

(46) beginning MARK H. PICKETT, and ending RYAN A. WARTICK, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

PN429 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (11) beginning HEATHER L. MOE, and ending MARINA O. KOSENKO, which nominations were received by the Senate and appeared in the Congressional Record of May 14, 2009.

#### IN THE NAVY

PN52 NAVY nomination of Deandra G. Fuller, which was received by the Senate and appeared in the Congressional Record of January 7, 2009.

PN57 NAVY nominations (6) beginning DANIEL G. CHRISTOFFERSON, and ending ALBERT D. PERPUSE, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 2009.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### SHI'ITE PERSONAL STATUS LAW IN AFGHANISTAN

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 61, S. Con. Res. 19.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 19) expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed.

There being no objection, the Senate proceeded to consider the concurrent resolution, which had been reported from the Committee on Foreign Relations, with an amendment to strike out all after the resolving clause and insert the part printed in italic and to strike out the preamble and insert the part printed in italic.

*Whereas in March 2009, the Shi'ite Personal Status Law was approved by the parliament of Afghanistan and signed by President Hamid Karzai;*

*Whereas according to the United Nations, the law legalizes marital rape by mandating that a wife cannot refuse sex to her husband unless she is ill;*

*Whereas the law also weakens mothers' rights in the event of a divorce and prohibits a woman from leaving her home unless her husband determines it is for a "legitimate purpose";*

*Whereas President Barack Obama has called the law "abhorrent" and stated that "there are certain basic principles that all nations should uphold, and respect for women and respect for their freedom and integrity is an important principle";*

*Whereas the United Nations High Commissioner for Human Rights has said that the law represents a "huge step in the wrong direction" and is "extraordinary, reprehensible and reminiscent of the decrees made by the Taliban regime in Afghanistan in the 1990s";*

*Whereas the Secretary-General of the North Atlantic Treaty Organization (NATO) has asserted that passage of the law could discourage countries in Europe from contributing additional troops to help combat terrorism in the region;*

*Whereas President Karzai has instructed the Government of Afghanistan and members of the clergy to review the law and change any articles that are not in keeping with Afghanistan's Constitution and Islamic Sharia;*

*Whereas the law includes provisions that are fundamentally incompatible with the obligations of the Government of Afghanistan under various international instruments to which it is a party;*

*Whereas Afghanistan is a signatory of the Universal Declaration of Human Rights (UDHR), which establishes the principle of non-discrimination, including on the basis of sex, and states that men and women are entitled to equal rights to marriage, during marriage, and at its dissolution;*

*Whereas Afghanistan became a party to the International Covenant on Economic, Social and Cultural Rights, done at New York December 16, 1966, and entered into force January 3, 1976 (ICESCR), which emphasizes the principle of self-determination, in that men and women may freely determine their political status as well as their economic, social, and cultural development;*

*Whereas Afghanistan acceded to the Convention on the Elimination of All Forms of Discrimination Against Women, done at New York December 18, 1979, and entered into force September 3, 1981 (CEDAW), which condemns discrimination against women in all its forms and reaffirms the equal rights and responsibilities of men and women during marriage and at its dissolution;*

*Whereas article 22 of the Constitution of Afghanistan (2003) prohibits any kind of discrimination between and privilege among the citizens of Afghanistan and establishes the equal rights of all citizens before the law;*

*Whereas the international community and the United States have a long-standing commitment to and interest in working with the people and Government of Afghanistan to re-establish respect for fundamental human rights and protect women's rights in Afghanistan; and*

*Whereas the provisions in the Shi'ite Personal Status Law that restrict women's rights are inconsistent with those goals: Now, therefore, be it Resolved by the Senate (the House of Representatives concurring),* [That Congress—

【(1) urges the Government of Afghanistan and President Hamid Karzai to declare the provisions of the Shi'ite Personal Status Law on marital rape and restrictions on women's freedom of movement unconstitutional and an erosion of growth and development in Afghanistan;

【(2) supports the decision by President Karzai to analyze the draft law and strongly urges him not to publish it on the grounds that it violates the Constitution of Afghanistan and the basic human rights of women;

【(3) encourages the Secretary of State, the Special Representative to Afghanistan and Pakistan, the Ambassador-at-Large for International Women's Issues, and the United States Ambassador to Afghanistan to consider and address the status of women's rights and security in Afghanistan to ensure that these rights are not being eroded through unjust laws, policies, or institutions; and

【(4) encourages the Government of Afghanistan to solicit information and advice from the Ministry of Justice, the Ministry for Women's Affairs, the Afghanistan Independent Human Rights Commission, and women-led nongovernmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national campaigns to lead public discourse on the importance of women's status and rights to the overall stability of Afghanistan.】  
That Congress—

(1) urges the Government of Afghanistan to revise the Shi'ite Personal Status Law, includ-

ing its provisions on marital rape and women's freedom of movement, to ensure its consistency with internationally recognized rights of women, including those contained in treaties to which Afghanistan is a party;

(2) supports the decision by President Karzai to analyze the draft law and strongly urges him not to publish it until it has been revised to be consistent with internationally recognized rights of women;

(3) encourages the Secretary of State, the Special Representative to Afghanistan and Pakistan, the Ambassador-at-Large for Global Women's Issues, and the United States Ambassador to Afghanistan to consider and address the status of women's rights and security in Afghanistan to ensure that these rights are not being eroded through unjust laws, policies, or institutions; and

(4) encourages the Government of Afghanistan to solicit information and advice from the Ministry of Justice, the Ministry of Women's Affairs, the Afghanistan Independent Human Rights Commission, and women-led nongovernmental organizations to ensure that current and future legislation and official policies protect and uphold the equal rights of women, including through national campaigns to lead public discourse on the importance of women's status and rights to the overall stability of Afghanistan.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the committee-reported amendments, as amended, if amended, be agreed to, the resolution, as amended, be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1224) was agreed to, as follows:

Strike the 11th whereas clause.

The committee-reported amendment to the resolution was agreed to.

The committee-reported amendment, as amended, to the preamble was agreed to.

The concurrent resolution (S. Con. Res. 19), as amended, was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, as amended, with its preamble, as amended, reads as follows:

#### S. CON. RES. 19

Whereas in March 2009, the Shi'ite Personal Status Law was approved by the parliament of Afghanistan and signed by President Hamid Karzai;

Whereas according to the United Nations, the law legalizes marital rape by mandating that a wife cannot refuse sex to her husband unless she is ill;

Whereas the law also weakens mothers' rights in the event of a divorce and prohibits a woman from leaving her home unless her husband determines it is for a "legitimate purpose";

Whereas President Barack Obama has called the law "abhorrent" and stated that "there are certain basic principles that all nations should uphold, and respect for women and respect for their freedom and integrity is an important principle";

Whereas the United Nations High Commissioner for Human Rights has said that the law represents a "huge step in the wrong direction" and is "extraordinary, reprehensible and reminiscent of the decrees made by