

## **CONCURRENT RESOLUTION**

Whereas the legacy of the war in Afghanistan has had a devastating impact on the civilian population, and a particularly negative impact on the rights and security of women and girls;

Whereas the current environment is one in which the rights of women and girls are routinely violated, leading the Department of State in its 1997 Country Report on Human Rights, released January 30, 1998, to conclude that women are beaten for violating increasingly restrictive Taliban dress codes, which require women to be covered from head to toe, women are strictly prohibited from working outside the home, women and girls are denied the right to an education, women are forbidden from appearing outside the home unless accompanied by a male family member, and beatings and death result from a failure to observe these restrictions;

Whereas the Secretary of State stated, in November 1997 at the Nasir Bagh Refugee Camp in Pakistan, that if a society is to move forward, women and girls must have access to schools and health care, be able to participate in the economy, and be protected from physical exploitation and abuse;

Whereas Afghanistan recognizes international human rights conventions such as the Convention on the Prevention

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and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the Covenant on the Rights of the Child, the Convention on the Elimination of All Forms of Diserimination Against Women, and the International Covenant on Economic, Social, and Cultural Rights, which espouses respect for basic human rights of all individuals without regard to race, religion, ethnicity, or gender;

Whereas the use of rape as an instrument of war is considered a grave breach of the Geneva Convention and a crime against humanity;

Whereas people who commit grave breaches of the Geneva Convention are to be apprehended and subject to trial;

Whereas there is significant credible evidence that warring parties, factions, and powers in Afghanistan are responsible for numerous human rights violations, including the systematic rape of women and girls;

Whereas in recent years Afghan maternal mortality rates have increased dramatically, and the level of women's health care has declined significantly;

Whereas there has been a marked upswing in human rights violations against women and girls since the Taliban coalition seized Kabul in 1996, including Taliban edicts denying women and girls the right to an education, employment, access to adequate health care, and direct access to humanitarian aid; and

Whereas peace and security in Afghanistan are conducive to the full restoration of all human rights and fundamental freedom, the voluntary repatriation of refugees to their homeland in safety and dignity, the clearance of mine

fields, and the reconstruction and rehabilitation of Afghanistan: Now, therefore, be it

1       *Resolved by the Senate (the House of Representatives*  
2 *concurring), That Congress—*

3               (1) deplores the continued human rights violations by all parties, factions, and powers in Afghanistan;

6               (2) condemns targeted discrimination against women and girls and expresses deep concern regarding the prohibitions on employment and education;

9               (3) strongly condemns the use of rape or other forms of systematic gender discrimination by any party, faction, or power in Afghanistan as an instrument of war;

13              (4) calls on all parties, factions, and powers in Afghanistan to respect international norms and standards of human rights;

16              (5) calls on all Afghan parties to bring an end without delay to—

18               (A) discrimination on the basis of gender;  
19               and

20               (B) deprivation of human rights of women;

21              (6) calls on all Afghan parties in particular to take measures to ensure—

4 (B) respect for the right of women to  
5 work;

6 (C) the right of women and girls to an  
7 education without discrimination, reopening  
8 schools to women and girls at all levels of edu-  
9 cation;

10 (D) respect for the right of women to  
11 physical security;

12 (E) those responsible for physical attacks  
13 on women are brought to justice;

14 (F) respect for freedom of movement of  
15 women and their effective access to health care;  
16 and

17 (G) equal access of women to health facili-  
18 ties:

24 (8) calls on the international community to pro-  
25 vide, on a nondiscriminatory basis, adequate human-

1 humanitarian assistance to the people of Afghanistan and  
2 Afghan refugees in neighboring countries pending  
3 their voluntary repatriation, and requests all parties  
4 in Afghanistan to lift the restrictions imposed on  
5 international aid and to cease any action which may  
6 prevent or impede the delivery of humanitarian as-  
7 sistance;

15 (10) calls on all warring parties, factions, and  
16 powers to participate with Ambassador Brahimi in  
17 an intra-Afghan dialogue regarding the peace proc-  
18 ess.

## 19 SEC. 2. ADDITIONAL ACTION BY PRESIDENT.

20 It is the sense of Congress that the President and  
21 Secretary of State should—

22 (1) work with the United Nations High Com-  
23 missioner for Refugees and the international com-  
24 munity to—

5 (B) increase support for refugee programs  
6 in Pakistan providing assistance to Afghan  
7 women and children with an emphasis on  
8 health, education, and income-generating pro-  
9 grams; and

10 (C) explore options for the resettlement of  
11 those Afghan women, particularly war widows  
12 and their families, who are under threat or who  
13 fear for their safety or the safety of their fami-  
14 lies;

20 (A) facilitate organization among Afghan  
21 women's groups in Pakistan and Afghanistan;

22 (B) provide humanitarian and development  
23 services to the women and the families most in  
24 need; and

25 (C) promote women's economic security;

1 (3) make a policy determination that—

2 (A) recognition of any government in Af-  
3 ghanistan by the United States should depend,  
4 among other things, on the human rights poli-  
5 cies towards women adopted by that govern-  
6 ment;

10 (C) any nonemergency economic or devel-  
11 opment assistance will be based on respect for  
12 human rights; and

13 (4) call for the creation of—

14 (A) an international commission to estab-  
15 lish a record of the criminal culpability of any  
16 individual or party in Afghanistan employing  
17 rape or other crimes against humanity consid-  
18 ered a grave breach of the Geneva Convention  
19 as an instrument of war; and

20 (B) an ad hoc international criminal tribu-  
21 nal by the United Nations for the purposes of  
22 indicting, prosecuting, and imprisoning any in-  
23 dividual responsible for crimes against human-  
24 ity in Afghanistan.

**1 SEC. 3. REPORT.**

2        It is the sense of Congress that the Secretary of State  
3 should submit a report to Congress not later than 6  
4 months after the date of the adoption of this resolution  
5 regarding actions that have been taken to implement this  
6 resolution.

Passed the Senate July 29, 1998.

Attest:

*Secretary.*

105TH CONGRESS  
2D SESSION

**S. CON. RES. 97**

**CONCURRENT RESOLUTION**

Expressing the sense of Congress concerning the human rights and humanitarian situation facing the women and girls of Afghanistan.