Open Letter to the President of Afghanistan, Hamid Karzai

New law represents staggering setback for women's rights - FIDH calls for its immediate repeal

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Dear President Karzai,

The International Federation for Human Rights (FIDH) expresses its alarm and outrage concerning your decision to approve a new Shia Family Code, which condones the most flagrant discrimination against women and authorises violence against them. Acknowledging your recent decision to mandate a review of the law by the Ministry of Justice to examine the conformity of its provisions with the Afghan Constitution, FIDH underlines that the provisions of the text violate Afghanistan's international obligations and calls upon you to go further by taking urgent action to demand its immediate repeal.

The adoption of this law would represent the most staggering setback for the women of Afghanistan. The law places severe restrictions on women's freedom of movement, denying their right to leave their homes without their husbands' permission except for a 'legitimate purpose'. By requiring women to submit to the sexual desires of their husbands, it expressly authorises marital rape. It also authorises and promotes discrimination against women in the areas of marriage, divorce, child custody, inheritance and access to education.

Not only is the law in contradiction to the provisions of the Afghan Constitution, which provides for equality between men and women, but it is in blatant violation of the most fundamental human rights of women as set out in international conventions ratified by Afghanistan.

FIDH draws your attention in particular to your government's obligations under the Convention for the elimination of all forms of discrimination against women (CEDAW) which Afghanistan ratified in March 2003 and which requires your government to take all steps to combat discrimination against women. FIDH underlines that the rights set out in this Convention are universal and cannot be traded for political or other interest.

FIDH also underlines the dangers of adopting legislation the application of which is limited to sections of the population. Such measures by definition promote discrimination and injustice.

The effects of this law will be devastating, not only for Shia women but for all women in Afghanistan, and elsewhere. It represents a grave threat for the future of democracy, peace and stability in the country.

We request your urgent attention to this matter by ensuring its immediate repeal.

Yours sincerely,

Souhayr Belhassen

FIDH President