

(English version)

**Question for written answer E-000022/25
to the Commission
Mélissa Camara (Verts/ALE), Mounir Satouri (Verts/ALE)
(7 January 2025)**

Subject: Recognition of gender apartheid

Afghan women face all manner of prohibitions and obligations.

They are not allowed to study beyond primary school, are excluded from medical schools, are not allowed to work in national or international NGOs and generally have limited access to employment, particularly in the public sector.

They do not have access to most public spaces, must be accompanied by a male chaperone if they wish to leave their homes, are not allowed to sing or recite poetry in public and are forced to speak with hushed voices.

They are forced to block up the windows of the domestic areas they inhabit so that they cannot be seen from the outside, which means building human-sized walls.

These measures not only restrict their freedoms, but also aim to eradicate their participation in the social, cultural and economic life of the country.

On 4 October 2024, the Court of Justice of the European Union delivered a judgment recognising the right of all Afghan women to obtain refugee status in the EU.

Does the Commission intend to recognise gender apartheid as a crime against humanity, as called for by Parliament on 14 September 2024?

Submitted: 7.1.2025

**Answer given by High Representative/Vice-President Kallas on behalf of the European Commission
(26 March 2025)**

Since the Taliban takeover of Afghanistan in August 2021, the EU has been expressing concerns on the breaches of fundamental rights of Afghans, notably of women and girls, also directly with the Taliban.

In 2023, the EU listed five Taliban individuals under the EU Global Human Rights Sanction Regime for their role in depriving Afghan girls and women of their right to education, access to justice and equal treatment between men and women ⁽¹⁾.

In reaction to the most recent (December 2024) restrictions ordering to suspend medical education for women and girls the European External Action Service has promptly issued a statement ⁽²⁾.

Moreover, the EU is supporting all efforts aiming at strengthening the respect of human rights and accountability mechanisms, notably through United Nations' led initiatives.

The term 'gender apartheid' is not used in international law. But, the policies and practices of the Taliban may amount to gender persecution, which is recognised as a crime against humanity in accordance with Article 7 of the Rome Statute of the International Criminal Court ⁽³⁾ (ICC), to which Afghanistan is a party.

The EU has recalled this fact on several occasions, also reminding that accountability for human rights violations and abuses and violations of international law must be ensured, notably in the September 2021 ⁽⁴⁾ and March 2023 ⁽⁵⁾ Council conclusions.

The ICC is an independent judicial institution established to investigate, prosecute and try individuals accused of committing the most serious crimes of concern to the international community.

The EU does not interfere with the investigative work of the ICC, as this would violate the independence and impartiality of the court.

⁽¹⁾ The listed individuals are the acting Taliban Ministers of Higher Education and the Propagation of Virtue and the Prevention of Vice (March 2023) and the Taliban Ministers of Education and Justice and the acting Taliban Chief Justice of the Supreme Court of Afghanistan (July 2023), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2023:0691:FULL,> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023R1499>

⁽²⁾ https://www.eeas.europa.eu/eeas/afghanistan-statement-spokesperson-latest-restrictions-imposed-taliban-women-and-girls_en

⁽³⁾ <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>

⁽⁴⁾ <https://data.consilium.europa.eu/doc/document/ST-11713-2021-REV-2/en/pdf>

⁽⁵⁾ <https://data.consilium.europa.eu/doc/document/ST-7264-2023-INIT/en/pdf>