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H. RES. 262

Expressing the strong concern of the House of Representatives about the actions of the Taliban in Swat, Pakistan, to restrict girls' access to education.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2009

Mrs. MALONEY (for herself, Mr. HINCHEY, and Mr. FILNER) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing the strong concern of the House of Representatives about the actions of the Taliban in Swat, Pakistan, to restrict girls' access to education.

Whereas Pakistan was one of the United Nations Member States that signed the Universal Declaration of Human Rights (UDHR), adopted on December 10, 1948, Article 2 of which establishes the principle of nondiscrimination, including on the basis of sex, and Article 26 of which articulates the right to education as a basic human right;

Whereas Pakistan became a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) on April 17, 2008, Article 3 of which requires States Parties to ensure that men and women have equal rights to enjoy all the rights under the ICESCR, and Ar-

ticle 14 of which enshrines the right to education as a fundamental human right;

Whereas Pakistan ratified the Convention on the Rights of the Child (CRC) on November 12, 1990, Article 2 of which establishes the principle of nondiscrimination, including on the basis of sex, with respect to rights set forth in the CRC, and Article 28 of which obligates States Parties to recognize the right of the child to education and, among other things, to make primary education compulsory and available free to all, secondary education available and accessible to every child, and higher education accessible to all;

Whereas Pakistan acceded to the Convention on the Elimination of All Forms of Discrimination against Women on March 12, 1996, Article 10 of which obligates States Parties to take all appropriate measures to ensure equal rights of women with men in the field of education including, among other things, by ensuring women the same conditions for access to studies, the same curricula, teaching staff with qualifications of the same standard and school premises and equipment of the same quality, and by taking measures to reduce female student dropout rates;

Whereas, notwithstanding any declarations or reservations made upon ratification of these various international conventions, Pakistan is under an obligation not to do anything that might defeat the object and purpose of these conventions, pursuant to the Vienna Convention of Treaties, which is widely recognized as embodying customary international law;

Whereas Article 25 of the Constitution of Pakistan (1973) specifies that there shall be no discrimination on the

basis of sex, Article 34 obligates Pakistan to take steps to ensure full participation of women in all spheres of national life, and Articles 37 (b) and (c) obligate Pakistan to “remove illiteracy and provide free and compulsory secondary education within the minimum possible period” and “make technical and professional education generally available and higher education equally accessible to all on the basis of merit”, respectively;

Whereas in Swat, Pakistan, insurgent Taliban forces are currently imposing restrictions on girls’ access to education, without any authority, and by means of force and threats of the use of force, and that such actions run directly contrary to Pakistan’s obligations under the various international instruments ratified by it, as well as under its Constitution;

Whereas this threat to girls’ education by the Taliban in Swat, Pakistan, could potentially spread to other parts of Pakistan resulting in the Taliban increasing its power in Pakistan; and

Whereas Pakistan is a strategic ally of the United States in its war on terror: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) urges the Government of Pakistan to take
3 swift measures to halt and reverse the obstacles to
4 girls’ education in Swat, Pakistan, that are being
5 unconstitutionally imposed by the Taliban, and
6 which are contrary to longstanding obligations which
7 Pakistan has freely assumed under a number of

1 international instruments, as well as under its Con-
2 stitution;

3 (2) encourages the Secretary of State to
4 promptly consider and address the situation facing
5 girls in Swat, Pakistan, which could have a dev-
6 astating impact on the lives of more than 40,000
7 girls in Swat and potentially spread to other parts
8 of Pakistan, resulting in the Taliban increasing its
9 power in Pakistan; and

10 (3) encourages the Secretary of State to report
11 to Congress on a timely basis about the progress
12 that Pakistan is making to enforce the rights of
13 women and the actions of the United States Govern-
14 ment to provide targeted support to strengthen
15 Pakistan's enforcement of women's rights across the
16 country.

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