

(English version)

Priority question for written answer P-001630/24

**to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy
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(5 September 2024)**

Subject: New Afghan morality law or law of silence, the culmination of a regime of ‘gender *apartheid*’

The Taliban regime in Afghanistan has taken a further step towards ‘gender *apartheid*’ with the recent publication of the law of silence, banning, among other things, the sound of women’s voices in public.

Afghan women and girls are under a repressive regime that violates their most basic human rights. They are victims of oppression, violence, harassment and constant mistreatment.

Recently, the High Representative of the Union for Foreign Affairs and Security Policy, Josep Borrell, stated ⁽¹⁾ that these practices constitute a crime against humanity under Article 7 of the Rome Statute. The Spanish Government has expressed ⁽²⁾ its determination to ‘lead the fight against gender *apartheid*’ at the global level.

In view of this unsustainable situation:

1. What measures do the EU and its Member States intend to take, in line with the Council conclusions on Afghanistan ⁽³⁾, to prevent violations of women’s fundamental rights in Afghanistan?
2. Will the EU and its Member States consider taking this issue to the International Criminal Court?
3. What role will the EU play with regard to international protection for Afghan women who flee to the European Union?

Submitted: 5.9.2024

**Answer given by High Representative/Vice-President Borrell i Fontelles on behalf of the European Commission
(14 October 2024)**

The recent so-called law on the Propagation of Virtue and the Prevention of Vice or morality law of the Taliban confirms and extends severe restrictions on the life of Afghans, and in particular women and girls.

On 26 August 2024, the High Representative/Vice-President issued a statement ⁽¹⁾ on behalf of the EU to strongly condemn this appalling development.

The EU uses all its tools to support Afghan women and girls. Through its assistance, delivered under a ‘by women for women’ approach — ensuring women play a meaningful role in all aspects of aid interventions ⁽²⁾.

The EU is also engaged with Afghanistan civil society and — through principled engagement based on the five benchmarks set by the Council ⁽³⁾ — with Taliban representatives.

The EU seizes every opportunity to advocate for the fundamental rights of Afghan women and girls, including in the United Nations-led process, calling the Taliban to respect Afghanistan’s international obligations. The EU has also adopted restrictive measures under the EU global human rights sanctions regime ⁽⁴⁾ against Taliban senior representatives.

The EU cannot initiate proceedings before the International Criminal Court (ICC) as the EU is not a party to the Rome Statute ⁽⁵⁾. As per the ICC website, on 31 October 2022, Pre-Trial Chamber II of the ICC authorised the prosecution to resume investigation into the Afghanistan situation.

¹ ¹ https://www.consilium.europa.eu/en/press/press-releases/2024/08/26/afghanistan-statement-of-the-high-representative-on-behalf-of-the-eu-on-latest-restrictions-imposed-by-the-taliban-on-the-people/?utm_source=brevos&utm_campaign=AUTOMATED%20-%20Alert%20-%20Newsletter&utm_medium=email&utm_id=320

² ² https://www.eldiario.es/politica/igualdad-propone-liderar-lucha-apartheid-genero-afghanistan_1_11619708.html

³ ³ <https://data.consilium.europa.eu/doc/document/ST-7264-2023-INIT/en/pdf>

⁽¹⁾ ⁽¹⁾ https://www.consilium.europa.eu/en/press/press-releases/2024/08/26/afghanistan-statement-of-the-high-representative-on-behalf-of-the-eu-on-latest-restrictions-imposed-by-the-taliban-on-the-people/?utm_source=brevos&utm_campaign=AUTOMATED%20-%20Alert%20-%20Newsletter&utm_medium=email&utm_id=320

⁽²⁾ ⁽²⁾ For further information on EU assistance see Directorate-General for International Partnership (INTPA) website : https://international-partnerships.ec.europa.eu/countries/afghanistan_en ; and Directorate-General for European Civil Protection and Humanitarian Aid Operations (ECHO) website: https://civil-protection-humanitarian-aid.ec.europa.eu/where/asia-and-pacific/afghanistan_en

⁽³⁾ ⁽³⁾ <https://data.consilium.europa.eu/doc/document/ST-11713-2021-REV-2/en/pdf>

⁽⁴⁾ ⁽⁴⁾ <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=OJ:L:2023:1831:FULL>

⁽⁵⁾ ⁽⁵⁾ Nevertheless, the EU aims to advance universal support for the Rome Statute, as per Council Decision 2011/168/CFSP: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011D0168>

Since the Taliban takeover, the EU has shown strong commitment to provide protection and safe passage to Afghans at risk, including to a large number of women and human rights defenders.

The Afghan situation is an explicit priority for the EU-supported resettlement and humanitarian admission scheme for 2024-2025.

The Commission continues to support Member States' efforts and to engage with international partners in different fora, so to strengthen the collaboration on resettlement and other available pathways for Afghans at risk.
