails women

(Washington, DC) -- Amnesty International today warned that the draft Constitution of Afghanistan fails to protect the rights of women. In recent testimony to Congress, the human rights organization has warned that the constitution must explicitly prohibit discrimination based on gender and fully acknowledge equality between women and men.

"Last week, the US House of Representatives overwhelmingly applauded the role of the US forces in restoring the right to work and education to the women of Afghanistan," said T. Kumar, AIUSA's Advocacy Director for Asia, who delivered the organization's testimony to Congress. "However, such gains are fleeting at best unless the rights of women and children are enshrined in the Constitution of Afghanistan."

In its recent report, *"Afghanistan: No-one listens to us and no-one treats us as human beings"*, Amnesty International described Afghan women's struggles with forced marriage, in addition to other abuses. To defend against forced marriages, AI urges that a woman's right to choose a spouse freely, including forbidding child marriage, should be specifically mentioned in clauses in the constitution that make reference to the family. Similarly, women should also be guaranteed the same rights and responsibilities as men in marriage and at the termination of marriage.

More than 20 years of war have left millions of children orphaned, and many as breadwinners for their family. The Afghan draft constitution does not presently grant the right to food, shelter, and other protection to children. As a signatory to the Convention on the Rights of the Child, the state of Afghanistan should make its international obligations to this treaty and to all Afghan children clear in its constitution.

Amnesty International believes that while the constitution alone cannot prevent human rights violations, if key women's rights are not explicitly enumerated, then the overall framework of guarantees for the protection of fundamental human rights and freedoms will be weakened.

In addition to the constitution, the Afghanistan Independent Human Rights Commission (AIHRC) has the potential to help protect the rights of all citizens of that country. Amnesty International welcomes the constitutional status granted to the AIHRC, thus ensuring its permanence in the government. However, the AIHRC should be given the mandate to ensure that new and existing legislation fully complies with Afghanistan's international treaty obligations and protects human rights, a function currently accorded the Supreme Court. Additionally, the AIHRC should be given the powers to investigate, initiate cases in Afghanistan's courts, and remedy abuses.

President Bush has stated: "The women of Afghanistan, imprisoned in their homes or beaten in the streets and executed in public spectacles, did not reproach us for routing the Taleban." The United States' commitment to the rights of Afghanistan's women must include lobbying for much-needed protections to be added to the Afghan Constitution.

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