

RELEASE IN PART
B5,B6

From: H <hrod17@clintonemail.com>
Sent: Friday, January 29, 2010 3:27 AM
To: 'millscd@state.gov'
Cc: H
Subject: Re: Women's Rights and Reintegration

Also need to discuss this weekend.

----- Original Message -----

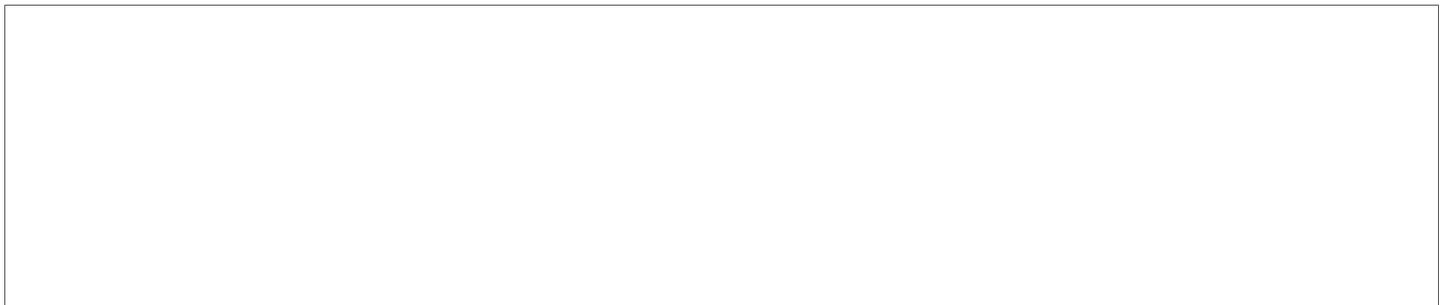
From: Mills, Cheryl D <MillsCD@state.gov>
To: H
Sent: Thu Jan 28 20:13:38 2010
Subject: FW: Women's Rights and Reintegration

See both emails below

From: McKean, Margaret B
Sent: Thursday, January 28, 2010 6:24 PM
To: Mills, Cheryl D
Cc: Sullivan, Jacob J; Feldman, Daniel F; Jones, Paul W
Subject: Women's Rights and Reintegration

Cheryl,

You asked about the relevant sections of the Afghan Constitution vis-à-vis women's rights, and if these elements would provide an adequate safeguard for protecting women's rights if ex-Taliban commit to respect for the Constitution. It's not a clear answer; yes the Constitution provides for equal rights for men and women – but Article 3 is the loophole through which more conservative religious elements in the judiciary and the Parliament have been able to argue for less than equal treatment for women. See the email from my colleague, Rina Amiri, below detailing the specific sections.



Melanne Verveer, by the way, is going to brief the Shura on Monday, February 1 on the women's plan that the Secretary announced in London. I have alerted Melanne to the possible/likely reaction from some within the interagency if she brings up the issue of women's rights and reintegration.

Please let me know if you have any questions.

Kind regards,

Peggy McKean

S/SRAP

7-9208

From: Amiri, Rina

Sent: Tuesday, January 26, 2010 3:24 PM

To: McKean, Margaret B

Subject: women's rights and reintegration

Peggy, we should discuss further but the key points to bear in mind are as follows:

- The key safeguard that we are relying on to protect women's rights is the requirement that reintegrated insurgents respect the Afghan Constitution.
- The Constitution states that "the citizens of Afghanistan--whether man or woman--have equal rights and duties before the law" and includes special provisions (article 44 requires the state to create and foster balanced education for women; article 53 stipulates that the state must render aid to women without caretakers; and articles 83 and 84 provide quotas for women's participation in the upper and lower house respective) to encourage women's access to education and government.
- It explicitly notes that the state to abide by the UN charter, international treaties, international conventions that Afghanistan has signed (Afghanistan has also ratified CEDAW which prohibits discrimination in public and private realms) and the Universal Declaration of Human Rights.
- However, article 3-- which stipulates that no law "shall contravene the tenets and provisions of the holy religion of Islam" --leaves the rights accorded to women ambiguous and up for interpretation. The power of interpretation is left up to the Supreme Court, whose members often have a conservative religious training.
- As witnessed in the debate over the Shiite Family Law, there is now a significant women's movement in Afghanistan which is prepared to challenge any effort to curtail women's rights. However, they continue to rely heavily on the international community to promote and protect women's rights and to create a space for their advocacy.

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